

## **BILL ANALYSIS**

C.S.H.B. 2212  
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Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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.

C.S.H.B. 2212 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.

### **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**

C.S.H.B. 2212 amends the Health and Safety Code to authorize the board of an emergency services district located wholly in a 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 the bill's provisions. The bill requires a district's board, before the existing district may be divided, to receive a petition for division that is 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, and sets forth other requirements for the petition. The bill 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 and sets forth the requirements regarding the issuance and publishing of a notice of such a hearing. The bill requires the board to consider the petition and each issue relating to the division of the existing district at the hearing and authorizes any interested person to appear before the board in support or opposition of the division. The bill requires the board to approve a petition not later than the 10th day after the date of the hearing if the board finds that the petition contains the required number of signatures. The bill authorizes a resident of the district or an owner of real or personal property located in the district to appeal the board's decision on the division 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.

C.S.H.B. 2212 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 and sets forth requirements regarding the notice, date of the election, and the form and language of the ballot. The bill requires the board to order the division if a majority of voters in the proposed new district vote to divide the district and prohibits the board from ordering another election on the issue before the first anniversary of the date of the canvass of the election if a majority of voters vote against dividing the district. The bill requires the existing district and the new district to each pay a pro rata share of the cost of an election to confirm division based on the assessed value of real property in each district subject to property taxation. The bill requires a board order to divide a district to 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 to confirm the division; create the new district in accordance with state law regarding emergency services districts in counties of 125,000 or less; name the new district; and include the metes and bounds description of the territory of the new district and the existing district after disannexation. The bill sets forth provisions for the administration of the districts after division. The bill provides that the disannexation of territory from a district does not diminish or impair the rights of the holders of any outstanding and unpaid bonds, warrants, or other obligations of that district. The bill provides that property disannexed under these provisions is not released from its pro rata share of any of the district's bonded indebtedness on the date of disannexation and authorizes the district to continue to tax property in the disannexed territory until that debt is paid as if the territory had not been disannexed. The bill prohibits both the existing district and the newly created district from being divided further in the manner prescribed by the bill.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2212 amends the Health and Safety Code chapter relating to emergency services districts rather than the chapter relating to emergency services districts in counties with a population of 125,000 or less as in the original. The substitute differs from the original by authorizing the board of an emergency services district affected by the bill to create a new district by disannexing territory from the existing district, whereas the original authorizes the board to divide the district by disannexing territory to create a new district.

C.S.H.B. 2212 differs from the original by requiring a petition for division to be 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, whereas the original requires the petition to be signed by at least 100 of the district's qualified voters. The substitute differs from the original by requiring the board of a district to approve a petition for division if it contains the necessary number of signatures, whereas the original requires the board to approve a petition if the board finds that the creation of the new district proposed by the petition is feasible and practical and would be a public benefit. The substitute differs from the original by authorizing a resident of the district, rather than a person in the district as in the original, to appeal the board's decision only on the basis that the board incorrectly tabulated the number of signatures on the petition.

C.S.H.B. 2212 differs from the original by requiring the board to order an election on granting a petition to divide the district, rather than a petition to dissolve the district as in the original. The substitute adds a provision not in the original to require the existing district and the new district each to pay a pro rata share of the cost of an election to confirm division, based on the assessed value of real property in each district subject to property taxation.

C.S.H.B. 2212 adds a provision not in the original to establish that, once a district has been divided under the bill's provisions neither the existing district nor the new district may be divided under the bill's provisions.

