

By: Phillips

H.B. No. 3727

A BILL TO BE ENTITLED

AN ACT

relating to vacancies on the governing body of a Type A general-law municipality.

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

SECTION 1. Section 22.008, Local Government Code, is amended to read as follows:

Sec. 22.008. DISQUALIFICATION FROM OFFICE [~~IF MUNICIPAL FUNDS OWED~~]. (a) An officer who is entrusted with the collection or custody of funds belonging to the municipality and who is in default to the municipality may not hold any municipal office until the amount of the default, plus 10 percent interest, is paid to the municipality.

(b) If a member of the governing body changes the member's place of residence to a location outside the corporate boundaries of the municipality, the member is automatically disqualified from holding the member's office and the office is considered vacant.

SECTION 2. Section 22.010, Local Government Code, is amended by amending Subsection (a) and adding Subsection (d-1) to read as follows:

(a) If for any reason a single vacancy exists on the governing body of the municipality, a majority of the remaining members who are present and voting, excluding the mayor, may fill the vacancy by appointment unless an election to fill the vacancy is required by Article XI, Section 11, of the Texas Constitution. The

1 mayor may vote on the appointment only if there is a tie.

2 (d-1) A member of the governing body is ineligible to vote
3 to fill a vacancy on the governing body by special election after
4 resigning from the governing body.

5 SECTION 3. This Act takes effect September 1, 2017.