

By: Metcalf

H.B. No. 1008

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the service of a member of the Texas Higher Education  
3 Coordinating Board or the commissioner of higher education.

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

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

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

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

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

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

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

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

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

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

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

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

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