

BILL ANALYSIS

Senate Research Center
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S.B. 1437
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Intergovernmental Relations
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The 78th Legislature, Regular Session, 2003, amended the Health and Safety Code to allow an election for emergency services district (ESD) commissioners election to take place on any uniform date, which could be in February or May, for instance. In such cases it is counterproductive to require the elected commissioners to wait until the following January to assume their duties, as provided under current law.

As proposed, S.B. 1437 allows an elected ESD commissioner to take office 30 days after an election rather than having to wait until January 1st. This bill also allows an ESD board to fill a vacancy by appointment, in the same manner as municipal utility districts.

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 775.035(g), Health and Safety Code, as follows:

(g) Provides that the initial emergency services commissioners' terms of office begin 30 days after canvassing of, rather than on January 1 of the year following, the election results. Provides that the two commissioners who received the fewest votes serve a term that expires on December 31 of the year in which the election was held, rather than one-year terms. Provides that the other emergency services commissioners serve terms that expire on December 31 of the year following the election, rather than two-year terms.

SECTION 2. Amends Subchapter C, Chapter 775, Health and Safety Code, by adding Section 775.044, as follows:

Sec. 775.044. VACANCY ON BOARD OF DISTRICT LOCATED IN MORE THAN ONE COUNTY. (a) Requires the remaining members of the board, not later than the 90th day after a board vacancy for a district located in more than one county occurs, to appoint a person to fill the unexpired term.

(b) Requires the commissioners court of the county where the previous board member resided, if the board has not filled the vacancy before the 91st day after the date of the vacancy, to appoint a person to fill the vacancy.

(c) Requires a person appointed under this section to be eligible to serve under Section 775.035.

SECTION 3. Makes application of Section 775.035(g), Health and Safety Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2005.