

By: Menéndez

S.B. No. 1794

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(i), Health and Safety Code, is
7 amended to read as follows:

8 (i) If a [A] request [submitted] under this section is
9 submitted to a municipality that has a population of more than one
10 million and the majority of the territory inside the municipality's
11 corporate boundaries is located inside a county with a population
12 of less than 2.1 million, the request [described by Subsection (h)]
13 must include:

14 (1) a copy of the petition submitted under Section
15 775.015; and

16 (2) a sufficient legal description of the portion of
17 the municipality and its extraterritorial jurisdiction that would
18 be included in the district territory.

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

21 (c) The commissioners court has exclusive jurisdiction to
22 determine each issue relating to the creation of the district[
23 ~~including any matters negotiated with a consenting municipality~~
24 ~~under Section 775.014(h),]~~ and may issue incidental orders it

1 considers proper in relation to the issues before the commissioners
2 court. The commissioners court may adjourn the hearing as
3 necessary.

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

6 (a) If after the hearing the commissioners court finds that
7 creation of the district is feasible and will promote the public
8 safety, welfare, health, and convenience of persons residing in the
9 proposed district, the commissioners court shall grant the petition
10 and [7] fix the district's boundaries[~~, and impose any conditions~~
11 ~~negotiated under Section 775.014(h)~~]. If the proposed district,
12 according to its boundaries stated in the petition, is located
13 wholly in a county with a population of more than 3.3 million, the
14 commissioners court may amend the petition to change the boundaries
15 of the proposed district if the commissioners court finds the
16 change is necessary or desirable. For the purposes of this
17 provision, the population of the county is determined according to
18 the most recent federal decennial census available at the time the
19 petition is filed.

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

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

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

3 (b) A district may not include territory in a municipality's
4 limits or extraterritorial jurisdiction unless a majority of the
5 voters residing in that territory who vote at the election vote in
6 favor of creating the district [~~subject to any conditions~~
7 ~~negotiated under Section 775.014(h)~~] and imposing a tax. The
8 exclusion of that territory does not affect the creation of a
9 district that includes the remainder of the proposed territory if
10 the commissioners court's findings under Section 775.017 are
11 favorable to the district's creation.

12 SECTION 6. Section 775.022(g), Health and Safety Code, is
13 amended to read as follows:

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

17 (1) the municipality has a population of more than one
18 million and the majority of the territory inside the municipality's
19 corporate boundaries is located inside a county with a population
20 of less than 2.1 million [~~is a municipality described by Section~~
21 ~~775.014(h)~~]; and

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

25 SECTION 7. The following sections of the Health and Safety
26 Code are repealed:

27 (1) Section 775.014(h);

1 (2) Section 775.019(f); and

2 (3) Section 775.031(e).

3 SECTION 8. Any conditions that were negotiated by the
4 governing body of a municipality and the commissioners court of a
5 county under Section 775.014(h), Health and Safety Code, as that
6 section existed immediately before the effective date of this Act,
7 are terminated and have no effect.

8 SECTION 9. The changes in law made by this Act do not affect
9 the validity or enforceability of a contract that was entered into
10 by the board of emergency services commissioners of an emergency
11 services district before the effective date of this Act.

12 SECTION 10. This Act takes effect September 1, 2023.