

By: Leibowitz

H.B. No. 527

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the removal of an appointed emergency services district
3 board member by a county commissioners court.

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

5 SECTION 1. Section 775.036(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) The board shall:

8 (1) hold regular monthly meetings and other meetings
9 as necessary;

10 (2) keep minutes and records of its acts and
11 proceedings;

12 (3) give reports required by the state fire marshal,
13 commissioner of health, and other authorized persons;

14 (4) on a written request from the commissioners court
15 of a county in which the district is located received on or before
16 December 31, give a written report not later than February 1 of the
17 following ~~[each]~~ year to the commissioners court regarding the
18 district's budget, tax rate, and debt service ~~[administration]~~ for
19 the preceding fiscal ~~[calendar]~~ year ~~[and the district's financial~~
20 ~~condition]~~; and

21 (5) administer the district in accordance with this
22 chapter.

23 SECTION 2. Subchapter C, Chapter 775, Health and Safety
24 Code, is amended by adding Section 775.0422 to read as follows:

1 Sec. 775.0422. REMOVAL OF APPOINTED BOARD MEMBER BY
2 COMMISSIONERS COURT FOR FAILURE TO GIVE REPORT. (a) This section
3 applies only to an appointed board member. This section does not
4 apply to a board member who:

5 (1) is elected; or

6 (2) is appointed to fill a vacancy in an elected board
7 member position.

8 (b) The commissioners court of the county in which a
9 district is located, by an order adopted by a majority vote after a
10 hearing, may remove one or more board members if the board failed to
11 give the report required by Section 775.036(a)(4) to the
12 commissioners court before the 91st day after the date on which the
13 report was due under that section.

14 (c) Before the 60th day after the date on which the report
15 was due, each commissioners court seeking removal under this
16 section must notify the board members that it is considering that
17 action.

18 (d) The validity of a board action is not affected because
19 it is taken when a ground for removal of a board member exists.

20 SECTION 3. The heading to Section 775.042, Health and
21 Safety Code, is amended to read as follows:

22 Sec. 775.042. REMOVAL OF BOARD MEMBER BY BOARD.

23 SECTION 4. Section 775.036(d), Health and Safety Code, is
24 repealed.

25 SECTION 5. The changes in law made by Section 775.036(a),
26 Health and Safety Code, as amended by this Act, and Section
27 775.0422, Health and Safety Code, as added by this Act, apply only

1 to a report due on or after the effective date of this Act.

2 SECTION 6. 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, 2009.