

1-1 By: Craddick (Senate Sponsor - Duncan) H.B. No. 2212
1-2 (In the Senate - Received from the House May 6, 2009;
1-3 May 7, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2009, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 22, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2212 By: Gallegos

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

1-10 relating to the division of certain emergency services districts.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Chapter 775, Health and Safety Code, is amended
1-13 by adding Subchapter I to read as follows:

1-14 SUBCHAPTER I. DIVISION OF DISTRICT

1-15 Sec. 775.221. AUTHORITY TO DIVIDE DISTRICT. The board of a
1-16 district located wholly in one county with a population of 20,000 or
1-17 less may create a new district by disannexing territory from the
1-18 existing district and ordering a new district to be created in the
1-19 disannexed territory in the manner provided by this subchapter.

1-20 Sec. 775.222. PETITION FOR DIVISION; NOTICE OF HEARING.

1-21 (a) Before the existing district may be divided, the district's
1-22 board must receive a petition for division signed by at least seven
1-23 percent of the district's qualified voters or at least 100 of the
1-24 district's qualified voters, whichever is the lesser number.

1-25 (b) A petition for division must include:

1-26 (1) the name of the new district to be created; and

1-27 (2) a description of the territory proposed to be the
1-28 new district's territory.

1-29 (c) On receipt of a petition in the proper form, the board
1-30 shall set a place, date, and time for a hearing to consider the
1-31 petition.

1-32 (d) The board shall issue a notice of the hearing that
1-33 includes:

1-34 (1) the name of the proposed district;

1-35 (2) a description of the proposed district's
1-36 boundaries; and

1-37 (3) the place, date, and time of the hearing on the
1-38 petition.

1-39 (e) The board shall publish the notice in a newspaper of
1-40 general circulation in the district once a week for two consecutive
1-41 weeks. The first publication must occur not later than the 21st day
1-42 before the date on which the hearing will be held.

1-43 Sec. 775.223. HEARING ON DIVISION OF DISTRICT. (a) At the
1-44 hearing on the petition for division of the existing district, the
1-45 board shall consider the petition and each issue relating to the
1-46 division of the district.

1-47 (b) Any interested person may appear before the board to
1-48 support or oppose the division.

1-49 (c) If the board finds that the petition contains the number
1-50 of signatures required under Section 775.222(a), the board shall
1-51 approve the petition not later than the 10th day after the date of
1-52 the hearing.

1-53 Sec. 775.224. APPEAL. A resident of the district or an
1-54 owner of real or personal property located in the district may
1-55 appeal the board's decision on the division of the district by
1-56 filing an appeal in the district court in the county in which a
1-57 district is located only on the basis that the board incorrectly
1-58 tabulated the number of signatures on the petition.

1-59 Sec. 775.225. ELECTION TO CONFIRM DIVISION. (a) On
1-60 granting a petition to divide the district, the board shall order an
1-61 election to be held in the territory of the proposed new district to
1-62 confirm the division of the existing district.

1-63 (b) Notice of the election shall be given in the same manner

2-1 as the notice of hearing under Section 775.222.
2-2 (c) The election shall be held on the first authorized
2-3 uniform election date prescribed by the Election Code that allows
2-4 sufficient time to comply with the requirements of law.

2-5 (d) The ballot shall be printed to provide for voting for or
2-6 against the proposition: "Dividing the _____ Emergency Services
2-7 District to create a new emergency services district."

2-8 (e) If a majority of voters voting at the election vote to
2-9 divide the district, the board shall order the division.

2-10 (f) If a majority of those voting at the election vote
2-11 against dividing the existing district, the board may not order
2-12 another election on the issue before the first anniversary of the
2-13 date of the canvass of the election.

2-14 (g) The existing district and the new district each shall
2-15 pay a pro rata share of the cost of an election held under this
2-16 section, based on the assessed value of real property in each
2-17 district subject to ad valorem taxation.

2-18 Sec. 775.226. DIVISION ORDER. A board order to divide a
2-19 district must:

2-20 (1) disannex the land of the new district from the
2-21 existing district contingent on the approval of the creation of the
2-22 new district at the election held under this subchapter;

2-23 (2) create the new district in accordance with this
2-24 chapter;

2-25 (3) name the new district; and

2-26 (4) include the metes and bounds description of the
2-27 territory of the new district and the existing district after
2-28 disannexation.

2-29 Sec. 775.227. ADMINISTRATION OF DISTRICTS AFTER DIVISION.

2-30 (a) The existing board continues in existence to govern the
2-31 territory of the existing district after disannexation.

2-32 (b) If the new district is located wholly in one county, the
2-33 commissioners court shall appoint a board in the manner described
2-34 by Section 775.034 not later than the 14th day after the date of the
2-35 board order dividing the district.

2-36 Sec. 775.228. TAXATION FOR OUTSTANDING BONDED DEBT. The
2-37 disannexation of territory from a district under this subchapter
2-38 does not diminish or impair the rights of the holders of any
2-39 outstanding and unpaid bonds, warrants, or other obligations of
2-40 that district. Property disannexed under this subchapter is not
2-41 released from its pro rata share of any of the district's bonded
2-42 indebtedness on the date of the disannexation, and the district may
2-43 continue to tax property in the disannexed territory until that
2-44 debt is paid as if the territory had not been disannexed.

2-45 Sec. 775.229. FURTHER DIVISION PROHIBITED. Once a district
2-46 has been divided under this subchapter, neither the existing
2-47 district nor the new district may be divided under this subchapter.

2-48 SECTION 2. This Act takes effect immediately if it receives
2-49 a vote of two-thirds of all the members elected to each house, as
2-50 provided by Section 39, Article III, Texas Constitution. If this
2-51 Act does not receive the vote necessary for immediate effect, this
2-52 Act takes effect September 1, 2009.

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