

By: Olivo

H.B. No. 2848

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a sheriff's department civil service system in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 158.032, Local Government Code, is amended to read as follows:

Sec. 158.032. CREATION OF CIVIL SERVICE SYSTEM [~~ELIGIBLE DEPARTMENTS~~]. (a) A sheriff's department in a county with a population of more than 500,000 may [~~, in accordance with this subchapter,~~] create a civil service system in accordance with Section 158.033.

(b) A sheriff's department in a county with a population of more than 200,000, other than a county to which Subsection (a) applies, may create a civil service system in accordance with Section 158.0335.

SECTION 2. The heading to Section 158.033, Local Government Code, is amended to read as follows:

Sec. 158.033. PETITION AND ELECTION IN COUNTY WITH POPULATION OF MORE THAN 500,000.

SECTION 3. Section 158.033, Local Government Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) If at least 20 percent of the employees of a sheriff's department eligible to create a civil service system [~~an eligible~~

1 ~~department]~~ under Section 158.032(a) [~~this subchapter~~] sign a
2 petition requesting an election under this section and present the
3 petition to the county judge of the employing county, the judge
4 shall order a departmental election on the question of the creation
5 of a sheriff's department civil service system.

6 (e) If a majority of the employees voting at an election
7 approve the creation of a sheriff's department civil service
8 system, the commissioners court shall order the creation of the
9 system in accordance with this subchapter.

10 SECTION 4. Subchapter B, Chapter 158, Local Government
11 Code, is amended by adding Section 158.0335 to read as follows:

12 Sec. 158.0335. PETITION AND ADOPTION OR ELECTION IN CERTAIN
13 COUNTIES WITH A POPULATION OF MORE THAN 200,000. (a) If a majority
14 of the employees of a sheriff's department eligible to create a
15 civil service system under Section 158.032(b) sign a petition
16 requesting the adoption of a civil service system for the sheriff's
17 department, the commissioners court, within 30 days of the date the
18 commissioners court receives the petition, shall by order create a
19 civil service system in accordance with this subchapter or order an
20 election to determine whether a civil service system should be
21 created in the county.

22 (b) An election ordered under this section must be held on
23 the first date prescribed by Chapter 41, Election Code, that occurs
24 after the date the commissioners court orders the election and that
25 allows sufficient time to comply with other requirements of law.

26 (c) The ballot for an election ordered under this section
27 shall be printed to allow voting for or against the proposition:

1 "Authorizing _____ (name of county) to operate under the state
2 law creating a civil service system for the sheriff's department."

3 (d) An election called under this section must be held and
4 the returns prepared and canvassed in conformity with the Election
5 Code.

6 (e) If an election authorized under this section is held,
7 the commissioners court must order the creation of a civil service
8 system in accordance with this chapter if a majority of the votes
9 cast at the election favor the proposition.

10 (f) If an election authorized under this section is held,
11 the employees of the sheriff's department may not submit a petition
12 under Subsection (a) before the second anniversary of the date of
13 the election.

14 SECTION 5. Section 158.034(a), Local Government Code, is
15 amended to read as follows:

16 (a) In a county with a population of less than 2.8 million
17 that has adopted [~~, if a majority of the employees voting at the~~
18 ~~election approve the creation of~~] a sheriff's department civil
19 service system under this subchapter, the sheriff, commissioners
20 court, and district attorney shall each appoint one person to serve
21 as a member of the civil service commission that administers the
22 system. In a county with a population of 2.8 million or more that
23 has adopted [~~, if a majority of the employees voting at the election~~
24 ~~approve the creation of~~] a sheriff's department civil service
25 system under this subchapter, the sheriff, commissioners court, and
26 district attorney shall each appoint two persons to serve as
27 members of the civil service commission that administers the

1 system, and the three appointing authorities shall appoint one
2 member by joint action requiring the affirmative vote of each of the
3 authorities.

4 SECTION 6. This Act takes effect September 1, 2005.