

AN ACT

relating to emergency services districts.

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

SECTION 1. Section 775.034, Health and Safety Code, is amended by adding Subsection (h) to read as follows:

(h) This section does not apply to a district located wholly in a county with a population of more than three million.

SECTION 2. Subchapter C, Chapter 775, Health and Safety Code, is amended by adding Section 775.0345 to read as follows:

Sec. 775.0345. ELECTION OF BOARD IN CERTAIN POPULOUS COUNTIES. (a) This section applies only to a district located wholly in a county with a population of more than three million.

(b) The governing body of a district consists of a five-person board of emergency services commissioners elected as prescribed by this section. Except as provided by Subsection (h), emergency services commissioners serve two-year terms.

(c) After a district is created, the county judge shall establish a convenient day provided by Section 41.001, Election Code, to conduct an election to elect the initial emergency services commissioners.

(d) To be eligible to be a candidate for emergency services commissioner, a person must be at least 18 years of age and a resident of the district.

(e) A candidate for emergency services commissioner on an

1 initial board must give the county clerk a sworn notice of the
2 candidate's intention to run for office. The notice must state the
3 person's name, age, and address and state that the person is serving
4 notice of intent to run for emergency services commissioner. On
5 receipt of the notice, the county clerk shall have the candidate's
6 name placed on the ballot.

7 (f) The county clerk shall appoint an election judge to
8 certify the results of the election.

9 (g) After the election is held, the county clerk or the
10 clerk's deputy shall prepare a sworn statement of the election
11 costs incurred by the county. The statement shall be given to the
12 newly elected board, which shall order the appropriate official to
13 reimburse the county for the county's election costs.

14 (h) The initial emergency services commissioners' terms of
15 office begin 30 days after canvassing of the election results. The
16 two commissioners who received the fewest votes serve a term that
17 expires on December 31 of the year in which the election was held.
18 The other emergency services commissioners serve terms that expire
19 on December 31 of the year following the election.

20 (i) The board shall hold the general election for
21 commissioner annually on an authorized uniform election date as
22 provided by Chapter 41, Election Code. The board may change the
23 election date from one authorized election date to another
24 authorized election date and shall adjust the terms of office to
25 conform to the new election date.

26 (j) Subchapter C, Chapter 146, Election Code, applies to a
27 write-in candidate for emergency services commissioner under this

1 section in the same manner it applies to a write-in candidate for a
2 city office under that subchapter.

3 SECTION 3. Subchapter C, Chapter 775, Health and Safety
4 Code, is amended by adding Section 775.0355 to read as follows:

5 Sec. 775.0355. DISQUALIFICATION OF EMERGENCY SERVICES
6 COMMISSIONERS IN CERTAIN POPULOUS COUNTIES. (a) In this section,
7 "emergency services organization" means:

8 (1) a volunteer fire department;

9 (2) a career or combination fire department;

10 (3) a municipal fire department;

11 (4) an emergency medical services organization under
12 the jurisdiction of the Department of State Health Services;

13 (5) any other agency under the jurisdiction of the
14 state fire marshal's office; or

15 (6) any other organization or corporation that governs
16 an emergency services organization.

17 (b) This section applies only to a district located wholly
18 in a county with a population of more than three million.

19 (c) A person is disqualified from serving as an emergency
20 services commissioner if that person:

21 (1) is related within the third degree of affinity or
22 consanguinity to:

23 (A) a person providing professional services to
24 the district;

25 (B) a commissioner of the same district; or

26 (C) a person who is an employee or volunteer of an
27 emergency services organization providing emergency services to

1 the district;

2 (2) is an employee of a commissioner of the same
3 district, attorney, or other person providing professional
4 services to the district;

5 (3) is serving as an attorney, consultant, or
6 architect or in some other professional capacity for the district
7 or an emergency services organization providing emergency services
8 to the district; or

9 (4) fails to maintain the qualifications required by
10 law to serve as a commissioner.

