

BILL ANALYSIS

Senate Research Center

H.B. 1917
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Emergency service districts are political subdivisions of the state created to provide local emergency services to rural or unincorporated areas of the state. These districts have the authority to impose and collect taxes, enforce the local fire code, and maintain emergency service vehicles and other equipment for the purpose of providing the district residents with the necessary fire, rescue, and emergency services.

In the majority of cases, the county commissioners court is responsible for appointing a five-member board of emergency services commissioners to serve as the district's governing body. After their appointment by the court, the commissioners serve for a term of two years.

Once an individual has been appointed to an emergency services board, the county commissioners court has limited means at its disposal to remove that person for impropriety or dereliction of duties. Currently, county commissioners have to wait until the end of a two-year term to remove an incompetent or corrupt emergency service district official. This inability to hold emergency service commissioners accountable can render a board ineffective and potentially leave the district without responsive leadership. H.B. 1917 establishes a clear, legal standard to help ensure accountability in the appointed officials who manage emergency service districts.

H.B. 1917 authorizes a county commissioners court to remove an appointed emergency service commissioner by a majority of the court.

H.B. 1917 amends current law relating to the removal of appointed emergency services commissioners by a commissioners court.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 775.0422, Health and Safety Code, to read as follows:

Sec. 775.0422. REMOVAL OF APPOINTED BOARD MEMBER BY COMMISSIONERS COURT.

SECTION 2. Amends Section 775.0422, Health and Safety Code, by amending Subsections (b) and (c) and adding Subsection (b-1), as follows:

(b) Authorizes the commissioners court of the county in which an emergency services district is located, by an order adopted by a majority vote after a hearing, to remove a board of emergency services commissioner (board) member for incompetency, as defined by Section 87.011 (Definitions), Local Government Code, official misconduct, as defined by Section 87.011, Local Government Code, or misconduct, as defined by Section 178.001 (Definitions), Local Government Code, rather than one or more members if the

board failed to give the report required by Section 775.036(a)(4) (relating to giving a written report regarding the district's budget, tax rate, and debt service) to the commissioners court before the 91st day after the date on which the report was due under that section.

(b-1) Provides that Section 551.0745 (Personnel Matters Affecting County Advisory Body; Closed Meeting), Government Code, applies to a deliberation regarding a removal of a board member in the same manner as that section applies to a deliberation regarding a dismissal of a member of an advisory body.

(c) Requires a commissioners court seeking removal under this section, not later than the 30th day before the date on which the hearing is held, rather than before the 60th day after the date on which the report was due, to notify the board members that it is considering that action.

SECTION 3. Effective date: upon passage or September 1, 2011.