

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2259
By: Moody (Rodríguez)
Intergovernmental Relations
5/15/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the office of a member of a governing body of certain municipalities may be considered vacant if the member is absent from three regular consecutive meetings of the governing body, unless certain conditions regarding the absence apply. However, concerned parties have pointed to a possible loophole in the law that may still hinder the work of a governing body at its meetings. The concerns are based on instances in which, for various reasons, particular members in certain municipalities attend a meeting but then leave before any business can be transacted.

C.S.H.B. 2259 amends current law relating to circumstances under which a vacancy on the governing body occurs in certain 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 22.041, Local Government Code, by adding Subsection (c), as follows:

(c) Provides that a member of a governing body is considered absent for the purpose of Subsection (b) (relating to providing that the member's office is considered vacant, if a member of the governing body of a municipality is absent for three regular consecutive meetings, unless the member is sick or has first obtained a leave of absence at a regular meeting), in addition to an absence described by Subsection (b), if the member is not present at the adjournment of a meeting at which a quorum is established, unless the member is first allowed to withdraw by the unanimous vote of the members present. Provides that this subsection applies only to a municipality that is located in a county with a population of 800,000 or more that is adjacent to an international border.

SECTION 2. Makes application of the change in law made by this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2013.