

By: Lucio

S.B. No. 1109

A BILL TO BE ENTITLED

AN ACT

relating to emergency response districts; providing authority to impose a tax and issue bonds.

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

SECTION 1. Subtitle B, Title 9, Health and Safety Code, is amended by adding Chapter 776 to read as follows:

CHAPTER 776. EMERGENCY RESPONSE DISTRICTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 776.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of emergency response commissioners.

(2) "District" means an emergency response district created under this chapter.

Sec. 776.002. AUTHORIZATION. An emergency response district may be organized as provided by Article III, Section 48-d, of the Texas Constitution to:

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

(2) prevent destruction of and damage to property in this state; and

(3) preserve and protect natural resources in this state.

1                   SUBCHAPTER B. CREATION OF DISTRICT

2                   Sec. 776.015. CREATION OF EMERGENCY RESPONSE DISTRICT. (a)

3 Before a district may be created, the commissioners court of the  
4 county in which the proposed district will be located must:

5                   (1) receive a petition signed by qualified voters who  
6 own taxable real property that is located in the county and in the  
7 proposed district requesting the creation of a district; or

8                   (2) call for a public hearing on the creation of a  
9 district on its own motion.

10                  (b) At the next regular or special session of the  
11 commissioners court held after a petition is filed with the county  
12 clerk, the commissioners court shall set a place, date, and time for  
13 a public hearing to consider the petition.

14                  Sec. 776.016. HEARING. (a) At the time and place set for  
15 the hearing or at a later date then set, the commissioners court  
16 shall consider the petition or motion and each issue relating to  
17 creation of the district.

18                  (b) Any interested person may appear before the  
19 commissioners court in person or by attorney to support or oppose  
20 the creation of the district and may offer pertinent testimony.

21                  (c) The commissioners court has exclusive jurisdiction to  
22 determine each issue relating to the creation of the district and  
23 may issue incidental orders it considers proper in relation to the  
24 issues before the commissioners court. The commissioners court may  
25 adjourn the hearing as necessary.

26                  Sec. 776.017. PETITION APPROVAL. If after the hearing the  
27 commissioners court finds that creation of the district is feasible

1 and will promote the public safety, welfare, health, and  
2 convenience of persons residing in the proposed district, the  
3 commissioners court shall grant the petition, determine proposed  
4 boundaries for the district, and set a proposed maximum rate of ad  
5 valorem tax that the district may levy.

6 Sec. 776.018. ELECTION. (a) On the granting of a petition,  
7 the commissioners court shall order an election to confirm the  
8 district's creation and authorize the imposition of a tax not to  
9 exceed the rate determined under Section 776.017.

10 (b) The election shall be held on the first authorized  
11 uniform election date prescribed by the Election Code that allows  
12 sufficient time to comply with other requirements of law.

13 Sec. 776.019. ELECTION RESULT. A district is created and  
14 organized under this chapter if a majority of the votes cast in the  
15 election favor creation of the district.

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 776.031. DISTRICT POWERS. (a) A district is a  
18 political subdivision of the state. A district shall provide  
19 services relating to:

- 20 (1) fire prevention and suppression;  
21 (2) emergency medical services;  
22 (3) rescue of persons on district waterways;  
23 (4) enforcement of a district fire code; and  
24 (5) regulation of hazardous materials.

25 (b) To perform the functions of the district and to provide  
26 emergency response services, a district may:

- 27 (1) acquire, purchase, hold, lease, manage, occupy,

- 1 and sell real and personal property or an interest in property;  
2 (2) enter into and perform necessary contracts;  
3 (3) appoint and employ necessary officers, agents, and  
4 employees;  
5 (4) sue and be sued;  
6 (5) impose and collect taxes as prescribed by this  
7 chapter;  
8 (6) accept and receive donations;  
9 (7) lease, own, maintain, operate, and provide  
10 emergency response vehicles and other necessary or proper  
11 apparatus, instrumentalities, equipment, and machinery to provide  
12 emergency response services;  
13 (8) construct, lease, own, and maintain real property,  
14 improvements, and fixtures necessary to house, repair, and maintain  
15 emergency response vehicles and equipment;  
16 (9) contract with other entities, including other  
17 districts or municipalities, to make emergency response facilities  
18 and emergency response services available to the district;  
19 (10) contract with other entities, including other  
20 districts or municipalities, for reciprocal operation of services  
21 and facilities if the contracting parties find that reciprocal  
22 operation would be mutually beneficial and not detrimental to the  
23 district;  
24 (11) borrow money; and  
25 (12) perform other acts necessary to carry out the  
26 intent of this chapter.

27 Sec. 776.032. APPOINTMENT OF BOARD. (a) The county

1 commissioners court shall appoint a board of emergency response  
2 commissioners to serve as the district's governing body.  
3 Commissioners serve two-year terms and are subject to removal at  
4 the will of the commissioners court.

5 (b) After the votes are canvassed and the commissioners  
6 court enters the order creating the district, the commissioners  
7 court shall appoint the initial emergency response commissioners to  
8 serve until January 1 of the year following the district election.  
9 On January 1 of the year following the district election, the court  
10 shall stagger the terms of the commissioners appointed.

11 (c) On January 1 of each year, the commissioners court shall  
12 appoint a successor for each emergency response commissioner whose  
13 term has expired.

14 (d) The commissioners court shall fill a vacancy on the  
15 board for the remainder of the unexpired term.

16 Sec. 776.033. AD VALOREM TAX. The board may impose an ad  
17 valorem tax on all real and personal property located in the  
18 district and subject to district taxation for the district's  
19 support and the purposes authorized by this chapter, at a rate not  
20 to exceed the maximum rate determined by the commissioners court  
21 and approved at the election creating the district.

22 Sec. 776.034. BONDS AND NOTES. (a) The board may issue  
23 bonds and notes to perform any of its powers as provided by this  
24 section.

25 (b) A district may not authorize bonds and notes unless a  
26 majority of the district's qualified voters who vote at an election  
27 ordered for that purpose approve the issuance of the bonds and

1 notes.

2 (c) The board may order an election on the bonds and notes.  
3 The order must contain the same information contained in the notice  
4 of the election.

5 (d) The board shall publish notice of the election at least  
6 once in a newspaper of general circulation in the district. The  
7 notice must be published not later than the 31st day before election  
8 day.

9 (e) In addition to the contents of the notice required by  
10 the Election Code, the notice must state:

- 11 (1) the amount of bonds or notes to be authorized; and  
12 (2) the maximum maturity of the bonds or notes.

13 SUBCHAPTER D. CONVERSION OF TERRITORY OF EMERGENCY SERVICES

14 DISTRICT

15 Sec. 776.071. CONVERSION OF TERRITORY OF EMERGENCY SERVICES  
16 DISTRICT. If any part of a district overlaps with the territory of  
17 an emergency services district authorized under Chapter 775, the  
18 territory in the emergency services district ceases to be in the  
19 jurisdiction of the emergency services district.

20 SECTION 2. This Act takes effect January 1, 2016, but only  
21 if the constitutional amendment proposed by the 84th Legislature,  
22 Regular Session, 2015, authorizing the creation of emergency  
23 response districts, is approved by the voters. If that amendment is  
24 not approved by the voters, this Act has no effect.