

Pre-Session Update on the 89th Texas Legislature



Last Monday Webinar
Anywhere in the Great State of Texas (Zoom)
September 30, 2024



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Meet the Team

- John Carlton
 - The Carlton Law Firm, PLLC
 - SAFE-D General and Legislative Counsel (2000-current)
 - Represents Emergency Services Districts across Texas as General and Special Counsel
- Jaime Capelo
 - Capelo Law Firm
 - Legislative Advocacy on Health Care Policy and Emergency Services District Issues
- Larry Gonzales
 - Desk 138
 - Legislative Advocacy on State Budget, Local Government and Emergency Services District Issues



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SAFE-D’s Legislative Team

John Carlton



- SAFE-D General and Legislative Counsel
–2000-present
- Represented Emergency Services Districts on legislative issues since 1997
- B.A., The University of Texas
- J.D., The University of Texas



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SAFE-D’s Legislative Team

Jaime Capelo



- Specializes in health care policy and funding
- Served four terms as a State Representative from Nueces County (1998-2005)
 - House Public Health Committee, Chairman
 - Select Committee on State Health Care Expenditures
 - Civil Practices Committee
 - Judicial Affairs Committee
 - Joint Committee on Nutrition and Health in Public Schools,
 - Joint Committee on the Children’s Health Insurance Program
- Served on Corpus Christi City Council (1997)
- B.A., Yale
- J.D., The University of Texas



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SAFE-D’s Legislative Team

Larry D. Gonzales



- Served four terms as a State Representative from Williamson County (2010-2018)
 - Chairman, Texas Sunset Advisory Commission
 - Chairman, House Appropriations Subcommittee Arts, VI, VII, VIII and budget conferee (84th & 85th legislative sessions)
 - Appropriated 42 state agencies
 - House budget conferee, 2015 and 2017
- BA Government, UT Austin
- MPA, CPM Texas State University
- Certified Mediator



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Important Legislative Dates

- November 11, 2024
 - Prefiling Bills for 89th Session Begins
- January 14, 2025
 - 89th Legislature convenes
- June 2, 2025
 - Sine Die, 89th Legislature adjourns



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89th Legislature

- Impact of Elections?
- Big Issues for 2025?



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House of Representative

- Who Will Be Speaker?
- Candidates:
 - Dade Phelan, Beaumont*
 - David Cook, R-Mansfield
- Committee Leadership?
- Changes from 88th?



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Senate

- Lt. Governor – Dan Patrick
- Committee Leadership?
- Changes from 88th?



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Communication of Issues

- Reach out to Legislators about SAFE-D Issues
 - SAFE-D Platform at <https://www.safe-d.org/25-safe-d-platform/>
 - Let SAFE-D know before any planned meetings
 - Meet for coffee before Session
 - Let them know about the SAFE-D Legislative Team
 - Ask how you can reach them during Session



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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 will support efforts to enhance this revenue and will oppose any efforts to diminish this revenue.
- 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 recognizing that each ESD operates amidst its own unique set of traditions, expectations and requirements.



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SAFE-D Legislative Agenda

- Developed through communications with members
 - At Annual Conference
 - Through legislative working groups
 - Through webinars
 - From member communications
- Legislative agenda set by the SAFE-D Board of Directors
 - Board meeting planned for late October/early November to set agenda



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SAFE-D Legislative Issues

- Municipal Boundary Encroachment through unilateral annexation
 - Ability of area previously removed from ESD and annexed into City to be added back to ESD area if deannexed by City
- Municipal removal of sales tax dedicated for public safety through limited purpose annexation agreements
- Developer desires for access to sales and use tax rebates to offset development costs
 - Ability of developers to create Public Facility Corporations to avoid property taxes



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SAFE-D Legislative Issues

- Clarify **ESDs' exclusive ability to determine which services to provide and to designate the service providers** necessary to accomplish the mission given to the districts by the voters who created them.
- Enable ESDs to **collect sales tax on residential electric and gas sales.**
- Allow emergency services districts to provide **Mobile Integrated Healthcare/Community Paramedicine** to improve the medical care provided to Texans and to reduce the taxpayers' cost of emergency medical services.
- Pass 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.



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SAFE-D Legislative Issues

- Preserving emergency services districts' access to both property tax revenues and sales tax revenues to assure resources necessary for the safety of their citizens.
- Increasing funding to ESDs from allocation of existing insurance premium taxes. SAFE-D will support 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.
- State funding levels for TIFMAS
 - Workers Compensation coverage for TIFMAS deployed teams



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SAFE-D Legislative Issues

- Preserving local control of taxpayer-provided resources, including the process for selection of individuals to serve on the governing body of emergency services districts.
- Eliminating unnecessary and redundant reporting to state agencies.
- Coordination of Fire Code enforcement to avoid duplicate regulatory schemes (city fire codes, county fire codes, etc.) and allow fire protection/response agency to regulate
- Creating opportunity for cooperation through interlocal agreements to allow ESD to assist with arson investigations



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SAFE-D Legislative Issues

- Efforts by others to remove or **limit local control** of funding and service decisions by emergency services districts.
- Efforts by other to “**defund emergency services**,” such as raids on emergency services districts property or sales tax bases by other governmental entities or reducing the funding available for emergency services districts to provide services that their taxpayers expect.
- Efforts by others to **impair the ability of emergency services districts to provide services** within their communities.
- Efforts by others to **impair the ability of emergency services districts to communicate** with their elected representatives.



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SAFE-D Legislative Goals

- Monitor refinements to the tax law changes made by 2019's SB2.
 - SAFE-D will support adjustments to the schedule to extend the time available to adopt a tax rate less than the de minimis rate,
 - as well as additions to statutorily required tax rate notice language in order to cover all possible outcomes for ESD tax rate adoption, and
 - the elimination of duplicative requirements.



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TML Legislative Agenda

- The TML Annual Conference - Legislative Summit
 - October 10, 2024 in Houston
 - Proposed Program:
 - d. (1) allow cities to unilaterally remove themselves from an emergency services district (ESD) if the city is capable of providing services to the area; (2) expressly authorize ESDs to expand into a city's corporate limits or ETJ only with city council approval; (3) 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; and (4) change the governance structure for ESDs from appointed boards to elected board to produce accountability to taxpayers, for ESDs above a certain size threshold.



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First Responder Days at the Capitol

- 3rd Tuesday Kick-Off Event
 - Emergency Services District Commissioners, Administrators and Chiefs
 - Discuss Statewide ESD Legislative Needs
 - Discuss anticipated challenges to ESDs during Session
 - Help formulate SAFE-D Legislative Platform for 89th Texas Legislature
 - Potential Visits with Legislators and/or Staff
 - Tuesday, October 15, 2024
 - 10:00am until 2:00pm, including lunch
 - Doubletree Hotel, 303 West 15th, Austin, TX



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First Responder Days at the Capitol

- 3rd Tuesday of Each Month During Session
 - Emergency Services District Commissioners, Administrators and Chiefs Meet in Morning Near the Capitol
 - Receive Update on Pending Legislation
 - Discuss bills to be discussed
 - Charge individuals or teams with Members to visit
 - Walk the Capitol hallways and offices



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Online Resource for Legislative Information


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




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Questions?



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