

By: Coleman

H.J.R. No. 148

A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize the creation of
2 emergency and disaster response districts; providing authority to
3 impose a tax 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 and disaster response
19 districts as may be determined to be essential to the
20 accomplishment of the purposes of this section. The emergency and
21 disaster response districts shall be governmental agencies and
22 bodies politic and corporate with such powers of government and
23 with the authority to exercise such rights, privileges, and
24 functions concerning the subject matter of this section as may be

1 conferred by law.

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

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

1 file its recommendation as to the bill with the governor,
2 lieutenant governor, and speaker of the house of representatives
3 not later than 30 days after the date the notice is received by the
4 Division or its successor. The notice and copy of a bill shall also
5 be given for the introduction of a bill amending a law creating or
6 governing a particular emergency and disaster response district if
7 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 and disaster response
15 district may not be passed unless, at the time notice of the
16 intention to introduce a bill is published as provided in
17 Subsection (d), a copy of the proposed bill is delivered to the
18 commissioners court of each county in which the district or any part
19 of the district is or will be located and to the governing body of
20 each municipality in whose jurisdiction the district or any part of
21 the district is or will be located. Each commissioners court and
22 governing body may file its written consent or opposition to the
23 creation of the proposed district with the governor, lieutenant
24 governor, and speaker of the house of representatives. Each special
25 law creating an emergency and disaster response district shall
26 comply with the provisions of the general laws then in effect
27 relating to consent by political subdivisions to the creation of

1 emergency and disaster response districts and to the inclusion of
2 land in the district.

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