

By: Cortez

H.B. No. 2633

Substitute the following for H.B. No. 2633:

By: Rosenthal

C.S.H.B. No. 2633

A BILL TO BE ENTITLED

AN ACT

1
2 relating to conditions imposed on an emergency services district
3 that includes territory in the extraterritorial jurisdiction of
4 certain municipalities.

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

6 SECTION 1. Section 775.014, Health and Safety Code, is
7 amended by adding Subsection (h-1) and amending Subsection (i) to
8 read as follows:

9 (h-1) The board of an emergency services district created
10 before September 1, 2023, that is subject to conditions negotiated
11 under Subsection (h) as that subsection existed immediately before
12 September 1, 2023, may hold an election to submit to the qualified
13 voters of the district the question of whether to terminate the
14 negotiated conditions under that subsection. If a majority of the
15 votes cast in the election favor the termination of the conditions,
16 the conditions are terminated and have no effect. The board of a
17 district described by this subsection may not hold an election
18 under this subsection if the termination of the conditions would
19 impair:

20 (1) a contract entered into by the board; or

21 (2) the rights of the holders of any outstanding and
22 unpaid bonds or other debt.

23 (i) If a [A] request [submitted] under this section is
24 submitted to a municipality that has a population of more than one

1 million and the majority of the territory inside the municipality's
2 corporate boundaries is located inside a county with a population
3 of less than 2.1 million, the request [~~described by Subsection (h)~~]
4 must include:

- 5 (1) a copy of the petition submitted under Section
6 775.015; and
7 (2) a sufficient legal description of the portion of
8 the municipality and its extraterritorial jurisdiction that would
9 be included in the district territory.

10 SECTION 2. Section 775.016(c), Health and Safety Code, is
11 amended to read as follows:

12 (c) The commissioners court has exclusive jurisdiction to
13 determine each issue relating to the creation of the district[~~and~~
14 ~~including any matters negotiated with a consenting municipality~~
15 ~~under Section 775.014(h)~~], and may issue incidental orders it
16 considers proper in relation to the issues before the commissioners
17 court. The commissioners court may adjourn the hearing as
18 necessary.

19 SECTION 3. Section 775.017(a), Health and Safety Code, is
20 amended to read as follows:

21 (a) If after the hearing the commissioners court finds that
22 creation of the district is feasible and will promote the public
23 safety, welfare, health, and convenience of persons residing in the
24 proposed district, the commissioners court shall grant the petition
25 and [~~and~~] fix the district's boundaries[~~and impose any conditions~~
26 ~~negotiated under Section 775.014(h)~~]. If the proposed district,
27 according to its boundaries stated in the petition, is located

1 wholly in a county with a population of more than 3.3 million, the
2 commissioners court may amend the petition to change the boundaries
3 of the proposed district if the commissioners court finds the
4 change is necessary or desirable. For the purposes of this
5 provision, the population of the county is determined according to
6 the most recent federal decennial census available at the time the
7 petition is filed.

8 SECTION 4. Section 775.018(a), Health and Safety Code, is
9 amended to read as follows:

10 (a) On the granting of a petition, the commissioners court
11 shall order an election to confirm the district's creation and
12 authorize the imposition of a tax not to exceed the rate allowed by
13 Section 48-e, Article III, Texas Constitution. ~~[Any conditions~~
14 ~~negotiated under Section 775.014(h) must be included on the~~
15 ~~ballot.]~~

16 SECTION 5. Section 775.019(b), Health and Safety Code, is
17 amended to read as follows:

18 (b) A district may not include territory in a municipality's
19 limits or extraterritorial jurisdiction unless a majority of the
20 voters residing in that territory who vote at the election vote in
21 favor of creating the district ~~[subject to any conditions~~
22 ~~negotiated under Section 775.014(h)]~~ and imposing a tax. The
23 exclusion of that territory does not affect the creation of a
24 district that includes the remainder of the proposed territory if
25 the commissioners court's findings under Section 775.017 are
26 favorable to the district's creation.

27 SECTION 6. Section 775.022(g), Health and Safety Code, is

1 amended to read as follows:

2 (g) The amount of compensation under Subsection (c) shall be
3 determined under Subsection (e) regardless of whether Subsection
4 (e-1) would yield a greater amount if:

5 (1) the municipality has a population of more than one
6 million and the majority of the territory inside the municipality's
7 corporate boundaries is located inside a county with a population
8 of less than 2.1 million [~~is a municipality described by Section~~
9 ~~775.014(h)~~]; and

10 (2) the municipality and the district enter into an
11 agreement on or before September 1, 2019, regarding the district's
12 bonded and other indebtedness.

13 SECTION 7. The following sections of the Health and Safety
14 Code are repealed:

- 15 (1) Section 775.014(h);
16 (2) Section 775.019(f); and
17 (3) Section 775.031(e).

18 SECTION 8. This Act takes effect September 1, 2023.