

SUBJECT: City eligibility for creating fire fighters' and police officers' commissions

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 5 ayes — Talton, Wong, A. Allen, Blake, Rodriguez

0 nays

2 absent — Bailey, Menendez

WITNESSES: For — Ron DeLord, Combined Law Enforcement Association of Texas;
Mitch Landry, Texas Municipal Police Association

Against — None

BACKGROUND: Local Government Code, ch. 143 authorizes certain cities to create a Fire Fighters' and Police Officers' Civil Service Commission. To be eligible, a city must have a population of 10,000 or more, must have a paid police department and a paid fire department, and must hold an election approving the chapter's adoption.

Prior to 1993, several cities with paid police forces and a volunteer fire department adopted the chapter and created civil service commissions. In January 1993, the attorney general published letter opinion No. 93-6 stating that a city may not adopt the chapter unless it has both a paid police force and a paid fire department. The 73rd Legislature enacted HB 822 by Gallegos grandfathering those cities that had adopted the chapter prior to January 1, 1993.

DIGEST: HB 1913 would allow cities with either a paid police department or a paid fire department that met current population and election requirements to create a Fire Fighters' and Police Officers' Civil Service 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: HB 1913 would restore the law to the way it was practiced for much of the past 50 years and ensure that cities with paid police departments and volunteer fire departments had the option of creating a Fire Fighters' and Police Officers' Commission. Until an attorney general's opinion in 1993, many cities with volunteer fire departments had adopted this chapter, which regulates hiring and promotions for police and fire departments and creates a system for handling complaints. While the 73rd Legislature grandfathered those cities, it neglected to change the statute to allow other cities with a volunteer fire department to adopt the chapter. HB 1913 would enable citizens of these cities to hold an election to decide whether the creation of a civil service commission would benefit their communities.

OPPONENTS SAY: No apparent opposition.

NOTES: The companion bill, SB 1539 by Barrientos, has been referred to the Senate Intergovernmental Relations Committee.