

1-1 By: Rodriguez S.B. No. 332
 1-2 (In the Senate - Filed February 1, 2013; February 5, 2013,
 1-3 read first time and referred to Committee on Intergovernmental
 1-4 Relations; April 3, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
 1-6 April 3, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 332 By: Nichols

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to commissioners court oversight of certain emergency
 1-18 services districts.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 775, Health and Safety Code, is amended
 1-21 by adding Subchapter K to read as follows:

1-22 SUBCHAPTER K. DISTRICTS IN CERTAIN COUNTIES

1-23 Sec. 775.301. DEFINITION. In this subchapter,
 1-24 "commissioners court" means the commissioners court of a county
 1-25 that borders the United Mexican States, has a population of more
 1-26 than 800,000, and appoints a board of emergency services
 1-27 commissioners under this chapter.

1-28 Sec. 775.302. APPLICABILITY. (a) This subchapter applies
 1-29 only to a district that is located wholly in a county that borders
 1-30 the United Mexican States, that has a population of more than
 1-31 800,000, and for which the commissioners court appoints a board of
 1-32 emergency services commissioners under Section 775.034.

1-33 (b) This subchapter controls over a provision of this
 1-34 chapter or other law to the extent of a conflict.

1-35 Sec. 775.303. DELEGATION OR WAIVER BY COMMISSIONERS COURT.

1-36 (a) The commissioners court may adopt a resolution to:

1-37 (1) delegate to the board of a district a duty assigned
 1-38 to the commissioners court under this subchapter that relates to
 1-39 that district; or

1-40 (2) waive a requirement in this subchapter that the
 1-41 commissioners court approve an action of a district.

1-42 (b) A resolution adopted under this section may apply to
 1-43 more than one board or district.

1-44 (c) The commissioners court may by resolution terminate the
 1-45 delegation of a duty or the waiver of an approval requirement.

1-46 Sec. 775.304. POWERS RELATING TO DISTRICT PROPERTY,
 1-47 FACILITIES, AND EQUIPMENT. (a) The commissioners court may
 1-48 establish policies and procedures the board must comply with when:

1-49 (1) constructing, purchasing, acquiring, contracting
 1-50 for, leasing, adding to, maintaining, operating, developing,
 1-51 regulating, selling, exchanging, or conveying real or personal
 1-52 property, a property right, equipment, goods, services, a facility,
 1-53 or a system to maintain a building or other facility or to provide a
 1-54 service to or required by the district; or

1-55 (2) providing services through and using public funds
 1-56 for a volunteer fire department or emergency service provider.

1-57 (b) The policies and procedures:

1-58 (1) may include requiring the board to submit to the
 1-59 commissioners court periodic reports on the district's compliance
 1-60 with the policies and procedures;

2-1 (2) must establish the types of transactions,
2-2 including maximum dollar amounts, the board may make when
2-3 conducting an activity described by Subsection (a) without the
2-4 approval of the commissioners court, if any;

2-5 (3) must designate by name, title, or position a
2-6 person in the county as the primary point of contact between the
2-7 commissioners court and the board; and

2-8 (4) may not be established until the commissioners
2-9 court consults with the board.

2-10 (c) This section does not authorize the commissioners court
2-11 or the board to use real or personal property, a property right,
2-12 equipment, a facility, or a system to provide a telecommunications
2-13 service, advanced communications service, or information service
2-14 as defined by 47 U.S.C. Section 153, or a video service as defined
2-15 by Section 66.002, Utilities Code.

2-16 Sec. 775.305. BUDGET. (a) The commissioners court shall
2-17 establish a schedule for a district to prepare an annual budget, tax
2-18 rate calculations and notices, and a recommended tax rate and to
2-19 submit the budget, calculations, notices, and recommendation to the
2-20 commissioners court for final approval.

2-21 (b) The schedule must take into account requirements of this
2-22 chapter, Chapter 26, Tax Code, and Section 21, Article VIII, Texas
2-23 Constitution, applicable to adopting a district tax rate and
2-24 provide the commissioners court a reasonable amount of time to
2-25 review the submissions required under Subsection (a).

2-26 (c) The board shall:

2-27 (1) prepare an annual budget and submit the budget to
2-28 the commissioners court for final approval according to the
2-29 schedule established under this section; and

2-30 (2) submit to the commissioners court and the county
2-31 auditor tax rate calculations and notices and a recommended tax
2-32 rate according to the schedule established under this section.

2-33 (d) If the commissioners court does not approve or deny a
2-34 budget submitted to the commissioners court under this section
2-35 before the 31st day after the date the budget is submitted, the
2-36 commissioners court is considered to have approved the budget.

2-37 (e) If the commissioners court does not approve or deny a
2-38 tax rate recommended to the commissioners court under this section
2-39 before the 31st day after the date the recommended tax rate is
2-40 submitted, the commissioners court is considered to have approved
2-41 the recommended tax rate and the recommended tax rate is the rate
2-42 for the year in which the rate is recommended.

2-43 Sec. 775.306. BUSINESS PARTICIPATION. The board shall
2-44 encourage and promote participation by all sectors of the business
2-45 community, including small businesses and businesses owned by
2-46 members of a minority group or by women, in the process by which the
2-47 district enters into contracts. The board shall develop a plan for
2-48 the district to identify and remove barriers that do not have a
2-49 definite or objective relationship to quality or competence and
2-50 that unfairly discriminate against small businesses and businesses
2-51 owned by members of a minority group or by women. These barriers
2-52 may include contracting procedures and contract specifications or
2-53 conditions.

2-54 SECTION 2. (a) Except as provided by Subsection (b) of
2-55 this section, this Act takes effect September 1, 2013.

2-56 (b) Section 775.305, Health and Safety Code, as added by
2-57 this Act, takes effect January 1, 2014.

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