

AN ACT

relating to the exclusion from an emergency services district of certain territory subject to assessments.

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

SECTION 1. The heading to Section 775.025, Health and Safety Code, is amended to read as follows:

Sec. 775.025. EXCLUSION OF CERTAIN TERRITORY SUBJECT TO [~~AD VALOREM~~] ASSESSMENTS.

SECTION 2. Subsection (c), Section 775.025, Health and Safety Code, is amended to read as follows:

(c) After the hearing, if the board finds that the entity responsible for administering and collecting the ad valorem or annual variable budget based assessments in the territory to be excluded provides or contracts for the provision of substantially the same services as provided by the district, the board shall:

- (1) order an election on the question of exclusion; or
- (2) declare by resolution the territory excluded from the district.

SECTION 3. Subdivision (1), Subsection (o), Section 775.025, Health and Safety Code, is amended to read as follows:

(1) "Planned community" means a planned community of 15,000 or more acres of land originally established under the Urban Growth and New Community Development Act of 1970 (42 U.S.C. Section 4501 et seq.) that is:

1 (A) located in a county adjacent to a county with
2 a population of 2,800,000 or more according to the most recent
3 federal census; and

4 (B) subject to restrictive covenants containing
5 ad valorem or annual variable budget based assessments on real
6 property for use in part to finance services of the same general
7 type provided by the district.

8 SECTION 4. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 267 passed the Senate on March 17, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 267 passed the House on April 7, 2005, by the following vote: Yeas 147, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor