

By: Simpson

H.B. No. 4026

A BILL TO BE ENTITLED

AN ACT

relating to the division of certain emergency services districts.

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

SECTION 1. Section 775.221, Health and Safety Code, is amended to read as follows:

Sec. 775.221. AUTHORITY TO DIVIDE DISTRICT. (a) This subchapter applies only to a district located wholly in:

(1) a county with a population of 20,000 or less; or

(2) a county with a population of more than 30,000 but less than 41,000 that is adjacent to a county with a population of more than 200,000 but less than 220,000.

(b) The board of a district described by Subsection (a) ~~[located wholly in one county with a population of 20,000 or less]~~ may create one or more ~~[a]~~ new districts ~~[district]~~ by disannexing territory from the existing district and ordering one or more ~~[a]~~ new districts ~~[district]~~ to be created in the disannexed territory in the manner provided by this subchapter.

SECTION 2. Sections 775.222(a), (b), and (d), Health and Safety Code, are amended to read as follows:

(a) Before the existing district may be divided, the district's board must receive a petition for division signed by at least 10 ~~[seven]~~ percent of the district's qualified voters or at least 500 ~~[100]~~ of the district's qualified voters, whichever is the lesser number.

1 (b) A petition for division must include:

2 (1) the name of each ~~[the]~~ new district to be created;  
3 and

4 (2) a description of the territory proposed to be each  
5 ~~[the]~~ new district's territory.

6 (d) The board shall issue a notice of the hearing that  
7 includes:

8 (1) the name of each ~~[the]~~ proposed district;

9 (2) a description of each ~~[the]~~ proposed district's  
10 boundaries; and

11 (3) the place, date, and time of the hearing on the  
12 petition.

13 SECTION 3. Section 775.223(c), Health and Safety Code, is  
14 amended to read as follows:

15 (c) The ~~[If the board finds that the petition contains the~~  
16 ~~number of signatures required under Section 775.222(a), the]~~ board  
17 shall approve the petition not later than the 10th day after the  
18 date of the hearing if the board finds that:

19 (1) the petition contains the number of signatures  
20 required under Section 775.222(a); and

21 (2) the proposed division is feasible.

22 SECTION 4. Sections 775.225(a) and (g), Health and Safety  
23 Code, are amended to read as follows:

24 (a) On granting a petition to divide the district, the board  
25 shall order an election to be held in the territory of each ~~[the]~~  
26 proposed new district to confirm the division of the existing  
27 district.

1 (g) The existing district and each ~~[the]~~ new district ~~[each]~~  
2 shall pay a pro rata share of the cost of an election held under this  
3 section, based on the assessed value of real property in each  
4 district subject to ad valorem taxation.

5 SECTION 5. Section 775.226, Health and Safety Code, is  
6 amended to read as follows:

7 Sec. 775.226. DIVISION ORDER. A board order to divide a  
8 district must:

9 (1) disannex the land of each ~~[the]~~ new district from  
10 the existing district contingent on the approval of the creation of  
11 the new district at the election held under this subchapter;

12 (2) create each ~~[the]~~ new district in accordance with  
13 this chapter;

14 (3) name each ~~[the]~~ new district; and

15 (4) include the metes and bounds description of the  
16 territory of each ~~[the]~~ new district and the existing district  
17 after disannexation.

18 SECTION 6. Section 775.227(b), Health and Safety Code, is  
19 amended to read as follows:

20 (b) If a ~~[the]~~ new district is located wholly in one county,  
21 the commissioners court shall appoint a board in the manner  
22 described by Section 775.034 not later than the 14th day after the  
23 date of the board order dividing the district.

24 SECTION 7. Section 775.229, Health and Safety Code, is  
25 amended to read as follows:

26 Sec. 775.229. FURTHER DIVISION [~~PROHIBITED~~]. The ~~[Once a~~  
27 ~~district has been divided under this subchapter, neither the]~~

1 existing district and each [~~nor the~~] new district may be further  
2 divided under this subchapter if at least two years have elapsed  
3 since the most recent division of the district.

4 SECTION 8. The changes in law made by this Act apply only to  
5 the division of an emergency services district the petition for  
6 which is submitted on or after the effective date of this Act. The  
7 division of an emergency services district the petition for which  
8 is submitted before the effective date of this Act is governed by  
9 the law in effect on the date the petition is submitted, and the  
10 former law is continued in effect for that purpose.

11 SECTION 9. This Act takes effect September 1, 2015.