

By: Lewis

H.B. No. 3426

A BILL TO BE ENTITLED

AN ACT

relating to emergency services districts.

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

SECTION 1. Section 775.031 (c), Health and Safety Code, is amended to read as follows:

(c) A district may contract with the state or a political subdivision for law enforcement services and enforcement of the district's fire code. A district may commission a peace officer or employ a person as a peace officer, who holds a permanent peace officer license issued under Subsection 1701.307, Occupations Code. [~~Except as provided by Subchapter F, a district may not commission a peace officer or employ a person as a peace officer.~~]

SECTION 2. Section 775.036, Health and Safety Code, is amended by amending subsection (b) and adding subsection (g) to read as follows:

(b) The board may adopt and enforce a fire code, including fines for any violations, that does not conflict with a fire code adopted by any county that also contains within its boundaries any portion of the land contained in the district and may require inspections in the district relating to the causes and prevention of fires and medical emergencies, except as provided by Section 775.031(b). The district's fire code must be similar to standards adopted by a nationally recognized standards-making association.
The board may continue to enforce any provision of the district's

1 fire code if the district adopted a fire code prior to the adoption
2 of a fire code by a county that overlaps any portion of the
3 district. To the extent the district's code and the county's code
4 conflict, the more stringent provisions shall be enforced. The
5 board may not enforce the district's fire code within the
6 boundaries of a municipality that has adopted a fire code unless the
7 area is a limited-purpose annexation area in which the city does not
8 enforce a fire code. The board of a district located wholly within
9 a county with a population of three million or more may not adopt a
10 fire code or a fine for a violation of the district's fire code
11 unless the commissioners court of the county consents to the
12 adoption of the code or fine.

13 (g) The board may commission a peace officer or employ a
14 person, who holds a permanent peace officer license issued under
15 Subsection 1701.307, Occupations Code, to inspect any structure,
16 appurtenance, fixture, or real property located in the district for
17 fire hazards. The board or the peace officer may order the owner or
18 occupant of the premises to correct the hazardous situation.

19 SECTION 3. Section 775.076(a), Health and Safety Code, is
20 amended to read as follows:

21 (a) The board may issue bonds and notes as prescribed by
22 this chapter to perform any of its powers. Before the board may
23 issue bonds or notes authorized under this section, the
24 commissioners court of each county in which the district is located
25 must approve the issuance of the bonds or notes by a majority vote.

26 SECTION 4. Section 775.084(k), Health and Safety Code, is
27 amended to read as follows:

1 (k) A contract for a public works project must be
2 administered in accordance with Subchapters B or H, Chapter 271,
3 Local Government Code, except as provided by this section.

4 SECTION 5. Section 775.085, Health and Safety Code, is
5 amended by amending subsections (a) and (b) to read as follows:

6 (a) The board, on the behalf of the district, may borrow
7 money and make other financial arrangements to purchase or
8 construct emergency services facilities upon real property, or to
9 purchase emergency services equipment in the amount and subject to
10 a rate of interest or other conditions the board considers
11 advisable.

12 (b) To secure a loan under this section, the board may
13 pledge:

14 (1) tax revenues or funds on hand that are not otherwise
15 pledged to pay a debt of the district; or

16 (2) the real property acquired or improved or equipment
17 acquired with the borrowed money.

18 SECTION 6. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2003.