

By: Madla

S.B. No. 1022

A BILL TO BE ENTITLED

AN ACT

relating to emergency services districts.

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

SECTION 1. Subsection (a), Section 775.022, Health and Safety Code, is amended to read as follows:

(a) If a municipality completes all other procedures necessary to annex ~~[annexes]~~ territory in a district and if the municipality intends to provide emergency services to the territory by the use of municipal personnel or by some method other than by use of the district, the municipality shall send written notice of that fact to the board. The municipality must send the notice to the secretary of the board by certified mail, return receipt requested. The territory remains part of the district and does not become part of the municipality until the secretary of the board receives the notice. On~~[, the board shall, on]~~ receipt of the notice, the board shall ~~[a written request of the municipality,]~~ immediately change its records to show that ~~[disannex]~~ the territory has been disannexed from the district and shall cease to provide further services to the residents of that territory.

SECTION 2. Subsection (c), Section 775.031, Health and Safety Code, is amended to read as follows:

(c) A district may contract with the state or a political subdivision for law enforcement services or for enforcement of the district's fire code. A ~~[Except as provided by Subchapter F, a]~~

1 district may [~~not~~] commission a peace officer or employ a person who
2 holds a permanent peace officer license issued under Section
3 1701.307, Occupations Code, as a peace officer.

4 SECTION 3. Section 775.034, Health and Safety Code, is
5 amended by adding Subsection (f) to read as follows:

6 (f) The commissioners court shall consider relevant factors
7 in determining the individuals to appoint as emergency services
8 commissioners, including whether the individuals have knowledge
9 that relates to fire prevention or emergency medical services and
10 that is relevant to the common policies and practices of the board.

11 SECTION 4. Section 775.036, Health and Safety Code, is
12 amended by amending Subsection (b) and adding Subsections (b-1) and
13 (g) to read as follows:

14 (b) The board may adopt and enforce a fire code, including
15 fines for any violations, that does not conflict with a fire code
16 adopted by any county that also contains within its boundaries any
17 portion of the land contained in the district and may require
18 inspections in the district relating to the causes and prevention
19 of fires and medical emergencies, except as provided by Section
20 775.031(b). The fire code must be similar to standards adopted by a
21 nationally recognized standards-making association. The board may
22 not enforce the district's fire code within the boundaries of a
23 municipality that has adopted a fire code, except for an area that
24 has been annexed only for limited purposes in which the
25 municipality does not enforce a fire code. The board of a district
26 located wholly within a county with a population of three million or
27 more may not adopt a fire code or a fine for a violation of the

1 district's fire code unless the commissioners court of the county
2 consents to the adoption of the code or fine.

3 (b-1) If a county that contains within its boundaries any
4 portion of the land contained in the district adopts a fire code
5 after the district adopts a code under Subsection (b), the board may
6 continue to enforce its fire code in the area subject to the county
7 fire code. To the extent of any conflict between the county's code
8 and the district's code, the more stringent provision prevails.

9 (g) The board may commission a peace officer or employ a
10 person who holds a permanent peace officer license issued under
11 Section 1701.307, Occupations Code, to inspect for fire hazards any
12 structure, appurtenance, fixture, or other real property located in
13 the district. The board may adopt procedures to order the owner or
14 occupant of the property that fails an inspection to correct the
15 hazardous situation.

16 SECTION 5. Subsection (a), Section 775.0751, Health and
17 Safety Code, is amended to read as follows:

18 (a) A district may adopt a sales and use tax, change the rate
19 of its sales and use tax, or abolish its sales and use tax at an
20 election held as provided by Section 775.0752. The district may
21 impose the tax at a rate from one-eighth of one percent to ~~[of~~
22 ~~one-half percent, one percent, one and one-half percent, or]~~ two
23 percent in increments of one-eighth of one percent. Revenue from
24 the tax may be used for any purpose for which ad valorem tax revenue
25 of the district may be used.

26 SECTION 6. Subsection (a), Section 775.076, Health and
27 Safety Code, is amended to read as follows:

1 (a) The board may issue bonds and notes as prescribed by
2 this chapter to perform any of its powers. Before the board may
3 issue bonds or notes authorized by this section, the commissioners
4 court of each county in which the district is located must approve
5 the issuance of the bonds or notes by a majority vote.

6 SECTION 7. Subsection (k), Section 775.084, Health and
7 Safety Code, is amended to read as follows:

8 (k) A contract for a public works project must be
9 administered in the manner provided by [~~accordance with~~] Subchapter
10 B or H, Chapter 271, Local Government Code, except as provided by
11 this section.

12 SECTION 8. Subsections (a) and (b), Section 775.085, Health
13 and Safety Code, are amended to read as follows:

14 (a) The board, on the behalf of the district, may borrow
15 money and make other financial arrangements to purchase real
16 property or emergency services equipment or construct emergency
17 services facilities in the amount and subject to a rate of interest
18 or other conditions the board considers advisable.

19 (b) To secure a loan under this section, the board may
20 pledge:

21 (1) tax revenues or funds on hand that are not
22 otherwise pledged to pay a debt of the district; or

23 (2) the real property acquired or improved or
24 equipment acquired with the borrowed money.

