

BILL ANALYSIS

Senate Research Center

S.B. 1609
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As Filed

DIGEST

Under the 75th Legislature, Section 775.022, Health and Safety Code, was amended to require a municipality that annexes a portion of an emergency services district (district) to pay the district for a pro-rata share of the debt that is attributable to the annexed area. Since the bill's passage, disputes have risen regarding the date that property values should be determined in order to calculate the pro-rata share. A district is designed to provide health and safety-related services for the properties within its boundaries. S.B. 1609 would clarify annexation and payment of pro-rata shares of debt, qualifications for district board members, fire code adoption and enforcement, clarification of fees, and fee payment and collection in an emergency services district.

PURPOSE

As proposed, S.B. 1609 sets forth regulations for emergency services 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 Section 775.022, Health and Safety Code, by amending Subsection (c), to require a municipality to compensate the emergency services district (district) in an amount equal to the annexed territory's pro rata share of the district's indebtedness based upon the unpaid principal balances and the property values at the time the territory is annexed, if a municipality annexes a portion of a district.

SECTION 2. Amends Section 775.034, Health and Safety Code, by amending Subsection (a), to provide that a person is qualified to serve as a member of the emergency services board (board), if that person meets certain requirements.

SECTION 3. Amends Section 775.036, Health and Safety Code, by amending Subsection (b), to authorize the board to adopt and enforce a fire code that does not conflict with a fire code adopted by another political subdivision that overlaps the district's boundaries. Prohibits the board from enforcing the district's fire code within the boundaries of a municipality that has adopted a fire code.

SECTION 4. Amends Section 775.040, Health and Safety Code, to authorize a district to charge a reasonable fee for emergency services performed, including but not limited to responding to false alarms and fire code inspections.

SECTION 5. Amends Chapter 775C, Health and Safety Code, by adding Section 775.041, as follows:

Sec. 775.041. FEE PAYMENT AND COLLECTION. Requires a fee to be paid within a reasonable amount of time as established by the district, when a district has imposed a reasonable fee in accordance with Section 775.040. Authorizes the district to seek to collect the fee by complaints filed in the appropriate court of jurisdiction in the county in which the district's principal office or meeting place is located, if the amount of time established by the district has lapsed and the fee has not been paid. Authorizes the district to recover reasonable fees for attorneys, expert witnesses, and other costs incurred before the court, if the district prevails in any suit to collect such fees.

SECTION 6. TRANSITION PROVISION. Makes application of this Act prospective. Provides that this

Act does not prohibit a person who is a member of the board on the effective date of this Act from being reappointed to the board, if the person has the qualifications required for a member under Section 775.034, Health and Safety Code, as amended by this Act.

SECTION 7. Emergency clause.

Effective date: upon passage.