

1-1 By: Schwertner (Senate Sponsor - Ogden) H.B. No. 1917
1-2 (In the Senate - Received from the House April 19, 2011;
1-3 April 26, 2011, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 6, 2011, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 6, 2011, sent to printer.)

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

1-8 relating to the removal of appointed emergency services
1-9 commissioners by a commissioners court.

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

1-11 SECTION 1. The heading to Section 775.0422, Health and
1-12 Safety Code, is amended to read as follows:

1-13 Sec. 775.0422. REMOVAL OF APPOINTED BOARD MEMBER BY
1-14 COMMISSIONERS COURT [~~FOR FAILURE TO GIVE REPORT~~].

1-15 SECTION 2. Section 775.0422, Health and Safety Code, is
1-16 amended by amending Subsections (b) and (c) and adding Subsection
1-17 (b-1) to read as follows:

1-18 (b) The commissioners court of the county in which a
1-19 district is located, by an order adopted by a majority vote after a
1-20 hearing, may remove a [~~one or more~~] board member for:

1-21 (1) incompetency, as defined by Section 87.011, Local
1-22 Government Code;

1-23 (2) official misconduct, as defined by Section 87.011,
1-24 Local Government Code; or

1-25 (3) misconduct, as defined by Section 178.001, Local
1-26 Government Code [~~members if the board failed to give the report~~
1-27 ~~required by Section 775.036(a)(4) to the commissioners court before~~
1-28 ~~the 91st day after the date on which the report was due under that~~
1-29 ~~section~~].

1-30 (b-1) Section 551.0745, Government Code, applies to a
1-31 deliberation regarding a removal of a board member in the same
1-32 manner as that section applies to a deliberation regarding a
1-33 dismissal of a member of an advisory body.

1-34 (c) Not later than [~~Before~~] the 30th [~~60th~~] day before
1-35 [~~after~~] the date on which the hearing is held, a [~~report was due,~~
1-36 ~~each~~] commissioners court seeking removal under this section must
1-37 notify the board members that it is considering that action.

1-38 SECTION 3. This Act takes effect immediately if it receives
1-39 a vote of two-thirds of all the members elected to each house, as
1-40 provided by Section 39, Article III, Texas Constitution. If this
1-41 Act does not receive the vote necessary for immediate effect, this
1-42 Act takes effect September 1, 2011.

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