

1-1 By: Williams S.B. No. 267
1-2 (In the Senate - Filed January 25, 2005; February 3, 2005,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 7, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 March 7, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 267 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the exclusion from an emergency services district of
1-11 certain territory subject to assessments.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Section 775.025, Health and
1-14 Safety Code, is amended to read as follows:

1-15 Sec. 775.025. EXCLUSION OF CERTAIN TERRITORY SUBJECT TO [~~AD~~
1-16 ~~VALOREM~~] ASSESSMENTS.

1-17 SECTION 2. Subsection (c), Section 775.025, Health and
1-18 Safety Code, is amended to read as follows:

1-19 (c) After the hearing, if the board finds that the entity
1-20 responsible for administering and collecting the ad valorem or
1-21 annual variable budget based assessments in the territory to be
1-22 excluded provides or contracts for the provision of substantially
1-23 the same services as provided by the district, the board shall:

1-24 (1) order an election on the question of exclusion; or

1-25 (2) declare by resolution the territory excluded from
1-26 the district.

1-27 SECTION 3. Subdivision (1), Subsection (o), Section
1-28 775.025, Health and Safety Code, is amended to read as follows:

1-29 (1) "Planned community" means a planned community of
1-30 15,000 or more acres of land originally established under the Urban
1-31 Growth and New Community Development Act of 1970 (42 U.S.C. Section
1-32 4501 et seq.) that is:

1-33 (A) located in a county adjacent to a county with
1-34 a population of 2,800,000 or more according to the most recent
1-35 federal census; and

1-36 (B) subject to restrictive covenants containing
1-37 ad valorem or annual variable budget based assessments on real
1-38 property for use in part to finance services of the same general
1-39 type provided by the district.

1-40 SECTION 4. This Act takes effect immediately if it receives
1-41 a vote of two-thirds of all the members elected to each house, as
1-42 provided by Section 39, Article III, Texas Constitution. If this
1-43 Act does not receive the vote necessary for immediate effect, this
1-44 Act takes effect September 1, 2005.

1-45 * * * * *