25 SECTION 9. Section 776.033, Health and Safety Code, is
26 amended by adding Subsection (e) to read as follows:

27 (e) The commissioners court shall consider relevant factors

1 in determining the individuals to appoint as emergency services
2 commissioners, including whether the individuals have knowledge
3 that relates to fire prevention or emergency medical services and
4 that is relevant to the common policies and practices of the board.

5 SECTION 10. Subsection (c), Section 776.052, Health and
6 Safety Code, is amended to read as follows:

7 (c) If a municipality that is not in the district completes
8 all other procedures necessary to annex ~~[annexes]~~ territory that is
9 included in a district and if the municipality intends to provide
10 emergency services to the territory by the use of municipal
11 personnel or by some method other than by use of the district, the
12 governing body of the municipality shall send written notice of
13 that fact to the board. The municipality must send the notice to
14 ~~[notify]~~ the secretary of the board by certified mail, return
15 receipt requested. The territory remains part of the district and
16 does not become part of the municipality until the secretary of the
17 board receives the notice. On receipt of the notice, the board
18 shall immediately change its records to show that the territory has
19 been disannexed from the district and shall cease to provide
20 further services to the residents of that ~~[in writing that the~~
21 ~~annexed territory is excluded from the district's]~~ territory.

22 SECTION 11. Article 2.12, Code of Criminal Procedure, is
23 amended to read as follows:

24 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
25 officers:

26 (1) sheriffs, their deputies, and those reserve
27 deputies who hold a permanent peace officer license issued under

1 Chapter 1701, Occupations Code;

2 (2) constables, deputy constables, and those reserve
3 deputy constables who hold a permanent peace officer license issued
4 under Chapter 1701, Occupations Code;

5 (3) marshals or police officers of an incorporated
6 city, town, or village, and those reserve municipal police officers
7 who hold a permanent peace officer license issued under Chapter
8 1701, Occupations Code;

9 (4) rangers and officers commissioned by the Public
10 Safety Commission and the Director of the Department of Public
11 Safety;

12 (5) investigators of the district attorneys', criminal
13 district attorneys', and county attorneys' offices;

14 (6) law enforcement agents of the Texas Alcoholic
15 Beverage Commission;

16 (7) each member of an arson investigating unit
17 commissioned by a city, a county, or the state;

18 (8) officers commissioned under Section 37.081,
19 Education Code, or Subchapter E, Chapter 51, Education Code;

20 (9) officers commissioned by the General Services
21 Commission;

22 (10) law enforcement officers commissioned by the
23 Parks and Wildlife Commission;

24 (11) airport police officers commissioned by a city
25 with a population of more than 1.18 million that operates an airport
26 that serves commercial air carriers;

27 (12) airport security personnel commissioned as peace

1 officers by the governing body of any political subdivision of this
2 state, other than a city described by Subdivision (11), that
3 operates an airport that serves commercial air carriers;

4 (13) municipal park and recreational patrolmen and
5 security officers;

6 (14) security officers and investigators commissioned
7 as peace officers by the comptroller;

8 (15) officers commissioned by a water control and
9 improvement district under Section 49.216, Water Code;

10 (16) officers commissioned by a board of trustees
11 under Chapter 54, Transportation Code;

12 (17) investigators commissioned by the Texas State
13 Board of Medical Examiners;

14 (18) officers commissioned by the board of managers of
15 the Dallas County Hospital District, the Tarrant County Hospital
16 District, or the Bexar County Hospital District under Section
17 281.057, Health and Safety Code;

18 (19) county park rangers commissioned under
19 Subchapter E, Chapter 351, Local Government Code;

20 (20) investigators employed by the Texas Racing
21 Commission;

22 (21) officers commissioned under Chapter 554,
23 Occupations Code;

24 (22) officers commissioned by the governing body of a
25 metropolitan rapid transit authority under Section 451.108,
26 Transportation Code, or by a regional transportation authority
27 under Section 452.110, Transportation Code;

1 (23) investigators commissioned by the attorney
2 general under Section 402.009, Government Code;

3 (24) security officers and investigators commissioned
4 as peace officers under Chapter 466, Government Code;

5 (25) an officer employed by the Texas Department of
6 Health under Section 431.2471, Health and Safety Code;

7 (26) officers appointed by an appellate court under
8 Subchapter F, Chapter 53, Government Code;

9 (27) officers commissioned by the state fire marshal
10 under Chapter 417, Government Code;

11 (28) an investigator commissioned by the commissioner
12 of insurance under Article 1.10D, Insurance Code;

13 (29) apprehension specialists commissioned by the
14 Texas Youth Commission as officers under Section 61.0931, Human
15 Resources Code;

16 (30) officers appointed by the executive director of
17 the Texas Department of Criminal Justice under Section 493.019,
18 Government Code;

19 (31) investigators commissioned by the Commission on
20 Law Enforcement Officer Standards and Education under Section
21 1701.160, Occupations Code;

22 (32) commission investigators commissioned by the
23 Texas Commission on Private Security under Section 1702.061(f),
24 Occupations Code; and

25 (33) the fire marshal and any officers, inspectors, or
26 [~~and any~~] investigators commissioned by an emergency services
27 district [~~to assist that fire marshal,~~] under [~~Subchapter F,~~]

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1 Chapter 775, Health and Safety Code.

2 SECTION 12. This Act takes effect September 1, 2003.