

**DIGEST**

Currently, an emergency services district (ESD) is a special district to provide health and safety related services to the property within its boundaries. An ESD is usually created to provide fire protection service to areas that do not receive municipal fire service. ESDs may also provide emergency medical treatment, hazardous material spill response, and other emergency services. This bill sets forth certain provisions relating to emergency service districts.

**PURPOSE**

As proposed, S.B. 1277 sets forth provisions for emergency service districts.

**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 775C, Section 775.038, Health and Safety Code, to provide that emergency services commissioners are entitled to receive fees of office of not more than \$50 a day for each day the commissioner actually spends performing the duties of a commissioner. Prohibits the fees of office from exceeding \$3,000 per annum. Authorizes the commissioner to also receive reimbursement for reasonable and necessary expenses incurred in performing official duties. Requires each commissioner to file with the district a verified statement showing the number of days actually spent in the service of the district and a general description of the duties performed for each day of service in order to receive fees of office and to receive reimbursement for expenses. Provides that commissioners are subject to the provisions of Chapter 171, Local Government Code, relating to the regulation of conflict of interest of officers of local government.

SECTION 2. Amends Chapter 775E, Health and Safety Code, by adding Section 775.084, as follows:

Sec. 775.084. **COMPETITIVE BIDS REQUIREMENT.** Requires the board of emergency services commissioners (board) to submit to competitive bids an expenditure of more than \$25,000 for a certain number of items or services. Requires the board to request bids on items to be purchased or leased or services to be performed as provided by this subsection. Requires the board to notify suppliers, vendors, or purchasers with written notice by mail of the intended purchase. Requires the board to give written notice directly to certain persons related to the intended purchase if the board decides to advertise for bids. Sets forth the procedures for the board in relation to the number of bids received under this section. Requires the advertisement or notice for competitive bidding to contain information. Prohibits the board from preparing restrictive bid specifications. Authorizes bids to be opened only by the board at a public meeting or by a district officer or employee at or in a district office. Authorizes the board to reject any bid. Prohibits the board from awarding a contract to a bidder who is not the lowest under certain circumstances. Provides that a contract awarded in violation of this section is void. Provides that this section applies to an expenditure of district tax revenues by any party or entity for the purchase of services, vehicles, equipment, or goods. Provides that this section does not apply to certain other

purchases, items, services, or emergency expenditures. Requires contracts for public works projects to be administered in accordance with Chapter 271B, Local Government Code.

SECTION 3. Amends Chapter 775E, Health and Safety Code, by adding Section 775.025, as follows:

Sec. 775.083. ANNUAL REPORT TO SECRETARY OF STATE. Requires a district to file with the secretary of state an annual report that includes certain information. Prohibits the secretary of state from charging a fee for this filing.

SECTION 4. Amends Chapter 775C, Health and Safety Code, by adding Section 775.039, as follows:

Sec. 775.039. EMINENT DOMAIN. Authorizes a district to acquire land, easement, or other property inside the district boundaries necessary to carry out the purposes of the district, and to elect to condemn with the fee simple title or a lesser property interest. Requires the right of eminent domain to be exercised in accordance with Chapter 21, Property Code, except under certain circumstances.

SECTION 5. Amends Chapter 775C, Health and Safety Code, by adding Section 775.040, as follows:

Sec. 775.040. FEES FOR PROVIDING SERVICES. Authorizes a district to charge a reasonable fee for emergency services performed for or on behalf of a person or entity.

SECTION 6. Amends Section 775.022, Health and Safety Code, to require a municipality to compensate the district in the amount equal to the annexed territory's pro-rata share of the district's indebtedness at the time the territory is annexed by the municipality. Requires the district to apply compensation received from a municipality under this subsection exclusively to payment of the annexed territory's pro-rata share of the district's indebtedness under certain conditions. Requires a municipality to purchase from the district at fair market value any real or personal property used to provide emergency services in the deannexed territory upon request by the district.

SECTION 7. Amends Section 775.031, Health and Safety Code, to authorize a district to perform the function of the district and to provide emergency services by construction, leasing, owning, and maintaining real property, improvements, and fixtures necessary to house, repair, and maintain emergency services vehicle and equipment among other functions.