

By: Kleinschmidt

H.B. No. 1791

A BILL TO BE ENTITLED

AN ACT

relating to emergency services districts.

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 775.0365 to read as follows:

Sec. 775.0365. BOARD TRAINING. (a) In this section, "department" means the Texas Department of Rural Affairs.

(b) Each emergency services commissioner shall complete a training course:

(1) for the commissioner's initial term, not later than the earlier of:

(A) the 180th day after the date the commissioner takes the oath of office; or

(B) the 180th day after the date the commissioner assumes responsibilities as an emergency services commissioner; and

(2) not later than the second anniversary of each date the commissioner completes a training course.

(c) The department shall:

(1) determine the minimum course requirements; and

(2) make the course available.

(d) The department may provide the training course. The department must approve any training course provided by an entity other than the department.

1 (e) The training course must provide instruction in:

2 (1) district responsibilities;

3 (2) board responsibilities;

4 (3) government administration;

5 (4) ethics laws relating to public officers; and

6 (5) the governance and management of emergency  
7 services.

8 (f) The entity providing the training course shall provide a  
9 certificate of course completion to each person who completes the  
10 course.

11 (g) An emergency services commissioner who completes the  
12 training course shall file a copy of the certificate of course  
13 completion with the commissioners court of each county in which the  
14 district is located not later than the 10th day after the date the  
15 commissioner is required to complete the course under Subsection  
16 (b).

17 SECTION 2. The heading to Section 775.0422, Health and  
18 Safety Code, is amended to read as follows:

19 Sec. 775.0422. REMOVAL OF APPOINTED BOARD MEMBER BY  
20 COMMISSIONERS COURT [~~FOR FAILURE TO GIVE REPORT~~].

21 SECTION 3. Section 775.0422, Health and Safety Code, is  
22 amended by amending Subsections (b) and (c) and adding Subsection  
23 (b-1) to read as follows:

24 (b) The commissioners court of the county in which a  
25 district is located, by an order adopted by a majority vote after a  
26 hearing, may remove one or more board members if the board failed to  
27 give a [~~the~~] report required by Section 775.036 [~~775.036(a)(4)~~] to

1 the commissioners court before the 91st day after the date on which  
2 the report is [~~was~~] due under that section.

3 (b-1) The commissioners court of the county in which a  
4 district is located, by an order adopted by a majority vote after a  
5 hearing, may remove a board member if the board member does not  
6 complete a training course and file a copy of the certificate of  
7 course completion as required by Section 775.0365. If the district  
8 is located in more than one county, the commissioners court of each  
9 county must adopt the order before the board member may be removed.

10 (c) Before the 60th day after the date on which the report or  
11 certificate of course completion is [~~was~~] due, each commissioners  
12 court seeking removal under this section must notify the board  
13 members that it is considering that action.

14 SECTION 4. Section 775.074, Health and Safety Code, is  
15 amended by adding Subsection (d-1) to read as follows:

16 (d-1) The board may not set the tax rate for a fiscal year  
17 before the date the board adopts a budget for that fiscal year.

18 SECTION 5. Section 775.082, Health and Safety Code, is  
19 amended by adding Subsection (e-1) to read as follows:

20 (e-1) When a district located wholly in one county fails to  
21 complete and file the audit report by September 1 of each year and a  
22 county auditor is not ordered to prepare the report, the board is  
23 abolished and the commissioners court shall appoint a new board as  
24 provided by Section 775.034.

25 SECTION 6. Subchapter C, Chapter 776, Health and Safety  
26 Code, is amended by adding Sections 776.0355 and 776.0356 to read as  
27 follows:

1       Sec. 776.0355. BOARD TRAINING. (a) In this section,  
2 "department" means the Texas Department of Rural Affairs.

3       (b) Each emergency services commissioner shall complete a  
4 training course:

5           (1) for the commissioner's initial term, not later  
6 than the earlier of:

7                   (A) the 180th day after the date the commissioner  
8 takes the oath of office; or

9                   (B) the 180th day after the date the commissioner  
10 assumes responsibilities as an emergency services commissioner;  
11 and

12           (2) not later than the second anniversary of each date  
13 the commissioner completes a training course.

14       (c) The department shall:

15           (1) determine the minimum course requirements; and

16           (2) make the course available.

17       (d) The department may provide the training course. The  
18 department must approve any training course provided by an entity  
19 other than the department.

20       (e) The training course must provide instruction in:

21           (1) district responsibilities;

22           (2) board responsibilities;

23           (3) government administration;

24           (4) ethics laws relating to public officers; and

25           (5) the governance and management of emergency  
26 services.

27       (f) The entity providing the training course shall provide a

1 certificate of course completion to each person who completes the  
2 course.

3 (g) An emergency services commissioner who completes the  
4 training course shall file a copy of the certificate of course  
5 completion with the commissioners court of each county in which the  
6 district is located not later than the 10th day after the date the  
7 commissioner is required to complete the course under Subsection  
8 (b).

9 Sec. 776.0356. REMOVAL OF APPOINTED BOARD MEMBER BY  
10 COMMISSIONERS COURT. (a) The commissioners court of each county  
11 in which a district is located, by an order adopted by a majority  
12 vote after a hearing, may remove an appointed board member if the  
13 board member fails to complete a training course and file a copy of  
14 the certificate of course completion as required by Section  
15 776.0355.

16 (b) Before the 60th day after the date the certificate of  
17 completion is due, each commissioners court seeking removal under  
18 this section must notify the board members that it is considering  
19 that action.

20 SECTION 7. Section 776.075, Health and Safety Code, is  
21 amended by adding Subsection (d-1) to read as follows:

22 (d-1) The board may not set the tax rate for a fiscal year  
23 before the date the board adopts a budget for that fiscal year.

24 SECTION 8. Section 775.024, Health and Safety Code, is  
25 repealed.

26 SECTION 9. (a) In this section, "department" means the  
27 Texas Department of Rural Affairs.

1           (b) Not later than June 1, 2012, the department shall make  
2 available a training course as required by Sections 775.0365 and  
3 776.0355, Health and Safety Code, as added by this Act.

4           (c) The deadlines to take the course under Sections  
5 775.0365(b) and 776.0355(b), Health and Safety Code, as added by  
6 this Act, do not apply to an emergency services commissioner  
7 appointed or elected to a board of emergency services commissioners  
8 for a term that starts before June 1, 2012. Not later than the 180th  
9 day after the date the department makes available a training course  
10 under Subsection (b) of this section, an emergency services  
11 commissioner described by this subsection must complete the course.

12           SECTION 10. This Act takes effect immediately if it  
13 receives a vote of two-thirds of all the members elected to each  
14 house, as provided by Section 39, Article III, Texas Constitution.  
15 If this Act does not receive the vote necessary for immediate  
16 effect, this Act takes effect September 1, 2011.