

1-1 By: Madla S.B. No. 1021
1-2 (In the Senate - Filed March 7, 2003; March 17, 2003, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 7, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;
1-6 April 7, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1021 By: Madla

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to emergency services districts and the conversion of all
1-11 rural fire prevention districts to emergency services districts.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 ARTICLE 1. RURAL FIRE PREVENTION DISTRICTS AND EMERGENCY SERVICES
1-14 DISTRICTS

1-15 SECTION 1.001. Subsection (b), Section 775.020, Health and
1-16 Safety Code, is amended to read as follows:

1-17 (b) If the territory in a district created under this
1-18 chapter [in one or more districts] overlaps with the boundaries of
1-19 another district created under this chapter, a district converted
1-20 under this chapter, or a district converted under former Section
1-21 794.100, the most recently created district may not provide
1-22 services in the overlapping territory that duplicate the services
1-23 provided by the other district at the time the overlapping district
1-24 was created[, the commissioners court of the county in which the
1-25 most recently created district is located by order shall exclude
1-26 the overlapping territory from that district].

1-27 SECTION 1.002. Subsection (a), Section 775.0205, Health and
1-28 Safety Code, is amended to read as follows:

1-29 (a) If the territory in a district created under this
1-30 chapter overlaps with the boundaries of another district created
1-31 under this chapter or [7] a district created under Chapter 776, [or a
1-32 rural fire prevention district created under Chapter 794,] the most
1-33 recently created district may not provide services in the
1-34 overlapping territory that duplicate the services provided by the
1-35 other district at the time the overlapping district was created.

1-36 SECTION 1.003. Subchapter B, Chapter 775, Health and Safety
1-37 Code, is amended by adding Section 775.026 to read as follows:

1-38 Sec. 775.026. CONVERSION OF RURAL FIRE PREVENTION DISTRICTS
1-39 TO EMERGENCY SERVICES DISTRICTS. (a) Each rural fire prevention
1-40 district created under former Chapter 794 is converted to an
1-41 emergency services district operating under this chapter.

1-42 (b) The name of a district converted under this section is
1-43 changed to "_____ Emergency Services District No. _____,"
1-44 with the name of the county or counties in which the district is
1-45 located and the proper consecutive number inserted.

1-46 (c) The emergency services district to which a rural fire
1-47 prevention district converts assumes all obligations and
1-48 outstanding indebtedness of the rural fire prevention district.

1-49 (d) A fire commissioner of a rural fire prevention district
1-50 is an emergency services commissioner of the converted district on
1-51 conversion of the district under this section and shall serve until
1-52 the term for which the commissioner was appointed or elected
1-53 expires.

1-54 SECTION 1.004. Subsection (b), Section 775.031, Health and
1-55 Safety Code, is amended to read as follows:

1-56 (b) A district located wholly within a county with a
1-57 population of more than 2.4 million may not provide fire prevention
1-58 or fire-fighting services unless the district:

1-59 (1) was originally a rural fire prevention district
1-60 and was converted to an emergency services district under this
1-61 chapter or former Section 794.100; or

1-62 (2) is created after September 1, 2003.

1-63 SECTION 1.005. Subsection (a), Section 775.032, Health and

2-1 Safety Code, is amended to read as follows:

2-2 (a) A business entity is not subject to the ad valorem tax
2-3 authorized by this chapter or subject to the district's powers if
2-4 the business entity:

2-5 (1) provides its own fire prevention and fire control
2-6 services and owns or operates fire-fighting equipment or systems
2-7 equivalent to or better than standards developed [~~those of a Class I~~
2-8 ~~rural fire prevention district, metropolitan county fire~~
2-9 ~~protection system, as defined] by the National Fire Protection
2-10 Association or another nationally recognized association and
2-11 [State Board of Insurance,] for which the business entity receives
2-12 the appropriate approval from the Texas Industrial Fire Training
2-13 Board of the State Firemen's and Fire Marshals' Association of
2-14 Texas;~~

