

BILL ANALYSIS

S.B. 1022
By: Madla
County Affairs
Committee Report (Amended)

BACKGROUND AND PURPOSE

Currently, the Health and Safety Code provides an emergency services district (district) multiple tools to fulfill its purpose, which is to protect the life and health of the citizens living within the district's boundaries, to protect life and property from fire, and to conserve natural and human resources. S.B. 1022 authorizes a district to employ a peace officer and clarifies that a district may contract with another political subdivision or the state for law enforcement services, as well as providing standards for adoption of a fire code by a district. This bill also expands the options for a district to construct public works to include the alternative bidding procedures and clarifies that districts may borrow money or enter into other financial arrangement to construct facilities.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 775.022(a), Health and Safety Code, to require the municipality, if a municipality completes all other procedures necessary to annex territory in an emergency services district (district) and if the municipality intends to provide emergency services to the territory by the use of municipal personnel or by some method other than by use of the district, to send written notice of that fact to the board. Requires the municipality to send the notice to the secretary of the board by certified mail, return receipt requested. Provides that the territory remains part of the district and does not become part of the municipality until the secretary of the board receives the notice. Requires the board, on receipt of the notice, to immediately change its records to show that the territory has been disannexed from the district and to cease to provide further services to the residents of that territory.

SECTION 2. Amends Section 775.031(c), Health and Safety Code, to authorize an emergency services district (district) to contract with the state or a political subdivision for law enforcement services or for enforcement of the district's fire code. Authorizes a district to commission a peace officer or employ a person who holds a permanent peace officer license issued under Section 1701.307, Occupations Code, as a peace officer.

SECTION 3. Amends Section 775.034, Health and Safety Code, by adding Subsection (f), to require the commissioners court to consider relevant factors in determining the individuals to appoint as emergency services commissioner, including whether the individuals have knowledge that relate to fire prevention or emergency medical services and that is relevant to the common policies and practices of the board.

SECTION 4. Amends Section 775.036, Health and Safety Code, by amending Subsections (b) and adding Subsections (b-1) and (g), as follows:

(b) Requires the fire code to be similar to standards adopted by a nationally recognized standards-making association. Authorizes the board to not enforce the district's fire code within the boundaries of a municipality that has adopted a fire code, except for an area that has been annexed only for limited purposes in which the municipality does not enforce a fire code.

(b-1) Authorizes the board, if a county that contains within its boundaries any portion of the land contained in the district adopts a fire code after the district adopts a code under Subsection (b), to continue to enforce its fire code in the area subject to the county fire code. Provides that to the extent of any conflict between the county's code and the district's code, the more stringent provision prevails.

(g) Authorizes the board to commission a peace officer or employ a person, who holds a permanent peace officer license issued under Subsection 1701.307, Occupations Code, to inspect for fire hazards any structure, appurtenance, fixture, or other real property located in the district. Authorizes the board to adopt procedures to order the owner or occupant of the property that fails an inspection to correct the hazardous situation.

SECTION 5. Amends Section 775.0751(a), Health and Safety Code, to authorize the district to impose the tax at a rate from one-eighth of one percent to two percent in increments of one-eighth of one percent.

SECTION 6. Amends Section 775.076(a), Health and Safety Code, to require the commissioners court of each county in which the district is located, before the board may issue bonds or notes authorized under this section, to approve the issuance of the bonds or notes by a majority vote.

SECTION 7. Amends Section 775.084(k), Health and Safety Code, to require a contract for a public works project to be administered in the manner provided by Chapters 271B or H, Local Government Code, except as provided by this section.

SECTION 8. Amends Sections 775.085(a) and (b), Health and Safety Code, as follows:

(a) Authorizes the board, on the behalf of the district, to borrow money and make other financial arrangements to purchase real property or emergency services equipment or construct emergency services facilities in the amount and subject to a rate of interest or other conditions the board considers advisable.

(b) Authorizes the board, to secure a loan under this section, to make certain pledges, including real property acquired or improved or equipment acquired with the borrowed money.

SECTION 9. Amends Section 776.033, Health and Safety Code, by adding Subsection (e), to require the commissioners court to consider relevant factors in determining the individuals to appoint as emergency services commissioners, including whether the individuals have knowledge that relates to fire prevention or emergency medical services and that is relevant to the common policies and practices of the board.

SECTION 10. Amends Section 776.052(c), Health and Safety Code, to require the governing body of the municipality, if a municipality that is not in the district completes all other procedures necessary to annex territory that is included in a district and if the municipality intends to provide emergency services to the territory by the use of municipal personnel or by some method other than by use of the district, to send written notice of that fact to the board. Requires the municipality to send the notice to the secretary of the board by certified mail, return receipt requested. Provides that the territory remains part of the district and does not become part of the municipality until the secretary of the board receives the notice. Requires the board, on receipt of the notice, to immediately change its records to show that the territory has been disannexed from the district and to cease to provide further services to the residents of that territory.

SECTION 11. Amends Article 2.12, Code of Criminal Procedure, as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. Provides that peace officers are defined by certain characteristics.

SECTION 12. Effective date: September 1, 2003.

EFFECTIVE DATE

September 1, 2003.

EXPLANATION OF AMENDMENTS

During 77th Legislature, two different bills amended the content requirements for a petition to create an emergency services district. This proposed amendment is a technical correction that will give effect to both those bills as passed by the 77th Legislature by requiring that a petition for creation include the information required by both bills.