

By: Schaefer

H.B. No. 3257

A BILL TO BE ENTITLED

AN ACT

relating to the election of emergency service commissioners in certain counties.

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

SECTION 1. Subchapter C, Chapter 775, Health and Safety Code, is amended by adding Section 775.0346 to read as follows:

Sec. 775.0346. ELECTION OF BOARD IN CERTAIN COUNTIES.

(a) This section applies only to a county:

(1) with a population of more than 200,000;

(2) that borders Lake Palestine; and

(3) has at least one emergency services district.

(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 four-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) If the district is already in existence on the effective date of this section, the county judge shall establish a convenient day provided by Section 41.001, Election Code, to conduct an election to elect emergency services commissioners.

(e) To be eligible to be a candidate for emergency services

1 commissioner, a person must be at least 18 years of age and a
2 resident of the district.

3 (f) A candidate for emergency services commissioner on an
4 initial board or a board already in existence on the effective date
5 of this section must give the county clerk a sworn notice of the
6 candidate's intention to run for office. The notice must state the
7 person's name, age, and address and state that the person is serving
8 notice of intent to run for emergency services commissioner. On
9 receipt of the notice, the county clerk shall have the candidate's
10 name placed on the ballot.

11 (g) The county clerk shall appoint an election judge to
12 certify the results of the election.

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

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

25 (i) In a district already in existence on the effective date
26 of this section, the emergency services commissioners' terms of
27 office begin 30 days after canvassing of election results. At this

1 time, the terms of office for previously appointed emergency
2 services commissioners shall expire. The two commissioners who
3 received the fewest votes serve a term that expires on December 31
4 of the second year following the year in which the election was
5 held. The other emergency services commissioners serve terms that
6 expire on December 31 of the fourth year following the year in which
7 the election was held.

8 (j) The board shall hold the general election for
9 commissioner every two years on an authorized uniform election date
10 as provided by Chapter 41, Election Code. The board may change the
11 election date from one authorized election date to another
12 authorized election date and shall adjust the terms of office to
13 conform to the new election date.

14 (k) Subchapter C, Chapter 146, Election Code, applies to a
15 write-in candidate for emergency services commissioner under this
16 section in the same manner it applies to a write-in candidate for a
17 city office under that subchapter.

18 SECTION 2. Subchapter C, Chapter 775, Health and Safety
19 Code, is amended by adding Section 775.0356 to read as follows:

20 Sec. 755.0356. DISQUALIFICATION OF EMERGENCY SERVICE
21 COMMISSIONERS IN CERTAIN COUNTIES.

22 (a) This section applies only to a county:

23 (1) with a population of more than 200,000;

24 (2) that borders Lake Palestine; and

25 (3) has at least one emergency services district.

26 (b) In this section, "emergency services organization"
27 means:

1 (1) a volunteer fire department;

2 (2) a career or combination fire department;

3 (3) a municipal fire department;

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

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

8 (6) any other organization or corporation that governs
9 an emergency services organization.

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

12 (1) is related within the third degree of affinity or
13 consanguinity to:

14 (A) a person providing professional services to
15 the district;

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

17 (C) a person who is an employee or volunteer of an
18 emergency services organization providing emergency services to
19 the district;

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

23 (3) is serving as an attorney, consultant, or
24 architect or in some other professional capacity for the district
25 or an emergency services organization providing emergency services
26 to the district; or

27 (4) fails to maintain the qualifications required by

1 law to serve as a commissioner.

2 (d) Any rights obtained by a third party through official
3 action of a board covered by this section are not impaired or
4 affected by the disqualification under this section of an emergency
5 services commissioner to serve, provided that the third party had
6 no knowledge, at the time the rights were obtained, of the fact that
7 the commissioner was disqualified to serve.

8 SECTION 3. Subchapter C, Chapter 775, Health and Safety
9 Code, is amended by adding Section 775.0446 to read as follows:

10 Sec. 775.0446. VACANCY ON BOARD OF DISTRICT LOCATED IN
11 CERTAIN COUNTIES.

12 (a) This section applies only to a county:

13 (1) with a population of more than 200,000;

14 (2) that borders Lake Palestine; and

15 (3) has at least one emergency services district.

16 (b) In this section, "vacancy" means a vacancy in the office
17 of director that occurs for any reason, including an office that is
18 vacant because:

19 (1) a director was disqualified under Section
20 775.0356; or

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

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

25 (3) A person appointed under this section must be
26 eligible to serve under Section 775.0346.

27 SECTION 4. This Act takes effect September 1, 2013.