

BILL ANALYSIS

Senate Research Center
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S.B. 1673
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Intergovernmental Relations
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, civil service exclusively for a sheriff's department is available only in those counties with a population of 500,000 or more. Sheriff's department employees in a county with a population between 200,000 and 500,000 cannot elect civil service for only the sheriff's department as counties with a population over 500,000 are able to do.

As proposed, S.B. 1673 allows counties with a population between 200,000 and 500,000 to adopt civil service for the sheriff's department only.

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 Section 158.032, Local Government Code, as follows:

Sec. 158.032. New heading: CREATION OF CIVIL SERVICE SYSTEM. (a) Authorizes a sheriff's department in a county with a population of more than 500,000, to create a civil service system in accordance with Section 158.033.

(b) Authorizes a sheriff's department in a county with a population of more than 200,000, other than a county to which Subsection (a) applies, to create a civil service system in accordance with Section 158.0335.

SECTION 2. Amends the heading to Section 158.033, Local Government Code, to read as follows:

Sec. 158.033. PETITION AND ELECTION IN COUNTY WITH POPULATION OF MORE THAN 500,000.

SECTION 3. Amends Section 158.033, Local Government Code, by amending Subsection (a) and adding Subsection (e), as follows:

(a) Requires a county judge, if at least 20 percent of the employees of a sheriff's department eligible to create a civil service system under Section 158.032(a), rather than an eligible department under this subchapter, sign a petition requesting an election under this section and present the petition to the county judge of the employing county, to order a departmental election on the question of the creation of a sheriff's department civil service system.

(e) Requires the commissioners court, if a majority of the employees voting at an election approve the creation of a sheriff's department civil service system, to order the creation of the system in accordance with this subchapter.

SECTION 4. Amends Subchapter B, Chapter 158, Local Government Code, by adding Section 158.0335, as follows:

Sec. 158.0335. PETITION AND ADOPTION OR ELECTION IN CERTAIN COUNTIES WITH A POPULATION OF MORE THAN 200,000. (a) Requires the commissioners court, if a majority of the employees of a sheriff's department eligible to create a civil service system under Section 158.032(b) sign a petition requesting the adoption of a civil service system for the sheriff's department, within 30 days of the date it receives the petition, to create by order a civil service system in accordance with this subchapter or order an election to determine whether a civil service system should be created in the county.

(b) Requires an election ordered under this section to be held on the first day prescribed by Chapter 41 (Election Dates and Hours For Voting), Election Code, that occurs after the date the commissioners court orders the election and that allows sufficient time to comply with other requirements of law.

(c) Requires the ballot for an election ordered under this section to be printed to allow voting for or against the proposition. Sets forth the specific language of the proposition.

(d) Requires an election held under this section to be held and the returns prepared and canvassed in conformity with the Election Code.

(e) Requires the commissioners court, if an election authorized under this section is held, to order the creation of a civil service system in accordance with this chapter if a majority of the votes cast at an election favor the proposition.

(f) Prohibits the employees of the sheriff's department, if an election authorized under this section is held, from submitting a petition under Subsection (a) before the second anniversary of the date of the election.

SECTION 5. Amends Section 158.034(a), Local Government Code, as follows:

(a) Requires the sheriff, the commissioners court, and the attorney general, in a county with a population of less than 2.8 million that has adopted a sheriff's department civil service system under this subchapter, rather than if a majority of the employees voting at the election approve the creation of a sheriff's department civil service system, to each appoint one person to serve as a member of the civil service commission that administers the system. Makes a conforming change.

SECTION 6. Effective date: September 1, 2005.