

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 470
By: West
State Affairs
4/11/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 158, Local Government Code, permits certain counties to create a county civil service commission to adopt, publish, and enforce rules regarding several county employment-related issues.

A county civil service commission is required to adopt, publish, and enforce rules regarding the definition of a county employee, selection and classification of county employees, competitive examinations, promotions, seniority, tenure, layoffs and dismissals, disciplinary actions, grievance procedures, and other matters relating to the selection of county employees and the procedural and substantive rights, advance, benefits, and working conditions of county employees. In some counties, these requirements have become cumbersome for a three-member commission.

C.S.S.B. 470 allows the commissioners court of a county with a population of two million or more that has created a civil service system to establish one or more supplemental commissions to help administer the system. Existing provisions regarding terms, vacancies, and eligibility for civil service commissioners would apply to supplemental commissioners. Supplemental commissions would have only that authority specifically delegated to them by the commissioners court.

C.S.S.B. 470 amends current law relating to the establishment of one or more supplemental county civil service commissions in certain counties.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to a county civil service commission is modified in SECTION 3 (Section 158.009, Local Government Code) of this bill.

Rulemaking authority is expressly granted to a supplemental commission established under Section 158.0085 in SECTION 3 (158.009, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 158.001, Local Government Code, by adding Subdivision (4), to define "supplemental commission."

SECTION 2. Amends Subchapter A, Chapter 158, Local Government Code, by adding Section 158.0085, as follows:

Sec. 158.0085. SUPPLEMENTAL COMMISSION IN CERTAIN COUNTIES. (a) Provides that this section applies only to a county with a population of two million or more and in which a civil service system has been created under this subchapter (County Civil Service System).

(b) Authorizes the commissioners court of a county to establish one or more supplemental commissions to assist the county civil service commission (commission) in administering the system.

(c) Requires the commissioners court to appoint three individuals to serve as members of each supplemental commission and designate one of the members as chair of the supplemental commission.

(d) Provides that Sections 158.008(b)-(e) (relating to the composition and appointment of the commission) apply to the appointment of a member of a supplemental commission in the same manner that those provisions apply to the appointment of a member of the commission.

SECTION 3. Amends Section 158.009, Local Government Code, as follows:

Sec. 158.009. New heading: POWERS OF THE COMMISSION AND SUPPLEMENTAL COMMISSIONS. (a) Requires, and gives exclusive authority to, the commission, except as provided by Subsection (a-1), to adopt, publish, and enforce certain rules regarding county employees.

(a-1) Requires and gives exclusive authority to a supplemental commission, notwithstanding any other provision of this subchapter, to adopt, publish, or enforce a rule regarding a matter described in Subsection (a) only if the adoption, publication, or enforcement of the rule is specifically delegated to the supplemental commission by the commissioners court.

(b) Authorizes the commission or a supplemental commission, rather than the commission, to adopt or use as a guide any civil service law or rule of the United States, this state, or a political subdivision in this state to the extent that the law or rule promotes the purposes of this subchapter and serves the needs of the county.

(c) Makes conforming changes.

SECTION 4. Amends Sections 158.0095(a) and (b), Local Government Code, as follows:

(a) Requires the chair of the commission or of the supplemental commission as applicable, rather than the commission, in a proceeding before the commission or a supplemental commission, to administer oaths and issue certain subpoenas on request of a person described by Subsection (b).

(b) Makes conforming and nonsubstantive changes.

SECTION 5. Amends Section 158.010(e), Local Government Code, to provide that the rules adopted by the commission or a supplemental commission, rather than the commission, under Section 158.009 relating to the selection and classification of county employees apply to the initial hiring of personnel under this section.

SECTION 6. Amends Section 158.011, Local Government Code, as follows:

Sec. 158.011. COMPENSATION AND STAFF. Provides that the members of the commission and of a supplemental commission, rather than the commission, serve without compensation, and requires the commissioners court to reimburse each member for all necessary expenses incurred in performing the member's duties. Requires the commissioners court to provide the commission with adequate office space for the commission and each supplemental commission and sufficient funds to employ an adequate staff and to purchase necessary supplies and equipment.

SECTION 7. Amends Section 158.012(a), Local Government Code, to authorize a county employee who, on a final decision by the commission or a supplemental commission, rather than the commission, is demoted, suspended, or removed from the employee's position to appeal the decision by filing a petition in a district court in the county within 30 days after the date of the decision.

SECTION 8. Amends Section 158.0121, Local Government Code, as follows:

Sec. 158.0121. REVIEW UNDER SUBSTANTIAL EVIDENCE RULE. Prohibits the district court, in an appeal under Section 158.012 (Appeals), from substituting its judgment for the judgment of the commission or a supplemental commission, rather than the commission, on the weight of the evidence on questions committed to the commission or supplemental commission's discretion, but authorizes the court to affirm the decision of the commission or supplemental commission in whole or part, and requires the court to reverse or remand the case under certain conditions. Makes conforming changes.

SECTION 9. Amends Section 158.0122, Local Government Code, as follows:

Sec. 158.0122. PROCEDURES FOR REVIEW UNDER SUBSTANTIAL EVIDENCE RULE. (a) Requires the commission or supplemental commission, as applicable, after service of the petition on the commission or a supplemental commission and within the time permitted for filing an answer or within additional time allowed by the court, to send the reviewing court the original or a certified copy of the entire record of the proceeding under review. Requires that the record be filed with the clerk of the court. Authorizes the record to be shortened by stipulation of all parties. Authorizes the court to assess additional costs against a party who unreasonably refuses to stipulate to limit the record, unless the party pays all costs of record preparation, and authorizes the court to require or permit later corrections or additions to the record.

(b) to (d) Makes conforming changes.

SECTION 10. Amends the heading to Section 158.0123, Local Government Code, to read as follows:

Sec. 158.0123. COST OF PREPARING RECORD OF PROCEEDING.

SECTION 11. Amends Section 158.0123(a), Local Government Code, as follows:

(a) Authorizes the commission or supplemental commission, as applicable, rather than the commission, to require a party who appeals a final decision under Section 158.012 to pay one-half of the cost of preparation of the original or a certified copy of the record of the proceeding, rather than the record of the commission, that is required to be sent to the reviewing court.

SECTION 12. Effective date: upon passage or September 1, 2017.