

- SUBJECT:** Excluding unqualified city managers from performing certain duties
- COMMITTEE:** Urban Affairs — favorable, without amendment
- VOTE:** 6 ayes — Dutton, Alvarado, Callegari, Mallory Caraway, Parker, Simpson  
0 nays  
3 absent — Gutierrez, P. King, Paxton
- WITNESSES:** For —(*Registered, but did not testify*: Mike Higgins, Texas Association of Fire Fighters)  
Against — None
- BACKGROUND:** Local Government Code, ch. 143 establishes a requirement for a person appointed head of a fire or police department to be eligible for certification by the Commission on Fire Protection Personnel Standards and Education or the Commission on Law Enforcement Officer Standards and Education, respectively, or their equivalent and to have been a firefighter or police officer for at least five years. Municipalities may elect, but are not required, to have their police and fire department fall under these provisions. In some municipalities, unqualified city managers may rely on implied powers to appoint themselves the head of the fire or police department.
- DIGEST:** HB 3736 would prohibit a city manager of a municipality from being appointed as the department head of a fire or police department unless the city manager satisfied the qualifications for appointment appropriate for the position, as provided by Local Government Code, sec. 143.013(b).
- 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, 2011.