

## **BILL ANALYSIS**

H.B. 1444  
By: Berman  
County Affairs  
Committee Report (Unammended)

### **BACKGROUND AND PURPOSE**

The Volunteer Fire Departments of Smith County have been attempting to create a county-wide fire district under Section 775 of the Health and Safety Code. Smith County has seen significant suburban growth, and the Volunteer Fire Departments are having difficulties providing emergency services without some tax assistance. The code requires that the proposed district's boundaries be designated by metes and bounds description. At the time of the preparation of the election petition, a question was raised as to whether a metes and bounds description of the county existed. Surveys made in 1846 for the Smith-Cherokee line and the Smith-Van Zandt line were located. As to the Smith-Rusk-Gregg county line, although references have been found to surveys made in both 1843 and 1846 for that line, they were not filed in the Deed Records of the counties or with the Texas General Land Office and apparently no longer exist. Additionally, due to the fact that lines for which surveys were located were never re-mounted after 1846, the county lines are effectively "lost."

Smith County is working to reestablish the lines, but this process will take several years. The need for emergency service districts, however, are immediate and the law needs to be broadened to accommodate this peculiar problem. Clarification of "or other sufficient legal description" as in Section 775.13(a)(3) is needed so Smith County may begin their proposed emergency service district. Current law would be changed to allow a statement that the boundaries of the district are coextensive with the boundaries of another political subdivision, as those boundaries exist on a particular date, be a sufficient legal description. H.B. 1444 would allow a statement that the boundaries of the district are coextensive with the boundaries of another political subdivision, as those boundaries exist on a particular date, be a sufficient legal description.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Section 775.013, Health and Safety Code, by adding Subsection (a-1), which states that a statement that the boundaries of [an emergency services] district are coextensive with the boundaries of another political subdivision, and those boundaries have been established on a particular date, is a sufficient legal description for purposes of Subsection (a)(3)(Contents of Petition).

SECTION 2. Effective Date

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.