

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