

1-1 By: Leibowitz (Senate Sponsor - Zaffirini) H.B. No. 527  
1-2 (In the Senate - Received from the House April 29, 2009;  
1-3 May 4, 2009, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 18, 2009, reported favorably by  
1-5 the following vote: Yeas 5, Nays 0; May 18, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the removal of an appointed emergency services district  
1-9 board member by a county commissioners court.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 775.036(a), Health and Safety Code, is  
1-12 amended to read as follows:

1-13 (a) The board shall:

1-14 (1) hold regular monthly meetings and other meetings  
1-15 as necessary;

1-16 (2) keep minutes and records of its acts and  
1-17 proceedings;

1-18 (3) give reports required by the state fire marshal,  
1-19 commissioner of health, and other authorized persons;

1-20 (4) on a written request from the commissioners court  
1-21 of a county in which the district is located received on or before  
1-22 December 31, give a written report not later than February 1 of the  
1-23 following [each] year to the commissioners court regarding the  
1-24 district's budget, tax rate, and debt service [administration] for  
1-25 the preceding fiscal [calendar] year [and the district's financial  
1-26 condition]; and

1-27 (5) administer the district in accordance with this  
1-28 chapter.

1-29 SECTION 2. Subchapter C, Chapter 775, Health and Safety  
1-30 Code, is amended by adding Section 775.0422 to read as follows:

1-31 Sec. 775.0422. REMOVAL OF APPOINTED BOARD MEMBER BY  
1-32 COMMISSIONERS COURT FOR FAILURE TO GIVE REPORT. (a) This section  
1-33 applies only to an appointed board member. This section does not  
1-34 apply to a board member who:

1-35 (1) is elected; or

1-36 (2) is appointed to fill a vacancy in an elected board  
1-37 member position.

1-38 (b) The commissioners court of the county in which a  
1-39 district is located, by an order adopted by a majority vote after a  
1-40 hearing, may remove one or more board members if the board failed to  
1-41 give the report required by Section 775.036(a)(4) to the  
1-42 commissioners court before the 91st day after the date on which the  
1-43 report was due under that section.

1-44 (c) Before the 60th day after the date on which the report  
1-45 was due, each commissioners court seeking removal under this  
1-46 section must notify the board members that it is considering that  
1-47 action.

1-48 (d) The validity of a board action is not affected because  
1-49 it is taken when a ground for removal of a board member exists.

1-50 SECTION 3. The heading to Section 775.042, Health and  
1-51 Safety Code, is amended to read as follows:

1-52 Sec. 775.042. REMOVAL OF BOARD MEMBER BY BOARD.

1-53 SECTION 4. Section 775.036(d), Health and Safety Code, is  
1-54 repealed.

1-55 SECTION 5. The changes in law made by Section 775.036(a),  
1-56 Health and Safety Code, as amended by this Act, and Section  
1-57 775.0422, Health and Safety Code, as added by this Act, apply only  
1-58 to a report due on or after the effective date of this Act.

1-59 SECTION 6. This Act takes effect immediately if it receives  
1-60 a vote of two-thirds of all the members elected to each house, as  
1-61 provided by Section 39, Article III, Texas Constitution. If this  
1-62 Act does not receive the vote necessary for immediate effect, this  
1-63 Act takes effect September 1, 2009.

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