

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Harless

H.B. No. 2653

A BILL TO BE ENTITLED

AN ACT

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

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.

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 if the person has the qualifications required  
27 for a member under Section 775.0345, Health and Safety Code, as

1 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.

# ADOPTED

MAY 22 2007

*Atay Spaw*  
Secretary of the Senate

By: *Whitmore*

H.B. No. 2653

Substitute the following for H.B. No. 2653:

By: *MTJWS*

C.S. H.B. No. 2653

## A BILL TO BE ENTITLED

1 AN ACT

2 relating to emergency services districts.

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

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

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

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

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

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

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

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

6

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

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

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

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

23       (i) The board shall hold the general election for  
24 commissioner annually on an authorized uniform election date as  
25 provided by Chapter 41, Election Code. The board may change the  
26 election date from one authorized election date to another

1 authorized election date and shall adjust the terms of office to  
2 conform to the new election date.

3 (j) Subchapter C, Chapter 146, Election Code, applies to a  
4 write-in candidate for emergency services commissioner under  
5 this section in the same manner it applies to a write-in  
6 candidate for a city office under that subchapter.

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

9 Sec. 775.0355. DISQUALIFICATION OF EMERGENCY SERVICES  
10 COMMISSIONERS. (a) In this section, "emergency services  
11 organization" means:

12 (1) a volunteer fire department;  
13 (2) a career or combination fire department;  
14 (3) a municipal fire department;  
15 (4) an emergency medical services organization under  
16 the jurisdiction of the Department of State Health Services;

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

19 (6) any other organization or corporation that  
20 governs an emergency services organization.

21 (b) A person is disqualified from serving as an emergency  
22 services commissioner if that person:

23 (1) is related within the third degree of affinity or  
24 consanguinity to:

25 (A) a person providing professional  
26 services to the district;



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

2                   (C) a person who is an employee or  
3 volunteer of an emergency services organization providing  
4 emergency services to the district;

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

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

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

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

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

23                   Sec. 775.0445. VACANCY ON BOARD OF DISTRICT LOCATED IN ONE  
24 COUNTY. (a) Not later than the 90th day after a board vacancy  
25 for a district wholly located in one county occurs, the  
26 remaining board members shall appoint a person to fill the

1 unexpired term.

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

4 (1) Section 775.034, if the district is wholly located  
5 in a county with a population of three million or less; or

6 (2) Section 775.0345, if the district is located  
7 wholly in a county with a population of more than three million.

8 (c) For purposes of this section, a vacancy includes an  
9 office that is vacant because:

10 (1) a director was disqualified under Section  
11 775.0355; or

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

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

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

18 (a-1) Before the board may issue bonds or notes authorized  
19 by this section, the commissioners court of each county in which  
20 the district is located must approve the issuance of the bonds  
21 or notes by a majority vote. This subsection does not apply to a  
22 district located wholly in a county with a population of more  
23 than three million,

24 SECTION 6. The heading to section 775.082, Health and  
25 Safety Code is amended to read as follows:

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

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

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

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

7 Sec. 775.0825. AUDIT OF DISTRICT IN CERTAIN POPULOUS  
8 COUNTIES. (a) This section applies only to a district located  
9 wholly in a county with a population of more than three million.

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

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

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

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

19 SECTION 9. (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  
22 the effective date of this Act to continue to carry out the  
23 board's 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

1 person has the qualifications required for a member under  
2 Section 775.0345, Health and Safety Code, as added by this Act.

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

7 (d) In 2008, the county judge of an emergency services  
8 district to which Section 775.0345, Health and Safety Code, as  
9 added by this Act, applies shall establish an election as  
10 required by that section to replace commissioners whose terms  
11 expire December 31, 2007.

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 whose terms expire December 31, 2008.

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

ADOPTED

APR 22 2007

FLOOR AMENDMENT NO. 1

Secretary of the Senate BY: Whitmore

1 Amend C.S.H.B. 2653 (senate committee printing) as follows:

2 (1) In Section 3 of the bill, in the heading to added Section  
3 775.0355, Health and Safety Code (page 2, line 2), between  
4 "COMMISSIONERS" and the period, insert "IN CERTAIN POPULOUS  
5 COUNTIES".

6 (2) In Section 3 of the bill, in added Section 775.0355,  
7 Health and Safety Code (page 2, between lines 12 and 13), insert a  
8 new Subsection (b) to read as follows:

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

11 (3) In Section 3 of the bill, in added Section 775.0355(b),  
12 Health and Safety Code (page 2, line 13), strike "(b)" and  
13 substitute "(c)".

14 (4) In Section 3 of the bill, in added Section 775.0355(c),  
15 Health and Safety Code (page 2, line 32), strike "(c)" and  
16 substitute "(d)".

17 (5) In Section 4 of the bill, strike added Section 775.0445,  
18 Health and Safety Code (page 2, lines 40 through 54), and  
19 substitute:

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

24 (1) a director was disqualified under Section  
25 775.0355; or

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

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

29 (c) Not later than the 90th day after a board vacancy

1 occurs, the remaining board members shall appoint a person to fill  
2 the unexpired term.

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 18, 2007**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2653** by Harless (Relating to emergency services districts.), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend sections within Chapter 775 of the Health and Safety Code regarding procedures for electing board members of an emergency services district, filling vacancies, and issuing bonds in a district located wholly in a county with a population of more than three million (Harris County); regarding disqualification and replacement of emergency services commissioners for various emergency services organizations; and regarding preparation of audits of a district's fiscal accounts and records.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff: JOB, CL, DB**





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 17, 2007**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2653** by Harless (Relating to the election and disqualification of emergency services commissioners in certain populous counties.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would add Section 775.0345 to the Health and Safety Code to establish new procedures for electing board members of an emergency services district in a district located wholly in a county with a population of more than three million (Harris County). The bill would also add Section 775.0355 regarding disqualification and replacement of emergency services commissioners for various emergency services organizations.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, CL, DB



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 15, 2007**

**TO:** Honorable Wayne Smith, Chair, House Committee on County Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2653** by Harless (Relating to the election and disqualification of emergency services commissioners in certain populous counties.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would add Section 775.0345 to the Health and Safety Code to establish new procedures for electing board members of an emergency services district in a district located wholly in a county with a population of more than three million (Harris County). The bill would also add Section 775.0355 regarding disqualification and replacement of emergency services commissioners for various emergency services organizations.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, CL, DB

