AN ACT

relating to emergency services districts and the conversion of all rural fire prevention districts to emergency services districts.

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

ARTICLE 1. RURAL FIRE PREVENTION DISTRICTS AND EMERGENCY SERVICES DISTRICTS

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

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

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

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

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

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

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

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

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

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

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

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

(2) is created after September 1, 2003.

SECTION 1.005. Subsection (a), Section 775.032, Health and Safety Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

(a) If the territory in a district created under this
chapter overlaps with the boundaries of another district created
under this chapter or a district operating [created] under
Chapter 775, [or a rural fire prevention district created under

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Chapter 794) the most recently created district may not provide services in the overlapping territory that duplicate the services provided by the other district.

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

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

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

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

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

ARTICLE 2. CONFORMING AMENDMENTS

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

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

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

(2) currently holds a position with that fire department.

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

(d) A municipality, county, [rural fire prevention district] emergency services district, fire protection agency, organized volunteer group, or other emergency services entity may provide mutual aid assistance on request from another municipality, county, [rural fire prevention district] emergency services district, fire protection agency, organized volunteer group, or other emergency services entity. The chief or highest ranking officer of the entity from which assistance is requested, with the
approval and consent of the presiding officer of the governing body of that entity, may provide that assistance while acting in accordance with the policies, ordinances, and procedures established by the governing body of that entity and consistent with any mutual aid plans developed by the emergency management council.

SECTION 2.003. Section 419.904, Government Code, is amended to read as follows:

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

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

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

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

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

(f) Subsection (c) does not apply if:

(1) on the effective date of this chapter, the municipality is providing fire suppression and prevention services and emergency medical services; or

(2) the fire control, prevention, and emergency medical services plan of the proposed district proposes emergency services that, on the effective date of this chapter, were [are] not provided by any rural fire prevention district or emergency services district inside the boundaries of the municipality.

ARTICLE 3. REPEALER; EFFECTIVE DATE

SECTION 3.001. The following laws are repealed:

(1) Sections 775.023 and 775.024, Health and Safety Code; and

(2) Chapter 794, Health and Safety Code.

SECTION 3.002. This Act takes effect September 1, 2003.
David Dewhurst  
President of the Senate

Jim Caffel  
Speaker of the House

I hereby certify that S.B. No. 1021 passed the Senate on April 15, 2003, by a viva-voce vote.

J. Larry Swafford  
Secretary of the Senate

I hereby certify that S.B. No. 1021 passed the House on May 16, 2003, by a non-record vote.

Robert_Haney  
Chief Clerk of the House

Approved:

20 JUN 03  
Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE  
7:30 AM, O'CLOCK

Jun. 20 2003  
Secretary of State