

BILL ANALYSIS

Senate Research Center

S.B. 1712
By: Van de Putte
Intergovernmental Relations
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As Filed

DIGEST AND PURPOSE

As proposed, S.B. 1712 amends regulations regarding emergency service districts composed of areas in a municipality's limits or extraterritorial jurisdiction.

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, Health and Safety Code, to require the petition prescribed by Section 775.011 or 775.012 to show the names of all municipalities whose consent must be sought under Section 775.014.

SECTION 2. Amends Section 775.014, Health and Safety Code, to provide that before a district can be created that contains territory in a municipality's limits or extraterritorial jurisdiction, a written request to be included in the district must be presented to the governing body of the municipality, after a petition is filed under Section 775.015. Authorizes the governing body of a municipality to negotiate conditions under which its consent to the inclusion of its extraterritorial jurisdiction is granted with the commissioners court of the county which has authority to create the proposed district. Sets forth issues that the negotiations may address. Requires a request submitted under this section to include a copy of the petition submitted under Section 775.015 and a sufficient legal description of that portion of the municipality or its extraterritorial jurisdiction which would be included within the district's boundaries.

SECTION 3. Amends Section 775.016, Health and Safety Code, to provide that the commissioners court has exclusive jurisdiction to determine issues relating to the creation of the district, including any matters negotiated with a consenting municipality under Section 775.014(h).

SECTION 4. Amends Section 775.017, Health and Safety Code, to require the commissioners court to impose any conditions negotiated under Section 775.014(h) if the petition is granted.

SECTION 5. Amends Section 775.018(a), Health and Safety Code, to require any conditions negotiated under Section 775.014(h) to be included on the ballot.

SECTION 6. Amends Section 775.019, Health and Safety Code, as follows:

(b) Prohibits 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.

(f) Requires any conditions which 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 is controlling.

SECTION 8. Effective date: September 1, 2001.