

BILL ANALYSIS

Senate Research Center
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H.B. 2529
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2653, 80th Legislature, Regular Session, 2007, changed the governing body of an emergency service district in Harris County from an appointed board to an elected board.

Under the current structure, board commissioner elections must be held every year in keeping with the staggered seat assignments for the district board. There was discussion when H.B. 2653 was being debated about changing the terms of office for the boards from two-year terms to four-year terms.

Under Section 30, Article XVI, Texas Constitution, the duration of all public terms of office is two years unless otherwise provided in the constitution. The district board commissioners currently serve two-year terms.

H.B. 2529 changes the term of office of an emergency services district commissioner from two years to four years to allow elections for staggered seat assignments to be held every two years.

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 Sections 775.0345(b), (h), and (i), Health and Safety Code, as follows:

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

(h) Provides that the initial emergency services commissioners' terms of office begin 30 days after canvassing of the election results. Provides that the two commissioners who received the fewest votes serve a term that expires on December 31 of the second year following the year in which the election was held. Provides that the other emergency services commissioners serve terms that expire on December 31 of the fourth year following the year in which the election was held.

(i) Requires the board to hold the general election for commissioner every two years, rather than 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 election date from one authorized election date to another authorized election date and requires the board to adjust the terms of office to conform to the new election date.

SECTION 2. Amends Sections 775.035(a), (g), and (h), Health and Safety Code, as follows:

(a) Makes a conforming change.

(g) Makes conforming changes.

(h) Makes a conforming change.

SECTION 3. (a) Provides that the changes in law made by this Act do not affect the entitlement of a person who is a commissioner serving on an emergency services board immediately before the effective date of this Act to continue to carry out the board' functions for the remainder of the commissioner's term.

(b) Provides that this Act does not prohibit a person who is serving as a commissioner on or after the effective date of this Act from running for election to the board if the person has qualifications required for a board member under Sections 775.0345 (Election of Board in Certain Populous Counties) and 775.035 (Election of Board in District Located in More Than One County), Health and Safety Code, as amended by this Act' or continuing to serve until the election and qualification of a new commissioner for that commissioner's position.

(c) Provides that Sections 775.0345 and 775.035, Health and Safety Code, as amended by this Act, govern all elections held after December 31, 2009. Requires an emergency services commissioner elected at any election held between July 1, 2007, and December 31, 2007, to serve until the November 2009 election. Requires commissioners elected at any election between January 1, 2008, and June 30, 2008, to serve until the May 2010 election. Requires commissioners elected at any election held between July 1, 2008, and December 31, 2008, to serve until the November 2010 election. Requires commissioners elected at any election between January 1, 2009, and June 30, 2009, to serve until the May 2012 election. Requires commissioners elected between July 1, 2009, and December 31, 2009, to serve until the November 2012 election.

SECTION 4. Provides that this Act takes effect January 1, 2010, contingent upon approval by the voters of the constitutional amendment relating to providing for members of a governing board of an emergency services district to serve terms not to exceed four years.