

1-1 By: Whitmire S.B. No. 1004  
1-2 (In the Senate - Filed February 28, 2007; March 14, 2007,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; May 3, 2007, reported favorably by the following vote:  
1-5 Yeas 5, Nays 0; May 3, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the election and disqualification of emergency services  
1-9 commissioners in certain populous counties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 775.034, Health and Safety Code, is  
1-12 amended by adding Subsection (h) to read as follows:

1-13 (h) This section does not apply to a district located wholly  
1-14 in a county with a population of more than three million.

1-15 SECTION 2. Subchapter C, Chapter 775, Health and Safety  
1-16 Code, is amended by adding Section 775.0345 to read as follows:

1-17 Sec. 775.0345. ELECTION OF BOARD IN CERTAIN POPULOUS  
1-18 COUNTIES. (a) This section applies only to a district located  
1-19 wholly in a county with a population of more than three million.

1-20 (b) The governing body of a district consists of a  
1-21 five-person board of emergency services commissioners elected as  
1-22 prescribed by this section. Except as provided by Subsection (h),  
1-23 emergency services commissioners serve two-year terms.

1-24 (c) After a district is created, the county judge shall  
1-25 establish a convenient day provided by Section 41.001, Election  
1-26 Code, to conduct an election to elect the initial emergency  
1-27 services commissioners.

1-28 (d) To be eligible to be a candidate for emergency services  
1-29 commissioner, a person must be at least 18 years of age and a  
1-30 resident of the district.

1-31 (e) A candidate for emergency services commissioner must  
1-32 give the county clerk a sworn notice of the candidate's intention to  
1-33 run for office. The notice must state the person's name, age, and  
1-34 address and state that the person is serving notice of intent to run  
1-35 for emergency services commissioner. On receipt of the notice, the  
1-36 county clerk shall have the candidate's name placed on the ballot.

1-37 (f) The county clerk shall appoint an election judge to  
1-38 certify the results of the election.

1-39 (g) After the election is held, the county clerk or the  
1-40 clerk's deputy shall prepare a sworn statement of the election  
1-41 costs incurred by the county. The statement shall be given to the  
1-42 newly elected board, which shall order the appropriate official to  
1-43 reimburse the county for the county's election costs.

1-44 (h) The initial emergency services commissioners' terms of  
1-45 office begin 30 days after canvassing of the election results. The  
1-46 two commissioners who received the fewest votes serve a term that  
1-47 expires on December 31 of the year in which the election was held.  
1-48 The other emergency services commissioners serve terms that expire  
1-49 on December 31 of the year following the election.

1-50 (i) The general election for commissioner shall be held  
1-51 annually on an authorized uniform election date as provided by  
1-52 Chapter 41, Election Code. The board may change the election date  
1-53 from one authorized election date to another authorized election  
1-54 date and shall adjust the terms of office to conform to the new  
1-55 election date.

1-56 (j) Subchapter C, Chapter 146, Election Code, applies to a  
1-57 write-in candidate for emergency services commissioner under this  
1-58 section in the same manner it applies to a write-in candidate for a  
1-59 city office under that subchapter.

1-60 SECTION 3. Subchapter C, Chapter 775, Health and Safety  
1-61 Code, is amended by adding Section 775.0355 to read as follows:

1-62 Sec. 775.0355. DISQUALIFICATION OF EMERGENCY SERVICES  
1-63 COMMISSIONERS. (a) In this section, "emergency services  
1-64 organization" means:

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

2-10 (b) A person is disqualified from serving as an emergency

2-11 services commissioner if that person:

2-12 (1) is related within the third degree of affinity or

2-13 consanguinity to:

2-14 (A) a person providing professional

2-15 services to the district;

2-16 (B) a commissioner of the same district; or

2-17 (C) a person who is an employee or volunteer

2-18 of an emergency services organization providing emergency services

2-19 to the district;

2-20 (2) is an employee of a commissioner of the same

2-21 district, attorney, or other person providing professional

2-22 services to the district;

2-23 (3) is serving as an attorney, consultant, or

2-24 architect or in some other professional capacity for the district

2-25 or an emergency services organization providing emergency services

2-26 to the district; or

2-27 (4) fails to maintain the qualifications required by

2-28 law to serve as a commissioner.

2-29 (c) No later than the 60th day after the date the board

2-30 determines a person is disqualified under Subsection (b), it shall

2-31 replace the person serving as an emergency services commissioner

2-32 with a person who is not disqualified.

2-33 (d) Any rights obtained by a third party through official

2-34 action of a board covered by this section are not impaired or

2-35 affected by the disqualification under this section of an emergency

2-36 services commissioner to serve, provided that the third party had

2-37 no knowledge, at the time the rights were obtained, of the fact that

2-38 the commissioner was disqualified to serve.

2-39 SECTION 4. (a) The changes in law made by this Act do not

2-40 affect the entitlement of a commissioner of a board of emergency

2-41 services commissioners serving on the board immediately before the

2-42 effective date of this Act to continue to carry out the board's

2-43 functions for the remainder of the commissioner's term.

2-44 (b) This Act does not prohibit a person who is a

2-45 commissioner on the effective date of this Act from running for

2-46 election to the board of emergency services commissioners if the

2-47 person has the qualifications required for a member under Section

2-48 775.0345, Health and Safety Code, as added by this Act.

2-49 (c) A person serving as an appointed member of a board of

2-50 emergency services commissioners on the effective date of this Act

2-51 shall continue to serve until the election and qualification of a

2-52 new commissioner for that position.

2-53 (d) In 2008, the county judge of an emergency services

2-54 district to which Section 775.0345, Health and Safety Code, as

2-55 added by this Act, applies shall establish an election as required

2-56 by that section to replace a commissioner appointed before the

2-57 effective date of this Act as near as practicable to the date of the

2-58 expiration of the appointed commissioner's term.

2-59 (e) In 2009, the county judge shall repeat the procedures

2-60 described by Subsection (d) of this section for the remaining

2-61 appointed commissioners.

2-62 SECTION 5. This Act takes effect September 1, 2007.

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