

BILL ANALYSIS

Senate Research Center
79R8629 MSE-F

H.B. 2549
By: Nixon (Janek)
Intergovernmental Relations
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Westchase District (district) has a board of 15 directors appointed by the City of Houston. The district has the authority, without obtaining city approval, to appoint a replacement to a director position that becomes vacant with such appointee to serve for the remainder of the unexpired term. The district appointed a director to a vacant position in February 2004. Several months after the appointment, the City of Houston (city) notified the district that the city had determined that the district's appointment of this director was not valid and that the district should have requested the city to appoint such director because the term for this position had expired. The city also stated that this situation was one of first impression for the city and asked the district to determine whether the district agreed with the city's analysis of the law regarding this issue.

After research, the district agreed with the city that the term has expired and asked that the city appoint this director retroactively. The city staff agreed to recommend such action (but has not taken the action before city council), provided that the district have the appointment validated.

H.B. 2549 validates the appointment of such director and assures that actions taken by the board since such appointment, especially those in which the director voted or provided the quorum, are not subject to invalidation.

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. (a) Provides that the legislature validates and confirms all governmental acts and proceedings of the Westchase District and the district's board of directors that occurred before the effective date of this Act.

(b) Provides that this section does not apply to any matter that on the effective date of this Act is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by the judgment.

SECTION 2. Effective date: upon passage or September 1, 2005.