

1-1 By: Simmons (Senate Sponsor - Nelson) H.B. No. 2883
1-2 (In the Senate - Received from the House May 6, 2015;
1-3 May 7, 2015, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2015, reported favorably by
1-5 the following vote: Yeas 7, Nays 0; May 22, 2015, 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 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the addition of territory to a crime control and
1-18 prevention district and to a fire control, prevention, and
1-19 emergency medical services district.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 344, Local Government Code, is amended
1-22 by adding Subchapter D-1 to read as follows:

1-23 SUBCHAPTER D-1. ADDITION OF TERRITORY TO DISTRICT

1-24 Sec. 344.181. ELECTION REQUIRED. The municipality that
1-25 created a district may add all or part of the territory in the
1-26 municipality's extraterritorial jurisdiction to the district and
1-27 the district may impose a tax in that territory only if the addition
1-28 of the territory and the imposition of the tax are approved by a
1-29 majority of the qualified voters of the territory to be added voting
1-30 at an election held for that purpose.

1-31 Sec. 344.182. CONFIRMATION ELECTION ORDER. (a) The board
1-32 may not call and hold a confirmation election until the board adopts
1-33 a budget plan and a fire control, prevention, and emergency medical
1-34 services plan under Section 344.061 that include the proposed
1-35 addition of territory.

1-36 (b) An order calling an election under Subsection (a) must
1-37 state:

1-38 (1) the nature of the election, including the
1-39 proposition that is to appear on the ballot;

1-40 (2) the date of the election;

1-41 (3) the hours during which the polls will be open;

1-42 (4) the location of the polling places;

1-43 (5) a summary of the district's budget plan and fire
1-44 control, prevention, and emergency medical services plan that
1-45 includes the proposed addition of territory; and

1-46 (6) the proposed rate of the sales and use tax to be
1-47 imposed in the territory to be added.

1-48 Sec. 344.183. NOTICE OF ELECTION. In addition to the notice
1-49 required by Section 4.003(c), Election Code, the board shall give
1-50 notice of an election to add territory to the district by publishing
1-51 a substantial copy of the election order in a newspaper with general
1-52 circulation in the territory to be added once a week for two
1-53 consecutive weeks. The first publication must appear before the
1-54 35th day before the date set for the election.

1-55 Sec. 344.184. BALLOT PROPOSITION. The ballot for an
1-56 election to add territory to a district shall be printed to permit
1-57 voting for or against the proposition: "The addition of _____
1-58 (description of territory to be added) to the _____ (name of the
1-59 municipality that created the district) Fire Control, Prevention,
1-60 and Emergency Medical Services District dedicated to fire safety
1-61 and emergency medical services programs and the adoption of a

2-1 proposed local sales and use tax in the territory to be added at a
 2-2 rate of _____ (rate specified in the election order)."

2-3 Sec. 344.185. ELECTION RESULTS. (a) If a majority of the
 2-4 votes cast in the election favor the addition of the territory to
 2-5 the district, the board shall issue an order declaring the
 2-6 territory added to the boundaries of the district.

2-7 (b) If a majority of the votes cast in the election do not
 2-8 favor the addition of the territory to the district, the board may
 2-9 not order another election on the matter before the first
 2-10 anniversary of the date of the most recent election.

2-11 (c) The provisions of Section 321.102, Tax Code, governing
 2-12 the application of a municipal sales and use tax in the event of a
 2-13 change in the boundaries of a municipality apply to the application
 2-14 of a tax imposed under this chapter to territory added under this
 2-15 subchapter.

2-16 SECTION 2. Chapter 363, Local Government Code, is amended
 2-17 by adding Subchapter D-1 to read as follows:

2-18 SUBCHAPTER D-1. ADDITION OF TERRITORY TO DISTRICT

2-19 Sec. 363.181. ELECTION REQUIRED. The governing body that
 2-20 created a district may add all or part of the territory in the
 2-21 political subdivision governed by that body to the district and the
 2-22 district may impose a tax in that territory only if the addition of
 2-23 the territory and the imposition of the tax are approved by a
 2-24 majority of the qualified voters of the territory to be added voting
 2-25 at an election held for that purpose.

2-26 Sec. 363.182. ELECTION ORDER. (a) After a majority of the
 2-27 board has approved a budget plan and a crime control plan in
 2-28 accordance with Section 363.061 that include the proposed addition
 2-29 of territory, a majority of the board may order that an additional
 2-30 election be held.

2-31 (b) An order calling an election under Subsection (a) must
 2-32 state:

2-33 (1) the nature of the election, including the
 2-34 proposition that is to appear on the ballot;

2-35 (2) the date of the election;

2-36 (3) the hours during which the polls will be open;

2-37 (4) the location of the polling places;

2-38 (5) in summary form, the approved budget plan and
 2-39 crime control plan that include the proposed addition of territory;
 2-40 and

2-41 (6) the proposed rate of the sales and use tax to be
 2-42 imposed in the territory to be added.

2-43 Sec. 363.183. NOTICE OF ELECTION. In addition to the notice
 2-44 required by Section 4.003(c), Election Code, the board shall give
 2-45 notice of an election to add territory to the district by publishing
 2-46 a substantial copy of the election order in a newspaper with general
 2-47 circulation in the territory to be added once a week for two
 2-48 consecutive weeks. The first publication must appear before the
 2-49 35th day before the date set for the election.

2-50 Sec. 363.184. BALLOT PROPOSITION. The ballot for an
 2-51 election to add territory to a district shall be printed to permit
 2-52 voting for or against the proposition: "The addition of _____
 2-53 (description of territory to be added) to the _____ (name of the
 2-54 political subdivision that created the district) Crime Control and
 2-55 Prevention District dedicated to crime reduction programs and the
 2-56 adoption of a proposed local sales and use tax in the territory to
 2-57 be added at a rate of _____ (rate specified in the election
 2-58 order)."

2-59 Sec. 363.185. ELECTION RESULTS. (a) If a majority of the
 2-60 votes cast in the election favor the addition of the territory to
 2-61 the district, the board shall issue an order declaring the
 2-62 territory added to the boundaries of the district.

2-63 (b) If a majority of the votes cast in the election do not
 2-64 favor the addition of territory to the district, the board may not
 2-65 order another election on the matter before the first anniversary
 2-66 of the date of the most recent election.

2-67 (c) The provisions of Section 321.102, Tax Code, governing
 2-68 the application of a municipal sales and use tax in the event of a
 2-69 change in the boundaries of a municipality apply to the application

3-1 of a tax imposed under this chapter to territory added under this
3-2 subchapter.

3-3 SECTION 3. This Act takes effect immediately if it receives
3-4 a vote of two-thirds of all the members elected to each house, as
3-5 provided by Section 39, Article III, Texas Constitution. If this
3-6 Act does not receive the vote necessary for immediate effect, this
3-7 Act takes effect September 1, 2015.

3-8 * * * * *