

BILL ANALYSIS

C.S.S.B. 470
By: West
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that recently the workload of some county civil service commissions regarding county employment issues has increased to a level necessitating the creation of supplemental commissions. C.S.S.B. 470 seeks to address this issue by providing for one or more supplemental county civil service commissions in certain counties.

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

C.S.S.B. 470 amends the Local Government Code to authorize the commissioners court of a county with a population of more than two million that is adjacent to a county with a population of more than one million and in which a county civil service system has been created to establish one or more supplemental commissions to assist the county civil service commission in administering the system. The bill requires the commissioners court to appoint three individuals to serve as members of each supplemental commission and requires the commissioners court to designate one of the members as chair of the supplemental commission. The bill applies certain statutory provisions relating to the appointment of a member to a county civil service commission 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 county civil service commission.

C.S.S.B. 470 extends the powers and duties of a county civil service commission to a supplemental commission, except for the requirement to adopt, publish, and enforce rules regarding certain categories of matters, which the bill extends to a supplemental commission only if the adoption, publication, or enforcement of such a rule is specifically delegated by category to the supplemental commission by the commissioners court. The bill prohibits a commissioners court, if the court has established more than one supplemental commission, from delegating the authority to adopt, publish, or enforce a rule regarding an applicable category of matters to more than one of the supplemental commissions and prohibits the county civil service commission from adopting, publishing, or enforcing a rule regarding an applicable category of matters if the commissioners court has delegated that authority to a supplemental commission.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 470 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 158.001, Local Government Code, is amended.

SECTION 1. Same as engrossed version.

SECTION 2. Subchapter A, Chapter 158, Local Government Code, is amended by adding Section 158.0085 to read as follows:

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Sec. 158.0085. SUPPLEMENTAL COMMISSION IN CERTAIN COUNTIES.

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(a) This section applies only to a county:
(1) with a population of two million or more; and

(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.

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

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(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.

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(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.

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SECTION 3. Section 158.009, Local Government Code, is amended to read as follows:

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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, and has exclusive authority to, adopt, publish, and enforce rules regarding:

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;

- (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, and has exclusive authority to, adopt, publish, or enforce a rule regarding a matter described by Subsection (a) only if the adoption, publication, or enforcement of the rule is specifically delegated to the supplemental commission by the commissioners court.

(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 4. Sections 158.0095(a) and (b), Local Government Code, are amended.

SECTION 5. Section 158.010(e), Local Government Code, is amended.

- (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 4. Same as engrossed version.

SECTION 5. Same as engrossed version.

SECTION 6. Section 158.011, Local Government Code, is amended.

SECTION 6. Same as engrossed version.

SECTION 7. Section 158.012(a), Local Government Code, is amended.

SECTION 7. Same as engrossed version.

SECTION 8. Section 158.0121, Local Government Code, is amended.

SECTION 8. Same as engrossed version.

SECTION 9. Section 158.0122, Local Government Code, is amended.

SECTION 9. Same as engrossed version.

SECTION 10. The heading to Section 158.0123, Local Government Code, is amended.

SECTION 10. Same as engrossed version.

SECTION 11. Section 158.0123(a), Local Government Code, is amended.

SECTION 11. Same as engrossed version.

SECTION 12. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 12. Same as engrossed version.