

1-1 By: Seliger S.B. No. 653
1-2 (In the Senate - Filed February 15, 2007; February 28, 2007,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 21, 2007, reported favorably by the following
1-5 vote: Yeas 3, Nays 0; March 21, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to filling certain vacancies on the governing bodies of
1-9 municipalities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 22.010, Local Government Code, is
1-12 amended by adding Subsection (a-1) to read as follows:

1-13 (a-1) A person serving as a member of the governing body is
1-14 not, because of that service, ineligible to be appointed to fill a
1-15 vacancy in the office of mayor of the municipality, but the person
1-16 may not vote on the person's own appointment.

1-17 SECTION 2. Section 23.002, Local Government Code, is
1-18 amended to read as follows:

1-19 Sec. 23.002. FILLING VACANCY IN MUNICIPAL OFFICE. (a) The
1-20 aldermen on the governing body of the municipality shall fill any
1-21 vacancy that occurs in an office created by this chapter or created
1-22 under this chapter by the governing body unless an election to fill
1-23 the vacancy is required by Article XI, Section 11, of the Texas
1-24 Constitution. The vacant office shall be filled for the unexpired
1-25 term only.

1-26 (b) A person serving as a member of the governing body is
1-27 not, because of that service, ineligible to be appointed to fill a
1-28 vacancy in the office of mayor of the municipality, but the person
1-29 may not vote on the person's own appointment.

1-30 SECTION 3. Subsection (a), Section 24.026, Local Government
1-31 Code, is amended to read as follows:

1-32 (a) If the mayor or commissioner of a municipality dies or
1-33 resigns, the other members of the governing body of the
1-34 municipality shall appoint a person to fill the vacancy. A person
1-35 serving as a member of the governing body is not, because of that
1-36 service, ineligible to be appointed to fill a vacancy in the office
1-37 of mayor of the municipality, but the person may not vote on the
1-38 person's own appointment.

1-39 SECTION 4. Subchapter C, Chapter 26, Local Government Code,
1-40 is amended by adding Section 26.047 to read as follows:

1-41 Sec. 26.047. FILLING VACANCY IN OFFICE OF MAYOR. Unless
1-42 otherwise provided by the charter of the municipality or this
1-43 chapter, a person serving as a member of the governing body of the
1-44 municipality is not, because of that service, ineligible to be
1-45 appointed to fill a vacancy in the office of mayor of the
1-46 municipality, but the person may not vote on the person's own
1-47 appointment.

1-48 SECTION 5. This Act takes effect immediately if it receives
1-49 a vote of two-thirds of all the members elected to each house, as
1-50 provided by Section 39, Article III, Texas Constitution. If this
1-51 Act does not receive the vote necessary for immediate effect, this
1-52 Act takes effect September 1, 2007.

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