

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. (a) This subchapter applies only to an appointed director. The subchapter does not apply to a director who:

(1) is elected;

(2) serves ex officio; or

(3) is appointed to fill a vacancy in an elected director position.

1 (b) This subchapter applies to any type of special district
2 with a board that is wholly or partly appointed, including:

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

- 1 (25) higher education facility authorities;
- 2 (26) hospital districts;
- 3 (27) improvement districts;
- 4 (28) indigent health care districts;
- 5 (29) intermunicipal commuter rail districts;
- 6 (30) irrigation districts;
- 7 (31) jail districts;
- 8 (32) levee improvement districts;
- 9 (33) library districts;
- 10 (34) metropolitan rapid transit authorities;
- 11 (35) multi-jurisdictional library districts;
- 12 (36) municipal development districts;
- 13 (37) municipal hospital authorities;
- 14 (38) municipal management districts;
- 15 (39) municipal utility districts;
- 16 (40) navigation districts;
- 17 (41) noxious weed control districts;
- 18 (42) park and recreation districts;
- 19 (43) parks and recreational facilities districts;
- 20 (44) port authorities;
- 21 (45) public improvement districts;
- 22 (46) rail districts;
- 23 (47) rapid transit authorities;
- 24 (48) regional districts;
- 25 (49) regional transportation authorities;
- 26 (50) river authorities;
- 27 (51) road districts;

- 1 (52) road utility districts;
- 2 (53) rural rail transportation districts;
- 3 (54) rural transit districts;
- 4 (55) school districts;
- 5 (56) seawall commissions;
- 6 (57) solid waste management districts;
- 7 (58) soil and water conservation districts;
- 8 (59) special utility districts;
- 9 (60) sports and community venue districts;
- 10 (61) sports facility districts;
- 11 (62) stormwater control districts;
- 12 (63) subsidence districts;
- 13 (64) urban transit districts;
- 14 (65) water control and improvement districts;
- 15 (66) water control and preservation districts;
- 16 (67) water districts;
- 17 (68) water import authorities; and
- 18 (69) water improvement districts.

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

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

23 Sec. 177.053. REMOVAL OF DIRECTOR BY COMMISSIONERS COURT
24 FOR MISCONDUCT. (a) The commissioners court of a county may remove
25 a director of a special district located wholly or partly in the
26 county as provided by this subchapter for the director's
27 misconduct.

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

3 Sec. 177.054. HEARING. (a) The commissioners court of a
4 county that desires to remove a director for misconduct shall hold a
5 hearing on the director's removal.

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

8 Sec. 177.055. ORDER REMOVING DIRECTOR. (a) After a
9 hearing, the commissioners court by order may remove the director
10 if the commissioners court finds that the director engaged in
11 misconduct.

12 (b) If the special district is located wholly or partly in
13 more than one county, the order is not effective until the
14 commissioners court of each of those counties holds a hearing under
15 Section 177.054 and adopts an order in favor of the removal.

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

21 (b) If the special district is located wholly or partly in
22 more than one county, the commissioners court of each of those
23 counties must agree on the appointment.

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

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1 Act takes effect September 1, 2007.