

By: Simmons

H.B. No. 2883

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the addition of territory to a crime control and
3 prevention district and to a fire control, prevention, and
4 emergency medical services district.

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

6 SECTION 1. Chapter 344, Local Government Code, is amended
7 by adding Subchapter D-1 to read as follows:

8 SUBCHAPTER D-1. ADDITION OF TERRITORY TO DISTRICT

9 Sec. 344.181. ELECTION REQUIRED. The municipality that
10 created a district may add all or part of the territory in the
11 municipality's extraterritorial jurisdiction to the district and
12 the district may impose a tax in that territory only if the addition
13 of the territory and the imposition of the tax are approved by a
14 majority of the qualified voters of the territory to be added voting
15 at an election held for that purpose.

16 Sec. 344.182. CONFIRMATION ELECTION ORDER. (a) The board
17 may not call and hold a confirmation election until the board adopts
18 a budget plan and a fire control, prevention, and emergency medical
19 services plan under Section 344.061 that include the proposed
20 addition of territory.

21 (b) An order calling an election under Subsection (a) must
22 state:

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

1 (2) the date of the election;

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

3 (4) the location of the polling places;

4 (5) a summary of the district's budget plan and fire
5 control, prevention, and emergency medical services plan that
6 includes the proposed addition of territory; and

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

9 Sec. 344.183. NOTICE OF ELECTION. In addition to the notice
10 required by Section 4.003(c), Election Code, the board shall give
11 notice of an election to add territory to the district by publishing
12 a substantial copy of the election order in a newspaper with general
13 circulation in the territory to be added once a week for two
14 consecutive weeks. The first publication must appear before the
15 35th day before the date set for the election.

16 Sec. 344.184. BALLOT PROPOSITION. The ballot for an
17 election to add territory to a district shall be printed to permit
18 voting for or against the proposition: "The addition of _____
19 (description of territory to be added) to the _____ (name of the
20 municipality that created the district) Fire Control, Prevention,
21 and Emergency Medical Services District dedicated to fire safety
22 and emergency medical services programs and the adoption of a
23 proposed local sales and use tax in the territory to be added at a
24 rate of _____ (rate specified in the election order)."

25 Sec. 344.185. ELECTION RESULTS. (a) If a majority of the
26 votes cast in the election favor the addition of the territory to
27 the district, the board shall issue an order declaring the

1 territory added to the boundaries of the district.

2 (b) If a majority of the votes cast in the election do not
3 favor the addition of the territory to the district, the board may
4 not order another election on the matter before the first
5 anniversary of the date of the most recent election.

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

11 SECTION 2. Chapter 363, Local Government Code, is amended
12 by adding Subchapter D-1 to read as follows:

13 SUBCHAPTER D-1. ADDITION OF TERRITORY TO DISTRICT

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

21 Sec. 363.182. ELECTION ORDER. (a) After a majority of the
22 board has approved a budget plan and a crime control plan in
23 accordance with Section 363.061 that include the proposed addition
24 of territory, a majority of the board may order that an additional
25 election be held.

26 (b) An order calling an election under Subsection (a) must
27 state:

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

3 (2) the date of the election;

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

5 (4) the location of the polling places;

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

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

11 Sec. 363.183. NOTICE OF ELECTION. In addition to the notice
12 required by Section 4.003(c), Election Code, the board shall give
13 notice of an election to add territory to the district by publishing
14 a substantial copy of the election order in a newspaper with general
15 circulation in the territory to be added once a week for two
16 consecutive weeks. The first publication must appear before the
17 35th day before the date set for the election.

18 Sec. 363.184. BALLOT PROPOSITION. The ballot for an
19 election to add territory to a district shall be printed to permit
20 voting for or against the proposition: "The addition of _____
21 (description of territory to be added) to the _____ (name of the
22 political subdivision that created the district) Crime Control and
23 Prevention District dedicated to crime reduction programs and the
24 adoption of a proposed local sales and use tax in the territory to
25 be added at a rate of _____ (rate specified in the election
26 order)."

27 Sec. 363.185. ELECTION RESULTS. (a) If a majority of the

1 votes cast in the election favor the addition of the territory to
2 the district, the board shall issue an order declaring the
3 territory added to the boundaries of the district.

4 (b) If a majority of the votes cast in the election do not
5 favor the addition of territory to the district, the board may not
6 order another election on the matter before the first anniversary
7 of the date of the most recent election.

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

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2015.