

By: Whitmire

S.B. No. 1004

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the election and disqualification of emergency services
3 commissioners in certain populous counties.

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

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

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

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

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

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

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

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

1 (e) A candidate for emergency services commissioner must
2 give the county clerk a sworn notice of the candidate's intention to
3 run for office. The notice must state the person's name, age, and
4 address and state that the person is serving notice of intent to run
5 for emergency services commissioner. On receipt of the notice, the
6 county clerk shall have the candidate's 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 general election for commissioner shall be held
21 annually on an authorized uniform election date as provided by
22 Chapter 41, Election Code. The board may change the election date
23 from one authorized election date to another authorized election
24 date and shall adjust the terms of office to conform to the new
25 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. (a) In this section, "emergency services
7 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) A person is disqualified from serving as an emergency
18 services commissioner if that person:

- 19 (1) is related within the third degree of affinity or
20 consanguinity to:
 - 21 (A) a person providing professional
22 services to the district;
 - 23 (B) a commissioner of the same district; or
 - 24 (C) a person who is an employee or volunteer
25 of an emergency services organization providing emergency services
26 to the district;
- 27 (2) is an employee of a commissioner of the same

1 district, attorney, or other person providing professional
2 services to the district;

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

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

9 (c) No later than the 60th day after the date the board
10 determines a person is disqualified under Subsection (b), it shall
11 replace the person serving as an emergency services commissioner
12 with a person who is not disqualified.

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

19 SECTION 4. (a) The changes in law made by this Act do not
20 affect the entitlement of a commissioner of a board of emergency
21 services commissioners serving on the board immediately before the
22 effective date of this Act to continue to carry out the board's
23 functions for the remainder of the commissioner's term.

24 (b) This Act does not prohibit a person who is a
25 commissioner on the effective date of this Act from running for
26 election to the board of emergency services commissioners if the
27 person has the qualifications required for a member under Section

1 775.0345, Health and Safety Code, as added by this Act.

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

6 (d) In 2008, the county judge of an emergency services
7 district to which Section 775.0345, Health and Safety Code, as
8 added by this Act, applies shall establish an election as required
9 by that section to replace a commissioner appointed before the
10 effective date of this Act as near as practicable to the date of the
11 expiration of the appointed commissioner's term.

12 (e) In 2009, the county judge shall repeat the procedures
13 described by Subsection (d) of this section for the remaining
14 appointed commissioners.

15 SECTION 5. This Act takes effect September 1, 2007.