

1-1 By: Harless (Senate Sponsor - Whitmire) H.B. No. 2653
1-2 (In the Senate - Received from the House May 14, 2007;
1-3 May 15, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 19, 2007, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 4,
1-6 Nays 0; May 19, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2653 By: Nichols

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. Section 775.034, Health and Safety Code, is
1-13 amended by adding Subsection (h) to read as follows:

1-14 (h) This section does not apply to a district located wholly
1-15 in a county with a population of more than three million.

1-16 SECTION 2. Subchapter C, Chapter 775, Health and Safety
1-17 Code, is amended by adding Section 775.0345 to read as follows:

1-18 Sec. 775.0345. ELECTION OF BOARD IN CERTAIN POPULOUS
1-19 COUNTIES. (a) This section applies only to a district located
1-20 wholly in a county with a population of more than three million.

1-21 (b) The governing body of a district consists of a
1-22 five-person board of emergency services commissioners elected as
1-23 prescribed by this section. Except as provided by Subsection (h),
1-24 emergency services commissioners serve two-year terms.

1-25 (c) After a district is created, the county judge shall
1-26 establish a convenient day provided by Section 41.001, Election
1-27 Code, to conduct an election to elect the initial emergency
1-28 services commissioners.

1-29 (d) To be eligible to be a candidate for emergency services
1-30 commissioner, a person must be at least 18 years of age and a
1-31 resident of the district.

1-32 (e) A candidate for emergency services commissioner on an
1-33 initial board must give the county clerk a sworn notice of the
1-34 candidate's intention to run for office. The notice must state the
1-35 person's name, age, and address and state that the person is serving
1-36 notice of intent to run for emergency services commissioner. On
1-37 receipt of the notice, the county clerk shall have the candidate's
1-38 name placed on the ballot.

1-39 (f) The county clerk shall appoint an election judge to
1-40 certify the results of the election.

1-41 (g) After the election is held, the county clerk or the
1-42 clerk's deputy shall prepare a sworn statement of the election
1-43 costs incurred by the county. The statement shall be given to the
1-44 newly elected board, which shall order the appropriate official to
1-45 reimburse the county for the county's election costs.

1-46 (h) The initial emergency services commissioners' terms of
1-47 office begin 30 days after canvassing of the election results. The
1-48 two commissioners who received the fewest votes serve a term that
1-49 expires on December 31 of the year in which the election was held.
1-50 The other emergency services commissioners serve terms that expire
1-51 on December 31 of the year following the election.

1-52 (i) The board shall hold the general election for
1-53 commissioner annually on an authorized uniform election date as
1-54 provided by Chapter 41, Election Code. The board may change the
1-55 election date from one authorized election date to another
1-56 authorized election date and shall adjust the terms of office to
1-57 conform to the new election date.

1-58 (j) Subchapter C, Chapter 146, Election Code, applies to a
1-59 write-in candidate for emergency services commissioner under this
1-60 section in the same manner it applies to a write-in candidate for a
1-61 city office under that subchapter.

1-62 SECTION 3. Subchapter C, Chapter 775, Health and Safety
1-63 Code, is amended by adding Section 775.0355 to read as follows:

2-1 Sec. 775.0355. DISQUALIFICATION OF EMERGENCY SERVICES
2-2 COMMISSIONERS. (a) In this section, "emergency services
2-3 organization" means:

- 2-4 (1) a volunteer fire department;
- 2-5 (2) a career or combination fire department;
- 2-6 (3) a municipal fire department;
- 2-7 (4) an emergency medical services organization under
2-8 the jurisdiction of the Department of State Health Services;
- 2-9 (5) any other agency under the jurisdiction of the
2-10 state fire marshal's office; or
- 2-11 (6) any other organization or corporation that governs
2-12 an emergency services organization.

2-13 (b) A person is disqualified from serving as an emergency
2-14 services commissioner if that person:

- 2-15 (1) is related within the third degree of affinity or
2-16 consanguinity to:
 - 2-17 (A) a person providing professional services to
2-18 the district;
 - 2-19 (B) a commissioner of the same district; or
 - 2-20 (C) a person who is an employee or volunteer of an
2-21 emergency services organization providing emergency services to
2-22 the district;
- 2-23 (2) is an employee of a commissioner of the same
2-24 district, attorney, or other person providing professional
2-25 services to the district;
- 2-26 (3) is serving as an attorney, consultant, or
2-27 architect or in some other professional capacity for the district
2-28 or an emergency services organization providing emergency services
2-29 to the district; or
- 2-30 (4) fails to maintain the qualifications required by
2-31 law to serve as a commissioner.

