

## **BILL ANALYSIS**

C.S.S.B. 1265  
By: Nichols  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law requires the commissioners courts of certain counties in which a single-county emergency services district is located to appoint a five-member board of emergency services commissioners to serve as the district's governing body. However, certain county officials believe that the process for choosing such a district's board members should rest upon the people being served within the district. C.S.S.B. 1265 seeks to change the process by which board members of certain emergency services districts are chosen to serve.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 1265 amends the Health and Safety Code to exempt an emergency services district located wholly in a county with a population of more than 200,000 that borders Lake Palestine and a district located wholly in a county with a population of less than 200,000 that borders another state and the Gulf Intracoastal Waterway from provisions governing the appointment of the board of emergency services commissioners in a district located wholly in one county with a population of not more than three million. The bill applies to a district located wholly in a county with a population of more than 200,000 that borders Lake Palestine or with a population of less than 200,000 that borders another state and the Gulf Intracoastal Waterway certain provisions applicable to a district located wholly in a county with a population of more than three million governing the election of a district board, the disqualification of board members, and the filling of vacancies on a board.

C.S.S.B. 1265 establishes that the governing body of an emergency services district located wholly in a county with a population of more than 200,000 that borders Lake Palestine or with a population of less than 200,000 that borders another state and the Gulf Intracoastal Waterway is governed by a five-member board of emergency services commissioners elected from single-member districts with one director elected from each single-member district. The bill requires the commissioners court of the county in which the emergency services district is located to divide the district into five numbered single-member districts as soon as possible after the district is created. The bill requires a person to be at least 18 years of age and a resident of a single-member district in order to be eligible to be a candidate for emergency services commissioner in the single-member district on an initial board in such an emergency services district. The bill requires the five initial emergency services commissioners elected from single-member districts in such an emergency services district 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. The bill requires the notice of a candidate's intention to run for emergency services commissioner on an initial board of such an emergency services district in a single-member district to specify the single-member district the

person seeks to represent.

C.S.S.B. 1265 transfers from the county clerk to the county voter registrar certain duties relating to the election of a board of emergency services commissioners of an emergency services district located wholly in a county with a population of more than three million, with a population of more than 200,000 that borders Lake Palestine, or with a population of less than 200,000 that borders another state and the Gulf Intracoastal Waterway.

C.S.S.B. 1265 provides that the bill does not prohibit a person who is a commissioner on the bill's effective date and who was appointed under provisions governing the appointment of the board in an emergency services district located wholly in one county with a population of not more than three million from running for election to the board if the person has the qualifications required for a member set out in provisions governing the election of the board in certain counties as amended by the bill. The bill requires the county judge of a county that wholly contains an emergency services district and that has a population of more than 200,000 and that borders Lake Palestine, or that has a population of less than 200,000 and that borders another state and the Gulf Intracoastal Waterway, and to which provisions governing the appointment of the board in a district located wholly in one county with a population of not more than three million previously applied, to establish an election to elect the initial emergency services commissioners of that district in a statutorily prescribed manner, as amended by the bill, for election of the initial commissioners as if the district had been created on the bill's effective date. The bill establishes that the terms of the members of a board serving on the bill's effective date who were appointed under provisions governing the appointment of the board in a district located wholly in one county with a population of not more than three million before the bill's effective date expire on the date a majority of the initial board members elected under these provisions qualify to serve.

**EFFECTIVE DATE**

September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.S.B. 1265 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

**SENATE ENGROSSED**

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Subsection (h), Section 775.034, Health and Safety Code, is amended.

SECTION 1. Same as engrossed version except for recitation.

SECTION 2. The heading to Section 775.0345, Health and Safety Code, is amended.

SECTION 2. Same as engrossed version.

SECTION 3. Subsections (a), (e), (f), and (g), Section 775.0345, Health and Safety Code, are amended to read as follows:

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

(a) This section applies only to a district

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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.

No equivalent provision.

No equivalent provision.

No equivalent provision.

(e) A candidate for emergency services commissioner on an initial board must give the voter registrar of the county [elerk] a sworn notice of the candidate's intention to run for office. The notice must state the person's name, age, and address and state that the person is serving notice of intent to run for emergency services commissioner.

