

## **BILL ANALYSIS**

Senate Research Center  
80R10692 EJI-F

C.S.S.B. 1212  
By: Gallegos  
Intergovernmental Relations  
5/1/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law does not prohibit a municipal ordinance or a provision of a municipal charter from preempting, impairing, or otherwise restricting communications between individual firefighters or the officers of a firefighter's association and the elected members of the municipality's governing body.

C.S.S.B. 1212 prohibits a local ordinance, charter provision, meet and confer agreement, executive order, legislation, or rule adopted by a municipality from interfering with or diminishing the free speech rights of an individual firefighter or an officer of a firefighters association to communicate with the governing body of a municipality. This bill also provides a verification of signatures on a petition filed for the purpose of modifying the recognition of the firefighters association as the authorized representative of the covered employees.

### **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 142.106, Local Government Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Authorizes the governing body of a municipality to recognize the change or modification as provided by the petition to modify or change the recognition of a firefighters association if the signatures contained in the petition are verified by the American Arbitration Association or the Federal Mediation Conciliation Service.

(c) Provides that the firefighters association is liable for the expenses of verifying the signatures contained in the petition.

SECTION 2. Amends Subchapter C, Chapter 142, Local Government Code, by adding Section 142.1111, as follows:

Sec. 142.1111. PROTECTED SPEECH RIGHTS. (a) Prohibits a local ordinance, charter provision, meet and confer agreement, executive order, legislation, or rule adopted by a municipality from interfering with the free speech right, guaranteed by the First Amendment to the United States Constitution, of an individual firefighter or an officer of a firefighters association to communicate with the governing body of a municipality on an issue not governed by a meet and confer agreement under this subchapter (Local Control of Firefighter Employment Matters in Certain Municipalities).

(b) Provides that this subchapter does not diminish the free speech rights applicable to communications between a firefighter or an officer of a firefighters association and the governing body of a municipality.

SECTION 3. Effective date: upon passage or September 1, 2007.