

By: Garza

H.B. No. 1718

A BILL TO BE ENTITLED

AN ACT

relating to consolidation of emergency services districts in certain counties.

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

SECTION 1. Chapter 775, Health and Safety Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. CONSOLIDATION OF EMERGENCY SERVICES DISTRICTS

IN CERTAIN COUNTIES

Sec. 775.351. APPLICABILITY. This subchapter applies only to a county:

(1) with a population of more than 1.5 million; and

(2) that has in its boundaries 11 emergency services districts on January 1, 2011.

Sec. 775.352. CONSOLIDATION OF EMERGENCY SERVICES DISTRICTS. (a) All districts located wholly in a county to which this subchapter applies shall consolidate into a single district according to this subchapter.

(b) The boards of the districts shall adopt a joint order of consolidation that includes:

(1) the name and territory of the consolidated district; and

(2) the proposed date on which the former districts dissolve and the consolidated district is created and will start offering services, which may not be before the date the

1 commissioners court declares the results of the election held under
2 Section 775.353.

3 Sec. 775.353. ELECTION OF INITIAL BOARD. (a) Before the
4 former districts consolidate, the commissioners court shall order
5 an election to elect seven initial emergency services commissioners
6 at the next available uniform election date that allows sufficient
7 time to comply with other requirements of law.

8 (b) The commissioners court, at the time it orders the
9 election, shall order creation of seven election precincts in the
10 district and shall designate polling places in each precinct.

11 (c) One emergency services commissioner is elected from
12 each election precinct by the voters of that precinct.

13 (d) Except as provided by Subsection (e), emergency
14 services commissioners serve staggered two-year terms.

15 (e) The initial emergency services commissioners shall
16 stagger their terms, with a majority of the commissioners serving
17 two years, and a minority of commissioners serving one year. If the
18 initial commissioners cannot agree on the staggering, the
19 commissioners shall draw lots to determine the commissioners who
20 serve one-year terms.

21 Sec. 775.354. CONVERSION OF APPOINTED BOARD TO ELECTED
22 BOARD. An emergency services commissioner serving on the board of a
23 district in a county to which this subchapter applies immediately
24 before the date the joint order is adopted continues to carry out
25 the board's functions until the new commissioners for the
26 consolidated district are elected and qualified and the
27 consolidated district is created.

1 Sec. 775.355. ELECTION OF BOARD. (a) The governing body of
2 a consolidated district created under this subchapter consists of a
3 seven-person board of emergency services commissioners elected as
4 prescribed by this section. Except as provided by Section 775.353,
5 an emergency services commissioner serves a two-year term.

6 (b) The election precincts created under Section 775.353
7 shall remain the election precincts of the district until changed
8 by an order of its board. One commissioner is elected from each
9 election precinct by the voters of the precinct.

10 (c) The general election for commissioners shall be held
11 annually on a uniform election date provided by Chapter 41,
12 Election Code.

13 Sec. 775.356. TAXES FOR CONSOLIDATED DISTRICT. (a) The
14 boards that adopt a joint order under Section 775.352 jointly shall
15 set a maximum tax rate throughout the consolidated district at a
16 rate that does not exceed the lowest maximum tax rate authorized for
17 any of the former districts.

18 (b) The board of the consolidated district may order an
19 election under Section 775.0745 or 775.0752, as appropriate, to
20 authorize the imposition of taxes throughout the consolidated
21 district at a rate that exceeds the lowest maximum tax rate
22 authorized for any of the former districts but does not exceed the
23 maximum tax rate authorized by this chapter. If the board conducts
24 an election under Section 775.0752, Section 775.0753 governs the
25 effective date of the resulting tax rate.

26 Sec. 775.357. EFFECT OF CONSOLIDATION. The consolidated
27 district assumes all powers, rights, duties, assets, and

1 liabilities of the former districts without a change in
2 status. The consolidation does not diminish or impair the rights
3 of the holders of any outstanding and unpaid bonds, warrants, or
4 other obligations of the district.

5 SECTION 2. In a county to which Subchapter L, Chapter 755,
6 Health and Safety Code, as added by this Act, applies on the
7 effective date of this Act:

8 (1) the consolidation required by Section 775.352,
9 Health and Safety Code, as added by this Act, must take place as
10 soon as practicable after the date of an election held under Section
11 775.353(a), Health and Safety Code, as added by this Act, and not
12 later than August 31, 2013; and

13 (2) the resulting consolidated district must be
14 created and start offering services not later than September 1,
15 2013.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2011.