

BILL ANALYSIS

S.B. 653
By: Seliger
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the common law doctrine of self-appointment prohibits a current city council member from being appointed to fill a vacancy in the office of mayor. The Attorney General of Texas interprets the common law doctrine of self-appointment as prohibiting a city council member from being appointed to serve as mayor in the event of a vacancy.

As proposed, Senate Bill No. 653 authorizes a city council to appoint one of its own members to serve as mayor in the event of a vacancy and prohibits the city council member from voting on his or her own appointment.

RULEMAKING AUTHORITY

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

SECTION-BY-SECTION ANALYSIS

SECTION 1. Amends Section 22.010, Local Government Code, by adding Subsection (a-1), to provide that a person serving as a member of the governing body of the municipality (governing body) is not, because of that service, ineligible to be appointed to fill a vacancy in the office of mayor of the municipality. Prohibits the person from voting on the person's own appointment.

SECTION 2. Amends Section 23.002, Local Government Code, as follows:

(a) Creates this subsection from existing text.

(b) Provides that a person serving as a member of the governing body is not, because of that service, ineligible to be appointed to fill a vacancy in the office of mayor of the municipality. Prohibits the person from voting on the person's own appointment.

SECTION 3. Amends Section 24.026(a), Local Government Code, to provide that a person serving as a member of the governing body is not, because of that service, ineligible to be appointed to fill a vacancy in the office of mayor of the municipality. Prohibits the person from voting on the person's own appointment.

SECTION 4. Amends Subchapter C, Chapter 26, Local Government Code, by adding Section 26.047, as follows:

Sec. 26.047. FILLING VACANCY IN OFFICE OF MAYOR. Provides that a person serving as a member of the governing body is not, because of that service, ineligible to be appointed to fill a vacancy in the office of mayor of the municipality. Prohibits the person from voting on the person's own appointment, unless otherwise provided by the charter of the municipality or this chapter.

SECTION 5. Effective date: upon passage or September 1, 2007.

EFFECTIVE DATE

Immediate, if the Act were to receive a vote of at least two-thirds of the membership of each house of the Legislature. If it receives a vote of a lesser margin, then the Act would take effect on the default date of September 1, 2007.