

## CHAPTER 320

## H.B. No. 293

An Act relating to the management and operation of rural fire prevention districts.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes), is amended by adding Sections 11A and 11B to read as follows:

*Sec. 11A. (a) In this section, "expenditure" means the purchase of:*

*(1) one item or service; or*

*(2) more than one of the same or a similar type of items or services within one fiscal year.*

*(b) Except as provided by Subsection (h) of this section, an expenditure authorized by Section 11 of this Act that exceeds Ten Thousand Dollars (\$10,000) must be submitted to competitive bids.*

*(c) The Board of Fire Commissioners of the district shall request bids on items to be purchased or leased or services to be performed. The Board of Fire Commissioners shall notify suppliers, vendors, or providers of the item or service required and inform them of the bidding procedures. The Board of Fire Commissioners is not required to inform more than ten (10) suppliers, vendors, or providers of the intended purchase, and may inform fewer than ten (10) suppliers, vendors, or providers if ten (10) suppliers, vendors, or providers are not available or known to the Board of Fire Commissioners. This subsection does not prevent more than ten (10) suppliers, vendors, or providers from submitting a bid.*

*(d) The notice for competitive bidding must:*

*(1) describe the work to be performed or the item to be purchased or leased;*

*(2) state the location at which the bidding documents, plans, specifications, or other data may be examined; and*

*(3) state the time and place for submitting bids and the time and place that bids will be opened.*

*(e) Bids may be opened only by the Board of Fire Commissioners at a public meeting or by an officer or employee of the Rural Fire Prevention District at or in an office of the district.*

*(f) The Board of Fire Commissioners may reject any and all bids. Contracts covered by this section shall be awarded to the lowest responsible bidder, but a contract may not be awarded to a bidder who is not the lowest bidder unless prior to the award each lower bidder is given notice of the*

*proposed award and an opportunity to appear before the Board of Fire Commissioners or its designated representative and present evidence concerning the bidder's responsibility.*

(g) *A contract awarded in violation of this section is void.*

(h) *This Act does not apply:*

(1) *to the purchase or lease of real property;*

(2) *to an item or service that can be obtained from only one source, as determined by the commissioners of the district; or*

(3) *in cases of emergency.*

*Sec. 11B. Section 11A of this Act applies to an expenditure of Rural Fire Prevention District tax revenues by any party or entity, including a volunteer fire department, for the purchase of services, vehicles, equipment, or goods.*

**SECTION 2.** Subsection (3), Section 13, Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes), is amended to read as follows:

(3) Said fire commissioners shall choose from their number a president, vice-president, secretary, ~~and~~ treasurer, *and assistant treasurer* who shall have and perform respectively, the duties usually incumbent upon their said offices. The office of secretary and treasurer may be vested in the same person.

The treasurer shall enter into and file with the county clerk his bond conditioned upon the faithful performance of the duties of his office. The sufficiency and amount of the bond shall be determined by the County Judge before it may be filed.

**SECTION 3.** Subsections (2) and (3), Section 13(a), Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes), are amended to read as follows:

(2) The County Judges of the county where such Rural Fire Prevention District lies of any Rural Fire Prevention District which is multi-county shall mutually establish a day convenient to them in the month of November to hold an election for the purposes of electing the Board of Fire Commissioners of the district. Any person who is a resident of the district and has attained the age of 18 years shall be eligible to run as Fire Commissioner. He shall give notice to the County Clerk of each county wherein the district lies of his intention to run for office. Such notice shall give his name, age, and address and state that he is serving notice of his intent to run as Fire Commissioner of the Rural Fire Prevention District. Such notice shall be sworn to before the County Clerk can receive it. Upon receipt of such notice the County Clerk shall call such candidate's name to be printed upon the ballots suitable to the County Clerk for an election of this character. The County Clerks of the counties wherein such multi-county district lies shall mutually appoint an election judge to certify the winners of the result of such election. After the election is held each of the County Clerks or one of their deputies wherein the district lies shall prepare a statement of cost under oath of the election. Such statement shall be tendered to the newly elected constituted Board of the Rural Fire Prevention District. It shall be the duty of the Board of Fire Commissioners to order its proper official to reimburse each county for the cost expended by it for the election.

The term of the Board of Fire Commissioners shall commence on January 1 and run for two years. Then and thereafter elections of the Board shall be held in the month of November on the year after the election of the first Board at a day to be agreed upon by the County Judges wherein the district lies.

Two of the members of the first Board of Fire Commissioners shall have initial terms of one year. In November of the year of taking office another election shall be provided for these two offices. Then and thereafter there shall be one election every two years for these two officers. The two commissioners that shall run for office in the next year shall be the two who received the lowest number of votes in the first election of the board.

Each of said Fire Commissioners shall take the official oath required by members of the legislature of this State before entering upon duty. *The oath may be administered by a notary public or any other person authorized to administer an oath.*

(3) Said Fire Commissioners shall choose from their number a President, Vice-President, Secretary, ~~and~~ Treasurer, *and Assistant Treasurer* who shall have and perform, respectively, the duties usually incumbent upon their said offices. The offices of Secretary and Treasurer may be vested in the same person.

The Treasurer shall enter into and file with the County Clerk of the largest county in population according to the last preceding federal census wherein the district lies his bond conditioned upon the faithful performance of the duties of his office. The sufficiency and amount of the bond shall be determined by the County Judge of that county before it may be filed.

**SECTION 4.** Section 14, Chapter 57, Acts of the 55th Legislature, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. The Board of Fire Commissioners shall administer all the affairs of said district in accordance with the provisions of this Act; shall hold regular monthly meetings, and such other meetings as deemed advisable; and shall keep proper minutes and records of all their acts and proceedings. A majority of said board shall constitute a quorum.

No fire commissioner shall receive any compensation for his services, but when on official business of the district may be compensated for their reasonable and necessary expenses. All moneys of the district shall be disbursed by check signed by the treasurer *and* countersigned by the president. *If the treasurer is absent or unavailable, the assistant treasurer may sign for the treasurer. If the president is absent or unavailable, the vice-president may sign for the president. No payments of more than Two Thousand Dollars (\$2,000) shall be paid; but no payments* from tax moneys ~~shall be paid~~ unless a sworn itemized account covering the same has been presented to and approved by the board.

The board shall not later than February 1st of each year render in writing to the Commissioners Court of the county an accounting of its administration for the preceding calendar year and of the financial condition of the district.

The board shall further render such reports as may be required from time to time by the State Fire Marshall and other authorized party or agency.

No fire commissioner shall become interested in any contract or transaction in which said district is a party whereby he may receive any money consideration or other thing of value, other than as a resident or property owner of the district.

**SECTION 5.** Subsection (7), Section 14a, Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Article 2351a-6, Vernon's Texas Civil Statutes), is amended to read as follows:

(7) The notice of the election, the manner and time of giving the notice, the manner of holding the election, and qualifications of the voters shall be governed by other provisions of this Act, so far as applicable, *except that the president of the Board of Fire Commissioners shall conduct the election and certify the results to the county judge or, if the district is a multi-county district, to the county judge of each county in the district.*

**SECTION 6.** (a) Section 1 of this Act applies only to a contract for goods or services entered on or after the effective date of this Act.

(b) A contract for goods or services entered before the effective date of this Act is controlled by the law in effect on the date the contract is entered, and the prior law is continued in effect for that purpose.

**SECTION 7.** This Act takes effect September 1, 1985.

**SECTION 8.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 28, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 293 on May 26, 1985, by a non-record vote; passed by the Senate, with amendments, on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 8, 1985

Effective: September 1, 1985