86R10823 JXC-D

By:  Pacheco H.B. No. 1867

A BILL TO BE ENTITLED

AN ACT

relating to the election of board members and filling of vacant board positions for emergency services districts in certain counties.

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

SECTION 1.  Section 775.034(h), 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; or

(4)  with a population of more than 1.5 million that does not border another county with a population of more than 1.5 million.

SECTION 2.  Section 775.0345(a), Health and Safety Code, is amended 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 borders Lake Palestine; [~~or~~]

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

(4)  with a population of more than 1.5 million that does not border another county with a population of more than 1.5 million.

SECTION 3.  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; or

(4)  with a population of more than 1.5 million that does not border another county with a population of more than 1.5 million.

SECTION 4.  Section 775.0445(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; or

(4)  with a population of more than 1.5 million that does not border another county with a population of more than 1.5 million.

SECTION 5.  Section 775.082(e-1), Health and Safety Code, is amended to read as follows:

(e-1)  When a district located wholly in one county fails to complete and file the audit report by September 1 of each year and a county auditor is not ordered to prepare the report, the president and treasurer of the board are removed from the board and the commissioners court shall fill the vacancies for the remainder of the unexpired term [~~as provided by Section 775.034~~].

SECTION 6.  (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)(4), 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 Section 775.0345, 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 7.  This Act takes effect September 1, 2020.