On receipt of the notice, the voter registrar of the county [elerk] shall have the candidate's name placed on the ballot.

(f) The voter registrar of the county [elerk]

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) The governing body of a district consists of a five-person board of emergency services commissioners elected as prescribed by this section. Except as provided by Subsections (h) and (h-1) [~~Subsection (h)~~], emergency services commissioners serve four-year terms.

(b-1) 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. One director is elected from each single-member district. As soon as possible after the district is created, the commissioners court of the county in which the district is located shall divide the district into five numbered single-member districts.

(d-1) Notwithstanding Subsection (d), 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), a person must be at least 18 years of age and a resident of that single-member district.

(e) A candidate for emergency services commissioner on an initial board must give the voter registrar of the county [elerk] a sworn notice of the candidate's intention to run for office. The notice must state the person's name, age, and address and state that the person is serving notice of intent to run for emergency services commissioner.

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), the notice must also specify the single-member district the person seeks to represent.

On receipt of the notice, the voter registrar of the county [elerk] shall have the candidate's name placed on the ballot.

(f) The voter registrar of the county [elerk]

shall appoint an election judge to certify the results of the election.

(g) After the election is held, the voter registrar or deputy registrar of the county [~~clerk or the clerk's deputy~~] shall prepare a sworn statement of the election costs incurred by the county. The statement shall be given to the newly elected board, which shall order the appropriate official to reimburse the county for the county's election costs.

**No equivalent provision.**

SECTION 4. The heading to Section 775.0355, Health and Safety Code, is amended.

SECTION 5. Subsection (b), Section 775.0355, Health and Safety Code, is amended to read as follows:

(b) This section applies only to a district located wholly in a county;

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

(2) with a population of more than 200,000 that borders Lake Palestine.

SECTION 6. The heading to Section 775.0445, Health and Safety Code, is amended.

SECTION 7. Subsection (b), Section 775.0445, Health and Safety Code, is amended.

SECTION 8.

shall appoint an election judge to certify the results of the election.

(g) After the election is held, the voter registrar or deputy registrar of the county [~~clerk or the clerk's deputy~~] shall prepare a sworn statement of the election costs incurred by the county. The statement shall be given to the newly elected board, which shall order the appropriate official to reimburse the county for the county's election costs.

(h-1) Notwithstanding Subsection (h), the five initial emergency services commissioners elected from single-member districts in a district described by Subsection (a)(2) or (3) shall 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. Same as engrossed version.

SECTION 5. Section 775.0355(b), Health and Safety Code, is amended to read as follows:

(b) 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. Same as engrossed version.

SECTION 7. Same as engrossed version except for recitation.

SECTION 8.

(a) The changes in law made by this Act do not affect the entitlement of a commissioner of a board of emergency services commissioners serving on the board immediately before the effective date of this Act to continue to carry out the board's functions for the remainder of the commissioner's term.

(b) 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, 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.

(c) A person serving as a member of a board of emergency services commissioners on the effective date of this Act who was appointed under Section 775.034, Health and Safety Code, shall continue to serve until the election and qualification of a new commissioner for that position.

(d) In 2014, the county judge of a county with an emergency services district to which Subdivision (2) or (3), Subsection (a), Section 775.0345, Health and Safety Code, as added by this Act, applies and to which Section 775.034, Health and Safety Code, previously applied, shall establish an election as required by Section 775.0345 to replace a commissioner appointed before the effective date of this Act as near as practicable to the date of the expiration of the appointed commissioner's term. A commissioner elected under this subsection serves a two-year term but the successor serves a four-year term as provided by Section 775.0345, Health and Safety Code.

(e) In 2015, the county judge shall repeat the procedures described by Subsection (d) of this section for the remaining appointed commissioners. A commissioner elected under this subsection serves a three-year term but the successor serves a four-year term as provided by Section 775.0345, Health and Safety Code.

No equivalent provision.

(a) 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, 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) 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) 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, shall establish an election to elect the initial emergency services commissioners of that district in the manner required by Sections 775.0345(c)-(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.

No equivalent provision.

SECTION 9. This Act takes effect  
September 1, 2013.

SECTION 9. Same as engrossed version.