

BILL ANALYSIS

H.B. 2019
By: Heflin
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas Attorney General Opinion GA-0377, released in 2005, held that a school district board of trustees could not appoint one of its own members to fill a vacancy on the board due to the prohibition on self-appointment.

As applied to cities, this opinion restricts appointments to the position of mayor in two ways: (1) it prohibits an experienced, current city councilmember from being appointed to fill a vacancy in the office of mayor; and (2) it mandates that a city council appoint a person with no experience to fill a vacancy in the office of mayor. According to the opinion, the prohibition against self-appointment “bars a sitting member of a body from being appointed to fill a vacancy on the body itself.”

House Bill No. 2019 clarifies the authority of the governing body to appoint a current councilmember to fill a vacancy in the office of mayor, and prohibits the current member from voting on his or her own appointment.

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.

SECTION-BY-SECTION ANALYSIS

SECTION 1. Would amend Section 22.010, Local Government Code, as follows: (a-1) Provides that a current member of the governing body in a type A general law city is not ineligible to be appointed to fill a vacancy in the office of mayor, but the person may not vote on the person's own appointment.

SECTION 2. Would amend Section 23.022, Local Government Code, as follows: Provides that a current member of the governing body in a type B general law city is not ineligible to be appointed to fill a vacancy in the office of mayor, but the person may not vote on the person's own appointment.

SECTION 3. Would amend Section 24.026, Local Government Code, as follows: (a) Provides that a current member of the governing body in a type C general law city is not ineligible to be appointed to fill a vacancy in the office of mayor, but the person may not vote on the person's own appointment.

SECTION 4. Would add Section 26.047, Local Government Code, as follows: Provides that a current member of the governing body in a home-rule city may be appointed to fill a vacancy in the office of mayor, unless otherwise provided by the city's charter or any provision of Local Government Code Chapter 26, but the person may not vote on the person's own appointment.

EFFECTIVE DATE

The bill becomes effective immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill becomes effective on September 1, 2007.

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