

## **BILL ANALYSIS**

Senate Research Center  
81R23376 SJM-D

H.B. 2212  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The cities of Midkiff and Rankin are served by the same emergency services district in Upton County. However, the city of Rankin resides in the lower western-most part of Upton County, while the city of Midkiff sits in the upper western-most section of the county. The distance between Midkiff and Rankin is an estimated 35 miles.

Currently the emergency response equipment, including fire fighting equipment, is located in the city of Rankin, causing concern for residents of Midkiff regarding the delay in emergency response time. Due to the distance and allocation of resources, it would increase the safety of the residents of Upton County and better protect their property if the district were divided into separate emergency services districts that could better service their immediate areas.

This bill authorizes the creation of an emergency services district located wholly in a county with a population of 125,000 or less on the submission of a petition to disannex territory from an existing district to form the new district and on approval of the division by the majority vote of residents in the territory that forms the new district.

H.B. 2212 amends current law relating to the division of certain emergency services districts.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 775, Health and Safety Code, by adding Subchapter I, as follows:

#### **SUBCHAPTER I. DIVISION OF DISTRICT**

Sec. 775.221. **AUTHORITY TO DIVIDE DISTRICT.** Authorizes the board of a district located wholly in one county with a population of 125,000 or less to create a new district by disannexing territory from the existing district and ordering a new district to be created in the disannexed territory in the manner provided by this subchapter.

Sec. 775.222. **PETITION FOR DIVISION; NOTICE OF HEARING.** (a) Requires the district's board, before the existing district may be divided, to receive a petition for division signed by at least seven percent of the district's qualified voters or at least 100 of the district's qualified voters, whichever is the lesser number.

(b) Requires that a petition for division include the name of the new district to be created and a description of the territory proposed to be the new district's territory.

(c) Requires the board, on receipt of a petition in the proper form, to set a place, date, and time for a hearing to consider the petition.

(d) Requires the board to issue a notice of the hearing that includes the name of the proposed district, a description of the proposed district's boundaries, and the place, date, and time of the hearing on the petition.

(e) Requires the board to publish the notice in a newspaper of general circulation in the district once a week for two consecutive weeks. Requires that the first publication occur not later than the 21st day before the date on which the hearing will be held.

Sec. 775.223. HEARING ON DIVISION OF DISTRICT. (a) Requires the board, at a hearing on the petition for division of the existing district, to consider the petition and each issue relating to the division of the district.

(b) Authorizes any interested person to appear before the board to support or oppose the division.

(c) Requires the board, if the board finds that a petition contains the number of signatures required under Section 775.222(a), to approve the petition not later than the 10th day after the date of the hearing.

Sec. 775.224. APPEAL. Authorizes a resident of the district or an owner or real or personal property located in the district to appeal the board's decision on the division of the district by filing an appeal in the district court in the county in which a district is located only on the basis that the board incorrectly tabulated the number of signatures on the petition.

Sec. 775.225. ELECTION TO CONFIRM DIVISION. (a) Requires the board, on granting a petition to divide the district, to order an election to be held in the territory of the proposed new district to confirm the division of the existing district.

(b) Requires that notice of the election be given in the same manner as the notice of hearing under Section 775.222.

(c) Requires that the election be held on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with the requirements of law.

(d) Sets forth certain required language to be printed on the ballot to provide for voting for or against the proposition.

(e) Requires the board, if a majority of voters voting at the election vote to divide the district, to order the division.

(f) Prohibits the board, if a majority of those voting at the election vote against dividing the existing district, from ordering another election on the issue before the first anniversary of the date of the canvass of the election.

(g) Requires the existing district and the new district each to pay a pro rata share of the cost of an election held under this section, based on the assessed value of real property in each district subject to ad valorem taxation.

Sec. 775.226. DIVISION ORDER. Requires that a board order to divide a district disannex the land of the new district from the existing district contingent on the approval of the creation of the new district at the election held under this subchapter, create the new district in accordance with this chapter, name the new district, and include the metes and bounds description of the territory of the new district and the existing district after disannexation.

Sec. 775.227. ADMINISTRATION OF DISTRICTS AFTER DIVISION. (a) Provides that the existing board continues in existence to govern the territory of the existing district after disannexation.

(b) Requires the commissioners court, if the new district is located wholly in one county, to appoint a board in the manner described by Section 775.034

(Appointment of Board in District Located Wholly in One County) not later than the 14th day after the date of the board order dividing the district.

Sec. 775.228. TAXATION FOR OUTSTANDING BONDED DEBT. Provides that the disannexation of territory from a district under this subchapter does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other obligations of that district. Provides that property disannexed under this subchapter is not released from its pro rata share of any of the district's bonded indebtedness on the date of the disannexation, and the district is authorized to continue to tax property in the disannexed territory until that debt is paid as if the territory has not been disannexed.

Sec. 775.229. FURTHER DIVISION PROHIBITED. Provides that once a district has been divided under this subchapter, neither the existing district nor the new district may be divided under this subchapter.

SECTION 2. Effective date: upon passage or September 1, 2009.