

By: Wentworth

S.B. No. 359

A BILL TO BE ENTITLED

AN ACT

1  
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 775.056(a), Health and Safety Code, is  
14 amended to read as follows:

15 (a) After a hearing, a district may make mutually agreeable  
16 changes in boundaries with another district, [~~or a district created~~  
17 ~~under Chapter 776,~~] provided that the maximum tax rate authorized  
18 for such a district does not exceed the maximum tax rate previously  
19 authorized for any territory added to that district. The districts  
20 shall agree on an effective date for the changes in boundaries.

21 SECTION 3. Section 344.051(c), Local Government Code, is  
22 amended to read as follows:

23 (c) Except as provided by Subsection (f), a district may be  
24 created inside the boundaries of an emergency services district

1 operating under Chapter 775 [~~or 776~~], Health and Safety Code, only  
2 if the governing body of the emergency services district gives its  
3 written consent by order or resolution not later than the 60th day  
4 after the date the governing body receives a request for its  
5 consent.

6 SECTION 4. Section 323.101(f), Tax Code, is amended to read  
7 as follows:

8 (f) The provisions of this chapter govern the application,  
9 collection, and administration of a sales and use tax imposed under  
10 Chapter 285 or [~~7~~] 775, [~~or 776,~~] Health and Safety Code, to the  
11 extent not inconsistent with the provisions of those chapters.  
12 Provided, however, that Subsection (b) shall not apply to a tax  
13 authorized under those chapters.

14 SECTION 5. Chapter 776, Health and Safety Code, is  
15 repealed.

16 SECTION 6. (a) On the effective date of this Act, a district  
17 created under Chapter 776, Health and Safety Code, is converted  
18 into a district operated under Chapter 775, Health and Safety Code.  
19 A district converted under this section continues in existence and  
20 is subject to Chapter 775, Health and Safety Code.

21 (b) On and after the effective date of this Act, each person  
22 serving as an emergency commissioner of a district created under  
23 Chapter 776, Health and Safety Code, is an emergency services  
24 commissioner and shall serve on the board of the district as an  
25 emergency services commissioner for the remainder of the unexpired  
26 term to which the person was elected.

27 SECTION 7. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2011.