

CHAPTER 730

H.B. No. 828

AN ACT

relating to the operation of and territory included in rural fire prevention districts.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 8A, Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 8A. If the area of the proposed District encompasses the territory of any incorporated city, town or village, including the area within the extraterritorial jurisdiction of the city, town, or village, the Commissioners Court, if such city, town or village lies within its county, in making the determinations required in Section 6 of this Act, shall also determine whether those findings would be the same as to the remaining portion of the proposed district, excluding any or all of the territory of such incorporated municipalities in the event any one or more of such incorporated municipalities should fail to cast a majority vote in favor of the district and the tax.

This finding shall be made as to each particular city, town or village whose territory is proposed to be included within the area of the proposed district.

No district hereafter created shall include the area within the corporate or extraterritorial jurisdiction of any incorporated city, town, or village, unless the majority of the

electors residing in that area and participating in the election called by the Commissioners Court to confirm the district and levy the tax voted in favor of both the creation of the district and the levy of the tax.

Should a majority of the voters residing in the corporate or extraterritorial jurisdiction of a municipality and participating in the election vote against creation of the district or levy of the tax, the area shall not be included within the district, but its exclusion shall not affect the creation of the district embracing the remainder of the proposed territory if the findings of the Commissioners Courts made as required in Section 6 and in this section of this Act are favorable to the creation of the district, as thus restricted. ~~[Should any nonconsenting city, town or village ever annex territory into such proposed Rural Fire Prevention District, then the Board of Fire Commissioners shall, after due notice, immediately de-annex such area from its district and shall cease to provide any further services to the residents of that area.]~~

SECTION 2. Section 11A, Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes), is amended by amending Subsections (c) and (d) and by adding Subsection (i) to read as follows:

(c) The Board of Fire Commissioners of the district shall request bids on items to be purchased or leased or services to be performed *as provided by this subsection*. The Board of Fire Commissioners shall notify suppliers, vendors, or providers of the item or service required and inform them of the bidding procedures. *The Board of Fire Commissioners must notify suppliers, vendors, or providers by either providing at least five (5) suppliers, vendors, or purchasers with written notice by mail of the intended purchase or by advertising for bids. If the Board of Fire Commissioners decides to advertise for bids, the advertisement must be published in accordance with Section 5(a), County Purchasing Act (Article 2368a.5, Vernon's Texas Civil Statutes). If the Board of Fire Commissioners receives fewer than five (5) bids in response to the advertisement, the board shall give written notice directly to at least five (5) [The Board of Fire Commissioners is not required to inform more than ten (10)] suppliers, vendors, or providers of the intended purchase. If five (5) [and may inform fewer than ten (10) suppliers, vendors, or providers if ten (10)] suppliers, vendors, or providers are not available or known to the Board of Fire Commissioners, the Board of Fire Commissioners shall give written notice by mail directly to each supplier, vendor, or provider known to the Board.* This subsection does not prevent more than *five (5) [ten (10)]* suppliers, vendors, or providers from submitting a bid.

(d) The *advertisement or notice* for competitive bidding must:

- (1) describe the work to be performed or the item to be purchased or leased;
- (2) state the location at which the bidding documents, plans, specifications, or other data may be examined; and
- (3) state the time and place for submitting bids and the time and place that bids will be opened.

(i) *The Board of Fire Commissioners may not prepare restrictive bid specifications.*

SECTION 3. Section 14b, Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14b. (a) *This section applies only to a rural fire prevention district that does not have any bonded indebtedness.*

(b) The governing body of a city that has an area within its corporate or extraterritorial jurisdiction included within a rural fire prevention district may, on agreeing to provide fire protection to the area as provided by Section 8B of this Act, or if the area is designated an industrial district under Section 5, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), notify the secretary of the board of fire commissioners in writing that the area is excluded from the district's territory.

(c) *If a city annexes territory that is included in a rural fire prevention district, the governing board of the city shall notify the secretary of the board of fire*

*commissioners in writing that the annexed area is excluded from the district's territory.*

*(d) A rural fire prevention district may collect taxes on property in the area excluded under Subsection (b) or (c) of this section for the calendar year in which the city excluded the area. However, if the district collects the taxes, the district must provide services to the area for the entire calendar year. Not later than the last day of the calendar year in which the board receives the notice under Subsection (b) or (c) of this section or is otherwise informed of the city's actions [~~(b) On receipt of the notice under Subsection (a) of this section~~], the board shall cease to provide further service to the area, exclude the area by order from the district, and redefine the district's boundaries.*

SECTION 4. Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes), is amended by adding Section 14c to read as follows:

*Sec. 14c. (a) If under Section 14b of this Act a city annexes or agrees to provide services to the majority of the territory previously included in a rural fire prevention district, an adjacent rural fire prevention district may annex the remaining district territory if:*

- (1) the tax rate in each district is identical;*
- (2) neither district has any bonded indebtedness; and*
- (3) the board of fire commissioners in each district agrees to the annexation by a majority vote.*

*(b) A rural fire prevention district annexed by another district under this section is dissolved on the date on which the annexation takes effect. The annexing district assumes all rights and responsibilities of the annexed district.*

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 15, 1987, by a non-record vote. Passed by the Senate on May 19, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.