

By: Thompson of Brazoria

H.B. No. 1775

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the election of board members of certain emergency
3 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 [775.0343](#), [775.0345](#), or [775.035](#) does not apply, the commissioners
11 court shall appoint five commissioners to the board of the
12 consolidated district; or

13 (2) for a consolidated district to which Section
14 [775.0343](#), [775.0345](#), or [775.035](#) 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 [775.0343](#),
19 [775.0345](#), or [775.035](#) 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 [775.0343](#), [775.0345](#), or
24 [775.035](#):

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 located wholly
15 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 (2) ~~[(3)]~~ with a population of less than 200,000 that
20 borders another state and the Gulf Intracoastal Waterway.

21 SECTION 4. Subchapter C, Chapter 775, Health and Safety
22 Code, is amended by adding Section 775.0343 to read as follows:

23 Sec. 775.0343. ELECTION OF BOARD FOR DISTRICTS IN POPULOUS
24 COUNTIES. (a) This section applies only to a district that is
25 located wholly in one county with a population of more than 200,000.
26 This section does not apply to a district described by Section
27 775.0345(a).

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

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

9 (d) 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 (e) A candidate for emergency services commissioner on an
13 initial board must give the voter registrar of the county a sworn
14 notice of the candidate's intention to run for office. The notice
15 must state the person's name, age, and address and state that the
16 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 (f) The voter registrar of the county shall appoint an
20 election judge to certify the results of the election.

21 (g) 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 (h) 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 (i) The board shall hold the general election for the
7 appropriate number of commissioners in each even-numbered year on
8 the November uniform election date under Section 41.001, Election
9 Code.

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

14 SECTION 5. Section 775.0445(b), Health and Safety Code, is
15 amended to read as follows:

16 (b) This section applies only to a district located wholly
17 in a county:

18 (1) with a population of 200,000 or more [~~than three~~
19 ~~million,~~

20 [~~(2) with a population of more than 200,000 that~~
21 ~~borders Lake Palestine]; or~~

22 (2) [(3)] with a population of less than 200,000 that
23 borders another state and the Gulf Intracoastal Waterway.

24 SECTION 6. Section 775.301, Health and Safety Code, is
25 amended to read as follows:

26 Sec. 775.301. DEFINITION. In this subchapter,
27 "commissioners court" means the commissioners court of a county

1 that borders the United Mexican States and [7] has a population of
2 more than 800,000[~~7, and appoints a board of emergency services~~
3 ~~commissioners under this chapter~~].

4 SECTION 7. Section 775.302(a), Health and Safety Code, is
5 amended to read as follows:

6 (a) This subchapter applies only to a district that is
7 located wholly in a county that borders the United Mexican States
8 and[7] that has a population of more than 800,000[~~7, and for which~~
9 ~~the commissioners court appoints a board of emergency services~~
10 ~~commissioners under Section 775.034~~].

11 SECTION 8. (a) The changes in law made by this Act do not
12 affect the entitlement of a member of a board of emergency services
13 commissioners serving on the board immediately before the effective
14 date of this Act to continue to carry out the board's functions for
15 the remainder of the member's term of appointment.

16 (b) This Act does not prohibit a person who is a member of a
17 board of emergency services commissioners on the effective date of
18 this Act and who was appointed under Section 775.034, Health and
19 Safety Code, from running for election to the board if the person
20 has the qualifications required for a member under Section
21 775.0343, Health and Safety Code, as added by this Act.

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

26 (d) In 2024, the board of directors of an emergency services
27 district to which Section 775.0343, Health and Safety Code, as

1 added by this Act, applies shall hold an election to replace those
2 appointed commissioners whose terms expire January 1, 2025. A
3 commissioner elected under this subsection serves a term that
4 begins January 1, 2025, and expires 30 days after the canvassing of
5 the results of the initial general election for commissioners held
6 in November 2026 under Section 775.0343(i), Health and Safety Code,
7 as added by this Act.

8 (e) In 2025, the board of directors of an emergency services
9 district to which Section 775.0343, Health and Safety Code, as
10 added by this Act, applies shall hold an election to replace those
11 appointed commissioners whose terms expire January 1, 2026. A
12 commissioner elected under this subsection serves a term that
13 begins January 1, 2026, and expires 30 days after the canvassing of
14 the results of the initial general election for commissioners held
15 in November 2028 under Section 775.0343(i), Health and Safety Code,
16 as added by this Act.

17 (f) An emergency services commissioner elected to replace a
18 commissioner elected under Subsection (d) or (e) of this section
19 serves a four-year term as provided by Section 775.0343(b), Health
20 and Safety Code, as added by this Act.

21 SECTION 9. This Act takes effect June 1, 2024.