2-15 (2) provides and operates its own equipped industrial
2-16 ambulance with a licensed driver and provides industrial victim
2-17 care by an emergency care attendant trained to provide the
2-18 equivalent of ordinary basic life support, as defined by Section
2-19 773.003; and

2-20 (3) provides ordinary emergency services for the
2-21 business entity, such as emergency response, as defined by 29
2-22 C.F.R. Sec. 1910.120, rescue, disaster planning, or security
2-23 services, as recognized by the Texas Industrial Fire Training Board
2-24 of the State Firemen's and Fire Marshals' Association of Texas, and
2-25 provides the equipment, training, and facilities necessary to
2-26 safely handle emergencies and protect the business entity and its
2-27 neighbors in the community.

2-28 SECTION 1.006. Subsection (c), Section 775.0741, Health and
2-29 Safety Code, is amended to read as follows:

2-30 (c) The tax may not exceed three cents on each \$100 of the
2-31 taxable value of property taxable by the district. If the district
2-32 was originally a rural fire prevention district or is created in
2-33 territory that overlaps with the boundaries of a district created
2-34 under this chapter before September 1, 2003 [~~and was converted~~
2-35 ~~under Section 794.100~~], the tax may not exceed six cents on each
2-36 \$100 of the taxable value of property taxable by the district.

2-37 SECTION 1.007. Subsection (a), Section 775.0745, Health and
2-38 Safety Code, is amended to read as follows:

2-39 (a) If the [A] board decides [~~may order an election~~] to
2-40 increase the maximum tax rate of the district to any rate at or
2-41 below the rate allowed by this chapter or Section 48-e, Article III,
2-42 Texas Constitution, the board must order an election to authorize
2-43 the increase. The proposition on the ballot must state the proposed
2-44 maximum tax rate to be authorized at the election.

2-45 SECTION 1.008. Subsection (a), Section 776.021, Health and
2-46 Safety Code, is amended to read as follows:

2-47 (a) If the territory in a district created under this
2-48 chapter overlaps with the boundaries of another district created
2-49 under this chapter or [7] a district operating [~~created~~]
2-50 Chapter 775, [or a rural fire prevention district created under
2-51 Chapter 794,] the most recently created district may not provide
2-52 services in the overlapping territory that duplicate the services
2-53 provided by the other district.

2-54 SECTION 1.009. Subsection (a), Section 776.032, Health and
2-55 Safety Code, is amended to read as follows:

2-56 (a) A business entity is not subject to the ad valorem tax
2-57 authorized by this chapter or subject to the district's powers if
2-58 the business entity:

2-59 (1) provides its own fire prevention and fire control
2-60 services and owns or operates fire-fighting equipment or systems
2-61 equivalent to or better than standards developed [~~those of a Class I~~
2-62 ~~rural fire prevention district, metropolitan county fire~~
2-63 ~~protection system, as defined] by the National Fire Protection
2-64 Association or another nationally recognized association and
2-65 [State Board of Insurance,] for which the business entity receives
2-66 the appropriate approval from the Texas Industrial Fire Training
2-67 Board of the State Firemen's and Fire Marshals' Association of
2-68 Texas;~~

2-69 (2) provides and operates its own equipped industrial

3-1 ambulance with a licensed driver and provides industrial victim
3-2 care by an emergency care attendant trained to provide the
3-3 equivalent of ordinary basic life support, as defined by Section
3-4 773.003; and

3-5 (3) provides ordinary emergency services for the
3-6 business entity, such as emergency response, as defined by 29
3-7 C.F.R. Sec. 1910.120, rescue, disaster planning, or security
3-8 services, as recognized by the Texas Industrial Fire Training Board
3-9 of the State Firemen's and Fire Marshals' Association of Texas, and
3-10 provides the equipment, training, and facilities necessary to
3-11 safely handle emergencies and protect the business entity and its
3-12 neighbors in the community.

