

BILL ANALYSIS

S.B. 332
By: Rodríguez
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Two emergency services districts are located wholly in El Paso County. For each district, under current law in Section 775.034 (Appointment of Board in District Located Wholly in One County), Health and Safety Code, the El Paso County Commissioners Court appoints a five-member board of emergency services commissioners to serve as the county's emergency service district's governing body.

Additionally, under current law in Section 775.0422 (Removal of Appointed Board Member by Commissioners Court), Health and Safety Code, the El Paso County Commissioners Court can remove one or more board members for failing to give a statutorily required report to the commissioners court. Due to weaknesses identified in current operations, it is essential to provide the county oversight similar to its guidance of other health and safety providers in the county. S.B. 332 seeks to increase transparency and accountability of the emergency service districts in El Paso County.

S.B. 332 amends current law relating to commissioners court oversight of certain emergency services districts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Chapter 775, Health and Safety Code, by adding Subchapter K, as follows:

SUBCHAPTER K. DISTRICTS IN CERTAIN COUNTIES

Sec. 775.301. DEFINITION. Defines "commissioners court" in this subchapter.

Sec. 775.302. APPLICABILITY. (a) Provides that this subchapter applies only to a district that is located wholly in a county that borders the United Mexican States, that has a population of more than 800,000, and for which the commissioners court appoints a board of emergency services commissioners (board) under Section 775.034 (Appointment of Board in District Located Wholly in One County).

(b) Provides that this subchapter controls over a provision of this chapter or other law to the extent of a conflict.

Sec. 775.303. DELEGATION OR WAIVER BY COMMISSIONERS COURT. (a) Authorizes the commissioners court to adopt a resolution to delegate to the board of a district a duty assigned to the commissioners court under this subchapter that relates to that district, or waive a requirements in this subchapter that the commissioners court approve an action of a district.

(b) Authorizes a resolution adopted under this section to apply to more than one board or district.

(c) Authorizes the commissioners court to by resolution terminate the delegation of a duty or the waiver of an approval requirement.

Sec. 775.304. POWERS RELATING TO DISTRICT PROPERTY, FACILITIES, AND EQUIPMENT. (a) Authorizes the commissioners court to establish policies and procedures the board is required to comply with when:

(1) constructing, purchasing, acquiring, contracting for, leasing, adding to, maintaining, operating, developing, regulating, selling, exchanging, or conveying real or personal property, a property right, equipment, goods, services, a facility, or a system to maintain a building or other facility or to provide a service to or required by the district; or

(2) providing services through and using public funds for a volunteer fire department or emergency service department or emergency service provider.

(b) Provides that the policies and procedures:

(1) are authorized to include requiring the board to submit to the commissioners court periodic reports on the district's compliance with the policies and procedures;

(2) are required to establish the types of transactions, including maximum dollar amounts, the board is authorized to make when conducting an activity described by Subsection (a) without the approval of the commissioners court, if any;

(3) are required to designate by name, title, or position a person in the county as the primary point of contact between the commissioners court and the board; and

(4) are prohibited from being established until the commissioners court consults with the board.

(c) Provides that this section does not authorize the commissioners court or the board to use real or personal property, a property right, equipment, a facility, or a system to provide a telecommunications service, advanced communications service, or information service as defined by 47 U.S.C. Section 153, or a video service as defined by Section 66.002 (Definitions), Utilities Code.

Sec. 775.305. BUDGET. (a) Requires the commissioners court to establish a schedule for a district to prepare an annual budget, tax rate calculations and notices, and a recommended tax rate and to submit the budget, calculations, notices, and recommendation to the commissioners court for final approval.

(b) Requires the schedule to take into account requirements of this chapter, Chapter 26 (Assessment), Tax Code, and Section 21 (Increase In Total Property Taxes; Notice and Hearing; Calculation), Article VIII, Texas Constitution, applicable to adopting a district tax rate and provide the commissioners court with a reasonable amount of time to review the submissions required under Subsection (a).

(c) Requires the board to prepare and submit to the commissioners court an annual budget for final approval, and submit to the commissioners court and the county tax auditor tax rate calculations and notices as well as a recommended tax rate, according to the schedule established under this section.

(d) Provides that the commissioners court is considered to have approved the budget if the commissioners court does not approve or deny a budget submitted to the commissioners court under this section before the 31st day after the date the budget is submitted.

(e) Provides that the commissioners court is considered to have approved the recommended tax rate and the recommended tax rate is the rate for the year in which the rate is recommended if the commissioners court does not approve or deny a tax rate recommended to the commissioners court under this section before the 31st day after the date the recommended tax rate is submitted.

Sec. 775.306. BUSINESS PARTICIPATION. Requires the board to encourage and promote participation by all sectors of the business community, including small businesses and businesses owned by members of a minority group or by women, in the process by which the district enters into contracts. Requires the board to develop a plan for the district to identify and remove barriers that do not have a definite or objective relationship to quality or competence and that unfairly discriminate against small businesses and businesses owned by members of a minority group or by women. Provides that these barriers may include contracting procedures and contract specifications or procedures.

EFFECTIVE DATE

(a) Effective date, except as provided by Subsection (b) of this section: September 1, 2013.

(b) Effective date, Section 775.305, Health and Safety Code, as added by this Act: January 1, 2014.