

By: Marquez

H.B. No. 685

A BILL TO BE ENTITLED

AN ACT

relating to commissioners court oversight of certain emergency services districts.

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

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

SUBCHAPTER K. DISTRICTS IN CERTAIN COUNTIES

Sec. 775.301. DEFINITION. In this subchapter, "commissioners court" means the commissioners court of a county that borders the United Mexican States and has a population of more than 800,000.

Sec. 775.302. APPLICABILITY; SUBCHAPTER SUPERSEDES. (a) This subchapter applies only to a district that is located wholly or partly in a county that borders the United Mexican States and has a population of more than 800,000.

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

Sec. 775.303. POWERS RELATING TO DISTRICT PROPERTY, FACILITIES, AND EQUIPMENT. (a) With the approval of the commissioners court, the board may construct, acquire, lease, add to, maintain, operate, develop, regulate, sell, exchange, and convey any property, property right, equipment, facility, or system to maintain a building or other facility or to provide a service required by the district.

1 (b) Notwithstanding any other law, the board may, with the
2 approval of the commissioners court, lease undeveloped real
3 property for not more than 50 years to provide for the development
4 and construction of facilities designed to generate revenue for the
5 financial benefit of the district. The board, directly or through
6 a nonprofit corporation, may contract or enter into a joint venture
7 with a public or private entity as necessary to enter into a lease
8 under this subsection.

9 (c) The board may not borrow money or make other financial
10 arrangements under Section 775.085 unless the commissioners court
11 approves the transaction.

12 Sec. 775.304. CONTRACTING AUTHORITY. (a) With the
13 approval of the commissioners court, the board may, in performing
14 its powers under Section 775.303, contract or cooperate with:

- 15 (1) the federal government;
- 16 (2) this state;
- 17 (3) another governmental entity; or
- 18 (4) a privately owned or operated hospital.

19 (b) The district may not enter into a contract with a local
20 government under Section 775.0366 unless the commissioners court
21 approves that contract.

22 (c) The board shall encourage and promote participation by
23 all sectors of the business community, including small businesses
24 and businesses owned by members of a minority group or by women, in
25 the process by which the district enters into contracts. The board
26 shall develop a plan for the district to identify and remove
27 barriers that do not have a definite or objective relationship to

1 quality or competence and that unfairly discriminate against small
2 businesses and businesses owned by members of a minority group or by
3 women. These barriers may include contracting procedures and
4 contract specifications or conditions.

5 Sec. 775.305. COUNTY AUTHORITY TO SELL, LEASE, AND PURCHASE
6 FACILITIES FOR DISTRICT PURPOSES. (a) The commissioners court may
7 sell real or personal property in order to enter into a contract to:

8 (1) lease or rent buildings, land, facilities,
9 equipment, or services from others for district purposes;

10 (2) construct, repair, renovate, improve, or enlarge
11 buildings, land, facilities, or equipment for district purposes;
12 and

13 (3) pay regular monthly utility bills, including
14 electricity, gas, and water bills, for the leased or rented
15 buildings, land, facilities, equipment, or services.

16 (b) The commissioners court may pay for the facilities,
17 equipment, and services and for the regular monthly utility bills
18 for those facilities, equipment, and services from the county's
19 general fund if a majority of the commissioners court considers the
20 facilities, equipment, and services essential to the proper
21 administration of the county.

22 (c) A construction project under this section shall be let
23 by contract. The contract must contain the prevailing wage for
24 mechanics, laborers, and other persons employed in the project.

25 (d) On or before the expiration of the lease or rental
26 contract, the county may purchase the facilities with county
27 general funds if a majority of the commissioners court considers

1 the purchase price reasonable.

2 Sec. 775.306. PURCHASING PROCEDURES. A district shall
3 purchase items in accordance with the same procedures and subject
4 to the same requirements applicable to a county under Subchapter C,
5 Chapter 262, Local Government Code. For the purposes of this
6 section, a district is treated as if it were a county.

7 Sec. 775.307. BUDGET. The board shall prepare an annual
8 budget. The board shall present the annual budget to the
9 commissioners court for final approval.

10 Sec. 775.308. AD VALOREM TAX. (a) With respect to the
11 imposition or collection of an ad valorem tax imposed for the
12 benefit of a district to which this subchapter applies, the
13 commissioners court has the authority assigned by law to the board
14 of the district, including the authority to:

15 (1) adopt an exemption, partial exemption, or other
16 form of relief from an ad valorem tax;

17 (2) elect to tax property that would otherwise be
18 exempt from an ad valorem tax;

19 (3) exercise a power granted to a taxing unit under
20 Section 6.30, Tax Code; and

21 (4) determine whether the district may call an
22 election under Section 775.0745 to increase the district's tax
23 rate.

24 (b) The board of a district to which this subchapter applies
25 may not exercise a power granted by Subsection (a) to the
26 commissioners court with respect to the imposition or collection of
27 an ad valorem tax imposed for the benefit of the district.

1 SECTION 2. This Act takes effect September 1, 2013.