

BILL ANALYSIS

Senate Research Center
85R11193 SMT-D

H.B. 2788
By: White (Nichols)
Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2788 amends the Health and Safety Code to add language that will establish a five-member board of emergency services commissioners (board). They will be appointed under the bill's provisions to serve as the district's governing body and will serve a two-year term. The amended section will apply only to a district that was authorized to have a board appointed under former Section 776.0345 and is located partly in a county with a population of less than 22,000 and partly in a county with a population of more than 54,000. H.B. 2788 requires the commissioners court of the smallest county in which the district is located to appoint two commissioners to the board and requires the commissioners court of the largest county in which the district is located to appoint three commissioners to the board. H.B. 2788 requires a person, to be eligible for appointment as an emergency services commissioner under the bill's provisions, to be at least 18 years of age and reside in the district. H.B. 2788 requires two commissioners to reside in the smallest county in which the district is located and requires three commissioners to reside in the largest county in which the district is located. H.B. 2788 requires a commissioners court, on January 1 of each year, to appoint a successor for each emergency services commissioner appointed by that commissioners court whose term has expired. H.B. 2788 requires the appropriate commissioners court to fill a vacancy on the board for the remainder of the unexpired term.

H.B. 2788 amends current law relating to the appointment of emergency services commissioners in certain districts located in more than one county.

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 Subchapter C, Chapter 775, Health and Safety Code, by adding Section 775.0341, as follows:

Sec. 775.0341. APPOINTMENT OF BOARD IN CERTAIN DISTRICTS LOCATED IN MORE THAN ONE COUNTY. (a) Provides that this section applies only to a district that was authorized to have a board of emergency services commissioners (board) appointed under former Section 776.0345 and that is located partly in a county with a population of less than 22,000 and partly in a county with a population of more than 54,000.

(b) Provides that a five-member board appointed under this section serves as the district's governing body and provides that a commissioner serves a two-year term.

(c) Requires the commissioners court of the smallest county in which the district is located to appoint two commissioners to the board and requires the commissioners court of the largest county in which the district is located to appoint three commissioners to the board.

(d) Requires a person, to be eligible for appointment as an emergency services commissioner under this section, to be at least 18 years of age and reside in the district. Requires two commissioners to reside in the smallest county in which the district is located, and three commissioners to reside in the largest county in which the district is located.

(e) Requires a commissioners court, on January 1 of each year, to appoint a successor for each emergency services commissioner appointed by that commissioners court whose term has expired.

(f) Requires the appropriate commissioners court to fill a vacancy on the board for the remainder of the unexpired term.

SECTION 2. Amends Section 775.035, Health and Safety Code, by adding Subsection (j), to provide that this section (Election of Board in District Located in More Than One County) does not apply to a district described by Section 775.0341.

SECTION 3. (a) Provides that all governmental acts and proceedings of an emergency services district to which former Section 776.0345, Health and Safety Code, applied before that section was repealed and that relate to the selection of emergency services commissioners of the district and that were taken between January 1, 2012, and the effective date of this Act are validated, ratified, and confirmed in all respects as if they had been taken as authorized by law.

(b) Provides that this section does not apply to any matter that on the effective date of this Act is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

SECTION 4. Effective date: upon passage or September 1, 2017.