

## **BILL ANALYSIS**

Senate Research Center  
81R17886 SJM-D

H.B. 527  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Emergency services districts (ESDs) are political subdivisions established by local voters for the purpose of protecting life and property through the provision of emergency rescue, ambulance and fire fighting services. The board members of an ESD are referred to by the title of "commissioner." In order to fund the important services they provide, ESDs are authorized to raise money through ad valorem taxes on all real property located within the district. Some ESDs use sales taxes also to help fund the ESD.

Current law requires an ESD board to file a report regarding the ESD's administration for the preceding calendar year and the ESD's financial condition and an audit report regarding the ESD's fiscal accounts and records. However, no entity is authorized to take action against an ESD if the reports are not completed. Further, there is no accountability regarding an ESD's decision to change the ad valorem tax rate they collect to fund their services.

This bill makes the currently required report necessary only upon written request of a commissioners court and authorize a commissioners court to remove an appointed ESD board member if the commissioners court requests in writing the currently required report and that report is not submitted timely.

H.B. 527 amends current law relating to the removal of an appointed emergency services district board member by a county 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 Section 775.036(a), Health and Safety Code, to require the board of emergency services commissioners (board), on a written request from the commissioners court of a county in which the district is located received on or before December 31, to give a written report not later than February 1 of the following year, rather than each year, to the commissioners court regarding the district's budget, tax rate, and debt service for the preceding fiscal year, rather than the district's administration for the preceding calendar year and the district's financial condition.

SECTION 2. Amends Subchapter C, Chapter 775, Health and Safety Code, by adding Section 775.0422, as follows:

Sec. 775.0422. REMOVAL OF APPOINTED BOARD MEMBER BY COMMISSIONERS COURT FOR FAILURE TO GIVE REPORT. (a) Provides that this section applies only to an appointed board member. Provides that this section does not apply to a board member who is elected or is appointed to fill a vacancy in an elected board member position.

(b) Authorizes the commissioners court of the county in which a district is located, by an order adopted by a majority vote after a hearing, to remove one or more board members if the board failed to give the report required by Section 775.036(a)(4) (relating to a written report regarding the district's budget, tax rate,

and debt service for the preceding fiscal year) to the commissioners court before the 91st day after the date on which the report was due under that section.

(c) Requires each commissioners court seeking removal under this section, before the 60th day after the date on which the report was due, to notify the board members that it is considering that action.

(d) Provides that the validity of a board action is not affected because it is taken when a ground for removal of a board member exists.

SECTION 3. Amends the heading to Section 775.042, Health and Safety Code, to read as follows:

Sec. 775.042. REMOVAL OF BOARD MEMBER BY BOARD.

SECTION 4. Repealer: Section 775.036(d) (relating to the provision that Subsection (a)(4) does not apply to the board of a district located wholly in one county), Health and Safety Code.

SECTION 5. Provides that the changes in law made by Section 775.036(a), Health and Safety Code, as amended by this Act, and Section 775.0422, Health and Safety Code, as added by this Act, apply only to a report due on or after the effective date of this Act.

SECTION 6. Effective date: upon passage or September 1, 2009.