

BILL ANALYSIS

Senate Research Center
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H.B. 1747
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Intergovernmental Relations
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Engrossed

DIGEST AND PURPOSE

The Sunset Advisory Commission submitted recommendations to the 77th Legislature regarding the office of the fire fighters' pension commissioner (commissioner). Sunset Advisory Commission findings noted that the commissioner's term does not match the term of the governor who appoints the commissioner. The findings also noted that the composition of the board of trustees of the Texas statewide emergency services personnel retirement fund (board) does not include a representative of emergency medical services personnel. Recommendations were made to increase the length of the term of office of the commissioner and make changes to the composition of the board. The Sunset Advisory Commission also noted that Texas has a continuing need for the commissioner and recommended that the office be continued as an independent agency. H.B. 1747 continues the office of the fire fighters' pension commissioner until the year 2011, lengthens the term of the commissioner from two to four years, and implements other recommendations of the Sunset Advisory Commission.

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 21(d), Texas Local Fire Fighters Retirement Act (Article 6243e, V.T.C.S.), to provide that the fire fighters' pension commissioner serves a term of four, rather than two, years.

SECTION 2. Amends Section 21, Texas Local Fire Fighters Retirement Act (Article 6243e, V.T.C.S.), by amending Subsections (b), (c), and (h) and adding Subsection (k), as follows:

(b) Provides that a person is not eligible for appointment as the fire fighters' pension commissioner if the person or the person's spouse is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the office of the commissioner; owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the office of the commissioner; or uses or receives a substantial amount of tangible goods, services, or money from the office of the commissioner other than compensation or reimbursement authorized by law for the fire fighters' pension commissioner.

(c) Requires appointment of the fire fighters' pension commissioner to be made without regard to the disability, rather than handicap, of the appointee.

(h) Provides that, unless continued in existence by Chapter 325, Government Code (Texas Sunset Act), the office of fire fighters' pension commissioner is abolished September 1, 2011, rather than 2001.

(k) Prohibits a person from serving as the fire fighters' pension commissioner or acting as the

general counsel to the commissioner or to the office of the fire fighters' pension commissioner under certain conditions.

SECTION 3. Amends Section 21A, Texas Local Fire Fighters Retirement Act (Article 6243e, V.T.C.S.), by amending Subsections (c) and (d) and adding Subsections (h)-(k), as follows:

(c) Requires the fire fighters' pension commissioner or the commissioner's designee to prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin. Requires the policy statement to include certain items. Deletes text regarding a comprehensive analysis of the commissioner's work force, procedures by which certain determinations can be made, and reasonable methods to appropriately address certain areas.

(d) Requires a policy statement prepared under Subsection (c) of this section to be updated annually and be reviewed by the state Commission on Human Rights for compliance with Subsection (c)(1) of this section.

(h) Requires the office of the fire fighters' pension commissioner to maintain a file on each written complaint filed with the office that includes certain items.

(i) Requires the office of the fire fighters' pension commissioner to provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the office's policies and procedures relating to complaint investigation and resolution.

(j) Requires the office of the fire fighters' pension commissioner, at least quarterly until final disposition of the complaint, to notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

(k) Requires the fire fighters' pension commissioner or the commissioner's designee to provide to employees of the office of fire fighters' pension commissioner certain information and training.

SECTION 4. Amends Sections 20(a), (c), and (e), Texas Statewide Emergency Services Retirement Act (Article 6243e.3, V.T.C.S.), as follows:

(a) Requires six trustees to be members of the fund, one of whom must represent emergency medical services personnel. Makes a conforming change.

(c) Makes a conforming change.

(e) Makes a conforming change.

SECTION 5. Makes the application of this Act prospective regarding the qualifications of, and the prohibitions applying to, the fire fighters' pension commissioner or the members of the board of trustees of the Texas statewide emergency services personnel retirement fund serving for the remainder of the current term. Provides that this Act does not prohibit a person who is the commissioner or a member of the board on September 1, 2001, from being reappointed as commissioner or as a board member if the person has the qualifications required for the position under the Texas Local Fire Fighters Retirement Act (Article 6243e, V.T.C.S.), as amended by this Act, or the Texas Statewide Emergency Services Retirement Act (Article 6243e.3, V.T.C.S.), as amended by this Act.

SECTION 6. (a) Provides that, except as provided by Subsection (b), this Act takes effect September 1, 2001.

(b) Makes Section 21(d), Texas Local Fire Fighters Retirement Act (Article 6243e, V.T.C.S.), as amended by this Act, contingent upon the passage of the constitutional amendment providing for a four-year term of office for the fire fighters' pension commissioner, as proposed by the 77th Legislature, Regular Session, 2001, and provides that the effective date for that amendment is the effective date for that section.