



Legislative Update/Task Force

SAFE-D
Annual Conference
February 2-4, 2023



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Important Legislative Dates

- Expected soon
 - House Committee Chair Appointments and Assignments
- March 10, 2023
 - Bill Filing Deadline
- May 29, 2023
 - Sine Die, 88th Legislature adjourns



88th Legislature Leadership

- Senate
 - Lt. Governor Dan Patrick
 - 19 Republicans
 - 12 Democrats
- House
 - Speaker Dade Phelan (Beaumont)(145-3)
 - 86 Republicans
 - 64 Democrats



House of Representatives

- Speaker – Dade Phelan, Beaumont
- Committee Leadership?
 - expected in the next week



Senate

- Lt. Governor – Dan Patrick
- Senate Committees Announced – January 23rd
- Senate Local Government
 - Paul Bettencourt, Chair
 - Drew Springer, Vice Chair
 - Sarah Eckhardt
 - Roland Gutierrez
 - Bob Hall
 - Robert Nichols
 - Tan Parker
 - Angela Paxton
 - Royce West



Bills Filed as of Today

- Senate
 - 662 Bills
 - 33 Joint Resolutions
- House
 - 1839 Bills
 - 96 Joint Resolutions



ESD Issues in the 88th

- ESDs need authority to determine exactly how emergency services are provided within their voter approved boundaries.
- ESDs need protection from cities trying to annex areas or withdraw from an ESD unilaterally and without a vote of the people.
- ESDs need revenue protection from cities trying to defund emergency services by taking sales tax and property tax for city projects and developer agreements that are unrelated to public safety.



SAFE-D Legislative Agenda



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SAFE-D Legislative Agenda for 88th Legislature

- SAFE-D Legislative Committee
 - Billy Ted Smith, President & Co-Chair (Jasper)
 - Mark Jack, Co-Chair (Parker)
 - Mike Pate (Harris)
 - Jim Carter (Denton)
 - Paula Barr (Travis)
 - Gary Dennis (Henderson)



SAFE-D Legislative Taskforce

- February and August 2022
- Approximately 50 from across the State
 - Invited all who attended 2022 Annual Conference
- Caucus Groups Identified Issues for SAFE-D to consider



SAFE-D Legislative Vision

- Emergency Services Districts are created by voters to provide more reliable funding for fire protection and emergency medical services. As a result, the primary mission of Emergency Services Districts is to protect the lives and property of their citizens when they are threatened by emergencies. In order to accomplish this critical and essential function, Emergency Services Districts must have a predictable, reliable and adequate level of revenue, and SAFE--D must oppose any efforts to diminish this revenue.



SAFE-D Legislative Vision

- SAFE-D will work for legislative outcomes that preserve or enhance the authority of Emergency Services Districts to provide the first line of defense for their communities in natural disasters and other emergencies.



SAFE-D Legislative Agenda

- SAFE-D will propose and support legislation to allow emergency services districts to provide Mobile Integrated Healthcare/Community Paramedicine to reduce the taxpayers' cost of emergency medical services. (SB 334 by Schwertner)
- Emergency Services District are not authorized to provide non-emergency services like preventative health care in order to reduce usage of the 9-1-1 transports and systems for routine health care.



SAFE-D Legislative Agenda

- SAFE-D will propose and support legislation to clarify ESDs' exclusive ability to designate the service providers necessary to accomplish the mission given to the districts by the voters who created them.



SAFE-D Legislative Proposals

- SAFE-D will propose legislation to allow ESDs to collect sales tax on electric and gas sales to the same extent as other local governments. SAFE-D will monitor legislation affecting sales tax collection, including collection for online sales.
- 782 cities can repeal this exemption and collect this sales tax
- Zero Emergency Services District can do so



SAFE-D Legislative Proposals

- SAFE-D will propose a constitutional amendment to allow a separate Interest-and- Sinking Tax Rate, beyond the 10-cent-per-\$100 rate currently included in the State Constitution, for emergency services districts, addressing the limitation imposed by a constitutional rate fixed in 1987.
- Allowing debt service above and beyond the 10-cent cap would be consistent with allowing voters to approve bonded debt at election for school districts and municipalities and development districts.



SAFE-D Legislative Proposals

- SAFE-D will strive to preserve emergency services districts' access to both property tax revenues and sales tax revenues to assure resources necessary for the safety of their citizens.
- SAFE-D will work to preserve local control of taxpayer-provided resources, including the process for selection of individuals to serve on the governing body of emergency services districts.



SAFE-D Legislative Support

- Efforts to increase funding to ESDs from allocation of existing insurance premium taxes.
- Efforts to assure that funds collected from insurance company assessments for the Rural Fire Department Assistance Fund are fully distributed to address fire department needs.
- Decreasing or removal of the required amount of debt to qualify an emergency services district for exemption from a full audit.
- Legislation to eliminate unnecessary and redundant reporting to state agencies.



