

By: Hegar

S.B. No. 1207

A BILL TO BE ENTITLED

AN ACT

relating to the removal by the county commissioners court of appointed special district board members who engage in misconduct.

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

SECTION 1. Subtitle C, Title 5, Local Government Code, is amended by adding Chapter 177 to read as follows:

CHAPTER 177. REMOVAL OF SPECIAL DISTRICT BOARD MEMBERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 177.001. DEFINITIONS. In this chapter:

(1) "Board" means the governing body of a special district.

(2) "Director" means a board member.

(3) "Special district" means a political subdivision of this state with a limited geographic area created by local law or under general law for a special purpose.

[Sections 177.002-177.050 reserved for expansion]

SUBCHAPTER B. REMOVAL OF APPOINTED BOARD MEMBERS FOR MISCONDUCT

Sec. 177.051. APPLICABILITY. This subchapter applies to any type of special district with a board that is wholly or partly appointed, including:

(1) agricultural development districts;

(2) appraisal districts;

(3) athletic stadium authorities;

(4) civic center authorities;

- 1 (5) coastal water authorities;
- 2 (6) coordinated county transportation authorities;
- 3 (7) conservation and reclamation districts;
- 4 (8) county development districts;
- 5 (9) county health care funding districts;
- 6 (10) county hospital authorities;
- 7 (11) county mass transit authorities;
- 8 (12) crime control and prevention districts;
- 9 (13) defense adjustment management authorities;
- 10 (14) defense base development authorities;
- 11 (15) districts governing groundwater;
- 12 (16) drainage districts;
- 13 (17) emergency communication districts;
- 14 (18) emergency services districts;
- 15 (19) fire control, prevention, and emergency medical
- 16 services districts;
- 17 (20) freight rail districts;
- 18 (21) fresh water supply districts;
- 19 (22) groundwater conservation districts;
- 20 (23) health care funding districts;
- 21 (24) health services districts;
- 22 (25) higher education facility authorities;
- 23 (26) hospital districts;
- 24 (27) improvement districts;
- 25 (28) indigent health care districts;
- 26 (29) intermunicipal commuter rail districts;
- 27 (30) irrigation districts;

- 1 (31) jail districts;
- 2 (32) levee improvement districts;
- 3 (33) library districts;
- 4 (34) metropolitan rapid transit authorities;
- 5 (35) multi-jurisdictional library districts;
- 6 (36) municipal development districts;
- 7 (37) municipal hospital authorities;
- 8 (38) municipal management districts;
- 9 (39) municipal utility districts;
- 10 (40) navigation districts;
- 11 (41) noxious weed control districts;
- 12 (42) park and recreation districts;
- 13 (43) parks and recreational facilities districts;
- 14 (44) port authorities;
- 15 (45) public improvement districts;
- 16 (46) rail districts;
- 17 (47) rapid transit authorities;
- 18 (48) regional districts;
- 19 (49) regional transportation authorities;
- 20 (50) river authorities;
- 21 (51) road districts;
- 22 (52) road utility districts;
- 23 (53) rural rail transportation districts;
- 24 (54) rural transit districts;
- 25 (55) school districts;
- 26 (56) seawall commissions;
- 27 (57) solid waste management districts;

- 1 (58) soil and water conservation districts;
- 2 (59) special utility districts;
- 3 (60) sports and community venue districts;
- 4 (61) sports facility districts;
- 5 (62) stormwater control districts;
- 6 (63) subsidence districts;
- 7 (64) urban transit districts;
- 8 (65) water control and improvement districts;
- 9 (66) water control and preservation districts;
- 10 (67) water districts;
- 11 (68) water import authorities; and
- 12 (69) water improvement districts.

13 Sec. 177.052. EXEMPTIONS. (a) This subchapter does not
14 apply to a regional planning commission under Chapter 391.

15 (b) This subchapter does not apply to a director who is a
16 county officer under Section 24, Article V, Texas Constitution.

17 Sec. 177.053. REMOVAL OF DIRECTOR BY COMMISSIONERS COURT
18 FOR MISCONDUCT. (a) The commissioners court of a county may
19 remove for misconduct a director who:

20 (1) serves as a director of a special district located
21 wholly or partly in the county; and

22 (2) was appointed by the commissioners court.

23 (b) To the extent of a conflict, this section prevails over
24 any conflicting law.

25 Sec. 177.054. HEARING. (a) A commissioners court that
26 desires to remove a director for misconduct shall hold a hearing on
27 the director's removal.

1 (b) The director and any interested person is entitled to
2 appear at the hearing.

3 Sec. 177.055. ORDER REMOVING DIRECTOR. (a) To remove a
4 director of a special district located wholly in one county, the
5 commissioners court of the county must:

6 (1) find after the hearing that the director engaged
7 in misconduct; and

8 (2) issue an order removing the director.

9 (b) To remove a director of a special district located in
10 more than one county:

11 (1) a commissioners court that appointed the director
12 on its sole authority must find after the hearing that the director
13 engaged in misconduct and issue an order removing the director; or

14 (2) for a director appointed other than on the sole
15 authority of a single commissioners court, the commissioners court
16 of each county in which the district is located must find after the
17 hearing held by that court that the director engaged in misconduct
18 and issue an order removing the director.

19 Sec. 177.056. VACANCY. (a) If a general or special law
20 that governs the special district does not provide a method for
21 filling a vacancy, the commissioners court that removed the
22 director by order may appoint a director to serve the remainder of
23 the removed director's term.

24 (b) If the special district is located wholly or partly in
25 more than one county and if the action of more than one
26 commissioners court was needed under Section 177.055(b)(2) to
27 remove the director, the commissioners court of each of those

1 counties must agree on the appointment.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2007.