

By: Thompson of Brazoria

H.B. No. 1775

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the oversight and election of board members for certain
3 emergency services districts.

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

5 SECTION 1. Sections 775.024(c) and (h), Health and Safety
6 Code, are amended to read as follows:

7 (c) If the boards do not make the appointments before the
8 31st day after the date the boards adopted the joint order:

9 (1) for a consolidated district to which Section
10 775.0345, ~~[or]~~ 775.035, or 775.353 does not apply, the
11 commissioners court shall appoint five commissioners to the board
12 of the consolidated district; or

13 (2) for a consolidated district to which Section
14 775.0345, ~~[or]~~ 775.035, or 775.353 does apply, the board of the
15 consolidated district is initially composed of the two
16 commissioners from each existing board who have served the longest
17 terms.

18 (h) For a consolidated district to which Section 775.0345,
19 ~~[or]~~ 775.035, or 775.353 applies, the initial commissioners of the
20 consolidated district serve until the next available uniform
21 election date after the date the joint order is adopted and that
22 allows sufficient time to comply with other requirements of law.
23 After an election is held under Section 775.0345, ~~[or]~~ 775.035, or
24 775.353:

1 (1) the two commissioners who receive the fewest votes
2 of the elected commissioners serve terms ending on December 31 of
3 the second year following the year in which the election is held;
4 and

5 (2) the remaining elected commissioners serve terms
6 ending on December 31 of the fourth year following the year in which
7 the election is held.

8 SECTION 2. The heading to Section 775.034, Health and
9 Safety Code, is amended to read as follows:

10 Sec. 775.034. APPOINTMENT OF BOARD IN CERTAIN DISTRICTS
11 [~~DISTRICT~~] LOCATED WHOLLY IN ONE COUNTY.

12 SECTION 3. Section 775.034(h), Health and Safety Code, is
13 amended to read as follows:

14 (h) This section does not apply to a district to which
15 Section 775.353 applies or to a district located wholly in a county:

16 (1) with a population of more than three million;

17 (2) with a population of more than 200,000 that
18 borders Lake Palestine; or

19 (3) with a population of less than 200,000 that
20 borders another state and the Gulf Intracoastal Waterway.

21 SECTION 4. Sections 775.0445(b) and (d), Health and Safety
22 Code, are amended to read as follows:

23 (b) This section applies only to a district to which Section
24 775.353 applies or to a district located wholly in a county:

25 (1) with a population of more than three million;

26 (2) with a population of more than 200,000 that
27 borders Lake Palestine; or

1 (3) with a population of less than 200,000 that
2 borders another state and the Gulf Intracoastal Waterway.

3 (d) A person appointed under this section must be eligible
4 to serve under Section 775.0345 or 775.353, as applicable.

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

7 SUBCHAPTER L. COMMISSIONERS COURT OVERSIGHT AND ELECTION OF BOARD
8 IN CERTAIN COUNTIES

9 Sec. 775.351. APPLICABILITY. This subchapter applies only
10 to a district that is located wholly in one county with a population
11 of more than 200,000. This subchapter does not apply to a district
12 described by Section 775.0345(a) or 775.302(a).

13 Sec. 775.352. CHOICE OF OVERSIGHT OPTION. (a) After a
14 district is created and initial emergency services commissioners
15 are appointed under Section 775.034, the commissioners court of the
16 county in which the district is located shall choose whether:

17 (1) the board will be elected in the manner provided by
18 Section 775.353; or

19 (2) the commissioners court will approve the annual
20 budget and tax rate of the district in the manner provided by
21 Section 775.354.

22 (b) A commissioners court that initially chooses to approve
23 district budgets and tax rates under Subsection (a)(2) may at any
24 time instead choose to require that the board of the district be
25 elected under Subsection (a)(1). A commissioners court that
26 chooses to require that a district's board be elected under
27 Subsection (a)(1) may not approve the district's budgets and tax

1 rates under Subsection (a)(2).

2 Sec. 775.353. ELECTION OF BOARD. (a) This section applies
3 only to a district required to have an elected board under Section
4 775.352.

5 (b) The governing body of a district consists of a
6 five-person board of emergency services commissioners elected at
7 large from the district as prescribed by this section. Emergency
8 services commissioners serve staggered four-year terms.

