

1-1 By: Madla S.B. No. 1022  
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 5, Nays 0;  
1-6 April 7, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1022 By: Madla

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

1-10 relating to emergency services districts.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (a), Section 775.022, Health and  
1-13 Safety Code, is amended to read as follows:

1-14 (a) If a municipality completes all other procedures  
1-15 necessary to annex ~~annexes~~ territory in a district and if the  
1-16 municipality intends to provide emergency services to the territory  
1-17 by the use of municipal personnel or by some method other than by  
1-18 use of the district, the municipality shall send written notice of  
1-19 that fact to the board. The municipality must send the notice to  
1-20 the secretary of the board by certified mail, return receipt  
1-21 requested. The territory remains part of the district and does not  
1-22 become part of the municipality until the secretary of the board  
1-23 receives the notice. On ~~the board shall, on~~ receipt of the  
1-24 notice, the board shall ~~a written request of the municipality,~~  
1-25 immediately change its records to show that ~~disannex~~ the  
1-26 territory has been disannexed from the district and shall cease to  
1-27 provide further services to the residents of that territory.

1-28 SECTION 2. Subsection (c), Section 775.031, Health and  
1-29 Safety Code, is amended to read as follows:

1-30 (c) A district may contract with the state or a political  
1-31 subdivision for law enforcement services or for enforcement of the  
1-32 district's fire code. ~~A Except as provided by Subchapter F, a~~  
1-33 district may ~~not~~ commission a peace officer or employ a person who  
1-34 holds a permanent peace officer license issued under Section  
1-35 1701.307, Occupations Code, as a peace officer.

1-36 SECTION 3. Section 775.034, Health and Safety Code, is  
1-37 amended by adding Subsection (f) to read as follows:

1-38 (f) The commissioners court shall consider relevant factors  
1-39 in determining the individuals to appoint as emergency services  
1-40 commissioners, including whether the individuals have knowledge  
1-41 that relates to fire prevention or emergency medical services and  
1-42 that is relevant to the common policies and practices of the board.

1-43 SECTION 4. Section 775.036, Health and Safety Code, is  
1-44 amended by amending Subsection (b) and adding Subsections (b-1) and  
1-45 (g) to read as follows:

1-46 (b) The board may adopt and enforce a fire code, including  
1-47 finest for any violations, that does not conflict with a fire code  
1-48 adopted by any county that also contains within its boundaries any  
1-49 portion of the land contained in the district and may require  
1-50 inspections in the district relating to the causes and prevention  
1-51 of fires and medical emergencies, except as provided by Section  
1-52 775.031(b). The fire code must be similar to standards adopted by a  
1-53 nationally recognized standards-making association. The board may  
1-54 not enforce the district's fire code within the boundaries of a  
1-55 municipality that has adopted a fire code, except for an area that  
1-56 has been annexed only for limited purposes in which the  
1-57 municipality does not enforce a fire code. The board of a district  
1-58 located wholly within a county with a population of three million or  
1-59 more may not adopt a fire code or a fine for a violation of the  
1-60 district's fire code unless the commissioners court of the county  
1-61 consents to the adoption of the code or fine.

1-62 (b-1) If a county that contains within its boundaries any  
1-63 portion of the land contained in the district adopts a fire code

2-1 after the district adopts a code under Subsection (b), the board may  
2-2 continue to enforce its fire code in the area subject to the county  
2-3 fire code. To the extent of any conflict between the county's code  
2-4 and the district's code, the more stringent provision prevails.

2-5 (g) The board may commission a peace officer or employ a  
2-6 person who holds a permanent peace officer license issued under  
2-7 Section 1701.307, Occupations Code, to inspect for fire hazards any  
2-8 structure, appurtenance, fixture, or other real property located in  
2-9 the district. The board may adopt procedures to order the owner or  
2-10 occupant of the property that fails an inspection to correct the  
2-11 hazardous situation.

