

BILL ANALYSIS

H.B. 3380
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties report concerns regarding the ease with which members of the governing body of a home-rule municipality may expel an elected member of the governing body for an administrative violation of the city charter, explaining that it is possible for a council member to ignore another member's constituency and remove a council member for political gains. H.B. 3380 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3380 amends the Local Government Code to prohibit the governing body of a home-rule municipality from removing an elected officer based solely on an administrative violation of the municipality's charter. The bill requires any process by which the governing body removes an elected officer of the municipality from office to include providing to the officer written notice of the grounds for removal and an opportunity for a public hearing that complies with state open meetings law at which the officer may present evidence, including witnesses. The bill requires the governing body to publish notice of the public hearing in a newspaper of general circulation in the municipality not later than the 14th day before the hearing date and requires testimony of a witness in the hearing to be provided under oath.

H.B. 3380 makes the removal of an elected officer from office that does not comply with the bill's provisions ineffective and establishes that the bill's provisions do not affect any right provided under a municipal charter for the voters of the municipality to remove an elected officer. The bill requires a home-rule municipality that does not have an ordinance or charter provision providing the process by which the governing body may remove an elected officer of the municipality from office to adopt such a process not later than October 1, 2015.

EFFECTIVE DATE

September 1, 2015.