

## CHAPTER 93

## S.B. No. 783

An Act relating to the establishment of a rural fire prevention district within the corporate or extraterritorial jurisdiction of a city; amending Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes), by amending Section 8(a) and by adding Section 8B and Section 14b.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes), is amended by adding Section 8B to read as follows:

"Section 8B. (a) When it is proposed to create a rural fire prevention district in an area that includes territory within the corporate limits or extraterritorial jurisdiction of a city, a written request to be included in the district shall be presented to the governing body of the city. Except as provided by Subsection (c) of this section, the city or area within its extraterritorial jurisdiction may not be included in the district unless the governing body gives its written consent not later than the 60th day after the date on which the request for inclusion is received.

"(b) If the governing body does not consent to the inclusion in the time provided by Subsection (a) of this section, a majority of the qualified voters and the owners of 50 percent or more of the land in the corporate or extraterritorial jurisdiction area of the city to be included in the district may petition the governing body to make fire protection available to that area. The petition must be submitted to the governing body not later than the 30th day after the 60th day following the date on which the written request is received in Subsection (a) of this section.

"(c) If the governing body refuses or fails to act on the petition requesting fire protection within six months from the date on which the petition is received, the refusal or failure to act constitutes consent by the governing body for the district to be created in accordance with the other sections of this Act, including the area that is the subject of the petition.

"(d) If the proposed rural fire prevention district is to include an area designated by a city as an industrial district under Section 5, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), consent to include the industrial district in the rural fire prevention district must be obtained from the governing body in the same manner provided by this section for including areas within the corporate limits or extraterritorial jurisdiction of a city.

"(e) If the governing body consents under this section to allow an area within its corporate limits or extraterritorial jurisdiction or in an industrial district to be included in the district, the area may be included in the proposed district in the same manner as other areas under this Act.

"(f) Consent by the governing body obtained under this section to initiate proceedings to create a rural fire prevention district under Section 8A of this section expires six months from the date on which the consent is given."

**SECTION 2.** Section 8(a), Chapter 57, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 2351a-6, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 8A [8(a)]. If the area of the proposed District encompasses the territory of any incorporated city, town or village, including the area within the extraterritorial jurisdiction of the city, town, or village, the Commissioners Court, if such city, town or village lies within its county, in making the determinations required in Section 6 of this Act, shall also determine whether those findings would be the same as to the remaining portion of the proposed district, excluding any or all of the territory of such incorporated municipalities in the event any one or more of such incorporated municipalities should fail to cast a majority vote in favor of the district and the tax.

"This finding shall be made as to each particular city, town or village whose territory is proposed to be included within the area of the proposed district.

"No district hereafter created shall include the area within the corporate or extraterritorial jurisdiction of any incorporated city, town, or village, unless the majority of the electors residing in that area [the municipality] and participating in the election called by the Commissioners Court to confirm the district and levy the tax voted in favor of both the creation of the district and the levy of the tax.

"Should a majority of the voters residing in the corporate or extraterritorial jurisdiction of a municipality and participating in the election vote against creation of the district or levy of the tax, the area [municipality] shall not be included within the district, but its exclusion shall not affect the creation of the district embracing the remainder of the proposed territory if the findings of the Commissioners Courts made as required in Section 6 and in this section of this Act are favorable to the creation of the district, as thus restricted. Should any nonconsenting city, town or village ever annex territory into such proposed Rural Fire Prevention District, then the Board of Fire Commissioners shall, after due notice, immediately de-annex such area from its district and shall cease to provide any further services to the residents of that area."

**SECTION 3.** Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes), is amended by adding Section 14b to read as follows:

"Section 14b. (a) The governing body of a city that has an area within its corporate or extraterritorial jurisdiction included within a rural fire prevention district may, on agreeing to provide fire protection to the area as provided by Section 8B of this Act, or if the area is designated an industrial district under Section 5, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), notify the secretary of the board of fire commissioners in writing that the area is excluded from the district's territory.

"(b) On receipt of the notice under Subsection (a) of this section, the board shall cease to provide further service to the area, exclude the area by order from the district, and redefine the district's boundaries."

**SECTION 4.** This Act takes effect September 1, 1985.

**SECTION 5.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 4, 1985, by the following vote: Yeas 31, Nays 0; passed the House on April 25, 1985, by the following vote: Yeas 143, Nays 0, two present not voting.

Approved: May 9, 1985

Effective: September 1, 1985