

BILL ANALYSIS

Senate Research Center
80R3054 JPL-F

H.B. 2653
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Intergovernmental Relations
5/17/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, an emergency services district (district) located wholly within one county is governed by a five-member board, appointed by the commissioners court. In highly urbanized counties, districts provide a wide array of services to an ever-increasing population in the unincorporated area. The commissioners of a district oversee substantial budgets and are authorized to acquire and own property, enter into contracts, appoint and employ officers and employees, borrow money and issue bonds, enact fire code requirements, and perform other acts necessary to carry out their responsibilities under Chapter 775 (Emergency Services Districts), Health and Safety Code. Also of concern to the public they serve, district commissioners impose and collect taxes. Yet the appointing body, the commissioners court, has virtually no statutory authority over the board or operations of a district. The commissioners court's sole power consists of the power of appointment. Under our representative form of government, the broad administrative and regulatory powers granted to district boards are usually reserved to officials who are elected. District boards in highly urbanized counties of more than three million should be elected by and accountable to the people they serve.

H.B. 2653 provides for the election and disqualification of district commissioners in a county with a population of three million or more.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 775.034, Health and Safety Code, by adding Subsection (h), to provide that this section does not apply to an emergency services district (district) located wholly in a county with a population of more than three million.

SECTION 2. Amends Subchapter C, Chapter 775, Health and Safety Code, by adding Section 775.0345, as follows:

Sec. 775.0345. ELECTION OF BOARD IN CERTAIN POPULOUS COUNTIES. (a) Provides that this section applies to a district located wholly in a county with a population of more than three million.

(b) Provides that the governing body of a district consists of a five-person board of emergency services commissioners (board) elected as prescribed in this section. Provides that the emergency service commissioners serve two-year terms, except as provided by Subsection (h).

(c) Requires the county judge, after a district is created, to establish a convenient day provided by Section 41.001 (Uniform Election Dates), Election Code, to conduct an election to elect the initial emergency services commissioners.

(d) Sets forth eligibility requirements for a candidate for emergency services commissioner.

- (e) Sets forth the procedural requirements regarding a candidate's intention to run for office.
- (f) Requires the county clerk to appoint an election judge to certify the results of the election.
- (g) Requires the county clerk or the clerk's deputy to prepare a sworn statement of the election costs in the county, and to provide the statement to the newly elected board, which is required to direct the appropriate official to reimburse the county for those costs.
- (h) Sets forth the term lengths of certain emergency services commissioners.
- (i) Requires the general election for commissioner to be held annually on an authorized uniform election date as provided by Chapter 41 (Election Dates and Hours for Voting), Election Code. Authorizes the board to change the date from one authorized date to another, and to adjust the terms of office to conform to the new election date.
- (j) Provides that Subchapter C (Write-In Candidate in City Election), Chapter 146, Election Code, applies to a write-in candidate for emergency services commissioner under this section in the same manner as it applies to a write-in candidate for city office under that subchapter.

SECTION 3. Amends Subchapter C, Chapter 775, Health and Safety Code, by adding Section 775.0355, as follows:

Sec. 775.0355. DISQUALIFICATION OF EMERGENCY SERVICES COMMISSIONERS. (a) Defines "emergency services organization."

- (b) Sets forth the conditions under which a person is disqualified from serving as an emergency services commissioner.
- (c) Requires the board, not later than the 60th day after the date the board determines that a person is disqualified under Subsection (b), to replace that person with a person who is not disqualified.
- (d) Provides that any rights obtained by a third party through official action of a board are not impaired or affected by the disqualification of an emergency services commissioner, provided that the third party, at the time the rights were obtained, had no knowledge of the fact that the commissioner was disqualified to serve.

SECTION 4. (a) Provides that the changes in law made by this Act do not affect the entitlement of a commissioner serving on a board immediately before the effective date of this act to carry out the board's functions for the remainder of his or her term.

- (b) Authorizes a person who is a commissioner on the effective date of this Act to run for election to the board, provided that he or she meets the eligibility requirements as added by this Act.
- (c) Requires a person serving as an appointed member of a board on the effective date of this Act to continue to serve until the election and qualification of a new commissioner for that position.
- (d) Requires the county judge of certain emergency services districts, in 2008, to establish an election as required by this Act to replace a commissioner appointed before the effective date of this Act as near as possible to the expiration date of that commissioner's term.

(e) Requires the county judge to repeat said procedures for the remaining appointed commissioners in 2009.

SECTION 5. Effective date: September 1, 2007.