

HB 886 -- Removal of Department Heads or Directors

Sponsor: Bahr

This bill authorizes the General Assembly to remove from employment or service any department director or deputy director when it determines that the removal is necessary for the betterment of the public service. In its main provisions, the bill:

(1) Specifies that a petition signed by 16 members of the House of Representatives and filed with the Chief Clerk of the House containing allegations supporting the need for removal of the director or deputy director must initiate the removal process;

(2) Specifies that after the removal petition has been filed, the Chief Clerk must notify the Secretary of the Senate and the director or deputy director of the intention to remove him or her from office;

(3) Requires the Ethics Committee of the House of Representatives to gather information about the allegations and to conduct at least one hearing to allow the director or deputy director to present a defense to the allegations against him or her. The hearing must be a closed meeting; within 30 days of its first meeting, the committee must report its findings to the Chief Clerk of the House and the Secretary of the Senate;

(4) Specifies that the members of the House of Representatives must vote on the removal of the director or deputy director after the committee has filed its report. If a majority of the members vote to remove the director or deputy director, the Senate must vote on the removal. If the majority of the whole number of votes of both houses is in the affirmative, the director or deputy director must immediately be relieved of his or her employment with the state and must be removed from the position he or she holds; and

(5) Defines "betterment of the public service" as instances of misconduct, perjury before any committee of the General Assembly, violation of any state statute, a conviction or guilty plea for committing any crime, habitual drunkenness, willful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude or oppression in office.