

BILL ANALYSIS

C.S.H.B. 2848
By: Olivo
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Chapter 158, Local Government, establishes civil service for employees of counties with a population of more than 200,000. Subchapter A establishes a civil service system for all county employees while Subchapter B establishes a civil service system for sheriff's department employees only providing that the county has a population of more than 500,000. Currently, there is no provision for counties between 200,000 and 500,000 to only establish a civil service system for the sheriff's department, like counties with a population over 500,000 are able to do.

C.S.H.B. 2848 would establish a procedure that would allow counties with a population of 200,000 or more to adopt civil service for the sheriff's department only. The bill would allow the commissioners court to adopt civil service for the sheriff's department by order or call an election in which the voters could decide whether the county should adopt civil service for the sheriff's department.

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

SECTION 1. Amends Subchapter A, Chapter 158, Local Government Code, by adding Section 158.0025: CREATION OF SHERIFF'S DEPARTMENT CIVIL SERVICE SYSTEM IN CERTAIN COUNTIES NOT COVERED BY SUBCHAPTER B. The section applies only to a county with a population of 200,000 or more, other than a county that has created a civil service system to include those employees of the county described by Section 158.002; or a county in which the sheriff's department is eligible to create a civil service system under Subchapter B.

Notwithstanding any other provision of this subchapter, the commissioners court is authorized to create a civil service system under this section to include only the employees of the sheriff's department of the county.

A sheriff's department civil service system may be created by an order adopted by a majority of the members of the commissioners court or by an election.

If an election is ordered, the commissioners court is required to order the ballot be printed to provide voting for or against the proposition. If an election is called to determine whether a sheriff's department civil service system created under this section will be dissolved, the commissioners court is required to order the ballot be printed to provide voting for or against the proposition.

The question of expansion of the system or dissolution of a system in populous counties does not apply to a sheriff's department civil service system created under this section.

All provisions of the subchapter that would apply to a civil service system for all employees applies to a system created for the sheriff's department only.

SECTION 2. Amends the heading to Subchapter B, Chapter 158, Local Government Code, to read: "SHERIFF'S DEPARTMENT CIVIL SERVICE SYSTEM IN CERTAIN COUNTIES"

SECTION 3. Effective Date

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

H.B. 2848 as filed would have allowed sheriff's departments of counties over 200,000 to petition the commissioners court to create a civil service system under Subchapter B, Chapter 158, Local Government Code. The commissioners court would have been required to adopt a civil service system by order or call an election so that the voters could decide whether a system should be created.

The Committee Substitute to H.B. 2848 allows a commissioners court, at their own discretion, to create a civil service system for the sheriff's department under Subchapter A, Chapter 158, Local Government Code, in lieu of creating a civil service system for all employees under the provision of that subchapter. The commissioners court could adopt the system by order, call an election on the question, or do neither.