86R4878 SOS-D

By:  Metcalf H.B. No. 1008

A BILL TO BE ENTITLED

AN ACT

relating to the service of a member of the Texas Higher Education Coordinating Board or the commissioner of higher education.

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

SECTION 1.  Section 61.0223, Education Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a)  It is a ground for removal from the board that a member:

(1)  does not have at the time of taking office the qualifications required by Section 61.0222(a);

(2)  does not maintain during service on the board the qualifications required by Section 61.0222(a);

(3)  is ineligible for membership under Section 61.022 or 61.0222;

(4)  cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; [~~or~~]

(5)  is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board; or

(6)  has taken an action that impairs the execution of a decision made by a majority of the board's membership at a board meeting.

(d)  If the lieutenant governor or a member of the legislature has knowledge that a potential ground for removal exists, the lieutenant governor or member, as applicable, may inform the governor or the attorney general that a potential ground for removal exists.

SECTION 2.  Section 61.028, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1)  If at a board meeting the board determines based on written evidence that the commissioner has taken an action that impairs the execution of a decision made at a board meeting by a majority of the board's membership, the board shall terminate the commissioner's employment at that meeting or the next board meeting. The board may adopt rules to administer this subsection.

SECTION 3.  This Act takes effect September 1, 2019.