BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, an emergency services district (district) located wholly within one county is governed by a five-member board, appointed by the commissioners court. In highly urbanized counties, districts provide a wide array of services to an ever-increasing population in the unincorporated area. The commissioners of a district oversee substantial budgets and are authorized to acquire and own property, enter into contracts, appoint and employ officers and employees, borrow money and issue bonds, enact fire code requirements, and perform other acts necessary to carry out their responsibilities under Chapter 775 (Emergency Services Districts), Health and Safety Code. Also of concern to the public they serve, district commissioners impose and collect taxes. Yet the appointing body, the commissioners court, has virtually no statutory authority over the board or operations of a district. The commissioners court's sole power consists of the power of appointment. Under our representative form of government, the broad administrative and regulatory powers granted to district boards are usually reserved to officials who are elected. District boards in highly urbanized counties of more than three million should be elected by and accountable to the people they serve.

C.S.H.B. 2653 provides for the election and disqualification of district commissioners in a county with a population of three million or more. The bill also provides for financial audits of such districts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 775.034, Health and Safety Code, by adding Subsection (h), to provide that this section does not apply to an emergency services district (district) located wholly in a county with a population of more than three million.

SECTION 2. Amends Subchapter C, Chapter 775, Health and Safety Code, by adding Section 775.0345, as follows:

> Sec. 775.0345. ELECTION OF BOARD IN CERTAIN POPULOUS COUNTIES. (a) Provides that this section applies to a district located wholly in a county with a population of more than three million.
>
>> (b) Provides that the governing body of a district consists of a five-person board of emergency services commissioners (board) elected as prescribed in this section. Provides that the emergency service commissioners serve two-year terms, except as provided by Subsection (h).
>>
>> (c) Requires the county judge, after a district is created, to establish a convenient day provided by Section 41.001 (Uniform Election Dates), Election Code, to conduct an election to elect the initial emergency services commissioners.
>>
>> (d) Sets forth eligibility requirements for a candidate for emergency services commissioner.

(e) Sets forth the procedural requirements regarding a candidate's intention to run for office.

(f) Requires the county clerk to appoint an election judge to certify the results of the election.

(g) Requires the county clerk or the clerk's deputy to prepare a sworn statement of the election costs in the county, and to provide the statement to the newly elected board, which is required to direct the appropriate official to reimburse the county for those costs.

(h) Sets forth the term lengths of certain emergency services commissioners.

(i) Requires the board to hold the general election for commissioner annually on an authorized uniform election date as provided by Chapter 41 (Election Dates and Hours for Voting), Election Code. Authorizes the board to change the election date from one authorized date to another, and to adjust the terms of office to conform to the new election date.

(j) Provides that Subchapter C (Write-In Candidate in City Election), Chapter 146, Election Code, applies to a write-in candidate for emergency services commissioner under this section in the same manner as it applies to a write-in candidate for city office under that subchapter.

SECTION 3. Amends Subchapter C, Chapter 775, Health and Safety Code, by adding Section 775.0355, as follows:

Sec. 775.0355. DISQUALIFICATION OF EMERGENCY SERVICES COMMISSIONERS. (a) Defines "emergency services organization."

(b) Sets forth the conditions under which a person is disqualified from serving as an emergency services commissioner.

(c) Provides that any rights obtained by a third party through official action of a board are not impaired or affected by the disqualification of an emergency services commissioner, provided that the third party, at the time the rights were obtained, had no knowledge of the fact that the commissioner was disqualified to serve.

SECTION 4. Amends Subchapter C, Chapter 775, Health and Safety Code, by adding Section 775.0445, as follows:

Sec. 227.0445. VACANCY ON BOARD OF DISTRICT LOCATED IN ONE COUNTY. (a) Requires the remaining board members, not later than the 90th day after a board vacancy for a district wholly located in one county occurs, to appoint a person to fill the unexpired term.

(b) Requires a person appointed under this section to be eligible to serve under certain provision set forth in this subsection

(c) Provides that, for purposes of this section, a vacancy includes an office that is vacant for reasons set forth in this subsection.

SECTION 5. Amends Section 775.076, Health and Safety Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Redesignates text from this subsection as Subsection (a-1).

(a-1) Creates this subsection from existing text of Subsection (a). Provides that this subsection (requiring voter approval before the board is authorized to issue bonds and

notes) does not apply to a district wholly located in a county with a population of more than three million.

SECTION 6. Amends the heading to Section 775.082, Health and Safety Code, to read as follows:

Sec. 775.082. AUDIT OF DISTRICT IN LESS POPULOUS COUNTIES.

SECTION 7. Amends Section 775.082, Health and Safety Code, by adding Subsection (g), to provide that this section does not apply to a district located wholly in a county with a population of more than three million.

SECTION 8. Amends Subchapter E, Chapter 775, Health and Safety Code, by adding Section 775.0825, as follows:

Sec. 775.0825. AUDIT OF DISTRICT IN CERTAIN POPULOUS COUNTIES. (a) Provides that this section applies to a district located wholly in a county with a population of more than three million.

(b) Requires a district to prepare an audit of the district's fiscal accounts and records on or before July 1 of each year.

(c) Requires the audit to be performed and the report to be prepared at the expense of the district.

(d) Requires the audit to be available for review and inspection at the district's administrative office.

(e) Requires a copy of the audit to be filed with the clerk of the county commissioners court within 30 days after receipt by the board.

SECTION 9. (a) Provides that the changes in law made by this Act do not affect the entitlement of a commissioner serving on a board immediately before the effective date of this act to carry out the board's functions for the remainder of his or her term.

(b) Authorizes a person who is a commissioner on the effective date of this Act to run for election to the board of emergency services commissioners, provided that he or she meets the eligibility requirements as added by this Act.

(c) Requires a person serving as an appointed member of a board on the effective date of this Act to continue to serve until the election and qualification of a new commissioner for that position.

(d) Requires the county judge of certain emergency services districts, in 2008, to establish an election as required by this Act to replace commissioners whose terms expire December 31, 2007.

(e) Requires the county judge to repeat in 2009 the said procedures for the remaining appointed commissioners whose terms expire December 31, 2008.

SECTION 10. Effective date: September 1, 2007.