3-13 ARTICLE 2. CONFORMING AMENDMENTS

3-14 SECTION 2.001. Subsection (a), Section 411.1235,
3-15 Government Code, is amended to read as follows:

3-16 (a) A volunteer fire department or a fire department
3-17 operated by an emergency services [~~a rural fire prevention~~]
3-18 district is entitled to obtain from the department criminal history
3-19 record information maintained by the department that relates to a
3-20 person who is required to be certified by the Texas Commission on
3-21 Fire Protection and:

3-22 (1) is an applicant for a beginning position with the
3-23 fire department; or

3-24 (2) currently holds a position with that fire
3-25 department.

3-26 SECTION 2.002. Subsection (d), Section 418.109, Government
3-27 Code, is amended to read as follows:

3-28 (d) A municipality, county, [~~rural fire prevention~~
3-29 ~~district,~~] emergency services district, fire protection agency,
3-30 organized volunteer group, or other emergency services entity may
3-31 provide mutual aid assistance on request from another municipality,
3-32 county, [~~rural fire prevention district,~~] emergency services
3-33 district, fire protection agency, organized volunteer group, or
3-34 other emergency services entity. The chief or highest ranking
3-35 officer of the entity from which assistance is requested, with the
3-36 approval and consent of the presiding officer of the governing body
3-37 of that entity, may provide that assistance while acting in
3-38 accordance with the policies, ordinances, and procedures
3-39 established by the governing body of that entity and consistent
3-40 with any mutual aid plans developed by the emergency management
3-41 council.

3-42 SECTION 2.003. Section 419.904, Government Code, is amended
3-43 to read as follows:

3-44 Sec. 419.904. TECHNICAL ASSISTANCE TO EMERGENCY SERVICES
3-45 [~~RURAL FIRE PREVENTION~~] DISTRICTS. The commission may on request
3-46 provide technical assistance to emergency services [~~rural fire~~
3-47 ~~prevention~~] districts, including advice on the efficient and
3-48 effective provision of fire protection within a district.

3-49 SECTION 2.004. Subsections (c) through (f), Section
3-50 344.051, Local Government Code, are amended to read as follows:

3-51 (c) Except as provided by Subsection (f), a district may be
3-52 created inside the boundaries of [~~a rural fire prevention district~~
3-53 ~~operating under Chapter 794, Health and Safety Code, or~~] an
3-54 emergency services district operating under Chapter 775 or 776,
3-55 Health and Safety Code, only if the governing body of the [~~rural~~
3-56 ~~fire prevention district or the~~] emergency services district gives
3-57 its written consent by order or resolution not later than the 60th
3-58 day after the date the governing body receives a request for its
3-59 consent.

3-60 (d) If the governing body of the [~~rural fire prevention~~
3-61 ~~district or~~] emergency services district consents to the inclusion
3-62 of territory inside its geographic boundaries, the territory may be
3-63 included in the district in the same manner as other territory is
3-64 included under this chapter.

3-65 (e) The consent of the governing body of the [~~rural fire~~
3-66 ~~prevention district or~~] emergency services district to include
3-67 territory in the district and to initiate proceedings to create a
3-68 district as prescribed by this chapter expires six months after the
3-69 date on which the consent is given.

4-1 (f) Subsection (c) does not apply if:
 4-2 (1) on the effective date of this chapter, the
 4-3 municipality is providing fire suppression and prevention services
 4-4 and emergency medical services; or
 4-5 (2) the fire control, prevention, and emergency
 4-6 medical services plan of the proposed district proposes emergency
 4-7 services that, on the effective date of this chapter, were [~~are~~] not
 4-8 provided by any rural fire prevention district or emergency
 4-9 services district inside the boundaries of the municipality.

ARTICLE 3. REPEALER; EFFECTIVE DATE

SECTION 3.001. The following laws are repealed:

4-10 (1) Sections 775.023 and 775.024, Health and Safety
 4-11 Code; and

4-12 (2) Chapter 794, Health and Safety Code.
 4-13

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

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