9 (c) To be eligible to be a candidate for emergency services
10 commissioner, a person must be at least 18 years of age and a
11 resident of the district.

12 (d) A candidate for emergency services commissioner on an
13 initial elected board must give the voter registrar of the county a
14 sworn notice of the candidate's intention to run for office. The
15 notice must state the person's name, age, and address and state that
16 the person is serving notice of intent to run for emergency services
17 commissioner. On receipt of the notice, the voter registrar of the
18 county shall have the candidate's name placed on the ballot.

19 (e) The voter registrar of the county shall appoint an
20 election judge to certify the results of the election.

21 (f) After the election is held, the voter registrar or
22 deputy registrar of the county shall prepare a sworn statement of
23 the election costs incurred by the county. The statement shall be
24 given to the newly elected board, which shall order the appropriate
25 official to reimburse the county for the county's election costs.

26 (g) The initial emergency services commissioners' terms of
27 office begin 30 days after canvassing of the election results. The

1 two commissioners who received the fewest votes serve a term that
2 expires on January 1 of the third year following the year in which
3 the election was held. The other emergency services commissioners
4 serve terms that expire on January 1 of the fifth year following the
5 year in which the election was held.

6 (h) After the commissioners court requires the district's
7 board to be elected under Section 775.352, the county judge shall
8 order an election to be held in the district to elect the initial
9 emergency services commissioners on the next November uniform
10 election date under Section 41.001, Election Code, held in an
11 even-numbered year. After the initial election, the board shall
12 hold the general election for the appropriate number of
13 commissioners in each even-numbered year on the November uniform
14 election date under Section 41.001, Election Code. An election
15 under this subsection shall be held jointly with the county under
16 Chapter 271, Election Code.

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

21 Sec. 775.354. BUDGET AND TAX RATE APPROVAL. (a) This
22 section applies only to a district the annual budget and tax rate of
23 which are required to be approved by the commissioners court of the
24 county in which the district is located under Section 775.352.

25 (b) The commissioners court shall adopt a schedule for the
26 district to submit to the county for final approval the district's
27 annual budget, tax rate calculations and notices, and recommended

1 tax rate.

2 (c) The schedule must take into account requirements of this
3 chapter, Chapter 26, Tax Code, and Section 21, Article VIII, Texas
4 Constitution, applicable to adopting a district tax rate, and must
5 provide a reasonable amount of time for the commissioners court to
6 review the submissions required by Subsection (d).

7 (d) In accordance with the schedule adopted under this
8 section, the board shall submit to the commissioners court the
9 district's annual budget, tax rate calculations and notices, and
10 recommended tax rate.

11 (e) If a commissioners court does not approve or deny a
12 budget submitted under this section before the 31st day after the
13 date the budget is submitted, the commissioners court is considered
14 to have approved the budget.

15 (f) If a commissioners court does not approve or deny a tax
16 rate recommended under this section before the 31st day after the
17 date the recommended tax rate is submitted, the commissioners court
18 is considered to have approved the recommended tax rate.

19 (g) If a commissioners court denies the annual budget
20 submitted under Subsection (d), the district may not make
21 expenditures under that budget except for an obligation incurred
22 before the beginning of the fiscal year for which the budget was
23 submitted.

24 (h) If a commissioners court denies the tax rate submitted
25 under Subsection (d), the district may not impose the tax at a rate
26 greater than that imposed in the fiscal year preceding the one for
27 which the tax rate was submitted.

1 SECTION 6. As soon as practicable after the effective date
2 of this Act, but not later than January 1, 2024, the commissioners
3 court of a county in which an emergency services district created
4 before the effective date of this Act and to which Section 775.352,
5 Health and Safety Code, as added by this Act, applies is located
6 shall choose whether the board of emergency services commissioners
7 will be elected or the commissioners court will approve the annual
8 budget and tax rate as required by Section 775.352, Health and
9 Safety Code, as added by this Act.

10 SECTION 7. This Act does not prohibit a person who is a
11 member of a board of emergency services commissioners on the
12 effective date of this Act and who was appointed under Section
13 [775.034](#), Health and Safety Code, from running for election to the
14 board if the person has the qualifications required for a member
15 under Section 775.353, Health and Safety Code, as added by this Act.

16 SECTION 8. This Act takes effect September 1, 2023.