

By: Bettencourt

S.B. No. 716

A BILL TO BE ENTITLED

AN ACT

relating to the sheriff's department civil service system in certain counties.

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

SECTION 1. Sections 158.034(a), (b), and (c), Local Government Code, are amended to read as follows:

(a) In a county with a population of less than 3.3 [~~2.8~~] million, if a majority of the employees voting at the election approve the creation of a sheriff's department civil service system, the sheriff, commissioners court, and district attorney shall each appoint one person to serve as a member of the civil service commission that administers the system. In a county with a population of 3.3 [~~2.8~~] million or more, if a majority of the employees voting at the election approve the creation of a sheriff's department civil service system, the sheriff, commissioners court, and district attorney shall each appoint three [~~two~~] persons to serve as members of the civil service commission that administers the system, and the three appointing authorities shall appoint two members [~~one member~~] by joint action requiring the affirmative vote of each of the authorities.

(b) In a county with a population of less than 3.3 million, the [~~The~~] sheriff shall designate one of the members as chairman of the commission. In a county with a population of 3.3 million or more, the sheriff shall designate one of the members as chairman and

1 one of the members as vice chairman of the commission.

2 (c) Each member of the commission is appointed for a term of
3 two years. However, the initial members of the commission in a
4 county with a population of less than 3.3 [~~2.8~~] million shall
5 determine by lot which two of them will serve a term of two years and
6 which one of them will serve a term of one year. In a county with a
7 population of 3.3 [~~2.8~~] million or more:

8 (1) the initial members [~~member~~] appointed jointly
9 under Subsection (a) serve [~~serves~~] a term of two years; and

10 (2) the initial members appointed by each individual
11 appointing authority shall determine by lot which one of the three
12 [~~two~~] initial members appointed by the appointing authority will
13 serve a term of two years and which two of the three initial members
14 [~~member~~] appointed by that authority will serve a term of one year.

15 SECTION 2. Section [158.035](#)(c), Local Government Code, is
16 amended to read as follows:

17 (c) In a county with a population of 3.3 [~~2.8~~] million or
18 more, a panel of three commissioners shall preside at the hearing
19 and vote on the commission's final decision in any case involving
20 termination, demotion, or recovery of back pay. A panel's decision
21 is the final decision of the commission for purposes of Sections
22 [158.0351](#) and [158.037](#). The commission shall adopt rules prescribing
23 the commission's procedures for assigning members to a panel. A
24 panel may not include more than one member who was appointed to the
25 commission by the same individual appointing authority.

26 SECTION 3. Section [158.0351](#)(a), Local Government Code, is
27 amended to read as follows:

1 (a) This section applies only to a county with a population
2 of 3.3 [~~2.8~~] million or more.

3 SECTION 4. Sections 158.038(b) and (c), Local Government
4 Code, are amended to read as follows:

5 (b) The sheriff of a county with a population of less than
6 3.3 million [~~or less~~] may designate as exempt from the civil service
7 system:

8 (1) the position of chief deputy;

9 (2) four positions of major deputy;

10 (3) one or more positions in the office of
11 departmental legal counsel; and

12 (4) additional positions in the department; provided,
13 however, that the sheriff may not designate as exempt a total of
14 more than 10 positions.

15 (c) The sheriff of a county with a population of [~~more than~~]
16 3.3 million or more may designate as exempt from the civil service
17 system:

18 (1) the position of chief deputy;

19 (2) one or more positions in the office of
20 departmental legal counsel; and

21 (3) additional positions in the department, not to
22 exceed 25 in number, that have been determined by the civil service
23 commission to be administrative or supervisory positions;
24 provided, however, that the sheriff may not designate as exempt any
25 position in the deputy classifications of captain or below. The
26 designation of any such additional exempt position by the sheriff
27 shall not diminish the number of positions within the deputy

1 classifications of captain or below.

2 SECTION 5. (a) The appointing authorities described by
3 Section 158.034(a), Local Government Code, as amended by this Act,
4 in a county with a population of 3.3 million or more that has
5 created a sheriff's department civil service system before the
6 effective date of this Act shall appoint additional members to
7 serve as members of the sheriff's department civil service
8 commission as provided by Section 158.034(a), Local Government
9 Code, as amended by this Act. The term of the initial additional
10 member appointed jointly by the appointing authorities under this
11 section serves a term of two years. Each initial additional member
12 appointed by each appointing authority under this section shall
13 draw lots for the appropriate number of one-year and two-year terms
14 as needed to establish staggered terms as required by Section
15 158.034(c), Local Government Code, as amended by this Act.

16 (b) After the appointments have been made as provided by
17 Subsection (a) of this section, the sheriff in a county with a
18 population of 3.3 million or more that has created a sheriff's
19 department civil service system before the effective date of this
20 Act shall designate one of the members of the sheriff's department
21 civil service commission as vice chairman of the commission as
22 provided by Section 158.034(b), Local Government Code, as amended
23 by this Act.

24 SECTION 6. This Act takes effect September 1, 2017.