

By: Gallego

H.B. No. 3132

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Presidio County Emergency Services District; providing authority to issue bonds and impose taxes.

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

SECTION 1. The Special District Local Laws Code is amended by adding Title 7 to read as follows:

TITLE 7. EMERGENCY SERVICES

CHAPTER 15001. PRESIDIO COUNTY EMERGENCY SERVICES DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 15001.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of emergency commissioners.

(2) "County" means Presidio County.

(3) "District" means the Presidio County Emergency Services District.

Sec. 15001.002. NATURE OF DISTRICT. The district is a special district created under Section 48-e, Article III, Texas Constitution.

Sec. 15001.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 15001.023 before December 31, 2011:

(1) the district is dissolved December 31, 2011, except that:

(A) any debts the district incurs shall be paid;

1           (B) any district assets that remain after the  
2 payment of debts shall be transferred to the county; and

3           (C) the organization of the district shall be  
4 maintained until all debts are paid and remaining assets are  
5 transferred; and

6           (2) this chapter expires September 1, 2013.

7           Sec. 15001.004. DISTRICT TERRITORY. The boundaries of the  
8 district are coextensive with the boundaries of Presidio County.

9           Sec. 15001.005. APPLICABILITY OF OTHER LAW. Chapter 776,  
10 Health and Safety Code, applies to the district.

11           [Sections 15001.006-15001.020 reserved for expansion]

12                   SUBCHAPTER A-1. TEMPORARY PROVISIONS

13           Sec. 15001.021. APPOINTMENT OF TEMPORARY EMERGENCY  
14 COMMISSIONERS. (a) The commissioners court of the county shall  
15 appoint five temporary emergency commissioners.

16           (b) Temporary emergency commissioners serve until the  
17 earlier of:

18                   (1) the date the initial emergency commissioners are  
19 appointed under Section 15001.024; or

20                   (2) the fourth anniversary of the effective date of  
21 the Act creating this chapter.

22           (c) If initial emergency commissioners have not been  
23 appointed under Section 15001.024 and the terms of the temporary  
24 emergency commissioners have expired, successor temporary  
25 emergency commissioners shall be appointed in the manner provided  
26 by Subsection (a) to serve terms that expire on September 1, 2013.

27           Sec. 15001.022. CONSENT OF MUNICIPALITY REQUIRED FOR

1 INCLUSION. (a) The temporary board shall make a written request to  
2 the governing body of each municipality in the county for consent to  
3 include territory in the municipality's limits or extraterritorial  
4 jurisdiction, as provided by Section 776.014(a), Health and Safety  
5 Code.

6 (b) A municipality's consent to inclusion in the district is  
7 governed by Section 776.014, Health and Safety Code.

8 (c) Before the temporary board orders the confirmation  
9 election under Section 15001.023, the board by order shall exclude  
10 from the territory of the district, for each municipality that has  
11 not provided written consent to inclusion in the district, any  
12 territory in the nonconsenting municipality's limits or  
13 extraterritorial jurisdiction.

14 Sec. 15001.023. CONFIRMATION ELECTION. (a) The temporary  
15 board shall hold an election to confirm the creation of the  
16 district.

17 (b) The ballot must be printed to provide for voting for or  
18 against the proposition: "The creation of the Presidio County  
19 Emergency Services District."

20 (c) To authorize the district to impose a maintenance tax  
21 for payment of expenses, the ballot must be printed to provide for  
22 voting for or against the proposition: "The levy of a maintenance  
23 tax at a rate not to exceed \_\_\_\_\_ cents for each \$100 of assessed  
24 valuation."

25 (d) The election shall be held on the first authorized  
26 uniform election date prescribed by the Election Code that allows  
27 sufficient time to comply with other requirements of law.

1       (e) Subject to Section 4.003, Election Code, the notice of  
2 the election shall be given in the same manner as the notice of the  
3 petition hearing.

4       (f) If a majority of the votes cast in the election favor  
5 confirmation, the district is created. The district may not  
6 include territory in a municipality's limits or extraterritorial  
7 jurisdiction unless a majority of the voters residing in that  
8 territory who vote at the election vote in favor of inclusion in the  
9 district and imposition of a tax by the district. The board by  
10 order shall exclude territory inside a municipality's limits or  
11 extraterritorial jurisdiction if a majority of the voters residing  
12 in that territory voting in the election vote against the creation  
13 of the district. The exclusion of territory within a  
14 municipality's limits or extraterritorial jurisdiction does not  
15 affect the creation of the district, which includes the remainder  
16 of the proposed territory, if the creation of the district is  
17 otherwise confirmed under this section.

