

By: Miller of Comal

H.B. No. 2788

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the powers and duties of certain emergency services
3 districts.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 775.0205(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) If the territory in a district created under this
8 chapter overlaps with the boundaries of another district created
9 under this chapter [~~or a district created under Chapter 776~~], the
10 most recently created district may not provide services in the
11 overlapping territory that duplicate the services provided by the
12 other district at the time the overlapping district was created.

13 SECTION 2. Section 344.051(c), Local Government Code, is
14 amended to read as follows:

15 (c) Except as provided by Subsection (f), a district may be
16 created inside the boundaries of an emergency services district
17 operating under Chapter 775 [~~or 776~~], Health and Safety Code, only
18 if the governing body of the emergency services district gives its
19 written consent by order or resolution not later than the 60th day
20 after the date the governing body receives a request for its
21 consent.

22 SECTION 3. Section 323.101(f), Tax Code, is amended to read
23 as follows:

24 (f) The provisions of this chapter govern the application,

1 collection, and administration of a sales and use tax imposed under
2 Chapter 285 or [7] 775, [~~or 776,~~] Health and Safety Code, to the
3 extent not inconsistent with the provisions of those chapters.
4 Provided, however, that Subsection (b) shall not apply to a tax
5 authorized under those chapters.

6 SECTION 4. Chapter 776, Health and Safety Code, is
7 repealed.

8 SECTION 5. (a) On the effective date of this Act, a district
9 created under Chapter 776, Health and Safety Code, is converted
10 into a district operated under Chapter 775, Health and Safety Code.
11 A district converted under this section continues in existence and
12 is subject to Chapter 775, Health and Safety Code.

13 (b) On and after the effective date of this Act, each person
14 serving as a fire commissioner of a district created under Chapter
15 776, Health and Safety Code, is an emergency services commissioner
16 and shall serve on the board of the district as an emergency
17 services commissioner for the remainder of the unexpired term to
18 which the person was elected.

19 SECTION 6. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.