

BILL ANALYSIS

Senate Research Center

H.B. 1372
By: Muñoz, Jr. (Hinojosa)
Intergovernmental Relations
5/13/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, home-rule cities are allowed to set the terms of service of city council members at two, three, or four years. In the case of a two-year term, the city is allowed to specify the procedure for filling a vacancy for the remainder of the term through its city charter, including by appointment. Cities with terms lasting three or four years must fill vacancies on the city council via a mandatory special election, regardless of the procedure provided by the city charter and regardless of the length of the remainder of the term.

Interested parties contend that, when the remaining length of the term is less than 24 months in a vacancy on the city council of a home-rule city with three-year or four-year terms, an undue burden is placed on the city as well as on the candidates vying for the vacant position, in large part because of the substantial investment of time, effort, and financial resources required to conduct a special election and campaign. The municipality and the candidates are essentially compelled to run and manage two full election campaigns within a short timeframe, one for the mandatory special election and one for the regular election cycle. This burden increases substantially if the mandatory special election and the regular election are only a few months apart.

H.B. 1372 seeks to eliminate this unnecessary burden on home-rule cities with city council terms of three or four years, as well as candidates for a vacancy on the city council of such a city, by changing the requirements for filling certain vacancies applicable to such cities.

H.B. 1372 amends current law relating to filling certain vacancies on the governing body of certain home-rule municipalities.

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 26.045, Local Government Code, as follows:

Sec. 26.045. FILLING VACANCY ON GOVERNING BODY OF MUNICIPALITY WITH POPULATION OF 1.5 MILLION OR MORE. (a) Creates this subsection from existing text. Requires the governing body of a municipality with a population of 1.5 million or more, if a vacancy occurs on the governing body and more than 270 days remain before the date of the next general election of members of the governing body, except as provided by Subsection (b), to order a special election in the district in which the vacancy occurred, or in the entire municipality if the vacancy occurred in an at-large position, to fill the vacancy.

(b) Provides that this section does not apply to a municipality that has provided by charter or charter amendment a different procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less.

SECTION 2. Effective date: the date on which the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less is approved by the voters. Provides that if that amendment is not approved by the voters, this Act has no effect.