

BILL ANALYSIS

Senate Research Center

H.B. 1265
By: Clark (Shapiro)
Intergovernmental Relations
5/2/2001
Committee Report (Amended)

DIGEST AND PURPOSE

As new statutes continue to be added that deal with municipalities and old statutes remain untouched, many aspects of the language become archaic or contradictory. Currently, in the Criminal Procedure, Government, and Local Government codes, certain laws affecting municipalities and counties are in need of clarifications and technical corrections. H.B. 1265 makes these clarifications and corrections.

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. (a) Amends the heading to Chapter 21A, Local Government Code, to read as follows:

CHAPTER 21. GENERAL PROVISIONS AFFECTING GOVERNING BODY OF MUNICIPALITY

(b) Amends Chapter 21A, Local Government Code, by adding Section 21.002, as follows:

Sec. 21.002. REFERENCES TO MUNICIPAL GOVERNING BODY AND TO MEMBERS OF MUNICIPAL GOVERNING BODY. Provides that a reference in this code or another statute to a member of the governing body of a municipality includes certain members and a reference in this code or another statute to the governing body of a municipality includes certain municipal governing bodies.

SECTION 2. Amends Section 21.024, Local Government Code, to prohibit an officer from being removed under this subchapter for an act the officer committed before election to office if the act was a matter of public record or otherwise known to the voters.

SECTION 3. Amends Section 21.031(a), Local Government Code, to delete the text “by a petit jury.”

SECTION 4. Amends Section 22.077(b), Local Government Code, to authorize the governing body, if the governing body lacks confidence in a municipal officer appointed (rather than elected) by the governing body, to remove the officer at any time.

SECTION 5. Amends Section 24.026(b), Local Government Code, to delete language regarding a Type C general-law municipality.

SECTION 6. Amends Section 43.906(a), Local Government Code, to delete language regarding the 90th day before the effective date of the annexation.

SECTION 7. Amends Section 52.002(a), Local Government Code, to set forth requirements regarding the style of an ordinance.

SECTION 8. Amends Section 62.002(a), Local Government Code, to require the petition, under certain conditions, to be signed by at least fifty qualified voters in the municipality.

SECTION 9. Amends Section 102.0065, Local Government Code, to provide that notice published under this section is in addition to notice required by other law, except that if another law requires the governing body to give notice, by publication, of a hearing on a budget this section does not apply. Deletes text regarding the non-application of this section to the governing body of a municipality required by other law to give notice by publication of a hearing on a budget.

SECTION 10. Amends Section 141.031(d), Local Government Code, to provide that, in a municipality with a population of more than 175,000, each member of the fire or police department is entitled to receive a salary of at least \$220 a month.

SECTION 11. Amends Section 142.005(c), Local Government Code, to prohibit a municipality from purchasing liability insurance in excess of \$20,000 because of bodily injury to or death of one person in any one accident, \$100,000 because of bodily injury to or death of two or more persons in any one accident, and \$15,000 (rather than \$5,000) because of injury to or destruction of property of others in any one accident.

SECTION 12. Amends Section 211.014(e), Local Government Code, to provide that a panel of a board of adjustment is to be treated as a board of adjustment for purposes of the requirement imposed by Section 211.008(d).

SECTION 13. Amends Section 212.0065(a), Local Government Code, to authorize the governing body of a municipality to delegate to one or more officers or employees (rather than persons) of the municipality or of a utility owned or operated by the municipality the ability to approve certain plats and replats.

SECTION 14. Amends Section 271.045(a), Local Government Code, to authorize the governing body of an issuer to authorize certificates to pay a contractual obligation to be incurred for the payment of contractual obligations for professional services, including services provided by tax appraisers (rather than appraisal engineers), engineers, architects, attorneys, map makers, auditors, financial advisors, and fiscal agents.

SECTION 15. Amends Section 271.049(d), Local Government Code, to provide that this section does not apply to certificates issued for the purposes described by Sections 271.056(1)-(4), rather than 271.056(1)-(5).

SECTION 16. Amends Section 271.056, Local Government Code, to provide that the provisions of this subchapter relating to the advertisement for competitive bids do not apply to the sale of a public security, as that term is defined by Section 1204.001 (Definitions), Government Code, rather than Chapter 3, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-2, Vernon's Texas Civil Statutes).

SECTION 17. Amends Section 341.902, Local Government Code, to authorize the governing body of a Type A general-law municipality to build and establish one or more jails (rather than workhouses or houses of correction) inside or outside the municipality. Makes conforming changes.

SECTION 18. Amends Article 18.17, Code of Criminal Procedure, by adding Subsection (j), to provide that Chapters 72 (Abandonment of Personal Property), 74 (Report, Delivery, and Claims Process), 75 (Texas Minerals), and 76 (Report, Delivery, and Claims Process for Certain Property), Property Code, do not apply to unclaimed or abandoned property to which this article applies.

SECTION 19. Amends Section 30.000085, Government Code, to authorize a municipal judge of a general law municipality to be removed from office at any time for the reasons stated and by the procedure provided for the removal of members of a municipal governing body (rather than mayors and aldermen) in Subchapter B, Chapter 21 (Removal of Member of Governing Body of General-Law Municipality) (rather than Section 21.002), Local Government Code. Makes conforming changes.

SECTION 20. (a) Repealers: Sections 105.031(c) (regarding Qualification as Depository), 105.032 (Personal Bond), and 105.052 (Solvency of Personal Surety), Local Government Code.

(b) Makes application of this Act prospective regarding the repeal by this Act of Sections 105.031(c), 105.032, and 105.052, Local Government Code, affecting the use of a personal bond, approved by a municipal governing body.

SECTION 21. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Adds a new SECTION 8. Redesignates original SECTIONS 8 - 20 as SECTIONS 9 - 21.