

By: Isaac

H.B. No. 1509

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Sections [775.024\(c\)](#) and (h), Health and Safety Code, are amended to read as follows:

(c) If the boards do not make the appointments before the 31st day after the date the boards adopted the joint order:

(1) for a consolidated district to which Section [775.0343](#), [775.0345](#), or [775.035](#) does not apply, the commissioners court shall appoint five commissioners to the board of the consolidated district; or

(2) for a consolidated district to which Section [775.0343](#), [775.0345](#), or [775.035](#) does apply, the board of the consolidated district is initially composed of the two commissioners from each existing board who have served the longest terms.

(h) For a consolidated district to which Section [775.0343](#), [775.0345](#), or [775.035](#) applies, the initial commissioners of the consolidated district serve until the next available uniform election date after the date the joint order is adopted and that allows sufficient time to comply with other requirements of law. After an election is held under Section [775.0345](#) or [775.035](#):

(1) the two commissioners who receive the fewest votes

1 of the elected commissioners serve terms ending on December 31 of
2 the second year following the year in which the election is held;
3 and

4 (2) the remaining elected commissioners serve terms
5 ending on December 31 of the fourth year following the year in which
6 the election is held.

7 SECTION 2. The heading to Section 775.034, Health and
8 Safety Code, is amended to read as follows:

9 Sec. 775.034. APPOINTMENT OF BOARD IN CERTAIN DISTRICTS
10 [DISTRICT] LOCATED WHOLLY IN ONE COUNTY.

11 SECTION 3. Section 775.034(h), Health and Safety Code, is
12 amended to read as follows:

13 (h) This section does not apply to a district located wholly
14 in a county:

15 (1) with a population of more than [~~three million,~~
16 [~~(2) with a population of more than~~] 200,000 [~~that~~
17 ~~borders Lake Palestine~~]; or

18 (2) [~~(3)~~] with a population of less than 200,000 that
19 borders another state and the Gulf Intracoastal Waterway.

20 SECTION 4. Subchapter C, Chapter 775, Health and Safety
21 Code, is amended by adding Section 775.0343 to read as follows:

22 Sec. 775.0343. ELECTION OF BOARD FOR DISTRICTS IN POPULOUS
23 COUNTIES. (a) This section applies only to a district that is
24 located wholly in one county with a population of more than 200,000.
25 This section does not apply to a district described by Section
26 775.0345(a).

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

1 five-person board of emergency services commissioners elected at
2 large from the district as prescribed by this section. Emergency
3 services commissioners serve two-year terms.

4 (c) After a district is created, the county judge shall
5 establish a convenient day provided by Section 41.001, Election
6 Code, to conduct an election to elect the initial emergency
7 services commissioners.

8 (d) To be eligible to be a candidate for emergency services
9 commissioner, a person must be at least 18 years of age and a
10 resident of the district.

11 (e) A candidate for emergency services commissioner on an
12 initial board must give the voter registrar of the county a sworn
13 notice of the candidate's intention to run for office. The notice
14 must state the person's name, age, and address and state that the
15 person is serving notice of intent to run for emergency services
16 commissioner. On receipt of the notice, the voter registrar of the
17 county shall have the candidate's name placed on the ballot.

18 (f) The voter registrar of the county shall appoint an
19 election judge to certify the results of the election.

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

25 (h) The initial emergency services commissioners' terms of
26 office begin 30 days after canvassing of the election results.

27 (i) The board shall hold the general election for

1 commissioners in each even-numbered year on the November uniform
2 election date under Section 41.001, Election Code.

3 (j) Subchapter C, Chapter 146, Election Code, applies to a
4 write-in candidate for emergency services commissioner under this
5 section in the same manner it applies to a write-in candidate for a
6 city office under that subchapter.

7 SECTION 5. Section 775.0445(b), Health and Safety Code, is
8 amended to read as follows:

9 (b) This section applies only to a district located wholly
10 in a county:

11 (1) with a population of more than [~~three million;~~
12 [~~(2) with a population of more than~~] 200,000 [~~that~~
13 ~~borders Lake Palestine~~]; or

14 (2) [~~(3)~~] with a population of less than 200,000 that
15 borders another state and the Gulf Intracoastal Waterway.

16 SECTION 6. Section 775.301, Health and Safety Code, is
17 amended to read as follows:

18 Sec. 775.301. DEFINITION. In this subchapter,
19 "commissioners court" means the commissioners court of a county
20 that borders the United Mexican States and [7] has a population of
21 more than 800,000 [~~and appoints a board of emergency services~~
22 ~~commissioners under this chapter~~].

23 SECTION 7. Section 775.302(a), Health and Safety Code, is
24 amended to read as follows:

25 (a) This subchapter applies only to a district that is
26 located wholly in a county that borders the United Mexican States
27 and[7] that has a population of more than 800,000 [~~and for which~~

1 ~~the commissioners court appoints a board of emergency services~~
2 ~~commissioners under Section 775.034].~~

3 SECTION 8. (a) The changes in law made by this Act do not
4 affect the entitlement of a member of a board of emergency services
5 commissioners serving on the board immediately before the effective
6 date of this Act to continue to carry out the board's functions for
7 the remainder of the member's term of appointment.

8 (b) This Act does not prohibit a person who is a member of a
9 board of emergency services commissioners on the effective date of
10 this Act and who was appointed under Section 775.034, Health and
11 Safety Code, from running for election to the board if the person
12 has the qualifications required for a member under Section
13 775.0343, Health and Safety Code, as added by this Act.

14 (c) A person serving as an appointed member of a board of
15 emergency services commissioners on the effective date of this Act
16 shall continue to serve until the election and qualification of a
17 new commissioner for that position.

18 (d) In 2018, the board of directors of an emergency services
19 district to which Section 775.0343, Health and Safety Code, as
20 added by this Act, applies shall hold an election to replace those
21 appointed commissioners whose terms expire January 1, 2019. A
22 commissioner elected under this subsection serves a term that
23 begins January 1, 2019, and expires 30 days after the canvassing of
24 the results of the initial general election for commissioners held
25 in November 2020 under Section 775.0343(i), Health and Safety Code,
26 as added by this Act.

27 (e) In 2019, the board of directors of an emergency services

1 district to which Section 775.0343, Health and Safety Code, as
2 added by this Act, applies shall hold an election to replace those
3 appointed commissioners whose terms expire January 1, 2020. A
4 commissioner elected under this subsection serves a term that
5 begins January 1, 2020, and expires 30 days after the canvassing of
6 the results of the initial general election for commissioners held
7 in November 2020 under Section 775.0343(i), Health and Safety Code,
8 as added by this Act.

9 SECTION 9. This Act takes effect June 1, 2018.