

BILL ANALYSIS

Senate Research Center

H.B. 3191
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Intergovernmental Relations
5/5/2001
Engrossed

DIGEST AND PURPOSE

The City of San Antonio is concerned about the implications to its annexation policy if emergency service districts (district) are created within the city's extraterritorial jurisdiction (ETJ). Current law requires a municipality that annexes a portion of a district to compensate the district in the amount equal to the annexed territory's pro rata share of the district's indebtedness at the time the territory is annexed. H.B. 3191 provides a municipality the ability to negotiate conditions for including territory in its ETJ in a district.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 775.013(a), Health and Safety Code, to require a petition prescribed by Section 775.011 or 775.012 to show the name of each municipality whose consent is required to be obtained under Section 775.014.

SECTION 2. Amends Section 775.014, Health and Safety Code, to require a written request to be included in the district to be presented to the municipality's governing body after the petition is filed under Section 775.015, before a district may be created that contains territory in a municipality's limits or extraterritorial jurisdiction. Authorizes the governing body of a municipality with a population of more than one million to negotiate with the commissioners court of a county with a population of less than 1.4 million that is the county in which the majority of the territory inside the municipality will grant its consent to the inclusion of its extraterritorial jurisdiction in the district. Authorizes the negotiated conditions to limit the district's ability to incur debt, require the district to ensure that its equipment is compatible with the municipality's equipment, and require the district to enter into mutual aid agreements. Requires a request submitted under this section to a municipality described by this section to include certain information.

SECTION 3. Amends Section 775.016(c), Health and Safety Code, to provide that the commissioners court has exclusive jurisdiction to determine each issue relating to the creation of the district, including any matters negotiated with a consenting municipality under Section 775.014(h), and authorizes the commissioners court to issue incidental orders it considers proper in relation to the issues before the commissioners court.

SECTION 4. Amends Section 775.017(a), Health and Safety Code, to require the commissioners court to grant the petition, fix the districts boundaries, and impose any conditions negotiated under Section 775.014(h), if after the hearing the commissioners court finds that creation of the district is feasible and will promote the public safety, welfare, health, and convenience of person residing in the proposed district.

SECTION 5. Amends Section 775.018(a), Health and Safety Code, to require any condition

negotiated under Section 775.014(h) to be included on the election ballot.

SECTION 6. Amends Section 775.019, Health and Safety Code, to prohibit a district from including territory in a municipality's limits or extraterritorial jurisdiction unless a majority of the voters residing in that territory who vote at the election vote in favor of creating the district subject to any conditions negotiated under Section 775.014(h) and imposing a tax. Requires any conditions that were negotiated under Section 775.014(h) and included on the ballot to be included in the order entered under this section.

SECTION 7. Amends Section 775.031, Health and Safety Code, by adding Subsection (e) to provide that in the event of a conflict between a power granted under this chapter and a condition imposed in accordance with Section 775.019(f), the condition controls.

SECTION 8. Effective date: September 1, 2001.