2-12 SECTION 5. Subsection (a), Section 775.0751, Health and  
2-13 Safety Code, is amended to read as follows:

2-14 (a) A district may adopt a sales and use tax, change the rate  
2-15 of its sales and use tax, or abolish its sales and use tax at an  
2-16 election held as provided by Section 775.0752. The district may  
2-17 impose the tax at a rate from one-eighth of one percent to [of  
2-18 one-half percent, one percent, one and one-half percent, or] two  
2-19 percent in increments of one-eighth of one percent. Revenue from  
2-20 the tax may be used for any purpose for which ad valorem tax revenue  
2-21 of the district may be used.

2-22 SECTION 6. Subsection (a), Section 775.076, Health and  
2-23 Safety Code, is amended to read as follows:

2-24 (a) The board may issue bonds and notes as prescribed by  
2-25 this chapter to perform any of its powers. Before the board may  
2-26 issue bonds or notes authorized by this section, the commissioners  
2-27 court of each county in which the district is located must approve  
2-28 the issuance of the bonds or notes by a majority vote.

2-29 SECTION 7. Subsection (k), Section 775.084, Health and  
2-30 Safety Code, is amended to read as follows:

2-31 (k) A contract for a public works project must be  
2-32 administered in the manner provided by [accordance with] Subchapter  
2-33 B or H, Chapter 271, Local Government Code, except as provided by  
2-34 this section.

2-35 SECTION 8. Subsections (a) and (b), Section 775.085, Health  
2-36 and Safety Code, are amended to read as follows:

2-37 (a) The board, on the behalf of the district, may borrow  
2-38 money and make other financial arrangements to purchase real  
2-39 property or emergency services equipment or construct emergency  
2-40 services facilities in the amount and subject to a rate of interest  
2-41 or other conditions the board considers advisable.

2-42 (b) To secure a loan under this section, the board may  
2-43 pledge:

2-44 (1) tax revenues or funds on hand that are not  
2-45 otherwise pledged to pay a debt of the district; or

2-46 (2) the real property acquired or improved or  
2-47 equipment acquired with the borrowed money.

2-48 SECTION 9. Section 776.033, Health and Safety Code, is  
2-49 amended by adding Subsection (e) to read as follows:

2-50 (e) The commissioners court shall consider relevant factors  
2-51 in determining the individuals to appoint as emergency services  
2-52 commissioners, including whether the individuals have knowledge  
2-53 that relates to fire prevention or emergency medical services and  
2-54 that is relevant to the common policies and practices of the board.

2-55 SECTION 10. Subsection (c), Section 776.052, Health and  
2-56 Safety Code, is amended to read as follows:

2-57 (c) If a municipality that is not in the district completes  
2-58 all other procedures necessary to annex [annexes] territory that is  
2-59 included in a district and if the municipality intends to provide  
2-60 emergency services to the territory by the use of municipal  
2-61 personnel or by some method other than by use of the district, the  
2-62 governing body of the municipality shall send written notice of  
2-63 that fact to the board. The municipality must send the notice to  
2-64 [notify] the secretary of the board by certified mail, return  
2-65 receipt requested. The territory remains part of the district and  
2-66 does not become part of the municipality until the secretary of the  
2-67 board receives the notice. On receipt of the notice, the board  
2-68 shall immediately change its records to show that the territory has  
2-69 been disannexed from the district and shall cease to provide

3-1 further services to the residents of that ~~[in writing that the~~  
3-2 ~~annexed territory is excluded from the district's]~~ territory.

3-3 SECTION 11. Article 2.12, Code of Criminal Procedure, is  
3-4 amended to read as follows:

3-5 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace  
3-6 officers:

3-7 (1) sheriffs, their deputies, and those reserve  
3-8 deputies who hold a permanent peace officer license issued under  
3-9 Chapter 1701, Occupations Code;

3-10 (2) constables, deputy constables, and those reserve  
3-11 deputy constables who hold a permanent peace officer license issued  
3-12 under Chapter 1701, Occupations Code;

3-13 (3) marshals or police officers of an incorporated  
3-14 city, town, or village, and those reserve municipal police officers  
3-15 who hold a permanent peace officer license issued under Chapter  
3-16 1701, Occupations Code;

