

BILL ANALYSIS

Senate Research Center

C.S.H.B. 3006
By: Coleman, Alvarado (Gallegos)
Intergovernmental Relations
5/21/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Existing term limits of six years prohibit members of governing bodies for municipalities from gaining necessary legislative experience. Qualified candidates may not seek to serve on the city council if they know that they will be forced to move on after six years. In Houston, which has a strong mayor system, six-year term limits give less power to council members and favor executive power over legislative power.

C.S.H.B. 3006 relates to the authority of certain municipalities to impose term limits on municipal controllers and on the members of the municipalities' governing bodies.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 26, Local Government Code, by adding Section 26.048, as follows:

Sec. 26.048. TERM LIMITS IN POPULOUS MUNICIPALITIES. (a) Provides that this section applies only to a municipality with a population of 1.8 million or more.

(b) Defines "controller," "governing body of a municipality," and "municipal term limit."

(c) Requires the governing body of the municipality to decide whether an election held under this section will authorize term limits for the controller and members of the governing body of the municipality consisting of a maximum of four two-year terms.

(d) Requires the mayor of a municipality to order an election in the municipality on the first November uniform election date that occurs in an even-numbered year after this section becomes applicable to the municipality on the question of imposing term limits on the controller and members of the governing body of the municipality.

(e) Requires the ballot at the election to be printed to permit voting for or against the proposition: "Authorizing term limits consisting of (insert number of terms and length of terms) on a person's service as the controller and on the governing body of the City of (insert name of municipality)."

(f) Provides that if a majority of the votes received at the election favor the proposition, the number and length of terms a person is authorized to serve as the controller or on the governing body is limited as provided in the proposition. Requires the municipality to adjust the length of the terms of the controller and members of the governing body as necessary to comply with the proposition.

(g) Provides that if less than a majority of the votes received at the election favor the proposition, municipal term limits and the length of the terms of the controller

and members of the governing body that existed before the election are not affected.

(h) Provides that in applying a term limit authorized by this section, a term to which a controller or member of the governing body was elected or appointed before the election held under Subsection (d) is counted only if the controller or member served one-half or more of the term, and a partial term to which a controller or member of the governing body is elected or appointed on or after the date of the election held under Subsection (d) is counted only if the controller or member serves one-half or more of the term.

(i) Provides that this section expires January 1, 2011.

SECTION 2. Effective date: September 1, 2009.