11 (d) Any rights obtained by a third party through official
12 action of a board covered by this section are not impaired or
13 affected by the disqualification under this section of an emergency
14 services commissioner to serve, provided that the third party had
15 no knowledge, at the time the rights were obtained, of the fact that
16 the commissioner was disqualified to serve.

17 SECTION 4. Subchapter C, Chapter 775, Health and Safety
18 Code, is amended by adding Section 775.0445 to read as follows:

19 Sec. 775.0445. VACANCY ON BOARD OF DISTRICT LOCATED IN
20 CERTAIN POPULOUS COUNTIES. (a) In this section, "vacancy" means a
21 vacancy in the office of director that occurs for any reason,
22 including an office that is vacant because:

23 (1) a director was disqualified under Section
24 775.0355; or

25 (2) no candidate filed for election to the office.

26 (b) This section applies only to a district located wholly
27 in a county with a population of more than three million.

1 (c) Not later than the 90th day after a board vacancy
2 occurs, the remaining board members shall appoint a person to fill
3 the unexpired term.

4 (d) A person appointed under this section must be eligible
5 to serve under Section 775.0345.

6 SECTION 5. Section 775.076, Health and Safety Code, is
7 amended by amending Subsection (a) and adding Subsection (a-1) to
8 read as follows:

9 (a) The board may issue bonds and notes as prescribed by
10 this chapter to perform any of its powers.

11 (a-1) Before the board may issue bonds or notes authorized by
12 this section, the commissioners court of each county in which the
13 district is located must approve the issuance of the bonds or notes
14 by a majority vote. This subsection does not apply to a district
15 located wholly in a county with a population of more than three
16 million.

17 SECTION 6. The heading to Section 775.082, Health and
18 Safety Code, is amended to read as follows:

19 Sec. 775.082. AUDIT OF DISTRICT IN LESS POPULOUS COUNTIES.

20 SECTION 7. Section 775.082, Health and Safety Code, is
21 amended by adding Subsection (g) to read as follows:

22 (g) This section does not apply to a district located wholly
23 in a county with a population of more than three million.

24 SECTION 8. Subchapter E, Chapter 775, Health and Safety
25 Code, is amended by adding Section 775.0825 to read as follows:

26 Sec. 775.0825. AUDIT OF DISTRICT IN CERTAIN POPULOUS
27 COUNTIES. (a) This section applies only to a district located

1 wholly in a county with a population of more than three million.

2 (b) A district shall prepare on or before July 1 of each year
3 an audit of the district's fiscal accounts and records.

4 (c) The audit shall be performed and the report shall be
5 prepared at the expense of the district.

6 (d) The audit shall be available for review and inspection
7 at the administrative office of the district.

8 (e) A copy of the audit shall be filed with the clerk of the
9 county commissioner's court within 30 days after receipt by the
10 board.

11 SECTION 9. (a) The changes in law made by this Act do not
12 affect the entitlement of a commissioner of a board of emergency
13 services commissioners serving on the board immediately before the
14 effective date of this Act to continue to carry out the board's
15 functions for the remainder of the commissioner's term.

16 (b) This Act does not prohibit a person who is a
17 commissioner on the effective date of this Act from running for
18 election to the board of emergency services commissioners if the
19 person has the qualifications required for a member under Section
20 775.0345, Health and Safety Code, as added by this Act.

21 (c) A person serving as an appointed member of a board of
22 emergency services commissioners on the effective date of this Act
23 shall continue to serve until the election and qualification of a
24 new commissioner for that position.

25 (d) In 2008, the county judge of an emergency services
26 district to which Section 775.0345, Health and Safety Code, as
27 added by this Act, applies shall establish an election as required

1 by that section to replace commissioners whose terms expire
2 December 31, 2007.

3 (e) In 2009, the county judge shall repeat the procedures
4 described by Subsection (d) of this section for the remaining
5 appointed commissioners whose terms expire December 31, 2008.

6 SECTION 10. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 2653 was passed by the House on May 11, 2007, by the following vote: Yeas 139, Nays 0, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2653 on May 25, 2007, by the following vote: Yeas 137, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2653 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor