

BILL ANALYSIS

Senate Research Center
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H.B. 2883
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, certain municipalities provide limited emergency response services to areas located within the municipality's extraterritorial jurisdiction. Interested parties contend that some of the municipalities hope to increase such services and to establish a method for funding the services. H.B. 2883 seeks to address this issue.

H.B. 2883 amends current law relating to the addition of territory to a crime control and prevention district and to a fire control, prevention, and emergency medical services district.

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 344, Local Government Code, by adding Subchapter D-1, as follows:

SUBCHAPTER D-1. ADDITION OF TERRITORY TO DISTRICT

Sec. 344.181. **ELECTION REQUIRED.** Authorizes the municipality that created a district to add all or part of the territory in the municipality's extraterritorial jurisdiction to the district and authorizes the district to impose a tax in that territory only if the addition of the territory and the imposition of the tax are approved by a majority of the qualified voters of the territory to be added voting at an election held for that purpose.

Sec. 344.182. **CONFIRMATION ELECTION ORDER.** (a) Prohibits the board from calling and holding a confirmation election until the board adopts a budget plan and a fire control, prevention, and emergency medical services plan under Section 344.061 (Fire Control, Prevention, and Emergency Medical Services Plan and Budget Plan) that include the proposed addition of territory.

(b) Requires that an order calling an election under Subsection (a) to state:

- (1) the nature of the election, including the proposition that is to appear on the ballot;
- (2) the date of the election;
- (3) the hours during which the polls will be open;
- (4) the location of the polling places;
- (5) a summary of the district's budget plan and fire control, prevention, and emergency medical services plan that includes the proposed addition of territory; and

(6) the proposed rate of the sales and use tax to be imposed in the territory to be added.

Sec. 344.183. NOTICE OF ELECTION. Requires the board, in addition to the notice required by Section 4.003(c) (requiring certain methods of notice), Election Code, to give notice of an election to add territory to the district by publishing a substantial copy of the election order in a newspaper with general circulation in the territory to be added once a week for two consecutive weeks. Requires the first publication to appear before the 35th day before the date set for the election.

Sec. 344.184. BALLOT PROPOSITION. Requires that the ballot for an election to add territory to a district be printed to permit voting for or against the proposition. Sets forth the ballot language.

Sec. 344.185. ELECTION RESULTS. (a) Requires the board, if a majority of the votes cast in the election favor the addition of the territory to the district, to issue an order declaring the territory added to the boundaries of the district.

(b) Prohibits the board from ordering another election on the matter before the first anniversary of the date of the most recent election, if a majority of the votes cast in the election do not favor the addition of the territory to the district.

(c) Provides that the provisions of Section 321.102 (Effective Date: New Tax, Tax Repeal, Boundary Change), Tax Code, governing the application of a municipal sales and use tax in the event of a change in the boundaries of a municipality apply to the application of a tax imposed under this chapter to territory added under this subchapter.

SECTION 2. Amends Chapter 363, Local Government Code, by adding Subchapter D-1, as follows:

SUBCHAPTER D-1. ADDITION OF TERRITORY TO DISTRICT

Sec. 363.181. ELECTION REQUIRED. Authorizes the governing body that created a district to add all or part of the territory in the political subdivision governed by that body to the district and authorizes the district to impose a tax in that territory only if the addition of the territory and the imposition of the tax are approved by a majority of the qualified voters of the territory to be added voting at an election held for that purpose.

Sec. 363.182. ELECTION ORDER. (a) Provides that after a majority of the board has approved a budget plan and a crime control plan in accordance with Section 363.061 (Crime Control Plan and Budget Plan) that include the proposed addition of territory, a majority of the board may order that an additional election be held.

(b) Requires that an order calling an election under Subsection (a) state:

(1) the nature of the election, including the proposition that is to appear on the ballot;

(2) the date of the election;

(3) the hours during which the polls will be open;

(4) the location of the polling places;

(5) in summary form, the approved budget plan and crime control plan that include the proposed addition of territory; and

(6) the proposed rate of the sales and use tax to be imposed in the territory to be added.

Sec. 363.183. NOTICE OF ELECTION. Requires the board, in addition to the notice required by Section 4.003(c), Election Code, to give notice of an election to add territory to the district by publishing a substantial copy of the election order in a newspaper with general circulation in the territory to be added once a week for two consecutive weeks. Requires that the first publication to appear before the 35th day before the date set for the election.

Sec. 363.184. BALLOT PROPOSITION. Requires that the ballot for an election to add territory to a district be printed to permit voting for or against the proposition. Sets forth the ballot language.

Sec. 363.185. ELECTION RESULTS. (a) Requires the board, if a majority of the votes cast in the election favor the addition of the territory to the district, to issue an order declaring the territory added to the boundaries of the district.

(b) Prohibits the board from ordering another election on the matter before the first anniversary of the date of the most recent election if a majority of the votes cast in the election do not favor the addition of territory to the district.

(c) Provides that the provisions of Section 321.102, Tax Code, governing the application of a municipal sales and use tax in the event of a change in the boundaries of a municipality apply to the application of a tax imposed under this chapter to territory added under this subchapter.

SECTION 3. Effective date: upon passage or September 1, 2015.