

By: Leibowitz

H.B. No. 527

A BILL TO BE ENTITLED

AN ACT

relating to the removal of an appointed emergency services district board member by a county commissioners court.

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 775.0422 to read as follows:

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

(1) is elected; or

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

(b) The commissioners court of the county in which a district is located may remove one or more board members by majority vote if the board has failed to give the report required by Section 775.036(a)(4) to, or file the audit report required by Section 775.082(b) with, the commissioners court before the 91st day after the date on which the report or audit was due under those sections.

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

(d) For a district located in more than one county, each

1 commissioners court must vote for the removal under this section.

2 (e) The validity of a board action is not affected because
3 it is taken when a ground for removal of a board member exists.

4 SECTION 2. The heading to Section 775.042, Health and
5 Safety Code, is amended to read as follows:

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

7 SECTION 3. Section 775.0422, Health and Safety Code, as
8 added by this Act, applies only to a report or audit due on or after
9 the effective date of this Act.

10 SECTION 4. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2009.