

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1433
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Most benefits affecting firefighters which are provided for in statute affect firefighters employed by municipalities. Within the last ten to fifteen years, the establishment of special purpose districts, such as emergency service districts, and the creation of fire departments created through an inter-local agreement between two or more entities have become commonplace.

This trend frequently creates a situation where non-municipal firefighters do not have access to the same benefits and basic rights as municipal firefighters. For this reason, legislation is necessary to provide longevity pay, payroll deduction of membership dues, and holiday and vacation leave as threshold benefits for those non-municipal firefighters.

C.S.S.B. 1433 provides for the right of firefighters to petition and call for an election to adopt the provisions of Chapter 143, Local Government Code, as if the political subdivision were a municipality with a population of greater than 10,000.

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 Subtitle C, Title 5, Local Government Code, by adding Chapter 179, as follows:

CHAPTER 179. CONDITIONS OF EMPLOYMENT FOR FIREFIGHTERS OF CERTAIN DISTRICTS AND ENTITIES

Sec. 179.001. APPLICABILITY. (a) Provides that this chapter applies to a fire department of and firefighters employed by certain entities.

(b) Provides that, for the purposes of this section, a reference to a municipality or a municipal official in a provision of law made applicable by this chapter to a district or entity described by Subsection (a) is considered to be a reference to the district or entity or the official of the district or entity responsible for the performance of the duty to which the provision applies.

(c) Provides that if this chapter applies to the fire department of and firefighters employed by an emergency services district and the population of the district decreases to less than 30,000, the applicability of this chapter in relation to the district is not affected.

Sec. 179.002. DEFINITIONS. Defines "emergency services employer" and "firefighter."

Sec. 179.003. PAYROLL DEDUCTIONS; LONGEVITY PAY; CLASSIFICATION PAY; PENALTY. (a) Provides that Sections 141.008, 141.032, 141.033, and 141.034 apply to a firefighter employed by an emergency services employer.

(b) Provides that the penalty under Section 141.035 applies to a person who is in charge of the fire department of an emergency services employer or who is responsible for setting the compensation for firefighters employed by an emergency services employer in accordance with this section.

Sec. 179.004. ASSISTANCE; BENEFITS; WORKING CONDITIONS; PENALTY. Provides that Sections 142.001, 142.0013, 142.0015, 142.0016, 142.004, 142.005, 142.006, 142.008, and 142.009 apply to a firefighter employed by an emergency services employer.

Sec. 179.005. CIVIL SERVICE. (a) Authorizes an emergency services employer to hold an election to adopt or repeal Subchapters A-F, Chapter 143, as those subchapters apply to the employer's fire department and firefighters, in the same manner as a municipality is authorized to hold an election under Section 143.004.

(b) Requires an election held under Subsection (a) by an emergency services employer that is an emergency services district created under Chapter 775 (Emergency Services Districts), Health and Safety Code, to be held in the territory of the district.

(c) Requires an election held under Subsection (a) by an emergency services employer that is an entity created by an interlocal agreement between two or more political subdivisions to be held in the territory of each of the political subdivisions. Requires an election petition submitted to the entity as required under Section 143.004 to be signed by a number of qualified voters of the political subdivisions equal to at least 10 percent of the total number of qualified voters who voted in the most recent election of each of the political subdivisions.

(d) Prohibits an entity created by an interlocal agreement between two or more political subdivisions from adopting or repealing Subchapters A-F, Chapter 143, unless a majority of the voters in each political subdivision vote in favor of the adoption or repeal of those subchapters.

(e) Provides that, if a majority of the voters in the territory of an emergency services employer vote in favor of the adoption of Subchapters A-F, Chapter 143, the provisions of Subchapters A-F, Chapter 143, that are applicable to the employer's fire department and firefighters are applicable to the employer as if the employer is a municipality under that chapter, and the employer must implement those provisions accordingly.

(f) Authorizes an emergency services employer to contract with a county for the county to conduct an election on behalf of the employer in accordance with this section.

SECTION 2. Effective date: September 1, 2005.