

AN ACT

relating to the removal of appointed emergency services commissioners by a commissioners court.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 775.0422, Health and Safety Code, is amended to read as follows:

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

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

(b) The commissioners court of the county in which a district is located, by an order adopted by a majority vote after a hearing, may remove a [one or more] board member for:

(1) incompetency, as defined by Section 87.011, Local Government Code;

(2) official misconduct, as defined by Section 87.011, Local Government Code; or

(3) misconduct, as defined by Section 178.001, Local Government Code [~~members if the board failed to give the report required by Section 775.036(a)(4) to the commissioners court before the 91st day after the date on which the report was due under that section~~].

(b-1) Section 551.0745, Government Code, applies to a

1 deliberation regarding a removal of a board member in the same
2 manner as that section applies to a deliberation regarding a
3 dismissal of a member of an advisory body.

4 (c) Not later than [~~Before~~] the 30th [~~60th~~] day before
5 [~~after~~] the date on which the hearing is held, a [~~report was due,~~
6 ~~each~~] commissioners court seeking removal under this section must
7 notify the board members that it is considering that action.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 1917 was passed by the House on April 18, 2011, by the following vote: Yeas 140, Nays 6, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1917 was passed by the Senate on May 10, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor