

By: Averitt

S.B. No. 1509

A BILL TO BE ENTITLED

AN ACT

relating to the election of emergency services districts boards.

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

SECTION 1. The heading to Section 775.035, Health and Safety Code, is amended to read as follows:

Sec. 775.035. ELECTION OF BOARD ~~[IN DISTRICT LOCATED IN MORE THAN ONE COUNTY]~~.

SECTION 2. Sections 775.035(a)-(c), Health and Safety Code, are amended to read as follows:

(a) The governing body of a district ~~[located in more than one county]~~ consists of a five-person board of emergency services commissioners elected as prescribed by this section. Except as provided by Subsection (g), emergency services commissioners serve two-year terms.

(b) After a district ~~[located in more than one county]~~ is created, the county judges of each county in the district shall mutually establish a convenient day provided by Section 41.001, Election Code, to conduct an election to elect the initial emergency services commissioners. In a single-county district, the county judge shall order the election to be held on the same date as the county's precinct elections.

(c) To be eligible to be a candidate for emergency services commissioner ~~[of a district located in more than one county]~~, a person must be at least 18 years of age and a resident of the

1 district.

2 SECTION 3. The heading to Section 776.034, Health and
3 Safety Code, is amended to read as follows:

4 Sec. 776.034. ELECTION OF BOARD [~~IN DISTRICT LOCATED IN~~
5 ~~MORE THAN ONE COUNTY~~].

6 SECTION 4. Sections 776.034(a)-(c), Health and Safety Code,
7 are amended to read as follows:

8 (a) The governing body of a district [~~located in more than~~
9 ~~one county~~] consists of a five-person board of emergency
10 commissioners elected as prescribed by this section. Except as
11 provided by Subsection (g), an emergency commissioner serves a
12 two-year term.

13 (b) After a district [~~located in more than one county~~] is
14 created, the county judges of each county in the district shall
15 mutually establish a convenient day provided by Section 41.001,
16 Election Code [~~in November, other than the date of the general~~
17 ~~election for state and county officers~~], to conduct an election to
18 elect the initial emergency commissioners. In a single-county
19 district, the county judge shall order the election to be held on
20 the same date as the county's precinct elections.

21 (c) To be eligible as a candidate for emergency commissioner
22 of a district [~~located in more than one county~~], a person must be at
23 least 18 years of age and a resident of the district.

24 SECTION 5. Sections 775.034 and 776.033, Health and Safety
25 Code, are repealed.

26 SECTION 6. (a) The changes in law made by this Act do not
27 affect the entitlement of a commissioner of a board of emergency

1 services commissioners serving on the board immediately before the
2 effective date of this Act to continue to carry out the board's
3 functions for the remainder of the commissioner's term.

4 (b) This Act does not prohibit a person who is a
5 commissioner on the effective date of this Act from running for
6 election to the board if the person has the qualifications required
7 for a member under Section 775.035 or 776.034, Health and Safety
8 Code, as amended by this Act.

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

13 (d) In 2006, the county judge of a single-county emergency
14 services district shall establish an election as required by
15 Section 775.035 or 776.034, Health and Safety Code, as amended by
16 this Act, to replace a commissioner appointed before the effective
17 date of this Act as near as practicable to the date of the
18 expiration of the appointed commissioner's term.

19 (e) In 2007, the county judge shall repeat the procedures
20 described by Subsection (d) of this section for the remaining
21 appointed commissioners.

22 SECTION 7. This Act takes effect September 1, 2005.