

SUBJECT: Adjusting population requirement for municipal civil service

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 5 ayes — Talton, Wong, A. Allen, Bailey, Rodriguez

0 nays

2 absent — Blake, Menendez

WITNESSES: For — Tom Gaylor, Texas Municipal Police Association

Against — None

BACKGROUND: Local Government Code, ch. 143 authorizes certain cities to create a Fire Fighters' and Police Officers' Civil Service Commission. To be eligible, cities must have a population of 10,000 or more, have a paid police department and a paid fire department, and hold an election approving the chapter's adoption.

The Code Construction Act, Government Code, ch. 311, defines "population" as the population shown by the most recent decennial census.

DIGEST: CSHB 3409 would specify that the population requirement for municipal civil service could be determined by the most recent federal census or the annual population estimate provided by the state demographer, if that estimate was more recent than the census. The bill also would specify that a city that had adopted municipal civil service would retain that service even if the city's population fell below the level initially required to adopt the service.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

SUPPORTERS SAY: Many small cities in Texas are experiencing tremendous population growth, particularly those near large metropolitan areas. As a result, since the last decennial census in 2000, some cities have reached the population

requirement to hold an election to adopt municipal civil service. For example, the city of Kyle, which had a population of just 5,314 when the decennial census was held in 2000, has grown to 11,870 as of January 1, 2004, according to the state demographer. Yet cities like Kyle are prevented from holding this election, despite meeting the population requirement, because state statute specifies that population is determined by the decennial census. CSHB 3409 would allow a city to hold a municipal civil service election as soon as it reached the population requirement by specifying that cities could use the more recent annual data compiled by the state demographer.

The bill also would clarify that a city that had adopted municipal civil service would not lose that service if the city's population fell below 10,000. Current law does not address this issue, and consequently it is unclear what would happen to a city's municipal civil service, and the decisions of its board, if the city's population fluctuated. Residents of a city would retain the right to petition for an election to repeal the chapter if they so desired. Thus, if maintaining municipal civil service posed a difficulty for a city - for example, because the lower population level affected the city's finances - the city could repeal the service.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The committee substitute differs from the bill as filed by:

- specifying that a city would have to use the annual population estimate prepared by the state demographer for its updated population figure;
- adding a provision stating that a city would not lose municipal civil service if its population fell below 10,000.