3-17 (4) rangers and officers commissioned by the Public  
3-18 Safety Commission and the Director of the Department of Public  
3-19 Safety;

3-20 (5) investigators of the district attorneys', criminal  
3-21 district attorneys', and county attorneys' offices;

3-22 (6) law enforcement agents of the Texas Alcoholic  
3-23 Beverage Commission;

3-24 (7) each member of an arson investigating unit  
3-25 commissioned by a city, a county, or the state;

3-26 (8) officers commissioned under Section 37.081,  
3-27 Education Code, or Subchapter E, Chapter 51, Education Code;

3-28 (9) officers commissioned by the General Services  
3-29 Commission;

3-30 (10) law enforcement officers commissioned by the  
3-31 Parks and Wildlife Commission;

3-32 (11) airport police officers commissioned by a city  
3-33 with a population of more than 1.18 million that operates an airport  
3-34 that serves commercial air carriers;

3-35 (12) airport security personnel commissioned as peace  
3-36 officers by the governing body of any political subdivision of this  
3-37 state, other than a city described by Subdivision (11), that  
3-38 operates an airport that serves commercial air carriers;

3-39 (13) municipal park and recreational patrolmen and  
3-40 security officers;

3-41 (14) security officers and investigators commissioned  
3-42 as peace officers by the comptroller;

3-43 (15) officers commissioned by a water control and  
3-44 improvement district under Section 49.216, Water Code;

3-45 (16) officers commissioned by a board of trustees  
3-46 under Chapter 54, Transportation Code;

3-47 (17) investigators commissioned by the Texas State  
3-48 Board of Medical Examiners;

3-49 (18) officers commissioned by the board of managers of  
3-50 the Dallas County Hospital District, the Tarrant County Hospital  
3-51 District, or the Bexar County Hospital District under Section  
3-52 281.057, Health and Safety Code;

3-53 (19) county park rangers commissioned under  
3-54 Subchapter E, Chapter 351, Local Government Code;

3-55 (20) investigators employed by the Texas Racing  
3-56 Commission;

3-57 (21) officers commissioned under Chapter 554,  
3-58 Occupations Code;

3-59 (22) officers commissioned by the governing body of a  
3-60 metropolitan rapid transit authority under Section 451.108,  
3-61 Transportation Code, or by a regional transportation authority  
3-62 under Section 452.110, Transportation Code;

3-63 (23) investigators commissioned by the attorney  
3-64 general under Section 402.009, Government Code;

3-65 (24) security officers and investigators commissioned  
3-66 as peace officers under Chapter 466, Government Code;

3-67 (25) an officer employed by the Texas Department of  
3-68 Health under Section 431.2471, Health and Safety Code;

3-69 (26) officers appointed by an appellate court under

4-1 Subchapter F, Chapter 53, Government Code;  
4-2 (27) officers commissioned by the state fire marshal  
4-3 under Chapter 417, Government Code;  
4-4 (28) an investigator commissioned by the commissioner  
4-5 of insurance under Article 1.10D, Insurance Code;  
4-6 (29) apprehension specialists commissioned by the  
4-7 Texas Youth Commission as officers under Section 61.0931, Human  
4-8 Resources Code;  
4-9 (30) officers appointed by the executive director of  
4-10 the Texas Department of Criminal Justice under Section 493.019,  
4-11 Government Code;  
4-12 (31) investigators commissioned by the Commission on  
4-13 Law Enforcement Officer Standards and Education under Section  
4-14 1701.160, Occupations Code;  
4-15 (32) commission investigators commissioned by the  
4-16 Texas Commission on Private Security under Section 1702.061(f),  
4-17 Occupations Code; and  
4-18 (33) the fire marshal and any officers, inspectors, or  
4-19 ~~[, and any]~~ investigators commissioned by an emergency services  
4-20 district ~~[to assist that fire marshal,]~~ under ~~[Subchapter F,]~~  
4-21 Chapter 775, Health and Safety Code.  
4-22 SECTION 12. This Act takes effect September 1, 2003.

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