

## **BILL ANALYSIS**

Senate Research Center  
83R10488 JXC-F

S.J.R. 62  
By: Hinojosa  
Finance  
5/8/2013  
As Filed

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

This resolution proposes an amendment to Article III (Legislative Department), Texas Constitution, by adding new Section 48-d to provide for the creation of emergency and disaster response districts.

Under this resolution, the legislature can create within the state emergency districts for the purposes of protection of the health and welfare of citizens and residents during natural disasters and other emergency situations, protection of property, and preservation and protection of natural resources. The legislature will be directed to authorize indebtedness to be issued by the districts and the imposition of taxes for debt service and for maintenance of the districts and improvements. Authorization of indebtedness will require approval of the qualified voters of a district. Notice requirements and other procedures will be prescribed with respect to laws creating or amending a law creating such a district.

The proposed constitutional amendment will permit but not require the creation of emergency districts and the issuance of indebtedness and levy of taxes by future legislatures, and will not of itself have any fiscal impact.

As proposed, S.J.R. 62 proposes a constitutional amendment to authorize the creation of emergency and disaster 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) Authorizes there to be created within this State, or authorizes the State to be divided into, such number of emergency and disaster response districts as may be determined to be essential to the accomplishment of the purposes of this section. Requires that the emergency and disaster response districts 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) Requires the Legislature to authorize indebtedness necessary to provide improvements and the maintenance of those improvements necessary to the achievement of the purposes of this section. Authorizes the indebtedness to be evidenced by bonds of the emergency and disaster response districts, to be issued as may be prescribed by law. Requires the Legislature to also authorize the imposition within the emergency and disaster 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 and for the maintenance of the districts and improvements. Requires the indebtedness to be a lien on the property assessed for the payment of the indebtedness. Prohibits the Legislature from authorizing the issuance of any bonds or provide for any indebtedness against an emergency and disaster response district unless that proposition is submitted to the qualified voters of the district and adopted by the voters.

(d) Prohibits a law creating an emergency and disaster 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 a newspaper or newspapers having general circulation in the county or counties 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 is required to submit the notice and the bill to the Division of Emergency Management of the Department of Public Safety of the State of Texas (Division) 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 that the notice and copy of a bill also be given for the introduction of a bill amending a law creating or governing a particular emergency and disaster 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 law creating an emergency and disaster response district from being passed unless, at the time notice of the intention to introduce a bill is published as provided in Subsection (d), 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. Requires that each special law creating an emergency and disaster response district comply with the provisions of the general laws then in effect relating to consent by political subdivisions to the creation of emergency and disaster response districts and to the inclusion of land in the district.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 5, 2013. Sets forth the required language of the ballot.