

Amend CSHB 4180 (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 158.001, Local Government Code, is amended by adding Subdivision (4) to read as follows:

(4) "Supplemental commission" means a supplemental commission established under Section 158.0085.

SECTION _____. Subchapter A, Chapter 158, Local Government Code, is amended by adding Section 158.0085 to read as follows:

Sec. 158.0085. SUPPLEMENTAL COMMISSION IN CERTAIN COUNTIES. (a) This section applies only to a county:

(1) with a population of more than two million that is adjacent to a county with a population of more than one million; and

(2) in which a civil service system has been created under this subchapter.

(b) The commissioners court of a county may establish one or more supplemental commissions to assist the commission in administering the system.

(c) The commissioners court shall appoint three individuals to serve as members of each supplemental commission and shall designate one of the members as chair of the supplemental commission.

(d) Sections 158.008(b)-(e) apply to the appointment of a member of a supplemental commission in the same manner that those provisions apply to the appointment of a member of the commission.

SECTION _____. Section 158.009, Local Government Code, is amended to read as follows:

Sec. 158.009. POWERS OF THE COMMISSION AND SUPPLEMENTAL COMMISSIONS. (a) Except as provided by Subsection (a-1) and Section 158.010, the commission shall adopt, publish, and enforce rules regarding the following categories of matters:

- (1) the definition of a county employee;
- (2) selection and classification of county employees;
- (3) competitive examinations;
- (4) promotions, seniority, and tenure;
- (5) layoffs and dismissals;
- (6) disciplinary actions;

(7) grievance procedures; and

(8) other matters relating to the selection of county employees and the procedural and substantive rights, advancement, benefits, and working conditions of county employees.

(a-1) Notwithstanding any other provision of this subchapter, a supplemental commission shall adopt, publish, or enforce a rule regarding a category of matters listed under Subsection (a) if the adoption, publication, or enforcement of the rule is specifically delegated by category to the supplemental commission by the commissioners court. If the commissioners court has established more than one supplemental commission, the commissioners court may not delegate the authority to adopt, publish, or enforce a rule regarding a category of matters listed under Subsection (a) to more than one of the supplemental commissions. The commission may not adopt, publish, or enforce a rule regarding a category of matters listed under Subsection (a) if the commissioners court has delegated that authority to a supplemental commission.

(b) The commission or a supplemental commission may adopt or use as a guide any civil service law or rule of the United States, this state, or a political subdivision in this state to the extent that the law or rule promotes the purposes of this subchapter and serves the needs of the county.

(c) The commission or a supplemental commission may not adopt or enforce a rule requiring a county employee to retire because of age. The commission or a supplemental commission may adopt a rule requiring a county employee, on reaching an age set by the commission, to submit annually to the commission an affidavit from a physician stating that the employee is physically and mentally capable of continuing employment.

SECTION _____. Sections 158.0095(a) and (b), Local Government Code, are amended to read as follows:

(a) In a proceeding before the commission or a supplemental commission under this subchapter, the chair [~~chairman~~] of the commission or of the supplemental commission, as applicable, shall, on request of a person described by Subsection (b):

(1) administer oaths; and

(2) issue subpoenas and subpoenas duces tecum for the attendance of witnesses and for the production of documentary material.

(b) The affected employee, the county attorney, or a designee of the employee or county attorney may request the chair [~~chairman~~] of the commission or of the supplemental commission, as applicable, to subpoena any books, records, documents, papers, accounts, or witnesses that the requestor considers relevant to the case. The request must be made before the 15th day before the date the applicable [a] commission or supplemental commission proceeding will be held.

SECTION _____. Section 158.010(e), Local Government Code, is amended to read as follows:

(e) The rules adopted by the commission or a supplemental commission under Section 158.009 relating to the selection and classification of county employees and to competitive examinations for selection apply to the initial hiring of personnel under this section.

SECTION _____. Section 158.011, Local Government Code, is amended to read as follows:

Sec. 158.011. COMPENSATION AND STAFF. The members of the commission and of a supplemental commission serve without compensation, but the commissioners court shall reimburse each member for all necessary expenses incurred in performing the member's duties. The commissioners court shall provide the commission with adequate office space for the commission and each supplemental commission and sufficient funds to employ an adequate staff and to purchase necessary supplies and equipment.

SECTION _____. Section 158.012(a), Local Government Code, is amended to read as follows:

(a) A county employee who, on a final decision by the commission or a supplemental commission, is demoted, suspended, or removed from the employee's position may appeal the decision by filing a petition in a district court in the county within 30 days after the date of the decision.

SECTION _____. Section 158.0121, Local Government Code, is amended to read as follows:

Sec. 158.0121. REVIEW UNDER SUBSTANTIAL EVIDENCE RULE. In an appeal under Section 158.012, the district court may not substitute its judgment for the judgment of the commission or a supplemental commission on the weight of the evidence on questions committed to the commission or supplemental commission's discretion but:

(1) may affirm the commission or supplemental commission's decision in whole or in part; and

(2) shall reverse or remand the case for further proceedings if substantial rights of the petitioner have been prejudiced because the commission or supplemental commission's findings, inferences, conclusions, or decisions are:

(A) in violation of a constitutional or statutory provision;

(B) in excess of the commission or supplemental commission's authority;

(C) made through unlawful procedure;

(D) affected by other error of law;

(E) not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole; or

(F) arbitrary or capricious, characterized by abuse of discretion, or clearly an unwarranted exercise of discretion.

SECTION _____. Section 158.0122, Local Government Code, is amended to read as follows:

Sec. 158.0122. PROCEDURES FOR REVIEW UNDER SUBSTANTIAL EVIDENCE RULE. (a) After service of the petition on the commission or a supplemental commission and within the time permitted for filing an answer or within additional time allowed by the court, the commission or supplemental commission, as applicable, shall send to the reviewing court the original or a certified copy of the entire record of the proceeding under review. The record shall be filed with the clerk of the court. The record may be shortened by stipulation of all parties to the review proceedings. The court may assess additional costs against a party who unreasonably refuses to stipulate to limit the record, unless the party pays all costs of

record preparation. The court may require or permit later corrections or additions to the record.

(b) A party may apply to the court to present additional evidence. If the court is satisfied that the additional evidence is material and that there were good reasons for the failure to present it in the proceeding before the commission or supplemental commission, the court may order that the additional evidence be taken before the commission or supplemental commission, as applicable, on conditions determined by the court. The commission or supplemental commission, as applicable, may change its findings and decisions by reason of the additional evidence and shall file the additional evidence and any changes, new findings, or decisions with the reviewing court.

(c) The party seeking judicial review shall offer, and the reviewing court shall admit, the commission or supplemental commission record, as applicable, into evidence as an exhibit.

(d) The court shall conduct the review sitting without a jury and is confined to the commission or supplemental commission record, as applicable, except that the court may receive evidence of procedural irregularities alleged to have occurred before the commission or supplemental commission that are not reflected in the record.

SECTION _____. The heading to Section 158.0123, Local Government Code, is amended to read as follows:

Sec. 158.0123. COST OF PREPARING [~~COMMISSION~~] RECORD OF PROCEEDING.

SECTION _____. Section 158.0123(a), Local Government Code, is amended to read as follows:

(a) The commission or supplemental commission, as applicable, may require a party who appeals a final decision under Section 158.012 to pay one-half of the cost of preparation of the original or a certified copy of the record of the [~~commission~~] proceeding that is required to be sent to the reviewing court.