

By: Simmons

H.B. No. 2883

A BILL TO BE ENTITLED

AN ACT

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

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

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

SUBCHAPTER D-1. ADDITION OF TERRITORY TO DISTRICT

Sec. 344.181. ELECTION REQUIRED. The municipality that created a district may add all or part of the territory in the municipality's extraterritorial jurisdiction to the district and the district may 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) The board may not call and hold a confirmation election until the board adopts a budget plan and a fire control, prevention, and emergency medical services plan under Section 344.061 that include the proposed addition of territory.

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

(1) the nature of the election, including the 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.