2-32 (c) Any rights obtained by a third party through official
2-33 action of a board covered by this section are not impaired or
2-34 affected by the disqualification under this section of an emergency
2-35 services commissioner to serve, provided that the third party had
2-36 no knowledge, at the time the rights were obtained, of the fact that
2-37 the commissioner was disqualified to serve.

2-38 SECTION 4. Subchapter C, Chapter 775, Health and Safety
2-39 Code, is amended by adding Section 775.0445 to read as follows:

2-40 Sec. 775.0445. VACANCY ON BOARD OF DISTRICT LOCATED IN ONE
2-41 COUNTY. (a) Not later than the 90th day after a board vacancy for a
2-42 district wholly located in one county occurs, the remaining board
2-43 members shall appoint a person to fill the unexpired term.

2-44 (b) A person appointed under this section must be eligible
2-45 to serve under:

- 2-46 (1) Section 775.034, if the district is wholly located
2-47 in a county with a population of three million or less; or
- 2-48 (2) Section 775.0345, if the district is located
2-49 wholly in a county with a population of more than three million.

2-50 (c) For purposes of this section, a vacancy includes an
2-51 office that is vacant because:

- 2-52 (1) a director was disqualified under Section
2-53 775.0355; or
- 2-54 (2) no candidate filed for election to the office.

2-55 SECTION 5. Section 775.076, Health and Safety Code, is
2-56 amended by amending Subsection (a) and adding Subsection (a-1) to
2-57 read as follows:

2-58 (a) The board may issue bonds and notes as prescribed by
2-59 this chapter to perform any of its powers.

2-60 (a-1) Before the board may issue bonds or notes authorized by
2-61 this section, the commissioners court of each county in which the
2-62 district is located must approve the issuance of the bonds or notes
2-63 by a majority vote. This subsection does not apply to a district
2-64 located wholly in a county with a population of more than three
2-65 million,

2-66 SECTION 6. The heading to section 775.082, Health and
2-67 Safety Code is amended to read as follows:

2-68 Sec. 775.082. AUDIT OF DISTRICT IN LESS POPULOUS COUNTIES.
2-69 SECTION 7. Section 775.082, Health and Safety Code, is

3-1 amended by adding Subsection (g) to read as follows:

3-2 (g) This section does not apply to a district located wholly

3-3 in a county with a population of more than three million.

3-4 SECTION 8. Subchapter E, Chapter 775, Health and Safety

3-5 Code, is amended by adding Section 775.0825 to read as follows:

3-6 Sec. 775.0825. AUDIT OF DISTRICT IN CERTAIN POPULOUS

3-7 COUNTIES. (a) This section applies only to a district located

3-8 wholly in a county with a population of more than three million.

3-9 (b) A district shall prepare on or before July 1 of each year

3-10 an audit of the district's fiscal accounts and records.

3-11 (c) The audit shall be performed and the report shall be

3-12 prepared at the expense of the district.

3-13 (d) The audit shall be available for review and inspection

3-14 at the administrative office of the district.

3-15 (e) A copy of the audit shall be filed with the clerk of the

3-16 county commissioner's court within 30 days after receipt by the

3-17 board.

3-18 SECTION 9. (a) The changes in law made by this Act do not

3-19 affect the entitlement of a commissioner of a board of emergency

3-20 services commissioners serving on the board immediately before the

3-21 effective date of this Act to continue to carry out the board's

3-22 functions for the remainder of the commissioner's term.

3-23 (b) This Act does not prohibit a person who is a

3-24 commissioner on the effective date of this Act from running for

3-25 election to the board of emergency services commissioners if the

3-26 person has the qualifications required for a member under Section

3-27 775.0345, Health and Safety Code, as added by this Act.

3-28 (c) A person serving as an appointed member of a board of

3-29 emergency services commissioners on the effective date of this Act

3-30 shall continue to serve until the election and qualification of a

3-31 new commissioner for that position.

3-32 (d) In 2008, the county judge of an emergency services

3-33 district to which Section 775.0345, Health and Safety Code, as

3-34 added by this Act, applies shall establish an election as required

3-35 by that section to replace commissioners whose terms expire

3-36 December 31, 2007.

3-37 (e) In 2009, the county judge shall repeat the procedures

3-38 described by Subsection (d) of this section for the remaining

3-39 appointed commissioners whose terms expire December 31, 2008.

3-40 SECTION 10. This Act takes effect September 1, 2007.

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