

BILL ANALYSIS

Senate Research Center
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H.B. 554
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 143 (Municipal Civil Service for Firefighters and Police Officers), Local Government Code, allows municipalities to hold an election to adopt a civil service law for firefighters and police officers employed by the municipality. In most cities covered by this statute, emergency medical services (EMS) personnel are also covered because they are employees of the fire department. However, the City of Austin has a separate department for EMS personnel because these employees are employed by the city but provide service to all of Travis County through a mutual aid agreement.

H.B. 554 amends current law relating to the civil service status of emergency medical services personnel in certain municipalities.

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 Chapter 143, Local Government Code, by adding Subchapter K, as follows:

SUBCHAPTER K. CIVIL SERVICE STATUS OF EMERGENCY MEDICAL SERVICES PERSONNEL IN CERTAIN MUNICIPALITIES

Sec. 143.401. **APPLICABILITY.** (a) Provides that this subchapter applies only to a municipality:

- (1) with a population of 460,000 or more that operates under a city manager form of government; and
- (2) that employs emergency medical services personnel in a municipal department other than the fire department.

(b) Defines, in this subchapter, "emergency medical services personnel."

Sec. 143.402. **ELECTION TO ADOPT OR REPEAL SUBCHAPTER.** (a) Authorizes a municipality to hold an election to adopt or repeal this subchapter as provided by this section.

(b) Requires a governing body, if the governing body of the municipality receives a petition requesting an election that is signed by a number of registered voters who reside in the municipality equal to at least 10 percent of the number of voters who voted in the most recent municipal general election, to order an election submitting to the voters the question of whether this subchapter should be adopted. Requires the election to be held on the first authorized uniform election date prescribed by Chapter 41 (Election Dates and Hours for Voting), Election

Code, that occurs after the petition is filed and that allows sufficient time to comply with other requirements of law.

(c) Requires the ballot to be printed to provide for voting for or against the proposition: "Adoption of the emergency medical services personnel civil service law." Requires the governing body, if a majority of the votes received in the election favor adoption of this subchapter, to implement this subchapter.

(d) Prohibits a petition for a subsequent election to be held under Subsection (b) from being filed for at least one year after the date of a previous election under that subsection. Requires a petition for a subsequent election, to be valid, to contain the signatures of a number of registered voters who reside in the municipality equal to at least 20 percent of the number of voters who voted in the most recent municipal general election. Requires any subsequent election to be held at the next municipal general election that occurs after the petition is filed.

(e) Requires the governing body, if the governing body of a municipality that has operated under this subchapter for at least one year receives a petition requesting an election to repeal this subchapter that is signed by at least 10 percent of the registered voters who reside in the municipality, to order an election submitting to the voters the question of whether this subchapter should be repealed. Provides that if a majority of the votes received favor repeal of this subchapter, this subchapter is void in that municipality.

Sec. 143.403. STATUS OF EMPLOYEES IF SUBCHAPTER ADOPTED. (a) Provides that each person who is employed for more than six months as emergency medical services personnel serving in a municipality at the time this subchapter is adopted in the municipality and who is entitled to civil service classification has the status of a civil service employee and is not required to take a competitive examination to remain in the position the person occupies at the time of the adoption.

(b) Requires the governing body of the municipality employing emergency medical services personnel, on adoption of this subchapter, to classify the personnel in accordance with Section 143.021 (Classification; Exemption Requirement) and the duties performed by the personnel.

(c) Provides that, to the extent it can be made applicable, each provision of this chapter, including the provisions relating to eligibility lists, examinations, promotions, appointments, educational incentive pay, longevity or seniority pay, certification pay, assignment pay, salary, vacation leave, and disciplinary appeals, applies to emergency medical services personnel covered by this subchapter.

SECTION 2. Effective date: upon passage or September 1, 2011.