

BILL ANALYSIS

C.S.H.B. 2917
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have raised concerns regarding term limits for members of the governing body of certain municipalities and contend that these municipalities should have the authority to impose term limits on the members of their governing bodies. C.S.H.B. 2917 seeks to address this concern.

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.H.B. 2917 amends the Local Government Code to require the governing body of a municipality with a population of 1.8 million or more to order an election in the municipality on the question of imposing term limits of a maximum of two four-year terms on the members of the governing body of the municipality and the controller of the municipality. The bill requires the governing body of a municipality, if the bill's provisions take effect immediately, to order an election to be held November 3, 2015, or, if the bill's provisions take effect September 1, 2015, to order an election to be held November 7, 2017. The bill sets out the ballot language for the election and provides for the limitation and adjustment of the term lengths, as applicable, based on the election results. The bill establishes that a term limit authorized by these provisions applies only to members of the governing body of a municipality or a controller of a municipality elected at a general election held on or after November 5, 2019.

C.S.H.B. 2917 establishes that, in applying the term limit, a member of the governing body of a municipality or a controller of a municipality is eligible for election to another municipal office that the member or controller has not previously held; the office of council member of the municipality, whether elected by district or at-large, is considered to be the same office; a person who was barred from election to a certain office by the municipality's charter or ordinance before November 5, 2019, continues to be barred from election to the same office; a member of the governing body or a controller who is serving a first or second term as a member of the governing body or as the controller is eligible for election to serve one additional four-year term in the same office; a member of the governing body or a controller who is serving a third term as a member of the governing body or as the controller is not eligible for election to the same office; a term to which a member of the governing body or controller was elected or appointed before the election held on the question of imposing term limits is counted only if the member or

controller served one-half or more of the term; and a partial term to which a member of the governing body or a controller was elected or appointed on or after the date of such an election is counted only if the member or controller serves one-half or more of the term. The bill's provisions expire January 1, 2020.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2917 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter C, Chapter 26, Local Government Code, is amended by adding Section 26.048 to read as follows:

Sec. 26.048. TERM LIMITS IN POPULOUS MUNICIPALITIES. (a) This section applies only to a municipality with a population of 1.8 million or more.

(b) In this section:

(1) "Governing body of a municipality" includes the presiding officer of the municipality.

(2) "Municipal term limit" means a provision in a municipal charter or ordinance that imposes a limit on the number of terms or otherwise restricts the length of service a member of the governing body of a municipality may serve on the governing body.

(c) The presiding officer of a municipality shall order an election in the municipality on the first uniform election date in November that occurs in an even-numbered year after this section becomes applicable to the municipality on the question of imposing term limits of a maximum of two four-year terms on the members of the governing body of the municipality.

(d) The ballot at the election must be printed to permit voting for or against the proposition: "Authorizing term limits consisting of a maximum of two four-year terms on a person's service on the governing body of the City of (insert name of municipality)."

(e) If a majority of the votes received at the election favor the proposition, the number

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 26, Local Government Code, is amended by adding Section 26.048 to read as follows:

Sec. 26.048. TERM LIMITS IN POPULOUS MUNICIPALITIES. (a) This section applies only to a municipality with a population of 1.8 million or more.

(b) In this section:

(1) "Governing body of a municipality" means the mayor and the council members of the municipality.

(2) "Municipal term limit" means a provision in a municipal charter or ordinance that imposes a limit on the number of terms or otherwise restricts the length of service a member of the governing body of a municipality may serve on the governing body or an elected controller of the municipality may serve as a controller.

(c) The governing body of a municipality shall order an election in the municipality on

the question of imposing term limits of a maximum of two four-year terms on the members of the governing body of the municipality and the controller of the municipality.

(d) The ballot at the election must be printed to permit voting for or against the proposition: "Authorizing term limits consisting of not more than two four-year terms on a person's service as the mayor, a council member, or the controller of the City of (insert name of municipality)."

(e) If a majority of the votes received at the election favor the proposition, the number

and length of terms a person may serve on the governing body is limited to a maximum of two four-year terms. The municipality shall adjust the length of the terms of the members of the governing body as necessary to comply with the proposition.

(f) If less than a majority of the votes received at the election favor the proposition, municipal term limits and the length of the terms of the members of the governing body that existed before the election are not affected.

(g) In applying a term limit authorized by this section:

(1) a term to which a member of the governing body was elected or appointed before the election held under Subsection (c) is counted only if the member served one-half or more of the term; and

(2) a partial term to which a member of the governing body is elected or appointed on or

and length of terms a person may serve on the governing body or as the controller is limited to a maximum of two four-year terms. The municipality shall amend the municipality's charter or ordinance to adjust the number and length of the terms of the members of the governing body and the controller as necessary to comply with the proposition.

(f) If less than a majority of the votes received at the election favor the proposition, municipal term limits and the length of the terms of the members of the governing body and the controller that existed before the election are not affected.

(g) A term limit authorized by this section applies only to members of the governing body of a municipality or a controller of a municipality elected at a general election held on or after November 5, 2019.

(h) In applying a term limit authorized by this section:

(1) a member of the governing body of a municipality or a controller of a municipality is eligible for election to another municipal office that the member of the governing body or controller has not previously held;

(2) the office of council member of the municipality, whether elected by district or at-large, is considered to be the same office;

(3) a person who was barred from election to a certain office by the municipality's charter or ordinance before November 5, 2019, continues to be barred from election to the same office;

(4) a member of the governing body or a controller who is serving a first or second term as a member of the governing body or as the controller is eligible for election to serve one additional four-year term in the same office;

(5) a member of the governing body or a controller who is serving a third term as a member of the governing body or as the controller is not eligible for election to the same office;

(6) a term to which a member of the governing body or a controller was elected or appointed before the election held under Subsection (c) is counted only if the member or controller served one-half or more of the term; and

(7) a partial term to which a member of the governing body or a controller is elected or

after the date of the election held under Subsection (c) is counted only if the member serves one-half or more of the term.

(h) This section expires January 1, 2017.

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2015.

appointed on or after the date of the election held under Subsection (c) is counted only if the member or controller serves one-half or more of the term.

(i) This section expires January 1, 2020.

SECTION 2. If this Act takes effect immediately, the governing body of a municipality shall order an election as provided by Section 26.048, Local Government Code, as added by this Act, to be held on November 3, 2015. If this Act takes effect September 1, 2015, the governing body shall order an election as provided by that section to be held on November 7, 2017.

SECTION 3. 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, 2015.