

- SUBJECT:** Reappointment of fire fighters' and police officers' commission members
- COMMITTEE:** Urban Affairs — committee substitute recommended
- VOTE:** 7 ayes — Talton, Wong, Menendez, A. Allen, Bailey, Blake, Rodriguez
0 nays
- WITNESSES:** For — Ted Barron, City of Mesquite; Bruce Glasscock, City of Plano;
Marcus W. Norris, City of Amarillo; Albert Thigpen, City of Port Arthur
Against — None
On — Mike Higgins, Texas State Association of Fire Fighters
- BACKGROUND:** Local Government Code, ch. 143 authorizes certain cities to create a Fire Fighters' and Police Officers' Civil Service Commission. The commission consists of three members appointed to staggered three-year terms by the city's chief executive upon confirmation of the city's governing body. Among the requirements for appointment to the commission, a member must not have held public office within the preceding three years.

In 2004, an attorney general's opinion (GA-0246) determined that the requirement that a commissioner not have held a public office within the preceding three years prohibited a city from reappointing a current member to the commission.
- DIGEST:** CSHB 150 would allow a city's chief executive to reappoint a commission member to up to three consecutive terms, with additional terms permitted upon the consent of two-thirds of the city's governing body. A former commissioner also could be appointed to the commission if the only public office held by the person in the past three years had been on the commission.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSHB 150 would restore the law to the way it has been practiced for the past 50 years and ensure that fire fighters' and police officers' commissions could recruit and maintain qualified, experienced members. Until the 2004 opinion by the attorney general (AG), cities routinely reappointed commissioners in order to secure continuity and experience on the commission. In many cities, reappointment often was necessary to keep the positions filled, since few people were interested in serving long hours without pay. The AG opinion has harmed the effectiveness of these commissions by requiring that commissioners be replaced just as they had gained the knowledge and experience needed to successfully serve on the commission. Under this interpretation, even those appointed to finish an unexpired term could not be reappointed. CSHB 150 would clarify the intention of the Legislature to allow the reappointment of members to these extremely important commissions.

The bill would minimize the potential for political influence on the commission by setting a three-term limit for members unless confirmed to additional terms by a super-majority of the city's governing body. This limit would create an appropriate balance between the need for competent, experienced commissioners — especially in places where few people desire to serve — and concerns about political influence.

**OPPONENTS
SAY:**

Allowing the reappointment of commissioners could increase the potential for political influence on the commission and thus reduce its efficiency and impartiality. Cities would have an incentive to reappoint current commissioners, even if they had not served well, since it would be easier for a city to reappoint a current member than to seek out a new one. The public interest is better served by citizen commissioners, who are less likely to be biased or influenced. Continuity is ensured by the staggered terms of commissioners, which guarantees that there always are two experienced members on the commission.

NOTES:

The committee substitute added a provision that would limit commissioners to three consecutive terms unless confirmed by a two-thirds majority of the city's governing board.