Senate Research Center            C.S.S.B. 1856
                                                   By: Eltife
                               Intergovernmental Relations
                                               4/19/2013
                             Committee Report (Substituted)

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

Emergency services districts (ESDs) are political subdivisions established for the purpose of providing services such as fire protection and emergency rescue and ambulance services. ESDs are typically funded through ad valorem taxes, although some ESDs use sales taxes.

Under current law, ESD board members in counties other than Harris County are appointed by county commissioners. Because ESD boards are tax-levying entities, some may feel it preferable to allow for the direct election of ESD boards. C.S.S.B. 1856 allows the voters in a county with a population over 200,000 and bordering Lake Palestine to elect ESD board members. Currently, only Smith County meets this criteria.

C.S.S.B. 1856 amends current law relating to the election of board members for emergency services 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, to provide that this section (Appointment of Board in District Located Wholly in One County) does not apply to a district located wholly in certain counties, including a county with a population of more than 200,000 that borders Lake Palestine.

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 Sections 775.0345(a), (b), (e), (f), and (g) and adding Subsections (b-1), (d-1), and (h-1), Health and Safety Code, as follows:

       (a) Provides that 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) Provides that, except as provided by Subsections (h) and (h-1), rather than Subsection (h), emergency services commissioners serve four-year terms.

       (b-1) Provides that, notwithstanding Subsection (b), the governing body of a district described by Subsection (a)(2) is governed by a five-member board of emergency services commissioners elected from single-member districts. Provides that one director is elected from each single-member district. Requires the commissioners court of the

county in which the district is located, as soon as possible after the district is created, to divide the district into five numbered single-member districts.

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

(e) Requires a candidate for emergency services commissioner on an initial board to give the voter registrar of the county, rather than give the county clerk, a sworn notice of the candidate's intention to run for office.  Requires that the notice, if the person intends to run for emergency services commissioner in a single-member district in a district described by Subsection (a)(2), also specify the single-member district the person seeks to represent.  Requires the voter registrar of the county, rather than the county clerk, on receipt of the notice, to have the candidate's name placed on the ballot.

(f) Requires the voter registrar of the county, rather than the county clerk, to appoint an election judge to certify the results of the election.

(g) Requires the voter registrar or deputy registrar of the county, rather than the county clerk or clerk's deputy, after the election is held, to prepare a sworn statement of the election costs incurred by the county.

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

SECTION 4.  Amends the heading to Section 775.0355, Health and Safety Code, to read as follows:

Sec. 775.0355.  DISQUALIFICATION OF EMERGENCY SERVICES COMMISSIONERS IN CERTAIN COUNTIES.

SECTION 5.  Amends Section 775.0355(b), Health and Safety Code, to provide that this section applies only to a district located wholly in certain counties, including a county with a population of more than 200,000 that borders Lake Palestine.

SECTION 6.  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 7.  Amends Section 775.0445(b), Health and Safety Code, to provide that this section applies only to a district located wholly in certain counties, including a county with a population of more than 200,000 that borders Lake Palestine.

SECTION 8.  (a) 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.

(b) Provides that 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) 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 on the effective date of this Act and to which Section 775.034, Health and Safety Code, previously applied, to establish an election to elect the initial emergency services commissioners of that district in the manner required by Sections 775.0345(c) (relating to requiring the county judge to establish a convenient day provided by Section 41.001, Election Code, to conduct an election to elect the initial emergency services commissioners after a district is created), (d) (relating to requiring a person to be at least 18 years of age and a resident of the district to be eligible to be a candidate for emergency services commissioner), (e), (f), (g), and (h) (relating to setting forth conditions for the terms of emergency services commissioners), 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 9.  Effective date: September 1, 2013.