

BILL ANALYSIS

Senate Research Center
85R17972 TJB-F

H.B. 3727
By: Phillips (Estes)
Intergovernmental Relations
5/12/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that it is problematic when members of the governing bodies of certain municipalities are unable to replace a member when it is appropriate to do so. H.B. 3727 seeks to address this issue by reforming the law regarding vacancies on the governing body of a Type A general-law municipality.

H.B. 3727 amends the Local Government Code to establish that a member of the governing body of a Type A general-law municipality who changes the member's place of residence to a location outside the corporate boundaries of the municipality is automatically disqualified from holding the member's office and that the office is considered vacant. H.B. 3727 changes the threshold for filling a single vacancy on the governing body by appointment from a majority of the remaining members to a majority of the remaining members who are present and voting. H.B. 3727 makes a member of the governing body ineligible to vote to fill a vacancy on the governing body by special election after resigning from the governing body.

H.B. 3727 amends current law relating to vacancies on the governing body of a Type A general-law municipality.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.008, Local Government Code, as follows:

Sec. 22.008. New heading: DISQUALIFICATION FROM OFFICE. (a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Provides that, if a member of the governing body changes the member's place of residence to a location outside the corporate boundaries of the municipality, the member is automatically disqualified from holding the member's office and the office is considered vacant.

SECTION 2. Amends Section 22.010, Local Government Code, by amending Subsection (a) and adding Subsection (d-1), as follows:

(a) Authorizes a majority of the remaining members who are present and voting, rather than a majority of the remaining members, if for any reason a single vacancy exists on the governing body of the municipality, excluding the mayor, to fill the vacancy by appointment unless an election to fill the vacancy is required by Section 11 (Term of Office Exceeding Two Years in Home Rule and General Law Cities; Vacancies), Article XI (Municipal Corporations), Texas Constitution, rather than Section 11, of the Texas Constitution.

(d-1) Provides that a member of the governing body is ineligible to vote to fill a vacancy on the governing body by special election after resigning from the governing body.

SECTION 3. Effective date: September 1, 2017.