

BILL ANALYSIS

Senate Research Center

H.B. 3910
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been noted that recently the workload of some county civil service commissions regarding county employment issues has increased to a level necessitating the creation of supplemental commissions. H.B. 3910 seeks to address this issue by providing for the creation by a commissioners court of one or more supplemental county civil service commissions in certain counties.

A supplemental commission would consist of three members, appointed by the commissioners court. If the commissioners court establishes more than one supplemental commission, the commissioners court may not delegate the authority to adopt, publish, or enforce a rule regarding a category of matters listed in Section 158.009(a), Local Government Code, to more than one of the supplemental commissions (i.e., each supplemental commission would have jurisdiction over only one specific issue).

H.B. 3910 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.

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 more than 2.5 million that is adjacent to a county with a population of more than one million 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 a 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 to designate one of the members as chair of the supplemental commission.

(d) Provides that Sections 158.008(b) through (e) (relating to terms, appointment eligibility, and other provisions relating to commission members) 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 the commission, except as provided by Subsection (a-1) and Section 158.010 (Employment by Departments), rather than except as provided by Section 158.010, to adopt, publish, and enforce rules regarding certain specified categories.

(a-1) Requires a supplemental commission, notwithstanding any other provision of this subchapter, to adopt, publish, or enforce a rule regarding a category of matters listed under Subsection (a) if the adoption, publication, or enforcement of the rule is specifically delegated by category to the supplemental commission by the commissioners court. Prohibits the commissioners court, if the commissioners court has established more than one supplemental commission, from delegating the authority to adopt, publish, or enforce a rule regarding a category of matters listed under Subsection (a) to more than one of the supplemental commissions. Prohibits the commission from adopting, publishing, or enforcing a rule regarding a category of matters listed under Subsection (a) if the commissioners court has delegated that authority to a supplemental commission.

(b) Authorizes the commission to a supplemental commission, rather than authorizing 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 purpose of this subchapter and serves the needs of the county.

(c) Prohibits the commission or a supplemental commission from adopting or enforcing a rule requiring a county employee to retire because of age. Authorizes the commission or supplemental commission to adopt a rule requiring a county employee, on reaching an age set by the commission, to submit annually to the commission an affidavit from a physician stating that the employee is physically and mentally capable of continuing employment. Makes conforming changes.

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

(a) Makes conforming changes. Requires the chair of the commission or a supplemental commission, as applicable, in a proceeding before the commission or a supplemental commission under this subchapter, to on request of a person described by Subsection (b) take certain procedural actions.

(b) Authorizes the affected employee, the county attorney, or a designee of the employee or county attorney to request the chair of the commission or of the supplemental commission, as applicable, rather than authorizing the affected employee, the county attorney, or a designee of the employee or county attorney to request the chairman of the commission, to subpoena any books, records, documents, papers, accounts, or witnesses that the requestor considers relevant to the case. Requires the request to be made before the 15th day before the date the applicable commission or supplemental commission proceeding will be held, rather than the date a commission proceeding will be held.

SECTION 5. Amends Section 158.010(e), Local Government Code, to make a conforming change.

SECTION 6. Amends Section 158.011, Local Government Code, to make conforming changes.

SECTION 7. Amends Section 158.012(a), Local Government Code, to make a conforming change.

SECTION 8. Amends Section 158.0121, Local Government Code, to make a conforming change.

SECTION 9. Amends Section 158.0122, Local Government Code, to make 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, to make conforming changes.

SECTION 12. Effective date: upon passage or September 1, 2019.