

By: Campbell

S.B. No. 2370

A BILL TO BE ENTITLED

AN ACT

1
2
3 Relating to the provision of emergency services in Comal County
4 Water Improvement District No. 3

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

6 SECTION 1. Subtitle F, title 5 Special District Local Laws
7 Code, Chapter 8489 is amended to add the following:

8 Sec. 8489.111. EMERGENCY SERVICES DISTRICT DIVISION. (a)
9 If the district is located in an emergency services district, all
10 or part of the district may be divided out into a new emergency
11 services district by petition to the county judge of at least sixty
12 percent of the district's qualified voters.

13 (b) A petition for division must include:

14 (1) the name of the new emergency services district to
15 be created, with the name of the county and the proper consecutive
16 number inserted; and

17 (2) a description of the territory proposed to be in
18 the new emergency services district's territory.

19 (c) The petition may include an agreement with a neighboring
20 municipality to provide fire and emergency medical services through
21 the new emergency services district. Such agreement shall be
22 evidence that the division is feasible as required under Section
23 8489.111(g)(2)(B).

24 (d) No later than 30 days from receipt of the petition,

1 commissioners court shall set a place, date, and time for a hearing
2 to consider the petition.

3 (e) The commissioners court shall issue a notice of the
4 hearing that includes:

5 (1) the name of the proposed district;

6 (2) a description of the proposed district's
7 boundaries; and

8 (3) the place, date, and time of the hearing on the
9 petition.

10 (f) The county shall publish the notice in a newspaper of
11 general circulation in the district once a week for two consecutive
12 weeks. The first publication must occur not later than the 21st day
13 before the date on which the hearing will be held.

14 (g) At a hearing on the petition for the division of the
15 existing emergency services district, the commissioners court
16 shall consider the petition.

17 (1) Any interested person may appear before the county
18 to support or oppose the division.

19 (2) The commissioners court shall approve the petition
20 no later than the 10th day after the date of the hearing if the
21 commissioners finds that:

22 (A) The petition contains the number of
23 signatures required under Section 8489.111(a); and

24 (B) The proposed division is feasible.

25 (h) On granting a petition to divide the emergency services
26 district, the commissioners court shall order an election to be
27 held in the territory of the proposed new emergency services

1 district to confirm the division of the existing emergency services
2 district and authorize the imposition of a tax not exceed the rate
3 allowed by Section 48-e, Article III, Texas Constitution.

4 (1) Notice of the election shall be given in same
5 matter as the notice of hearing under Section 8489.111(f).

6 (2) The election shall be held on the first authorized
7 uniform election date prescribed by the Election Code that allows
8 sufficient time to comply with the requirements of law.

9 (3) The ballot shall be printed to provide for voting
10 for or against the proposition: "Dividing the Comal County
11 Emergency District No. to create a new emergency services
12 district" and authorizing the imposition of a tax which shall not
13 exceed the tax rate of the existing emergency services district.

14 (4) If a majority of voters voting at the election vote
15 to divide the existing emergency services district, the emergency
16 services district shall be divided by order of the county and the
17 territory of the new emergency services district shall be
18 immediately disannexed by the existing emergency services
19 district. The order to divide the district must:

20 (A) create the new emergency services district in
21 accordance with Chapter 775, Texas Government Code;

22 (B) name the new district in accordance with the
23 petition;

24 (C) include the metes and bounds description of
25 the territory of the new emergency services district; and

26 (D) appoint the board of the new emergency
27 services district in the manner described in Section 775.034, Texas

1 Government Code.

2 (5) The new emergency services district each shall
3 reimburse the county for the cost of an election held under this
4 section.

5 (i) The board of the new emergency services district shall
6 govern the territory of the existing district after disannexation.

7 (j) The disannexation of territory from an emergency
8 services district under this section does no diminish or impair the
9 rights of holders of any outstanding and unpaid bonds of that
10 district.

11 (1) Upon the earlier of receipt of the petition or
12 publication of notice of the petition and until the date of the
13 election and, if the proposition passes, the disannexation of
14 territory, the existing emergency services district shall not
15 pledge ad valorem tax or sales and use tax of the territory of the
16 proposed new emergency services district for any obligation.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the necessary vote for immediate effect, this
21 Act takes effect September 1, 2023.