

## **BILL ANALYSIS**

Senate Research Center  
83R18437 JXC-D

C.S.S.B. 1265  
By: Nichols  
Intergovernmental Relations  
4/4/2013  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, members of an emergency services district (ESD) board are nominated by the commissioner of their presiding precinct and then approved by the commissioners court of the county in which the ESD is located within. The Orange County Commissioners Court believes that the process for choosing ESD board members should rest upon the people being served within the precincts. C.S.S.B. 1265 changes current statute to make ESD board members in Orange County elected rather than appointed.

C.S.S.B. 1265 amends current law relating to the election of board members for emergency service districts in certain counties.

### **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(h), Health and Safety Code, as follows:

(h) Provides that 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 less than 200,000 that borders another state and the Gulf Intercoastal Waterway.

SECTION 2. Amends the heading to Section 775.0345, Health and Safety Code, to read as follows:

Sec. 775.0345. ELECTION OF BOARD IN CERTAIN COUNTIES.

SECTION 3. Amends Section 775.0345(a), Health and Safety Code, to make conforming and nonsubstantive changes.

SECTION 4. Amends the heading to Section 775.0445, Health and Safety Code, to read as follows:

Sec. 775.0445. VACANCY ON BOARD OF DISTRICT LOCATED IN CERTAIN COUNTIES.

SECTION 5. Amends Section 775.0445(b), Health and Safety Code, to make conforming and nonsubstantive changes.

SECTION 6. (a) Provides that the changes in law made by this Act do not affect the entitlement of a commissioner of a board of emergency services commissioners serving on the board immediately before the effective date of this Act to continue to carry out the board's functions for the remainder of the commissioner's term.

(b) Provides that 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.

(c) Requires a person serving as a member of a board of emergency services commissioners on the effective date of this Act who was appointed under Section 775.034, Health and Safety Code, to continue to serve until the election and qualification of a new commissioner for that position.

(d) Requires the county judge of a county with an emergency services district to which Section 775.0345(a)(2), Health and Safety Code, as added by this Act, applies and to which Section 775.034 (Appointment of Board in District Located Wholly in One County), Health and Safety Code, previously applied, to, in 2014, establish an election as required by Section 775.0345 to replace a commissioner appointed before the effective date of this Act as near as practicable to the date of the expiration of the appointed commissioner's term. Provides that a commissioner elected under this subsection serves a two-year term but the successor serves a four-year term as provided by Section 775.0345, Health and Safety Code.

(e) Requires the county judge to, in 2015, repeat the procedures described by Subsection (d) of this section for the remaining appointed commissioners. Provides that a commissioner elected under this subsection serves a three-year term but the successor serves a four-year term as provided by Section 775.0345, Health and Safety Code.

SECTION 7. Effective date: September 1, 2013.