

1-1 By: Menéndez S.B. No. 1794
 1-2 (In the Senate - Filed March 7, 2023; March 20, 2023, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 24, 2023, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; April 24, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to conditions imposed on an emergency services district
 1-20 that includes territory in the extraterritorial jurisdiction of
 1-21 certain municipalities.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 775.014(i), Health and Safety Code, is
 1-24 amended to read as follows:

1-25 (i) If a [A] request [submitted] under this section is
 1-26 submitted to a municipality that has a population of more than one
 1-27 million and the majority of the territory inside the municipality's
 1-28 corporate boundaries is located inside a county with a population
 1-29 of less than 2.1 million, the request [described by Subsection (h)]
 1-30 must include:

1-31 (1) a copy of the petition submitted under Section
 1-32 775.015; and

1-33 (2) a sufficient legal description of the portion of
 1-34 the municipality and its extraterritorial jurisdiction that would
 1-35 be included in the district territory.

1-36 SECTION 2. Section 775.016(c), Health and Safety Code, is
 1-37 amended to read as follows:

1-38 (c) The commissioners court has exclusive jurisdiction to
 1-39 determine each issue relating to the creation of the district~~[~~
 1-40 ~~including any matters negotiated with a consenting municipality~~
 1-41 ~~under Section 775.014(h),]~~ and may issue incidental orders it
 1-42 considers proper in relation to the issues before the commissioners
 1-43 court. The commissioners court may adjourn the hearing as
 1-44 necessary.

1-45 SECTION 3. Section 775.017(a), Health and Safety Code, is
 1-46 amended to read as follows:

1-47 (a) If after the hearing the commissioners court finds that
 1-48 creation of the district is feasible and will promote the public
 1-49 safety, welfare, health, and convenience of persons residing in the
 1-50 proposed district, the commissioners court shall grant the petition
 1-51 and [] fix the district's boundaries [, and impose any conditions
 1-52 negotiated under Section 775.014(h)]. If the proposed district,
 1-53 according to its boundaries stated in the petition, is located
 1-54 wholly in a county with a population of more than 3.3 million, the
 1-55 commissioners court may amend the petition to change the boundaries
 1-56 of the proposed district if the commissioners court finds the
 1-57 change is necessary or desirable. For the purposes of this
 1-58 provision, the population of the county is determined according to
 1-59 the most recent federal decennial census available at the time the
 1-60 petition is filed.

1-61 SECTION 4. Section 775.018(a), Health and Safety Code, is

2-1 amended to read as follows:

2-2 (a) On the granting of a petition, the commissioners court
2-3 shall order an election to confirm the district's creation and
2-4 authorize the imposition of a tax not to exceed the rate allowed by
2-5 Section 48-e, Article III, Texas Constitution. [~~Any conditions~~
2-6 ~~negotiated under Section 775.014(h) must be included on the~~
2-7 ~~ballot.~~]

2-8 SECTION 5. Section 775.019(b), Health and Safety Code, is
2-9 amended to read as follows:

2-10 (b) A district may not include territory in a municipality's
2-11 limits or extraterritorial jurisdiction unless a majority of the
2-12 voters residing in that territory who vote at the election vote in
2-13 favor of creating the district [~~subject to any conditions~~
2-14 ~~negotiated under Section 775.014(h)~~] and imposing a tax. The
2-15 exclusion of that territory does not affect the creation of a
2-16 district that includes the remainder of the proposed territory if
2-17 the commissioners court's findings under Section 775.017 are
2-18 favorable to the district's creation.

2-19 SECTION 6. Section 775.022(g), Health and Safety Code, is
2-20 amended to read as follows:

2-21 (g) The amount of compensation under Subsection (c) shall be
2-22 determined under Subsection (e) regardless of whether Subsection
2-23 (e-1) would yield a greater amount if:

2-24 (1) the municipality has a population of more than one
2-25 million and the majority of the territory inside the municipality's
2-26 corporate boundaries is located inside a county with a population
2-27 of less than 2.1 million [~~is a municipality described by Section~~
2-28 ~~775.014(h)~~]; and

2-29 (2) the municipality and the district enter into an
2-30 agreement on or before September 1, 2019, regarding the district's
2-31 bonded and other indebtedness.

2-32 SECTION 7. The following sections of the Health and Safety
2-33 Code are repealed:

- 2-34 (1) Section 775.014(h);
- 2-35 (2) Section 775.019(f); and
- 2-36 (3) Section 775.031(e).

2-37 SECTION 8. Any conditions that were negotiated by the
2-38 governing body of a municipality and the commissioners court of a
2-39 county under Section 775.014(h), Health and Safety Code, as that
2-40 section existed immediately before the effective date of this Act,
2-41 are terminated and have no effect.

2-42 SECTION 9. The changes in law made by this Act do not affect
2-43 the validity or enforceability of a contract that was entered into
2-44 by the board of emergency services commissioners of an emergency
2-45 services district before the effective date of this Act.

2-46 SECTION 10. This Act takes effect September 1, 2023.

2-47 * * * * *