

1-1 By: Hegar S.B. No. 1207
1-2 (In the Senate - Filed March 6, 2007; March 14, 2007, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; March 29, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;
1-6 March 29, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1207 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the removal by the county commissioners court of
1-11 appointed special district board members who engage in misconduct.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle C, Title 5, Local Government Code, is
1-14 amended by adding Chapter 177 to read as follows:

1-15 CHAPTER 177. REMOVAL OF SPECIAL DISTRICT BOARD MEMBERS

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 177.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the governing body of a special
1-19 district.

1-20 (2) "Director" means a board member.

1-21 (3) "Special district" means a political subdivision
1-22 of this state with a limited geographic area created by local law or
1-23 under general law for a special purpose.

1-24 [Sections 177.002-177.050 reserved for expansion]

1-25 SUBCHAPTER B. REMOVAL OF APPOINTED BOARD MEMBERS FOR MISCONDUCT

1-26 Sec. 177.051. APPLICABILITY. (a) This subchapter applies
1-27 only to an appointed director. The subchapter does not apply to a
1-28 director who:

1-29 (1) serves ex officio;

1-30 (2) is elected;

1-31 (3) is appointed to fill a vacancy in an elected
1-32 director position; or

1-33 (4) is appointed by the governor.

1-34 (b) This subchapter applies to any type of special district
1-35 with a board that is wholly or partly appointed, including:

1-36 (1) agricultural development districts;

1-37 (2) appraisal districts;

1-38 (3) athletic stadium authorities;

1-39 (4) civic center authorities;

1-40 (5) coastal water authorities;

1-41 (6) coordinated county transportation authorities;

1-42 (7) conservation and reclamation districts;

1-43 (8) county development districts;

1-44 (9) county health care funding districts;

1-45 (10) county hospital authorities;

1-46 (11) county mass transit authorities;

1-47 (12) crime control and prevention districts;

1-48 (13) defense adjustment management authorities;

1-49 (14) defense base development authorities;

1-50 (15) districts governing groundwater;

1-51 (16) drainage districts;

1-52 (17) emergency communication districts;

1-53 (18) emergency services districts;

1-54 (19) fire control, prevention, and emergency medical
1-55 services districts;

1-56 (20) freight rail districts;

1-57 (21) fresh water supply districts;

1-58 (22) groundwater conservation districts;

1-59 (23) health care funding districts;

1-60 (24) health services districts;

1-61 (25) higher education facility authorities;

1-62 (26) hospital districts;

1-63 (27) improvement districts;

- 2-1 (28) indigent health care districts;
- 2-2 (29) intermunicipal commuter rail districts;
- 2-3 (30) irrigation districts;
- 2-4 (31) jail districts;
- 2-5 (32) levee improvement districts;
- 2-6 (33) library districts;
- 2-7 (34) metropolitan rapid transit authorities;
- 2-8 (35) multi-jurisdictional library districts;
- 2-9 (36) municipal development districts;
- 2-10 (37) municipal hospital authorities;
- 2-11 (38) municipal management districts;
- 2-12 (39) municipal utility districts;
- 2-13 (40) navigation districts;
- 2-14 (41) noxious weed control districts;
- 2-15 (42) park and recreation districts;
- 2-16 (43) parks and recreational facilities districts;
- 2-17 (44) port authorities;
- 2-18 (45) public improvement districts;
- 2-19 (46) rail districts;
- 2-20 (47) rapid transit authorities;
- 2-21 (48) regional districts;
- 2-22 (49) regional transportation authorities;
- 2-23 (50) river authorities;
- 2-24 (51) road districts;
- 2-25 (52) road utility districts;
- 2-26 (53) rural rail transportation districts;
- 2-27 (54) rural transit districts;
- 2-28 (55) school districts;
- 2-29 (56) seawall commissions;
- 2-30 (57) solid waste management districts;
- 2-31 (58) soil and water conservation districts;
- 2-32 (59) special utility districts;
- 2-33 (60) sports and community venue districts;
- 2-34 (61) sports facility districts;
- 2-35 (62) stormwater control districts;
- 2-36 (63) subsidence districts;
- 2-37 (64) urban transit districts;
- 2-38 (65) water control and improvement districts;
- 2-39 (66) water control and preservation districts;
- 2-40 (67) water districts;
- 2-41 (68) water import authorities; and
- 2-42 (69) water improvement districts.

2-43 Sec. 177.052. EXEMPTIONS. (a) This subchapter does not
 2-44 apply to a regional planning commission under Chapter 391.

2-45 (b) This subchapter does not apply to a director who is a
 2-46 county officer under Section 24, Article V, Texas Constitution.

2-47 Sec. 177.053. REMOVAL OF DIRECTOR BY COMMISSIONERS COURT
 2-48 FOR MISCONDUCT. (a) The commissioners court of a county may
 2-49 remove a director of a special district located wholly or partly in
 2-50 the county as provided by this subchapter for the director's
 2-51 misconduct.

2-52 (b) To the extent of a conflict, this section prevails over
 2-53 any conflicting law.

2-54 Sec. 177.054. HEARING. (a) A commissioners court that
 2-55 desires to remove a director for misconduct shall hold a hearing on
 2-56 the director's removal.

2-57 (b) The director and any interested person is entitled to
 2-58 appear at the hearing.

2-59 Sec. 177.055. ORDER REMOVING DIRECTOR. (a) To remove a
 2-60 director of a special district located wholly in one county, the
 2-61 commissioners court of the county must:

2-62 (1) find after the hearing that the director engaged
 2-63 in misconduct; and

2-64 (2) issue an order removing the director.

2-65 (b) To remove a director of a special district located in
 2-66 more than one county:

2-67 (1) a commissioners court that appointed the director
 2-68 on its sole authority must find after the hearing that the director
 2-69 engaged in misconduct and issue an order removing the director; or

