

AN ACT

relating to emergency services districts.

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

SECTION 1. Subsection (a), Section 775.013, Health and Safety Code, as amended by Chapters 886 and 1333, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

(a) The petition prescribed by Section 775.011 or 775.012 must show:

(1) that the district is to be created and is to operate under Article III, Section 48-e, Texas Constitution, and Chapter 775;

(2) the name of the proposed district;

(3) the proposed district's boundaries as designated by metes and bounds or other sufficient legal description;

(4) the services that the proposed district will provide;

(5) that the creation of the proposed district complies with Sections 775.020 and 775.0205; ~~and~~

(6) the mailing address of each petitioner; and

(7) ~~(6)~~ the name of each municipality whose consent must be obtained under Section 775.014.

SECTION 2. Subsection (a), Section 775.022, Health and Safety Code, is amended to read as follows:

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

15 SECTION 3. Subsection (c), Section 775.031, Health and
16 Safety Code, is amended to read as follows:

17 (c) A district may contract with the state or a political
18 subdivision for law enforcement services or for enforcement of the
19 district's fire code. A [~~Except as provided by Subchapter F, a~~]
20 district may [~~not~~] commission a peace officer or employ a person who
21 holds a permanent peace officer license issued under Section
22 1701.307, Occupations Code, as a peace officer.

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

25 (f) The commissioners court shall consider relevant factors
26 in determining the individuals to appoint as emergency services
27 commissioners, including whether the individuals have knowledge

1 that relates to fire prevention or emergency medical services and
2 that is relevant to the common policies and practices of the board.

3 SECTION 5. Section 775.036, Health and Safety Code, is
4 amended by amending Subsection (b) and adding Subsections (b-1) and
5 (g) to read as follows:

6 (b) The board may adopt and enforce a fire code, including
7 fines for any violations, that does not conflict with a fire code
8 adopted by any county that also contains within its boundaries any
9 portion of the land contained in the district and may require
10 inspections in the district relating to the causes and prevention
11 of fires and medical emergencies, except as provided by Section
12 775.031(b). The fire code must be similar to standards adopted by a
13 nationally recognized standards-making association. The board may
14 not enforce the district's fire code within the boundaries of a
15 municipality that has adopted a fire code, except for an area that
16 has been annexed only for limited purposes in which the
17 municipality does not enforce a fire code. The board of a district
18 located wholly within a county with a population of three million or
19 more may not adopt a fire code or a fine for a violation of the
20 district's fire code unless the commissioners court of the county
21 consents to the adoption of the code or fine.

22 (b-1) If a county that contains within its boundaries any
23 portion of the land contained in the district adopts a fire code
24 after the district adopts a code under Subsection (b), the board may
25 continue to enforce its fire code in the area subject to the county
26 fire code. To the extent of any conflict between the county's code
27 and the district's code, the more stringent provision prevails.

1 (g) The board may commission a peace officer or employ a
2 person who holds a permanent peace officer license issued under
3 Section 1701.307, Occupations Code, to inspect for fire hazards any
4 structure, appurtenance, fixture, or other real property located in
5 the district. The board may adopt procedures to order the owner or
6 occupant of the property that fails an inspection to correct the
7 hazardous situation.

8 SECTION 6. Subsection (a), Section 775.0751, Health and
9 Safety Code, is amended to read as follows:

10 (a) A district may adopt a sales and use tax, change the rate
11 of its sales and use tax, or abolish its sales and use tax at an
12 election held as provided by Section 775.0752. The district may
13 impose the tax at a rate from one-eighth of one percent to [~~of~~
14 ~~one-half percent, one percent, one and one-half percent, or~~] two
15 percent in increments of one-eighth of one percent. Revenue from
16 the tax may be used for any purpose for which ad valorem tax revenue
17 of the district may be used.

18 SECTION 7. Subsection (a), Section 775.076, Health and
19 Safety Code, is amended to read as follows:

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

25 SECTION 8. Subsection (k), Section 775.084, Health and
26 Safety Code, is amended to read as follows:

27 (k) A contract for a public works project must be

1 administered in the manner provided by [~~accordance with~~] Subchapter
2 B or H, Chapter 271, Local Government Code, except as provided by
3 this section.

