

By: Campbell

S.B. No. 2370

A BILL TO BE ENTITLED

AN ACT

relating to the division of certain emergency services districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 8489, Special District Local Laws Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. DIVISION OF EMERGENCY SERVICES DISTRICT THAT

OVERLAPS WITH THE DISTRICT

Sec. 8489.251. DEFINITION. In this subchapter, "improvement district" means the Comal County Water Improvement District No. 3.

Sec. 8489.252. AUTHORITY TO DIVIDE DISTRICT. A county in which the improvement district is located may by order divide an emergency services district located in whole or in part in the improvement district and wholly in the county in the manner provided by this subchapter.

Sec. 8489.253. PETITION FOR DIVISION; NOTICE OF HEARING. (a) Before an emergency services district may be divided under this subchapter, the county judge must receive a petition for division signed by at least 60 percent of the qualified voters of the emergency services district.

(b) A petition for division must include:

(1) the name of the new emergency services district to be created;

(2) the name of the county in which the new emergency

1 services district will be located; and

2 (3) a description of the proposed territory of the new  
3 emergency services district.

4 (c) The petition may include an agreement with a neighboring  
5 municipality to allow the municipality to provide fire and  
6 emergency medical services through the new emergency services  
7 district.

8 (d) Not later than the 30th day after the date the county  
9 judge receives a petition under this section, the commissioners  
10 court of the county shall set a place, date, and time for a hearing  
11 to consider the petition. The commissioners court shall issue a  
12 notice of the hearing that includes:

13 (1) the name of the proposed emergency services  
14 district;

15 (2) a description of the proposed emergency services  
16 district's boundaries; and

17 (3) the place, date, and time of the hearing on the  
18 petition.

19 (e) A commissioners court of a county that issues notice of  
20 a hearing under Subsection (d) shall publish the notice in a  
21 newspaper of general circulation in the improvement district once a  
22 week for two consecutive weeks. The first publication must occur  
23 not later than the 21st day before the date on which the hearing  
24 will be held.

25 Sec. 8489.254. HEARING ON DIVISION OF DISTRICT. (a) At a  
26 hearing on a petition for the division of an emergency services  
27 district under this subchapter, the commissioners court shall

1 consider the petition and each issue relating to the division of the  
2 emergency services district.

3 (b) Any interested person may appear before the  
4 commissioners court to support or oppose the division.

5 (c) The commissioners court shall approve the petition not  
6 later than the 10th day after the date of the hearing if the  
7 commissioners court finds that:

8 (1) the petition contains the number of signatures  
9 required under Section 8489.253; and

10 (2) the proposed division is feasible.

11 (d) The commissioners court shall consider any agreement  
12 described by Section 8489.253(c) submitted with the petition as  
13 evidence that the division of the emergency services district is  
14 feasible under Subsection (c).

15 Sec. 8489.255. ELECTION TO CONFIRM DIVISION. (a) If a  
16 commissioners court of a county approves a petition under Section  
17 8489.254 to divide an emergency services district, the  
18 commissioners court shall order an election to be held in the  
19 territory of the proposed new emergency services district to:

20 (1) confirm the division of the existing emergency  
21 services district; and

22 (2) authorize the imposition of a tax in the territory  
23 of the new emergency services district not to exceed the rate  
24 allowed by Section 48-e, Article III, Texas Constitution.

25 (b) Notice of the election shall be given in the same manner  
26 as the notice of a hearing under Section 8489.253.

27 (c) The election shall be held on the first authorized

1 uniform election date prescribed by the Election Code that allows  
2 sufficient time to comply with the requirements of law.

3 (d) The ballot shall be printed to provide for voting for or  
4 against the proposition: "Dividing the (insert name of emergency  
5 services district) to create a new emergency services district and  
6 authorizing the imposition of a tax."

7 (e) If a majority of the voters voting at the election vote  
8 to divide the district, the commissioners court by order shall  
9 divide the district.

10 (f) The existing emergency services district and new  
11 emergency services district each shall pay a pro rata share of the  
12 cost of an election held under this section, based on the assessed  
13 value of real property in each district subject to ad valorem  
14 taxation.

15 Sec. 8489.256. DIVISION ORDER. A county order dividing an  
16 emergency services district under this subchapter must:

17 (1) require the existing emergency services district  
18 to disannex the land of the new emergency services district;

19 (2) create the new emergency services district in  
20 accordance with Chapter 775, Health and Safety Code;

21 (3) name the new emergency services district;

22 (4) include the metes and bounds description of the  
23 territories of the new emergency services district and the existing  
24 emergency services district after disannexation; and

25 (5) appoint the board of the new emergency services  
26 district in the manner described by Section 775.034, Health and  
27 Safety Code.

1       Sec. 8489.257. ADMINISTRATION OF EMERGENCY SERVICES  
2 DISTRICT AFTER DIVISION. The board of the existing emergency  
3 services district continues in existence to govern the territory of  
4 the existing emergency services district after disannexation of the  
5 land of the new district.

6       Sec. 8489.258. TAXATION FOR OUTSTANDING BONDED DEBT. (a)  
7 The disannexation of territory from an emergency services district  
8 under this subchapter does not diminish or impair the rights of  
9 holders of any outstanding and unpaid bonds of the existing  
10 emergency services district.

11       (b) Property disannexed under this subchapter is not  
12 released from its pro rata share of any of the existing emergency  
13 services district's bonded indebtedness on the date of the  
14 disannexation and the existing emergency services district may  
15 continue to tax property in the disannexed territory until that  
16 debt is paid as if the territory had not been disannexed.

17       (c) After the date a petition is filed under Section  
18 8489.253 to divide an emergency services district, the emergency  
19 services district may not pledge ad valorem tax revenue or sales tax  
20 revenue from the territory that is proposed in the petition to be  
21 disannexed from the emergency services district unless the division  
22 of the emergency services district fails to be approved at an  
23 election under this subchapter.

24       SECTION 2. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2023.