

AN ACT

relating to the election of board members for emergency services districts in certain counties.

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

SECTION 1. Subsection (h), Section 775.034, Health and Safety Code, is amended to read as follows:

(h) This section does not apply 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 2. The heading to Section 775.0345, Health and Safety Code, is amended to read as follows:

Sec. 775.0345. ELECTION OF BOARD IN CERTAIN ~~POPULOUS~~ COUNTIES.

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 located wholly in a county:

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

(2) with a population of more than 200,000 that

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

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

9 (b-1) Notwithstanding Subsection (b), the governing body of
10 a district described by Subsection (a)(2) or (3) is governed by a
11 five-member board of emergency services commissioners elected from
12 single-member districts. One director is elected from each
13 single-member district. As soon as possible after the district is
14 created, the commissioners court of the county in which the
15 district is located shall divide the district into five numbered
16 single-member districts.

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

22 (e) A candidate for emergency services commissioner on an
23 initial board must give the voter registrar of the county [~~clerk~~]
24 sworn notice of the candidate's intention to run for office. The
25 notice must state the person's name, age, and address and state that
26 the person is serving notice of intent to run for emergency services
27 commissioner. If the person intends to run for emergency services

1 commissioner in a single-member district in a district described by
2 Subsection (a)(2) or (3), the notice must also specify the
3 single-member district the person seeks to represent. On receipt
4 of the notice, the voter registrar of the county [~~clerk~~] shall have
5 the candidate's name placed on the ballot.

6 (f) The voter registrar of the county [~~clerk~~] shall appoint
7 an election judge to certify the results of the election.

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

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

22 SECTION 4. The heading to Section 775.0355, Health and
23 Safety Code, is amended to read as follows:

24 Sec. 775.0355. DISQUALIFICATION OF EMERGENCY SERVICES
25 COMMISSIONERS IN CERTAIN [~~POPULOUS~~] COUNTIES.

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

1 (b) This section applies only to a district located wholly
2 in a county:

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

4 (2) with a population of more than 200,000 that
5 borders Lake Palestine; or

6 (3) with a population of less than 200,000 that
7 borders another state and the Gulf Intracoastal Waterway.

8 SECTION 6. The heading to Section 775.0445, Health and
9 Safety Code, is amended to read as follows:

10 Sec. 775.0445. VACANCY ON BOARD OF DISTRICT LOCATED IN
11 CERTAIN [~~POPULOUS~~] COUNTIES.

12 SECTION 7. Subsection (b), Section 775.0445, Health and
13 Safety Code, is amended to read as follows:

14 (b) This section applies only 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 (3) with a population of less than 200,000 that
20 borders another state and the Gulf Intracoastal Waterway.

21 SECTION 8. (a) This Act does not prohibit a person who is a
22 commissioner on the effective date of this Act and who was appointed
23 under Section 775.034, Health and Safety Code, from running for
24 election to the board if the person has the qualifications required
25 for a member under Section 775.0345, Health and Safety Code, as
26 amended by this Act.

27 (b) The terms of the members of a board of emergency

1 services commissioners serving on the effective date of this Act
2 who were appointed under Section 775.034, Health and Safety Code,
3 before the effective date of this Act expire on the date a majority
4 of the members of the initial board of emergency services
5 commissioners elected under Subsection (c) of this section qualify
6 to serve.

7 (c) The county judge of a county with an emergency services
8 district to which Subdivision (2) or (3), Subsection (a), Section
9 775.0345, Health and Safety Code, as added by this Act, applies on
10 the effective date of this Act and to which Section 775.034, Health
11 and Safety Code, previously applied, shall establish an election to
12 elect the initial emergency services commissioners of that district
13 in the manner required by Subsections (c) through (h-1), Section
14 775.0345, Health and Safety Code, for election of the initial
15 commissioners as if the district had been created on the effective
16 date of this Act.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1265 passed the Senate on April 16, 2013, by the following vote: Yeas 29, Nays 0; and that the Senate concurred in House amendment on May 23, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1265 passed the House, with amendment, on May 17, 2013, by the following vote: Yeas 134, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor