

By: Zaffirini

S.B. No. 653

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the accountability of emergency services district board
3 members to 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) give a quarterly written report [~~not later than~~
15 ~~February 1 of each year~~] to the commissioners court including the
16 preceding quarter's:

17 (A) administration and operation practices;

18 (B) annual budget information;

19 (C) proposed annual tax rate information;

20 (D) debt services;

21 (E) financial standing;

22 (F) hiring practices for acquiring external
23 personnel, including financial advisors and auditors; and

24 (G) external audit results [~~regarding the~~

1 ~~district's administration for the preceding calendar year and the~~
2 ~~district's financial condition]; and~~

3 (5) administer the district in accordance with this
4 chapter.

5 SECTION 2. Subchapter C, Chapter 775, Health and Safety
6 Code, is amended by adding Section 775.039 to read as follows:

7 Sec. 775.039. NOTIFICATION OF HIRING PRACTICES BY
8 COMMISSIONERS COURT. A district may not hire a person to provide
9 professional services for the district, including audit,
10 financial, or legal services, unless the board first informs the
11 commissioners court of the county in which the district is located
12 of the practices the district will use to hire the person. If the
13 district is located in more than one county, the board must inform
14 the commissioners court of each of the counties in which the
15 district is located of the practices the district will use to hire
16 the person.

17 SECTION 3. Subchapter C, Chapter 775, Health and Safety
18 Code, is amended by adding Section 775.0422 to read as follows:

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

23 (1) is elected; or

24 (2) is appointed to fill a vacancy in an elected
25 commissioner's position.

26 (b) Except as provided by Subsection (c), the commissioners
27 court of the county in which a district is located may remove one or

1 more board members by majority vote if the board has failed to give
2 the report required by Section 775.036(a)(4) to, or file the audit
3 report required by Section 775.082(b) with, the commissioners court
4 before the 91st day after the date the report or audit was due under
5 those sections.

6 (c) If a board member was appointed by a single member of the
7 commissioners court, that member of the commissioners court may
8 unilaterally remove the board member for a cause listed under
9 Subsection (b). If the member of the commissioners court does not
10 remove the board member and cause for removal exists under
11 Subsection (b), the commissioners court may remove the board member
12 by majority vote. If the member of the commissioners court that
13 appointed a board member is no longer a member of the commissioners
14 court, the board member may be removed by majority vote of the
15 existing members of the commissioners court.

16 (d) Before the 60th day after the date the report or audit
17 was due, as appropriate:

18 (1) each commissioners court seeking removal under
19 this section must notify the board that it is considering that
20 action; or

21 (2) each member of the commissioners court seeking
22 removal of a particular board member under this section must notify
23 the board member that the member of the commissioners court is
24 considering that action.

25 (e) For a district located in more than one county, each
26 commissioners court must vote for a removal under this section that
27 requires the vote of a majority of a commissioners court.

1 (f) The validity of a board action is not affected because
2 it is taken when a ground for removal of a commissioner exists.

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

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

6 SECTION 5. Section 775.074(d), Health and Safety Code, is
7 amended to read as follows:

8 (d) In establishing the rate of the ad valorem tax to be
9 collected for a year, the board shall consider the money that will
10 be available to pay the principal of and interest on any bonds or
11 notes issued and to create any reserve funds to the extent and in
12 the manner permitted by the resolution authorizing, or the trust
13 indenture securing, the bonds or notes. Before a board may change
14 the ad valorem tax rate of a district, the board must obtain the
15 approval of the commissioners court of the county in which the
16 district is located as provided by Section 775.0743. If the
17 district is located in more than one county, the board must obtain
18 the approval of the commissioners court of each of the counties in
19 which the district is located.

20 SECTION 6. Subchapter E, Chapter 775, Health and Safety
21 Code, is amended by adding Section 775.0743 to read as follows:

22 Sec. 775.0743. APPROVAL OF CHANGE IN AD VALOREM TAX RATE BY
23 COMMISSIONERS COURT. (a) To obtain a commissioners court's
24 approval of a proposed change in an ad valorem tax rate, a board
25 must file with each of the commissioners courts required under
26 Section 775.074(d) a written petition to change the ad valorem tax
27 rate. The petition must include:

- 1 (1) the name of the district;
- 2 (2) the names of the members of the board;
- 3 (3) the proposed change in the district tax rate; and
- 4 (4) the reasons for changing the tax rate.

5 (b) The commissioners court must approve or deny the
6 petition before the 31st day after the date the court receives the
7 petition. If on the 31st day after the date the petition is filed
8 the commissioners court has not approved or disapproved the
9 petition, the petition is considered to be approved by the
10 commissioners court and the board may certify the proposed tax rate
11 to the county tax assessor-collector under Section 775.074(e).

12 SECTION 7. The board of emergency services commissioners
13 shall submit an initial quarterly report required under Section
14 775.036(a), Health and Safety Code, as amended by this Act, not
15 later than February 1, 2010.

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

19 SECTION 9. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.