

By: Goldman

H.B. No. 1798

A BILL TO BE ENTITLED

AN ACT

relating to the expansion of the territory of an emergency services district into the territory of a municipality.

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

SECTION 1. Section 775.051(a), Health and Safety Code, is amended to read as follows:

(a) Qualified voters who own taxable real property in a defined territory that is not included in a district may file a petition with the secretary of the board requesting the inclusion of the territory in the district. The petition must:

(1) be signed by at least 50 qualified voters who own taxable real property in the territory or a majority of those voters, whichever is less; and

(2) show the name of each municipality whose consent must be obtained under Section 775.0515.

SECTION 2. Subchapter D, Chapter 775, Health and Safety Code, is amended by adding Section 775.0515 to read as follows:

Sec. 775.0515. EXPANSION OF DISTRICT THAT INCLUDES MUNICIPAL TERRITORY. (a) Before territory in a municipality's limits or extraterritorial jurisdiction may be annexed into a district under Section 775.051, a written request to be annexed into the district must be presented to the municipality's governing body after the petition is filed under Section 775.051. Except as provided by Subsection (c), that territory may not be annexed into

1 the district unless the municipality's governing body gives its
2 written consent on or before the 60th day after the date the
3 municipality receives the request.

4 (b) If the municipality's governing body does not consent to
5 annexation within the 60-day period prescribed by Subsection (a), a
6 majority of the qualified voters and the owners of at least 50
7 percent of the territory in the municipality's limits or
8 extraterritorial jurisdiction that would have been annexed into the
9 district may petition the governing body to make fire control and
10 emergency medical and ambulance services available in the
11 territory. The petition must be submitted to the governing body not
12 later than the 90th day after the date the municipality receives the
13 request under Subsection (a).

14 (c) If the municipality's governing body refuses or fails to
15 act on the petition requesting fire control and emergency medical
16 and ambulance services within six months after the date on which the
17 petition submitted under Subsection (b) is received, the governing
18 body's refusal or failure to act constitutes consent for the
19 territory that is the subject of the petition to be annexed into the
20 district.

21 (d) If the territory proposed to be annexed into the
22 district will include territory designated by a municipality as an
23 industrial district under Section 42.044, Local Government Code,
24 consent to include the industrial district must be obtained from
25 the municipality's governing body in the same manner provided by
26 this section for obtaining consent to annex territory within the
27 limits or extraterritorial jurisdiction of a municipality.

1 (e) If the municipality's governing body consents to
2 annexation of territory within its limits or extraterritorial
3 jurisdiction, or in an industrial district, the territory may be
4 annexed into the district in the same manner as other territory is
5 annexed under this chapter.

6 (f) A governing body's consent to annex territory into the
7 district expires six months after the date the consent is given.

8 (g) This section does not apply if territory proposed to be
9 annexed into the district is in the unincorporated area of a county
10 with a population of 3.3 million or more.

11 SECTION 3. The changes in law made by this Act apply only to
12 a petition for the expansion of an emergency services district
13 filed with the board of the emergency services district on or after
14 the effective date of this Act. A petition pending before the board
15 of an emergency services district on the effective date of this Act
16 is governed by the law in effect at the time the petition was filed,
17 and that law is continued in effect for that purpose.

18 SECTION 4. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2013.