

By: Lewis

H.B. No. 3427

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the conversion of all rural fire prevention districts
3 to emergency services districts.

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

5 SECTION 1. Subchapter B, Chapter 775, Health and Safety
6 Code, is amended by adding Section 775.026 to read as follows:

7 Sec. 775.026. CONVERSION OF RURAL FIRE PREVENTION DISTRICTS
8 TO EMERGENCY SERVICES DISTRICTS. (a) Each rural fire prevention
9 district created under Chapter 794 is converted to an emergency
10 services district operating under this chapter and has the powers
11 and duties of a district created under this chapter.

12 (b) The name of a district converted under this section is
13 changed to "_____ Emergency Services District No. _____,"
14 with the name of the county or counties in which the district is
15 located and the proper consecutive number inserted.

16 (c) The emergency services district to which a rural fire
17 prevention district converts assumes all obligations and
18 outstanding indebtedness of the rural fire prevention district.

19 (d) A fire commissioner of a rural fire prevention district
20 is an emergency services commissioner of the converted district on
21 conversion of the district under this section and shall serve until
22 the term for which the commissioner was appointed or elected
23 expires.

24 (e) If any portion of a district that converts to an

1 emergency services district under this section is located within
2 the boundaries of another district created under this chapter, the
3 converted district may not provide, in that portion of the district
4 located within the boundaries of the other district, a service that
5 duplicates a service provided by the other district as of September
6 1, 2003.

7 (f) Notwithstanding any other provision of this chapter,
8 before a district converted under this section may levy a tax in
9 excess of the maximum rate allowed for such district prior to
10 conversion, the district shall order an election, and the ballot
11 for such election shall be printed to permit voting for or against
12 the proposition: "To establish the maximum tax rate of _____
13 County Emergency Services District No. _____ to not exceed the
14 rate allowed under Section 48-e, Article III, Texas Constitution."

15 SECTION 2. (a) Section 411.1235(a), Government Code, is
16 amended to read as follows:

17 (a) A volunteer fire department or a fire department
18 operated by an emergency services [~~a rural fire prevention~~]
19 district is entitled to obtain from the department criminal history
20 record information maintained by the department that relates to a
21 person who is required to be certified by the Texas Commission on
22 Fire Protection and:

23 (1) is an applicant for a beginning position with the
24 fire department; or

25 (2) currently holds a position with that fire
26 department.

27 (b) Section 418.109(d), Government Code, is amended to read

1 as follows:

2 (d) A municipality, county, [~~rural fire prevention~~
3 ~~district,~~] emergency services district, fire protection agency,
4 organized volunteer group, or other emergency services entity may
5 provide mutual aid assistance on request from another municipality,
6 county, [~~rural fire prevention district,~~] emergency services
7 district, fire protection agency, organized volunteer group, or
8 other emergency services entity. The chief or highest ranking
9 officer of the entity from which assistance is requested, with the
10 approval and consent of the presiding officer of the governing body
11 of that entity, may provide that assistance while acting in
12 accordance with the policies, ordinances, and procedures
13 established by the governing body of that entity and consistent
14 with any mutual aid plans developed by the emergency management
15 council.

16 (c) Section 419.904, Government Code, is amended to read as
17 follows:

18 Sec. 419.904. TECHNICAL ASSISTANCE TO EMERGENCY SERVICES
19 [~~RURAL FIRE PREVENTION~~] DISTRICTS. The commission may on request
20 provide technical assistance to emergency services [~~rural fire~~
21 ~~prevention~~] districts, including advice on the efficient and
22 effective provision of fire protection within a district.

23 (d) Section 775.020(b), Health and Safety Code, is amended
24 by adding a new Subsection (b) and relating existing Subsections
25 (b)-(d) to read as follows:

26 (b) If the territory in a district created under this
27 chapter overlaps with the boundaries of another district created

1 under this chapter, or a district converted as provided under this
2 chapter from a rural fire prevention district created under Chapter
3 794, the most recently created district may not provide services in
4 the overlapping territory that duplicate the services provided by
5 the other district.

6 (c) [~~(b)~~] If the territory in one or more districts
7 overlaps, the commissioners court of the county in which the most
8 recently created district is located by order shall exclude the
9 overlapping territory from that district.

10 (d) [~~(c)~~] For purposes of this section, a district is
11 created on the date on which the election approving its creation was
12 held. If the elections approving the creation of two or more
13 districts are held on the same date, the most recently created
14 district is the district for which the hearing regarding approval
15 of the petition for creation of the district was most recently held.

16 (e) [~~(d)~~] The creation of a district with boundaries that
17 overlap the boundaries of another district does not affect the
18 validity of either district.

19 (e) Section 775.0205(a), Health and Safety Code, is amended
20 to read as follows:

21 (a) If the territory in a district created under this
22 chapter overlaps with the boundaries of another district operating
23 [~~created~~] under this chapter, a district created under Chapter 776,
24 or a district converted as provided under this chapter from a rural
25 fire prevention district created under Chapter 794, the most
26 recently created district may not provide services in the
27 overlapping territory that duplicate the services provided by the

1 other district at the time the overlapping district is created.

2 (f) Section 775.031(b), Health and Safety Code, is amended
3 to read as follows:

4 (b) A district located wholly within a county with a
5 population of more than 2.4 million may not provide fire prevention
6 or fire-fighting services unless the district was originally a
7 rural fire prevention district and was converted under this chapter
8 or under Section 794.100, or is created after September 1, 2003.

