

BILL ANALYSIS

C.S.H.B. 3033
By: Alvarado
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that some cities are attempting to get around the statutory prohibition against suspending a fire fighter later than the 180th day after the date the fire department discovers or becomes fully aware of a civil service rule violation by having the department head sign the suspension letter and fill in a date prior to the 180th day deadline but not provide the letter to the fire fighter until sometime after the deadline has passed. C.S.H.B. 3033 seeks to address this practice relating to such disciplinary suspensions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3033 amends the Local Government Code to require notice of the suspension of a fire fighter in a municipality with a population of 1.5 million or more that has adopted the firefighters' and police officers' civil service law, not later than the 180th day after the date the fire department discovers or becomes aware of the civil service rule violation for which the fire fighter is suspended, to be personally delivered to the fire fighter or to be sent by certified mail, return receipt requested, to the last home address provided by the fire fighter.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3033 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 143.117, Local Government Code, is amended by adding Subsection (b-1) to read as follows:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 143.117, Local Government Code, is amended by adding Subsection (b-1) to read as follows:

84R 26862

15.120.631

Substitute Document Number: 84R 26366

(b-1) Notice of the suspension of a fire fighter must be personally served on the fire fighter not later than the 180th day after the date the department discovers or becomes aware of the civil service rule violation for which the fire fighter is suspended.

SECTION 2. The change in law made by this Act applies only to a suspension of a firefighter that occurs on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2015.

(b-1) Not later than the 180th day after the date the department discovers or becomes aware of the civil service rule violation for which a fire fighter is suspended, notice of the suspension of the fire fighter must be:

(1) personally delivered to the fire fighter;
or

(2) sent by certified mail, return receipt requested, to the last home address provided by the fire fighter.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.