

By: Madla

S.B. No. 1021

A BILL TO BE ENTITLED

AN ACT

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

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

ARTICLE 1. RURAL FIRE PREVENTION DISTRICTS AND EMERGENCY SERVICES DISTRICTS

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

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

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

(a) If the territory in a district created under this chapter overlaps with the boundaries of another district created under this chapter or [~~7~~] a district created under Chapter 776, [~~or a 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.