SAFE-D Opposition

- Any efforts to remove or limit local control of funding and service decisions by emergency services districts.
- Any efforts to “defund emergency services,” such as raids on ESDs’ tax bases by other governmental entities or reducing the funding available for emergency services districts to provide services that their taxpayers expect.



SAFE-D Opposition

- Any legislation that will impair the ability of emergency services districts to provide services within their communities.
- Any legislation that will impair the ability of emergency services districts to communicate with their elected representatives.



TML Attack on ESDs

- allow cities to **remove themselves** from an ESD if the city is capable of providing services to the area.
- expressly authorize ESDs to expand into a city's limits or ETJ **only** with city council approval; and
- **require** an ESD to enter into a **sales and use tax sharing agreement** with a city when a city annexes territory located in an ESD and, should negotiations fail, enter into binding arbitration and/or mediation.



Current Bills of Interest

- SB 334 by Charles Schwertner
 - Relating to the authority of ESDs to provide preventative health care (Community Paramedicine/Mobile Integrated Health Care)
 - Refile of HB 639/SB 637 from 87th Legislature
- An Emergency Services District may provide preventive health care services to reduce reliance on 9-1-1 transports and systems for routine health care.
- “Preventive health care services” means out-of-hospital routine health care services, including immunizations, screenings, checkups, and patient counseling, provided for the purpose of preventing illness, disease, or other health problems.



Current Bills of Interest

- HB 1204 by Armando Martinez
 - Relating to requirements for municipal annexation of ESD territory
 - Refile of SB 1189 from 87th
- Allows a district to object to the removal of territory by a if the removal would have the effect of:
 - reducing the level of emergency services provided to the district territory inside or outside the annexed area; or
 - reducing district revenue to a level that would:
 - be insufficient to carry out the district 's purposes in territory outside the annexed area; or
 - require the district to increase the tax burden on territory outside the annexed area in order to maintain current services and commitments.



Current Bills of Interest

- HB 1246/SB 369 by Tom Craddick and Donna Campbell
 - Relating to removal of area from a city that does not provide required services
 - Refile of HB 1653/SB 659 from 87th
- “Full municipal services” includes the provision of fire protection, including fire hydrants and the provision of emergency medical services.
- Notwithstanding any other law, on December 31, 2023, any area in which the municipality is not providing or causing the provision of full municipal services is disannexed.
- Does not apply to areas annexed with a service plan or has entered into a regulatory plan or other written agreement to extend the time for providing or waive provision of full municipal services.



Current Bills of Interest

HB 1775 by Ed Thompson/SB 659 by Sarah Eckhardt

Requiring election of all Emergency Services District Commissioners in Counties with population of more than 200,000.

- | | | | | | |
|------|-------------------|-----------|------|------------------|---------|
| • 1 | Harris County | 4,697,957 | • 13 | Cameron County | 420,554 |
| • 2 | Dallas County | 2,604,722 | • 14 | Brazoria County | 368,575 |
| • 3 | Tarrant County | 2,091,953 | • 15 | Bell County | 364,703 |
| • 4 | Bexar County | 1,990,522 | • 16 | Nueces County | 353,594 |
| • 5 | Travis County | 1,267,795 | • 17 | Galveston County | 347,084 |
| • 6 | Collin County | 1,039,812 | • 18 | Lubbock County | 308,580 |
| • 7 | Denton County | 885,012 | • 19 | Webb County | 266,963 |
| • 8 | Hidalgo County | 865,677 | • 20 | McLennan County | 258,031 |
| • 9 | El Paso County | 860,485 | • 21 | Jefferson County | 256,755 |
| • 10 | Fort Bend County | 806,497 | • 22 | Hays County | 234,573 |
| • 11 | Montgomery County | 607,999 | • 23 | Smith County | 231,429 |
| • 12 | Williamson County | 591,759 | • 24 | Brazos County | 231,095 |



Current Bills of Interest

- HB 1776 by Ed Thompson/SB 660 by Sarah Eckhardt
 - Relating to the expansion of the territory of an emergency services district into the territory of a municipality.
 - Requires city consent for annexation into city limits and extraterritorial jurisdiction regardless of whether city can serve within 60 days of submission of petition to city.
 - City can deny consent for any reason and only ability to override is petition by 50% of voters and landowners in area to be annexed within 90 days of date of submission of original annexation petition.
 - Only allows 30 days to get a petition of more than half of all the voters and property owners.



Current Bills of Interest

- SB 175 by Mayes Middleton
 - Relating to the use by a political subdivision of public funds for lobbying activities.
- Prohibits a political subdivision, including Emergency Services District, from:
 - hiring an individual required to register as a lobbyist under Chapter 305 for the purpose of lobbying a member of the legislature; or
 - paying a nonprofit state association or organization that:
 - primarily represents political subdivisions; and
 - hires or contracts with an individual required to register as a lobbyist under Chapter 305.



SAFE-D Legislative Reports

- Check www.SAFE-D.org for updated reports of bills as the Session progresses.



Texas Legislature Website

- <http://www.capitol.state.tx.us/>



Online Resource for Legislative Information

<http://www.capitol.texas.gov/>



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Questions?



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