

By: Coleman

H.J.R. No. 148

Substitute the following for H.J.R. No. 148:

By: Hernandez Luna

C.S.H.J.R. No. 148

A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize the creation of
2 emergency response districts; providing authority to impose a tax
3 and issue bonds.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article III, Texas Constitution, is amended by
6 adding Section 48-d to read as follows:

7 Sec. 48-d. (a) The following are declared to be public
8 rights and duties, and the Legislature may pass laws as may be
9 appropriate relating to:

10 (1) protection of the health and welfare of the
11 citizens and residents of this State during natural disasters and
12 other emergency situations;

13 (2) prevention of and protection from damage to or
14 destruction of property in this State; and

15 (3) preservation and protection of natural resources
16 in this State.

17 (b) There may be created within this State, or the State may
18 be divided into, such number of emergency response districts as may
19 be determined to be essential to the accomplishment of the purposes
20 of this section. The emergency response districts shall be
21 governmental agencies and bodies politic and corporate with such
22 powers of government and with the authority to exercise such
23 rights, privileges, and functions concerning the subject matter of
24 this section as may be conferred by law.

1 (c) The Legislature shall authorize indebtedness necessary
2 to provide improvements and the maintenance of those improvements
3 necessary to the achievement of the purposes of this section. The
4 indebtedness may be evidenced by bonds or other obligations of the
5 emergency response districts, to be issued as may be prescribed by
6 law. The Legislature shall also authorize the imposition within
7 the emergency response districts of taxes, equitably distributed,
8 as may be necessary for the payment of interest and the creation of
9 a sinking fund for the payment of bonds or other obligations and for
10 the maintenance of the districts and improvements. The indebtedness
11 shall be a lien on the property assessed for the payment of the
12 indebtedness. The Legislature may not authorize the imposition of
13 taxes for maintenance and operation of an emergency response
14 district, authorize the issuance of any bonds by a district, or
15 provide for any indebtedness against a district unless that
16 proposition is submitted to the qualified voters of the district
17 and adopted by the voters.

18 (d) A law creating an emergency response district may not be
19 passed unless notice of the intention to introduce the bill setting
20 forth the general substance of the contemplated law has been
21 published at least 30 days and not more than 90 days prior to the
22 introduction of the bill in a newspaper or newspapers having
23 general circulation in the county or counties in which the district
24 or any part of the district is or will be located, and by delivering
25 a copy of the notice and the bill to the governor, who shall submit
26 the notice and the bill to the Division of Emergency Management of
27 the Department of Public Safety of the State of Texas or its

1 successor. The Division or its successor shall file its
2 recommendation as to the bill with the governor, lieutenant
3 governor, and speaker of the house of representatives not later
4 than 30 days after the date the notice is received by the Division
5 or its successor. The notice and copy of a bill shall also be given
6 for the introduction of a bill amending a law creating or governing
7 a particular emergency response district if the bill:

8 (1) adds additional land to the district;

9 (2) alters the taxing authority of the district;

10 (3) alters the authority of the district with respect
11 to the issuance of bonds; or

12 (4) alters the qualifications or terms of office of
13 the members of the governing body of the district.

14 (e) A law creating an emergency response district may not be
15 passed unless, at the time notice of the intention to introduce a
16 bill is published as provided in Subsection (d), a copy of the
17 proposed bill is delivered to the commissioners court of each
18 county in which the district or any part of the district is or will
19 be located and to the governing body of each municipality in whose
20 jurisdiction the district or any part of the district is or will be
21 located. Each commissioners court and governing body may file its
22 written consent or opposition to the creation of the proposed
23 district with the governor, lieutenant governor, and speaker of the
24 house of representatives. Each special law creating an emergency
25 response district shall comply with the provisions of the general
26 laws then in effect relating to consent by political subdivisions
27 to the creation of emergency response districts and to the

1 inclusion of land in the district.

2 SECTION 2. This proposed constitutional amendment shall be
3 submitted to the voters at an election to be held November 5, 2013.
4 The ballot shall be printed to provide for voting for or against the
5 proposition: "The constitutional amendment to authorize the
6 creation of emergency response districts."