

1 AN ACT

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

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

5 ARTICLE 1. RURAL FIRE PREVENTION DISTRICTS AND EMERGENCY SERVICES  
6 DISTRICTS

7 SECTION 1.001. Subsection (b), Section 775.020, Health and  
8 Safety Code, is amended to read as follows:

9 (b) If the territory in a district created under this  
10 chapter [~~in one or more districts~~] overlaps with the boundaries of  
11 another district created under this chapter, a district converted  
12 under this chapter, or a district converted under former Section  
13 794.100, the most recently created district may not provide  
14 services in the overlapping territory that duplicate the services  
15 provided by the other district at the time the overlapping district  
16 was created [~~, the commissioners court of the county in which the~~  
17 ~~most recently created district is located by order shall exclude~~  
18 ~~the overlapping territory from that district].~~

19 SECTION 1.002. Subsection (a), Section 775.0205, Health and  
20 Safety Code, is amended to read as follows:

21 (a) If the territory in a district created under this  
22 chapter overlaps with the boundaries of another district created  
23 under this chapter or [~~7~~] a district created under Chapter 776, [~~or a~~  
24 ~~rural fire prevention district created under Chapter 794,~~] the most

1 recently created district may not provide services in the  
2 overlapping territory that duplicate the services provided by the  
3 other district at the time the overlapping district was created.

4 SECTION 1.003. Subchapter B, Chapter 775, Health and Safety  
5 Code, is amended by adding Section 775.026 to read as follows:

6 Sec. 775.026. CONVERSION OF RURAL FIRE PREVENTION DISTRICTS  
7 TO EMERGENCY SERVICES DISTRICTS. (a) Each rural fire prevention  
8 district created under former Chapter 794 is converted to an  
9 emergency services district operating under this chapter.

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

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

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

22 SECTION 1.004. Subsection (b), Section 775.031, Health and  
23 Safety Code, is amended to read as follows:

24 (b) A district located wholly within a county with a  
25 population of more than 2.4 million may not provide fire prevention  
26 or fire-fighting services unless the district:

27 (1) was originally a rural fire prevention district

1 and was converted to an emergency services district under this  
2 chapter or former Section 794.100; or

3 (2) is created after September 1, 2003.

4 SECTION 1.005. Subsection (a), Section 775.032, Health and  
5 Safety Code, is amended to read as follows:

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

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

19 (2) provides and operates its own equipped industrial  
20 ambulance with a licensed driver and provides industrial victim  
21 care by an emergency care attendant trained to provide the  
22 equivalent of ordinary basic life support, as defined by Section  
23 773.003; and

24 (3) provides ordinary emergency services for the  
25 business entity, such as emergency response, as defined by 29  
26 C.F.R. Sec. 1910.120, rescue, disaster planning, or security  
27 services, as recognized by the Texas Industrial Fire Training Board

1 of the State Firemen's and Fire Marshals' Association of Texas, and  
2 provides the equipment, training, and facilities necessary to  
3 safely handle emergencies and protect the business entity and its  
4 neighbors in the community.

5 SECTION 1.006. Subsection (c), Section 775.0741, Health and  
6 Safety Code, is amended to read as follows:

7 (c) The tax may not exceed three cents on each \$100 of the  
8 taxable value of property taxable by the district. If the district  
9 was originally a rural fire prevention district or is created in  
10 territory that overlaps with the boundaries of a district created  
11 under this chapter before September 1, 2003 [~~and was converted~~  
12 ~~under Section 794.100~~], the tax may not exceed six cents on each  
13 \$100 of the taxable value of property taxable by the district.

14 SECTION 1.007. Subsection (a), Section 775.0745, Health and  
15 Safety Code, is amended to read as follows:

16 (a) If the [A] board decides [~~may order an election~~] to  
17 increase the maximum tax rate of the district to any rate at or  
18 below the rate allowed by this chapter or Section 48-e, Article III,  
19 Texas Constitution, the board must order an election to authorize  
20 the increase. The proposition on the ballot must state the proposed  
21 maximum tax rate to be authorized at the election.

22 SECTION 1.008. Subsection (a), Section 776.021, Health and  
23 Safety Code, is amended to read as follows:

24 (a) If the territory in a district created under this  
25 chapter overlaps with the boundaries of another district created  
26 under this chapter or[~~7~~] a district operating [~~created~~] under  
27 Chapter 775, [~~or a rural fire prevention district created under~~

1 ~~Chapter 794,~~] the most recently created district may not provide  
2 services in the overlapping territory that duplicate the services  
3 provided by the other district.

4 SECTION 1.009. Subsection (a), Section 776.032, Health and  
5 Safety Code, is amended to read as follows:

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

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

19 (2) provides and operates its own equipped industrial  
20 ambulance with a licensed driver and provides industrial victim  
21 care by an emergency care attendant trained to provide the  
22 equivalent of ordinary basic life support, as defined by Section  
23 773.003; and

24 (3) provides ordinary emergency services for the  
25 business entity, such as emergency response, as defined by 29  
26 C.F.R. Sec. 1910.120, rescue, disaster planning, or security  
27 services, as recognized by the Texas Industrial Fire Training Board

1 of the State Firemen's and Fire Marshals' Association of Texas, and  
2 provides the equipment, training, and facilities necessary to  
3 safely handle emergencies and protect the business entity and its  
4 neighbors in the community.

5 ARTICLE 2. CONFORMING AMENDMENTS

6 SECTION 2.001. Subsection (a), Section 411.1235,  
7 Government Code, is amended to read as follows:

8 (a) A volunteer fire department or a fire department  
9 operated by an emergency services [~~a rural fire prevention~~  
10 district is entitled to obtain from the department criminal history  
11 record information maintained by the department that relates to a  
12 person who is required to be certified by the Texas Commission on  
13 Fire Protection and:

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

16 (2) currently holds a position with that fire  
17 department.

18 SECTION 2.002. Subsection (d), Section 418.109, Government  
19 Code, is amended to read as follows:

20 (d) A municipality, county, [~~rural fire prevention~~  
21 ~~district,~~] emergency services district, fire protection agency,  
22 organized volunteer group, or other emergency services entity may  
23 provide mutual aid assistance on request from another municipality,  
24 county, [~~rural fire prevention district,~~] emergency services  
25 district, fire protection agency, organized volunteer group, or  
26 other emergency services entity. The chief or highest ranking  
27 officer of the entity from which assistance is requested, with the

1 approval and consent of the presiding officer of the governing body  
2 of that entity, may provide that assistance while acting in  
3 accordance with the policies, ordinances, and procedures  
4 established by the governing body of that entity and consistent  
5 with any mutual aid plans developed by the emergency management  
6 council.

7 SECTION 2.003. Section 419.904, Government Code, is amended  
8 to read as follows:

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

14 SECTION 2.004. Subsections (c) through (f), Section  
15 344.051, Local Government Code, are amended to read as follows:

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

25 (d) If the governing body of the [~~rural fire prevention~~  
26 ~~district or~~] emergency services district consents to the inclusion  
27 of territory inside its geographic boundaries, the territory may be

1 included in the district in the same manner as other territory is  
2 included under this chapter.

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

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

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

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

17 ARTICLE 3. REPEALER; EFFECTIVE DATE

18 SECTION 3.001. The following laws are repealed:

19 (1) Sections 775.023 and 775.024, Health and Safety  
20 Code; and

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

22 SECTION 3.002. This Act takes effect September 1, 2003.



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1021 passed the Senate on April 15, 2003, by a viva-voce vote.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1021 passed the House on May 16, 2003, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor