

## **BILL ANALYSIS**

Senate Research Center

S.J.R. 64  
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4/29/2015  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Rural fire prevention districts were authorized by the Texas Constitution in 1949 to provide firefighting services in areas of the state not served by municipal fire departments. As the population of the state began to grow rapidly and expand ever more beyond municipal borders, the need for availability and additional types of services increased, and the legislature proposed, and the voters adopted, the current constitutional authorization for emergency services districts (ESD) to provide for firefighting and other emergency services.

The state's population continues to grow and spread beyond municipal borders. There is a need to allow an alternative model for emergency services districts, which S.J.R. 64 has denoted as emergency response districts. The need is for better delivery and coordination of services in areas served by these districts and improvements in emergency response times to save lives.

S.J.R. 64 creates a new class of emergency district: an emergency response district (ERD) which can only be created after a hearing by the local county commissioner's court and an affirmative vote of the people within the proposed district. Existing ESDs could remain as they are or may petition the commissioners court to convert from an ESD to an ERD. The constitutional amendment and enabling legislation ensures that the legislature remains in charge of the tax rate with local legislation tailored to the specific county need.

S.J.R. 64 proposes a constitutional amendment to authorize the creation of emergency response districts and provides authority to impose a tax and issue bonds.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article III, Texas Constitution, by adding Section 48-d, as follows:

Sec. 48-d. (a) Provides that the following are declared to be public rights and duties, and authorizes the Legislature to 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) Provides that 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. Requires the emergency response districts to 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 law.

(c) Authorizes the Legislature to authorize the imposition within the emergency response districts of taxes, equitably distributed, as may be necessary for the payment of interest and the creation of a sinking fund for the payment of bonds or other obligations and for the maintenance of the districts and improvements. Prohibits the Legislature from authorizing the imposition of taxes for maintenance and operation of an emergency response district, authorizing the issuance of any bonds by a district, or providing for any indebtedness against a district unless that proposition is submitted to the qualified voters of the district and adopted by the voters.

(d) Prohibits a local law creating an emergency response district from being passed unless notice of the intention to introduce the bill setting forth the general substance of the contemplated law has been published at least 30 days and not more than 90 days prior to the introduction of the bill in one or more newspapers having general circulation in each county in which the district or any part of the district is or will be located, and by delivering a copy of the notice and the bill to the governor, who shall submit the notice and the bill to the Division of Emergency Management of the Department of Public Safety of the State of Texas or its successor. Requires the Division or its successor to file its recommendation as to the bill with the governor, lieutenant governor, and speaker of the house of representatives not later than 30 days after the date the notice is received by the Division or its successor. Requires the notice and copy of a bill to also be given for the introduction of a bill amending a local law creating or governing a particular emergency response district if the bill:

- (1) adds additional land to the district;
- (2) alters the taxing authority of the district;
- (3) alters the authority of the district with respect to the issuance of bonds;  
or
- (4) alters the qualifications or terms of office of the members of the governing body of the district.

(e) Prohibits a local law creating an emergency response district from being passed unless, at the time notice of the intention to introduce a bill is published as provided by Subsection (d) of this section, a copy of the proposed bill is delivered to the commissioners court of each county in which the district or any part of the district is or will be located and to the governing body of each municipality in whose jurisdiction the district or any part of the district is or will be located. Authorizes each commissioners court and governing body to file its written consent or opposition to the creation of the proposed district with the governor, lieutenant governor, and speaker of the house of representatives.

SECTION 2. Requires that this proposed constitutional amendment be submitted to the voters at an election to be held November 3, 2015. Sets forth the required language of the ballot.