9 (g) Section 775.032(a), Health and Safety Code, is amended
10 to read as follows:

11 (a) A business entity is not subject to the ad valorem tax
12 authorized by this chapter or subject to the district's powers if
13 the business entity:

14 (1) provides its own fire prevention and fire control
15 services and owns or operates fire-fighting equipment or systems
16 equivalent to or better than standards developed by a nationally
17 recognized standards-making association [~~those of a Class I rural~~
18 ~~fire prevention district, metropolitan county fire protection~~
19 ~~system~~], as defined by the National Fire Protection Association and
20 [~~State Board of Insurance,~~] for which the business entity receives
21 the appropriate approval from the Texas Industrial Fire Training
22 Board of the State Firemen's and Fire Marshals' Association of
23 Texas;

24 (2) provides and operates its own equipped industrial
25 ambulance with a licensed driver and provides industrial victim
26 care by an emergency care attendant trained to provide the
27 equivalent of ordinary basic life support, as defined by Section

1 773.003; and

2 (3) provides ordinary emergency services for the
3 business entity, such as emergency response, as defined by 29
4 C.F.R. Sec. 1910.120, rescue, disaster planning, or security
5 services, as recognized by the Texas Industrial Fire Training Board
6 of the State Firemen's and Fire Marshals' Association of Texas, and
7 provides the equipment, training, and facilities necessary to
8 safely handle emergencies and protect the business entity and its
9 neighbors in the community.

10 (h) Section 775.0741(c), Health and Safety Code, is amended
11 to read as follows:

12 (c) The tax may not exceed three cents on each \$100 of the
13 taxable value of property taxable by the district. If the district
14 was originally a rural fire prevention district or is created in a
15 territory that overlaps a district previously created under this
16 chapter [~~and was converted under Section 794.100~~], the tax may not
17 exceed six cents on each \$100 of the taxable value of property
18 taxable by the district.

19 (i) Section 775.0745(a), Health and Safety Code, is amended
20 to read as follows:

21 (a) If the tax rate allowed by Section 48-e, Article III,
22 Texas Constitution is amended to increase the maximum tax rate
23 allowed thereunder, a [A] board shall [may] order an election to
24 increase the maximum tax rate of the district to any rate at or
25 below the rate allowed by Section 48-e, Article III, Texas
26 Constitution. The proposition on the ballot must state the
27 proposed maximum tax rate to be authorized at the election.

1 (j) Section 776.021(a), Health and Safety Code, is amended
2 to read as follows:

3 (a) If the territory in a district created under this
4 chapter overlaps with the boundaries of another district created
5 under this chapter or~~[7]~~ a district operating ~~[created]~~ under
6 Chapter 775, ~~[or a rural fire prevention district created under~~
7 ~~Chapter 794,~~] the most recently created district may not provide
8 services in the overlapping territory that duplicate the services
9 provided by the other district at the time the overlapping district
10 is created.

11 (k) Section 776.032(a), Health and Safety Code, is amended
12 to read as follows:

13 (a) A business entity is not subject to the ad valorem tax
14 authorized by this chapter or subject to the district's powers if
15 the business entity:

16 (1) provides its own fire prevention and fire control
17 services and owns or operates fire-fighting equipment or systems
18 equivalent to or better than standards developed by a nationally
19 recognized standards-making association ~~[those of a Class I rural~~
20 ~~fire prevention district, metropolitan county fire protection~~
21 ~~system]~~, as defined by the National Fire Protection Association and
22 ~~[State Board of Insurance,~~] for which the business entity receives
23 the appropriate approval from the Texas Industrial Fire Training
24 Board of the State Firemen's and Fire Marshals' Association of
25 Texas;

26 (2) provides and operates its own equipped industrial
27 ambulance with a licensed driver and provides industrial victim

1 care by an emergency care attendant trained to provide the
2 equivalent of ordinary basic life support, as defined by Section
3 773.003; and

4 (3) provides ordinary emergency services for the
5 business entity, such as emergency response, as defined by 29
6 C.F.R. Sec. 1910.120, rescue, disaster planning, or security
7 services, as recognized by the Texas Industrial Fire Training Board
8 of the State Firemen's and Fire Marshals' Association of Texas, and
9 provides the equipment, training, and facilities necessary to
10 safely handle emergencies and protect the business entity and its
11 neighbors in the community.

12 (1) Sections 344.051(c)-(f), Local Government Code, are
13 amended to read as follows:

14 (c) Except as provided by Subsection (f), a district may be
15 created inside the boundaries of [~~a rural fire prevention district~~
16 ~~operating under Chapter 794, Health and Safety Code, or~~] an
17 emergency services district operating under Chapter 775 or 776,
18 Health and Safety Code, only if the governing body of the [~~rural~~
19 ~~fire prevention district or the~~] emergency services district gives
20 its written consent by order or resolution not later than the 60th
21 day after the date the governing body receives a request for its
22 consent.

23 (d) If the governing body of the [~~rural fire prevention~~
24 ~~district or~~] emergency services district consents to the inclusion
25 of territory inside its geographic boundaries, the territory may be
26 included in the district in the same manner as other territory is
27 included under this chapter.

1 (e) The consent of the governing body of the [~~rural fire~~
2 ~~prevention district or~~] emergency services district to include
3 territory in the district and to initiate proceedings to create a
4 district as prescribed by this chapter expires six months after the
5 date on which the consent is given.

6 (f) Subsection (c) does not apply if:

7 (1) on the effective date of this chapter, the
8 municipality is providing fire suppression and prevention services
9 and emergency medical services; or

10 (2) the fire control, prevention, and emergency
11 medical services plan of the proposed district proposes emergency
12 services that, on the effective date of this chapter, are not
13 provided by any [~~rural fire prevention district or~~] emergency
14 services district inside the boundaries of the municipality.

15 SECTION 3. The following laws are repealed:

16 (1) Sections 775.023 and 775.024, Health and Safety
17 Code; and

18 (2) Chapter 794, Health and Safety Code.

19 SECTION 4. This Act takes effect September 1, 2003.