

## **BILL ANALYSIS**

Senate Research Center  
83R979 JXC-D

S.B. 332  
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Intergovernmental Relations  
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As Filed

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

Two emergency services districts are located wholly in El Paso County. For each district, under current law in Section 775.034 (Appointment of Board in District Located Wholly in One County), Health and Safety Code, the El Paso County Commissioners Court appoints a five-member board of emergency services commissioners to serve as the county's emergency service district's governing body.

Additionally, under current law in Section 775.0422 (Removal of Appointed Board Member by Commissioners Court), Health and Safety Code, the El Paso County Commissioners Court can remove one or more board members for failing to give a statutorily required report to the commissioners court. Due to weaknesses identified in current operations, it is essential to provide the county oversight similar to its guidance of other health and safety providers in the county. S.B. 332 increases transparency and accountability of the emergency service districts in El Paso County.

As proposed, S.B. 332 amends current law relating to commissioners court oversight of certain emergency services districts.

### **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 Chapter 775, Health and Safety Code, by adding Subchapter K, as follows:

#### **SUBCHAPTER K. DISTRICTS IN CERTAIN COUNTIES**

Sec. 775.301. DEFINITION. Defines "commissioners court."

Sec. 775.302. APPLICABILITY; SUBCHAPTER SUPERSEDES. (a) Provides that this subchapter applies only to an emergency services district created under this chapter that is located wholly or partly in a county that borders the United Mexican States and has a population of more than 800,000 (district).

(b) Provides that this subchapter controls over a provision of this chapter or other law to the extent of a conflict.

Sec. 775.303. POWERS RELATING TO DISTRICT PROPERTY, FACILITIES, AND EQUIPMENT. (a) Authorizes the board of emergency services commissioners (board) to construct, condemn, acquire, lease, add to, maintain, operate, develop, regulate, sell, exchange, and convey any property, property right, equipment, facility, or system to maintain a building or other facility or to provide a service required by the district, with the approval of the commissioners court.

(b) Authorizes the board to, notwithstanding any other law and with the approval of the commissioners court, lease undeveloped real property for not more than 50 years to provide for the development and construction of facilities designed to generate revenue for the financial benefit of the district. Authorizes the board to, directly or through a nonprofit corporation, contract or enter into a joint venture with a public or private entity as necessary to enter into a lease under this subsection.

(c) Prohibits the board from borrowing money or making other financial arrangements under Section 775.085 (Loan For Real Property Or Emergency Services Equipment) unless the commissioners court approves the transaction.

Sec. 775.304. CONTRACTING AUTHORITY. (a) Authorizes the board to, with the approval of the commissioners court and in performing its powers under Section 775.303, contract or cooperate with the federal government, this state, another governmental entity, or a privately owned or operated hospital.

(b) Prohibits the district from entering into a contract with a local government under Section 775.0366 (Service Contracts) unless the commissioners court approves that contract.

(c) Requires the board to encourage and promote participation by all sectors of the business community, including small businesses and businesses owned by members of a minority group or by women, in the process by which the district enters into contracts. Requires the board to develop a plan for the district to identify and remove barriers that do not have a definite or objective relationship to quality or competence and that unfairly discriminate against small businesses and businesses owned by members of a minority group or by women. Authorizes these barriers to include contracting procedures and contract specifications or conditions.

Sec. 775.305. COUNTY AUTHORITY TO SELL, LEASE, AND PURCHASE FACILITIES FOR DISTRICT PURPOSES. (a) Authorizes the commissioners court to sell real or personal property in order to enter into a contract to:

(1) lease or rent buildings, land, facilities, equipment, or services from others for district purposes;

(2) construct, repair, renovate, improve, or enlarge buildings, land, facilities, or equipment for district purposes; and

(3) pay regular monthly utility bills, including electricity, gas, and water bills, for the leased or rented buildings, land, facilities, equipment, or services.

(b) Authorizes the commissioners court to pay for the facilities, equipment, and services and for the regular monthly utility bills for those facilities, equipment, and services from the county's general fund if a majority of the commissioners court considers the facilities, equipment, and services essential to the proper administration of the county.

(c) Requires that a construction project under this section be let by contract. Requires that the contract contain the prevailing wage for mechanics, laborers, and other persons employed in the project.

(d) Authorizes the county to purchase the facilities with county general funds if a majority of the commissioners court considers the purchase price reasonable on or before the expiration of the lease or rental contract.

Sec. 775.306. PURCHASING PROCEDURES. Requires a district to purchase items in accordance with the same procedures and subject to the same requirements applicable to a county under Subchapter C (Competitive Bidding In General), Chapter 262, Local Government Code. Provides that a district is to be treated as if it were a county, for the purposes of this section.

Sec. 775.307. BUDGET. Requires the board to prepare an annual budget and present the annual budget to the commissioners court for final approval.

Sec. 775.308. AD VALOREM TAX. (a) Provides that with respect to the imposition or collection of an ad valorem tax imposed for the benefit of a district to which this subchapter applies, the commissioners court has the authority assigned by law to the board of the district, including the authority to:

- (1) adopt an exemption, partial exemption, or other form of relief from an ad valorem tax;
- (2) elect to tax property that would otherwise be exempt from an ad valorem tax;
- (3) exercise a power granted to a taxing unit under Section 6.30 (Attorneys Representing Taxing Units), Tax Code; and
- (4) determine whether the district may call an election under Section 775.0745 (Election To Increase Tax Rate) to increase the district's tax rate.

(b) Prohibits the board of a district to which this subchapter applies from exercising a power granted by Subsection (a) to the commissioners court with respect to the imposition or collection of an ad valorem tax imposed for the benefit of the district.

SECTION 2. Effective date: September 1, 2013.