

By: Eltife

S.B. No. 1856

A BILL TO BE ENTITLED

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

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

(b) The governing body of a district consists of a

1 five-person board of emergency services commissioners elected as
 2 prescribed by this section. Except as provided by Subsections (h)
 3 and (h-1) [~~Subsection (h)~~], emergency services commissioners serve
 4 four-year terms.

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

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

18 (e) A candidate for emergency services commissioner on an
 19 initial board must give the voter registrar of the county [~~clerk~~]
 20 sworn notice of the candidate's intention to run for office. The
 21 notice must state the person's name, age, and address and state that
 22 the person is serving notice of intent to run for emergency services
 23 commissioner. If the person intends to run for emergency services
 24 commissioner in a single-member district in a district described by
 25 Subsection (a)(2), the notice must also specify the single-member
 26 district the person seeks to represent. On receipt of the notice,
 27 the voter registrar of the county [~~clerk~~] shall have the

1 candidate's name placed on the ballot.

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

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

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

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

20 Sec. 775.0355. DISQUALIFICATION OF EMERGENCY SERVICES
21 COMMISSIONERS IN CERTAIN [~~POPULOUS~~] COUNTIES.

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

24 (b) This section applies only to a district located wholly
25 in a county:

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

27 (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 to read as follows:

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

SECTION 7. Subsection (b), Section 775.0445, 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 8. (a) This Act does not prohibit a person who is an emergency services 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 Subdivision (2), Subsection (a), Section

1 775.0345, Health and Safety Code, as added by this Act, applies on
2 the effective date of this Act and to which Section 775.034, Health
3 and Safety Code, previously applied shall establish an election to
4 elect the initial emergency services commissioners of that district
5 in the manner required by Subsections (c) through (h), Section
6 775.0345, Health and Safety Code, for election of the initial
7 commissioners as if the district had been created on the effective
8 date of this Act.

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