

BILL ANALYSIS

Senate Research Center

S.B. 1265
By: Nichols
Intergovernmental Relations
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, members of an emergency services district (ESD) board are nominated by the commissioner of their presiding precinct and then approved by the commissioners court of the county in which the ESD is located within. The Orange County Commissioners Court believes that the process for choosing ESD board members should rest upon the people being served within the precincts. S.B. 1265 changes current statute to make ESD board members in Orange County elected rather than appointed.

S.B. 1265 amends current law relating to the election of board members for emergency service districts in certain counties.

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(h), Health and Safety Code, as follows:

(h) Provides that this section does not apply to an emergency services district (district) located wholly in a county:

- (1) with a population of more than three million;
- (2) with a population of more than 200,000 that borders Lake Palestine, or
- (3) with a population of less than 200,000 that borders another state and the Gulf Intercoastal Waterway.

SECTION 2. Amends the heading to Section 775.0345, Health and Safety Code, to read as follows:

Sec. 775.0345. ELECTION OF BOARD IN CERTAIN COUNTIES.

SECTION 3. Amends Section 775.0345, Health and Safety Code, by amending Subsections (a), (b), (e), (f), and (g) and adding Subsections (b-1), (d-1), and (h-1), as follows:

(a) Provides that this section applies only to a district located wholly in a county:

- (1) with a population of more than three million;
- (2) with a population of more than 200,000 that borders Lake Palestine; or
- (3) with a population of less than 200,000 that borders another state and the Gulf Intracoastal Waterway.

(b) Provides that the governing body of a district consists of a five-person board of emergency services commissioners (board) elected as prescribed by this section. Provides that emergency services commissioners serve four-year terms except as provided by Subsections (h) and (h-1), rather than Subsection (h).

(b-1) Provides that, notwithstanding Subsection (b), the governing body of a district described by Subsection (a)(2) or (3) is governed by a five-member board of emergency services commissioners elected from single-member districts. Provides that one director is elected from each single-member district. Requires the commissioners court of the county in which the district is located to divide the district into five numbered single-member districts as soon as possible after the district is created.

(d-1) Requires a person, notwithstanding Subsection (d), to be at least 18 years of age and a resident of that single-member district to be eligible to be a candidate for emergency services commissioner in a single-member district on an initial board in a district described by Subsection (a)(2) or (3).

(e) Requires a candidate for emergency services commissioner on an initial board to give the voter registrar of the county, rather than the county clerk, a sworn notice of the candidate's intention to run for office. Requires that the notice state the person's name, age, and address and state that the person is serving notice of intent to run for emergency services commissioner. Requires that the notice also specify the single-member district the person seeks to represent if the person intends to run for emergency services commissioner in a single-member district in a district described by Subsection (a)(2) or (3). Requires the voter registrar of the county, on receipt of the notice, to have the candidate's name placed on the ballot. Makes a conforming change.

(f) Requires the voter registrar of the county, rather than the county clerk, to appoint an election judge to certify the results of the election.

(g) Requires the voter registrar or deputy registrar of the county, rather than the county clerk or the clerk's deputy, to prepare a sworn statement of the election costs incurred by the county after the election is held. Requires that the statement be given to the newly elected board, which is required to order the appropriate official to reimburse the county for the county's election costs.

(h-1) Requires the five initial emergency services commissioners elected from single-member districts in a district described by Subsection (a)(2) or (3), notwithstanding Subsection (h), to draw lots to determine which two commissioners serve terms that expire on December 31 of the second year following the year in which the election was held and which three commissioners serve terms that expire on December 31 of the fourth year following the year in which the election was held.

SECTION 4. Amends the heading to Section 775.0355, Health and Safety Code, to read as follows:

Sec. 775.0355. DISQUALIFICATION OF EMERGENCY SERVICES COMMISSIONERS IN CERTAIN COUNTIES.

SECTION 5. Amends Section 775.0355(b), Health and Safety Code, as follows:

(b) Provides that this section applies only to a district located wholly in a county:

- (1) with a population of more than three million;
- (2) with a population of more than 200,000 that borders Lake Palestine; or
- (3) with a population of less than 200,000 that borders another state and the Gulf Intracoastal Waterway.

SECTION 6. Amends the heading to Section 775.0445, Health and Safety Code, to read as follows:

Sec. 775.0445. VACANCY ON BOARD OF DISTRICT LOCATED IN CERTAIN COUNTIES.

SECTION 7. Amends Section 775.0445(b), Health and Safety Code, as follows:

- (b) Provides that this section applies only to a district located wholly in a county:
 - (1) with a population of more than three million;
 - (2) with a population of more than 200,000 that borders Lake Palestine; or
 - (3) with a population of less than 200,000 that borders another state and the Gulf Intracoastal Waterway.

SECTION 8. (a) Provides that this Act does not prohibit a person who is a commissioner on the effective date of this Act and who was appointed under Section 775.034 (Appointment of Board In District Located Wholly In One County), Health and Safety Code, from running for election to the board if the person has the qualifications required for a member under Section 775.0345, Health and Safety Code, as amended by this Act.

(b) Provides that the terms of the members of a board of emergency services commissioners serving on the effective date of this Act who were appointed under Section 775.034, Health and Safety Code, before the effective date of this Act expire on the date a majority of the members of the initial board of emergency services commissioners elected under Subsection (c) of this section qualify to serve.

(c) Requires the county judge of a county with an emergency services district to which Section 775.0345(a)(2) or (3), Health and Safety Code, as added by this Act, applies on the effective date of this Act and to which Section 775.034, Health and Safety Code, previously applied, to establish an election to elect the initial emergency services commissioners of that district in the manner required by Sections 775.0345(c) (relating to requiring the county judge to establish a convenient day to conduct an election to elect the initial emergency services commissioners after the district is created), (d) (relating to requiring a person to be at least 18 years of age and a resident of the district to be eligible to be a candidate for emergency services commissioner), (d-1), (e), (f), (h) (relating to providing that the initial emergency services commissioners' terms begin 30 days after canvassing of the election results, that the two commissioners who received the fewest votes serve a term that expires on December 31 of the second year following the year in which the election was held, and that the other emergency services commissioners serve terms that expire on December 31 of the fourth year following the year in which the election was held), and (h-1), Health and Safety Code, for election of the initial commissioners as if the district had been created on the effective date of this Act.

SECTION 9. Effective date: September 1, 2013.