

By: Craddick

H.B. No. 2212

A BILL TO BE ENTITLED

AN ACT

relating to the division of certain emergency services districts.

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

SECTION 1. Chapter 776, Health and Safety Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. DIVISION OF DISTRICT

Sec. 776.091. AUTHORITY TO DIVIDE DISTRICT. The board of a district located wholly in one county may divide the district by disannexing territory from the district by ordering a new district to be created in the manner provided by this subchapter.

Sec. 776.092. PETITION FOR DIVISION; NOTICE OF HEARING.

(a) Before the district may be divided, the district's board must receive a petition for division signed by at least 100 qualified voters of the district.

(b) A petition for division must include:

(1) the name of the district to be divided; and

(2) a description of the territory proposed to be the new district's territory.

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

(d) The board shall issue a notice of the hearing that includes:

(1) the name of the proposed district;

1 (2) a description of the proposed district's
2 boundaries; and

3 (3) the place, date, and time of the hearing on the
4 petition.

5 (e) The board shall publish the notice in a newspaper of
6 general circulation in the district once a week for two consecutive
7 weeks. The first publication must occur not later than the 21st day
8 before the date on which the hearing will be held.

9 Sec. 776.093. HEARING ON DIVISION OF DISTRICT. (a) At the
10 hearing on the petition for division of the district, the board
11 shall consider the petition and each issue relating to the division
12 of the district.

13 (b) Any interested person may appear before the board to
14 support or oppose the division.

15 (c) If the board finds that the creation of the new district
16 as proposed by the petition is feasible and practical and would be a
17 public benefit, the board shall make these findings and approve the
18 petition. The board shall approve or deny the petition not later
19 than 10 days after the date of the hearing.

20 Sec. 776.094. APPEAL. A person in the district or an owner
21 of real or personal property located in the district may appeal the
22 board's decision on the division of the district by filing an appeal
23 in the district court in the county in which a district is located.

24 Sec. 776.095. ELECTION TO CONFIRM DIVISION. (a) On the
25 granting of a petition to dissolve the district, the board shall
26 order an election to be held in the proposed new district to confirm
27 the division of the district.

1 (b) Notice of the election shall be given in the same manner
2 as the notice of hearing under Section 776.092.

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

6 (d) The ballot shall be printed to provide for voting for or
7 against the proposition: "Dividing the _____ Emergency Services
8 District to create a new emergency services district."

9 (e) If a majority of voters voting at the election vote to
10 divide the district, the board shall order the division.

11 (f) If a majority of those voting at the election vote
12 against dividing the district, the board may not order another
13 election on the issue before the first anniversary of the date of
14 the canvass of the election.

15 Sec. 776.096. DIVISION ORDER. A board order to divide a
16 district must:

17 (1) disannex the land of the new district from the
18 existing district contingent on the approval of the creation of the
19 new district at the election held under this subchapter;

20 (2) create the new district in accordance with this
21 chapter;

22 (3) name the new district; and

23 (4) include the metes and bounds description of the
24 territory of the new district and the existing district after
25 disannexation.

26 Sec. 776.097. ADMINISTRATION OF DISTRICTS AFTER DIVISION.

27 (a) The existing board continues in existence to govern the

1 territory of the existing district after disannexation.

2 (b) If the new district is located wholly in one county, the
3 commissioners court shall appoint a board in the manner described
4 by Section 776.033 not later than the 14th day after the date of the
5 board order dividing the district.

6 Sec. 776.098. TAXATION FOR OUTSTANDING BONDED DEBT. The
7 disannexation of territory from a district under this subchapter
8 does not diminish or impair the rights of the holders of any
9 outstanding and unpaid bonds, warrants, or other obligations of
10 that district. Property disannexed under this subchapter is not
11 released from its pro rata share of any of the district's bonded
12 indebtedness on the date of the disannexation, and the district may
13 continue to tax property in the disannexed territory until that
14 debt is paid as if the territory had not been disannexed.

15 SECTION 2. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2009.