

By: White

H.B. No. 2788

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of emergency services commissioners in certain districts located in more than one county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 775, Health and Safety Code, is amended by adding Section 775.0341 to read as follows:

Sec. 775.0341. APPOINTMENT OF BOARD IN CERTAIN DISTRICTS LOCATED IN MORE THAN ONE COUNTY. (a) This section applies only to a district that was authorized to have a board of emergency services commissioners appointed under former Section 776.0345 and that is located:

(1) partly in a county with a population of less than 22,000; and

(2) partly in a county with a population of more than 54,000.

(b) A five-member board of emergency services commissioners appointed under this section serves as the district's governing body. A commissioner serves a two-year term.

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

(d) To be eligible for appointment as an emergency services commissioner under this section, a person must be at least 18 years

1 of age and reside in the district. Two commissioners must reside in  
2 the smallest county in which the district is located, and three  
3 commissioners must reside in the largest county in which the  
4 district is located.

5 (e) On January 1 of each year, a commissioners court shall  
6 appoint a successor for each emergency services commissioner  
7 appointed by that commissioners court whose term has expired.

8 (f) The appropriate commissioners court shall fill a  
9 vacancy on the board for the remainder of the unexpired term.

10 SECTION 2. Section 775.035, Health and Safety Code, is  
11 amended by adding Subsection (j) to read as follows:

12 (j) This section does not apply to a district described by  
13 Section 775.0341.

14 SECTION 3. (a) All governmental acts and proceedings of an  
15 emergency services district to which former Section 776.0345,  
16 Health and Safety Code, applied before that section was repealed  
17 and that relate to the selection of emergency services  
18 commissioners of the district and that were taken between January  
19 1, 2012, and the effective date of this Act are validated, ratified,  
20 and confirmed in all respects as if they had been taken as  
21 authorized by law.

22 (b) This section does not apply to any matter that on the  
23 effective date of this Act:

24 (1) is involved in litigation if the litigation  
25 ultimately results in the matter being held invalid by a final court  
26 judgment; or

27 (2) has been held invalid by a final court judgment.

1           SECTION 4. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2017.