18       Sec. 15001.024. INITIAL EMERGENCY COMMISSIONERS. If  
19 creation of the district is confirmed at an election held under  
20 Section 15001.023, the commissioners court of the county shall  
21 appoint the initial board as provided by Section 776.033(b), Health  
22 and Safety Code, after the temporary board enters an order creating  
23 the district.

24       Sec. 15001.025. EXPIRATION OF SUBCHAPTER. This subchapter  
25 expires September 1, 2014.

26       [Sections 15001.026-15001.050 reserved for expansion]

1           SUBCHAPTER B. BOARD OF EMERGENCY COMMISSIONERS

2           Sec. 15001.051. POWERS AND DUTIES OF BOARD. (a) The  
3 district is governed by a five-member board of emergency  
4 commissioners appointed by the commissioners court under Section  
5 776.033, Health and Safety Code.

6           (b) The board has the powers and duties provided by Chapter  
7 776, Health and Safety Code.

8           [Sections 15001.052-15001.100 reserved for expansion]

9           SUBCHAPTER C. DISTRICT POWERS AND DUTIES

10          Sec. 15001.101. GENERAL POWERS AND NATURE OF DISTRICT. (a)  
11 The district is a political subdivision of this state that has all  
12 of the rights, powers, privileges, functions, and duties provided  
13 by the general law of this state applicable to emergency services  
14 districts created under Section 48-e, Article III, Texas  
15 Constitution, including Chapter 776, Health and Safety Code.

16          (b) To perform its functions, the district may:

17               (1) acquire, hold, lease, manage, occupy, and sell  
18 real and personal property or an interest in property, including  
19 real property, improvements, and fixtures necessary to house,  
20 repair, and maintain emergency services vehicles and related  
21 equipment;

22               (2) appoint and employ necessary officers, agents, and  
23 employees;

24               (3) sue and be sued;

25               (4) impose and collect taxes as prescribed by this  
26 chapter;

27               (5) accept and receive donations;

1           (6) lease, own, maintain, and operate emergency  
2 services vehicles and other necessary or proper emergency services  
3 equipment and machinery to provide emergency services, including  
4 emergency ambulance services; and

5           (7) enter into and perform necessary contracts,  
6 including a contract with another district, municipality, or  
7 another entity:

8                   (A) to make fire-fighting facilities, fire  
9 extinguishment services, or emergency rescue and ambulance  
10 services available to the district; or

11                   (B) for reciprocal operation of services and  
12 facilities if the contracting parties find that reciprocal  
13 operation would be mutually beneficial and not detrimental to the  
14 parties to the contract.

15           [Sections 15001.102-15001.150 reserved for expansion]

16                   SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17           Sec. 15001.151. AD VALOREM TAX. The board shall impose an  
18 ad valorem tax as provided by Section 776.075, Health and Safety  
19 Code, if the imposition of the tax is approved at the election to  
20 create the district.

21           Sec. 15001.152. SALES AND USE TAX. (a) The district may  
22 adopt a sales and use tax, change the rate of its sales and use tax,  
23 or abolish its sales and use tax at an election held as provided by  
24 Section 776.0752, Health and Safety Code. The district may impose  
25 the tax at a rate of one-half percent, one percent, one and one-half  
26 percent, or two percent. Revenue from the tax may be used for any  
27 purpose for which ad valorem tax revenue of the district may be used

1 under Chapter 776, Health and Safety Code.

2 (b) Except as provided by Subsection (c), Section 776.0751,  
3 Health and Safety Code, and Chapter 323, Tax Code, apply to the  
4 application, collection, and administration of the tax imposed  
5 under this section.

6 Sec. 15001.153. BONDS AND NOTES AUTHORIZED. The board may  
7 issue bonds and notes, including bond anticipation notes, as  
8 prescribed by Subchapter E, Chapter 776, Health and Safety Code, to  
9 perform any of its powers.

10 SECTION 2. (a) The legal notice of the intention to  
11 introduce this Act, setting forth the general substance of this  
12 Act, has been published as provided by law, including Chapter 313,  
13 Government Code.

14 (b) All requirements of the constitution and laws of this  
15 state and the rules and procedures of the legislature with respect  
16 to the notice, introduction, and passage of this Act are fulfilled  
17 and accomplished.

18 SECTION 3. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2009.