

By: Madla

S.B. No. 1021

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