4 SECTION 9. Subsections (a) and (b), Section 775.085, Health
5 and Safety Code, are amended to read as follows:

6 (a) The board, on the behalf of the district, may borrow
7 money and make other financial arrangements to purchase real
8 property or emergency services equipment or construct emergency
9 services facilities in the amount and subject to a rate of interest
10 or other conditions the board considers advisable.

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

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

15 (2) the real property acquired or improved or
16 equipment acquired with the borrowed money.

17 SECTION 10. Section 776.033, Health and Safety Code, is
18 amended by adding Subsection (e) to read as follows:

19 (e) The commissioners court shall consider relevant factors
20 in determining the individuals to appoint as emergency services
21 commissioners, including whether the individuals have knowledge
22 that relates to fire prevention or emergency medical services and
23 that is relevant to the common policies and practices of the board.

24 SECTION 11. Subsection (c), Section 776.052, Health and
25 Safety Code, is amended to read as follows:

26 (c) If a municipality that is not in the district completes
27 all other procedures necessary to annex [~~annexes~~] territory that is

1 included in a district and if the municipality intends to provide
2 emergency services to the territory by the use of municipal
3 personnel or by some method other than by use of the district, the
4 governing body of the municipality shall send written notice of
5 that fact to the board. The municipality must send the notice to
6 [notify] the secretary of the board by certified mail, return
7 receipt requested. The territory remains part of the district and
8 does not become part of the municipality until the secretary of the
9 board receives the notice. On receipt of the notice, the board
10 shall immediately change its records to show that the territory has
11 been disannexed from the district and shall cease to provide
12 further services to the residents of that [~~in writing that the~~
13 ~~annexed territory is excluded from the district's~~] territory.

14 SECTION 12. Article 2.12, Code of Criminal Procedure, is
15 amended to read as follows:

16 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
17 officers:

18 (1) sheriffs, their deputies, and those reserve
19 deputies who hold a permanent peace officer license issued under
20 Chapter 1701, Occupations Code;

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

24 (3) marshals or police officers of an incorporated
25 city, town, or village, and those reserve municipal police officers
26 who hold a permanent peace officer license issued under Chapter
27 1701, Occupations Code;

1 (4) rangers and officers commissioned by the Public
2 Safety Commission and the Director of the Department of Public
3 Safety;

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

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

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

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

12 (9) officers commissioned by the General Services
13 Commission;

14 (10) law enforcement officers commissioned by the
15 Parks and Wildlife Commission;

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

19 (12) airport security personnel commissioned as peace
20 officers by the governing body of any political subdivision of this
21 state, other than a city described by Subdivision (11), that
22 operates an airport that serves commercial air carriers;

23 (13) municipal park and recreational patrolmen and
24 security officers;

25 (14) security officers and investigators commissioned
26 as peace officers by the comptroller;

27 (15) officers commissioned by a water control and

1 improvement district under Section 49.216, Water Code;

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

4 (17) investigators commissioned by the Texas State
5 Board of Medical Examiners;

6 (18) officers commissioned by the board of managers of
7 the Dallas County Hospital District, the Tarrant County Hospital
8 District, or the Bexar County Hospital District under Section
9 281.057, Health and Safety Code;

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

12 (20) investigators employed by the Texas Racing
13 Commission;

14 (21) officers commissioned under Chapter 554,
15 Occupations Code;

16 (22) officers commissioned by the governing body of a
17 metropolitan rapid transit authority under Section 451.108,
18 Transportation Code, or by a regional transportation authority
19 under Section 452.110, Transportation Code;

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

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

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

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

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

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

5 (29) apprehension specialists commissioned by the
6 Texas Youth Commission as officers under Section 61.0931, Human
7 Resources Code;

8 (30) officers appointed by the executive director of
9 the Texas Department of Criminal Justice under Section 493.019,
10 Government Code;

11 (31) investigators commissioned by the Commission on
12 Law Enforcement Officer Standards and Education under Section
13 1701.160, Occupations Code;

14 (32) commission investigators commissioned by the
15 Texas Commission on Private Security under Section 1702.061(f),
16 Occupations Code; and

17 (33) the fire marshal and any officers, inspectors, or
18 [~~and any~~] investigators commissioned by an emergency services
19 district [~~to assist that fire marshal,~~] under [~~Subchapter F,~~]
20 Chapter 775, Health and Safety Code.

21 SECTION 13. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1022 passed the Senate on April 16, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1022 passed the House, with amendment, on May 23, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor