

By: Miller of Comal

H.J.R. No. 104

A JOINT RESOLUTION

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

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

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

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

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

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

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

(b) There may be created within this State, as provided by general or local law, such number of emergency response districts as may be determined to be essential to the accomplishment of the purposes described by Subsection (a) of this section. The emergency response districts shall be governmental agencies and bodies politic and corporate with such powers of government and with the authority to exercise such rights, privileges, and functions concerning the subject matter of this section as may be conferred by

1 law.

2 (c) The Legislature may authorize the imposition within the
3 emergency response districts of taxes, equitably distributed, as
4 may be necessary for the payment of interest and the creation of a
5 sinking fund for the payment of bonds or other obligations and for
6 the maintenance of the districts and improvements. The Legislature
7 may not authorize the imposition of taxes for maintenance and
8 operation of an emergency response district, authorize the issuance
9 of any bonds by a district, or provide for any indebtedness against
10 a district unless that proposition is submitted to the qualified
11 voters of the district and adopted by the voters.

12 (d) A local law creating an emergency response district may
13 not be passed unless notice of the intention to introduce the bill
14 setting forth the general substance of the contemplated law has
15 been published at least 30 days and not more than 90 days prior to
16 the introduction of the bill in one or more newspapers having
17 general circulation in each county in which the district or any part
18 of the district is or will be located, and by delivering a copy of
19 the notice and the bill to the governor, who shall submit the
20 notice and the bill to the Division of Emergency Management of the
21 Department of Public Safety of the State of Texas or its successor.
22 The Division or its successor shall file its recommendation as to
23 the bill with the governor, lieutenant governor, and speaker of the
24 house of representatives not later than 30 days after the date the
25 notice is received by the Division or its successor. The notice and
26 copy of a bill shall also be given for the introduction of a bill
27 amending a local law creating or governing a particular emergency

1 response district if the bill:

2 (1) adds additional land to the district;

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

4 (3) alters the authority of the district with respect
5 to the issuance of bonds; or

6 (4) alters the qualifications or terms of office of
7 the members of the governing body of the district.

8 (e) A local law creating an emergency response district may
9 not be passed unless, at the time notice of the intention to
10 introduce a bill is published as provided by Subsection (d) of this
11 section, a copy of the proposed bill is delivered to the
12 commissioners court of each county in which the district or any part
13 of the district is or will be located and to the governing body of
14 each municipality in whose jurisdiction the district or any part of
15 the district is or will be located. Each commissioners court and
16 governing body may file its written consent or opposition to the
17 creation of the proposed district with the governor, lieutenant
18 governor, and speaker of the house of representatives.

19 SECTION 2. This proposed constitutional amendment shall be
20 submitted to the voters at an election to be held November 3, 2015.
21 The ballot shall be printed to provide for voting for or against the
22 proposition: "The constitutional amendment to authorize the
23 creation of emergency response districts."