

By: Davis of Dallas

H.B. No. 3380

A BILL TO BE ENTITLED

AN ACT

relating to the grounds for and process by which elected officers of certain home-rule municipalities may be removed from office.

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

SECTION 1. Subchapter C, Chapter 26, Local Government Code, is amended by adding Section 26.048 to read as follows:

Sec. 26.048. GROUNDS FOR REMOVAL AND REMOVAL PROCESS IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of 36,400 to 38,600 located in a county with a population of 2.2 million and less than 4 million.

(b) The governing body of a municipality may remove an elected officer of the municipality from office in accordance with the municipality's charter, except that the governing body may not remove an elected officer if the removal is based solely on the officer's performance of an official duty.

(c) Any process by which the governing body of a municipality removes an elected officer of the municipality from office must include providing to the officer:

(1) written notice of the grounds for removal; and
(2) an opportunity for a public hearing that complies with Chapter 551, Government Code, at which the officer may present evidence, including witnesses.

(d) The governing body of a municipality shall publish notice of a public hearing under Subsection (c)(2) in a newspaper of

1 general circulation in the municipality not later than the 14th day
2 before the date of the hearing.

3 (e) Testimony of a witness in a public hearing under
4 Subsection (c)(2) must be provided under oath.

5 (f) The removal of an elected officer from office that does
6 not comply with this section is not effective.

7 (g) This section does not affect any right provided under a
8 municipal charter for the voters of the municipality to remove an
9 elected officer.

10 SECTION 2. (a) Section 26.048, Local Government Code, as
11 added by this Act, does not apply to an office for which the vacancy
12 occurs before the effective date of this Act.

13 (b) A home-rule municipality that does not have an ordinance
14 or charter provision providing the process required by Section
15 26.048, Local Government Code, as added by this Act, must adopt such
16 a process not later than October 1, 2015.

17 SECTION 3. This Act takes effect September 1, 2015.