

BILL ANALYSIS

Senate Research Center
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S.B. 536
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DIGEST

Currently, under Texas law, upon a municipality's annexation of an area, the area's emergency services are provided by the annexing municipality, often with a reduction in the services or increases in response time for the annexed area. This bill authorizes the emergency services in an annexed area or an area in a municipality's extraterritorial jurisdiction to continue to be provided by a volunteer fire department or emergency services provider until the voters within the annexed area vote to change the services to those provided by the annexing municipality.

PURPOSE

As proposed, S.B. 536 authorizes emergency services in an area that is annexed by, or becomes part of the extraterritorial jurisdiction of, a municipality to continue to be provided by a volunteer fire department or emergency services provider until the voters within the annexed area vote to change the services to those provided by the annexing municipality.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 43D, Local Government Code, by adding Section 43.082, as follows:

Sec. 43.082. CONTINUATION OF CERTAIN EMERGENCY SERVICES IN CERTAIN DISTRICTS AND OTHER AREAS. Defines "emergency services" and "emergency services provider." Requires an area that is served by an emergency services provider (provider) and that is annexed by or becomes a part of the extraterritorial jurisdiction (ETJ) of a municipality to continue to receive emergency services from the current provider until an election is held in the area on the question of who is to provide emergency services in the area. Provides that this section controls to the extent of any conflict between this section and Section 43.056 or a similar law. Authorizes the municipality to order the election. Requires the ballots to be prepared to allow voting for or against the proposition and sets forth the ballot language. Requires certain actions if a majority of the votes received at the election favor the proposition. Provides that until an election is ordered in the area the emergency services provider is unaffected by the inclusion of the area in the municipality or in the ETJ of the municipality. Requires the municipality to provide in advance to the provider at a certain time an amount equal to the maximum amount of revenue the provider could have collected in the area in the previous year to provide emergency services if any method of funding is eliminated as a result of the annexation or inclusion in the ETJ until an election is ordered. Provides that until an election is ordered the municipality may not impose a tax, charge, or fee in the area for emergency services provided by the emergency services provider, except to the extent necessary to provide the revenue required to be paid to the provider under Subdivision (b). Establishes that if less than a majority of the votes received at the election favor the proposition, the limitations imposed by Subsection (e) remain in effect after the election. Requires a municipality to make a payment under Subsection (e) by a certain date. Requires the amount to be adjusted prorata in the year in which a ballot proposition under this section is approved by the voters for the portion of the year the provider provides emergency services to the area.

SECTION 2. Amends Section 775.022(a), Health and Safety Code, to require the board of emergency services commissioners, on request of the municipality and if approved at an election held under Section

43.082, Local Government Code, to immediately disannex the territory from the emergency services district and cease to provide further services to the residents of that territory, if a municipality annexes territory in a district.

SECTION 3. Amends Section 794.053(b), Health and Safety Code, to authorize the municipality's governing body to remove a territory in a municipality's limits or ETJ from a fire prevention district as prescribed by this section if approved at an election held under Section 43.082, Local Government Code, and other conditions are met.

SECTION 4. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 5. Emergency clause.