

By: Seliger

S.B. No. 653

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to filling certain vacancies on the governing bodies of  
3 municipalities.

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

5 SECTION 1. Section 22.010, Local Government Code, is  
6 amended by adding Subsection (a-1) to read as follows:

7 (a-1) A person serving as a member of the governing body is  
8 not, because of that service, ineligible to be appointed to fill a  
9 vacancy in the office of mayor of the municipality, but the person  
10 may not vote on the person's own appointment.

11 SECTION 2. Section 23.002, Local Government Code, is  
12 amended to read as follows:

13 Sec. 23.002. FILLING VACANCY IN MUNICIPAL OFFICE. (a) The  
14 aldermen on the governing body of the municipality shall fill any  
15 vacancy that occurs in an office created by this chapter or created  
16 under this chapter by the governing body unless an election to fill  
17 the vacancy is required by Article XI, Section 11, of the Texas  
18 Constitution. The vacant office shall be filled for the unexpired  
19 term only.

20 (b) A person serving as a member of the governing body is  
21 not, because of that service, ineligible to be appointed to fill a  
22 vacancy in the office of mayor of the municipality, but the person  
23 may not vote on the person's own appointment.

24 SECTION 3. Subsection (a), Section 24.026, Local Government

1 Code, is amended to read as follows:

2 (a) If the mayor or commissioner of a municipality dies or  
3 resigns, the other members of the governing body of the  
4 municipality shall appoint a person to fill the vacancy. A person  
5 serving as a member of the governing body is not, because of that  
6 service, ineligible to be appointed to fill a vacancy in the office  
7 of mayor of the municipality, but the person may not vote on the  
8 person's own appointment.

9 SECTION 4. Subchapter C, Chapter 26, Local Government Code,  
10 is amended by adding Section 26.047 to read as follows:

11 Sec. 26.047. FILLING VACANCY IN OFFICE OF MAYOR. Unless  
12 otherwise provided by the charter of the municipality or this  
13 chapter, a person serving as a member of the governing body of the  
14 municipality is not, because of that service, ineligible to be  
15 appointed to fill a vacancy in the office of mayor of the  
16 municipality, but the person may not vote on the person's own  
17 appointment.

18 SECTION 5. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2007.