

By: Davis of Dallas

H.B. No. 3380

A BILL TO BE ENTITLED

AN ACT

relating to the grounds for and process by which an elected officer of a home-rule municipality 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; REMOVAL PROCESS. (a) The governing body of a municipality may not remove an elected officer based solely on an administrative violation of the municipality's charter.

(b) 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.

(c) The governing body of a municipality shall publish notice of a public hearing under Subsection (b)(2) in a newspaper of general circulation in the municipality not later than the 14th day before the date of the hearing.

(d) Testimony of a witness in a public hearing under Subsection (b)(2) must be provided under oath.

(e) The removal of an elected officer from office that does

1 not comply with this section is not effective.

2 (f) This section does not affect any right provided under a  
3 municipal charter for the voters of the municipality to remove an  
4 elected officer.

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

8 (b) A home-rule municipality that does not have an ordinance  
9 or charter provision providing the process required by Section  
10 26.048, Local Government Code, as added by this Act, must adopt such  
11 a process not later than October 1, 2015.

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