

Suspending limitations on conference committee
jurisdiction, H.B. No. 4227 (Goldman/Hancock)

By: Goldman

H.R. No. 2436

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 88th Legislature, Regular Session, 2023, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 4227 (provisions governing
6 the municipal civil service of fire fighters or police officers in
7 certain municipalities) to consider and take action on the
8 following matter:

9 House Rule 13, Section 9(a)(4), is suspended to permit the
10 committee to add text on a matter not included in either the house
11 or senate version of the bill by adding the following new SECTIONS
12 to the bill:

13 SECTION 1. Section 143.003, Local Government Code, is
14 amended by amending Subdivision (1) and adding Subdivision (1-a) to
15 read as follows:

16 (1) "Civilian oversight board" means a board or office
17 established by a municipality to practice oversight, monitoring, or
18 investigations of fire fighters or police officers, or departments,
19 by members of the public who are not fire fighters or police
20 officers.

21 (1-a) "Commission" means the Fire Fighters' and Police
22 Officers' Civil Service Commission.

23 SECTION 3. Subchapter A, Chapter 143, Local Government
24 Code, is amended by adding Section 143.017 to read as follows:

1 Sec. 143.017. INVESTIGATION BY CIVILIAN OVERSIGHT BOARD
2 PROHIBITED. An investigation under this chapter may not be
3 performed by a civilian oversight board.

4 SECTION 4. Sections 143.089(b) and (f), Local Government
5 Code, are amended to read as follows:

6 (b) A letter, memorandum, or document relating to alleged
7 misconduct by the fire fighter or police officer:

8 (1) may not be placed in the person's personnel file if
9 the employing department determines that there is insufficient
10 evidence to sustain the charge of misconduct; and

11 (2) except as provided by Section 1701.451,
12 Occupations Code, may not be released to any agency or person
13 requesting the letter, memorandum, or document if there is a
14 pending investigation into the alleged misconduct.

15 (f) The director or the director's designee may not release
16 any information contained in a fire fighter's or police officer's
17 personnel file without first obtaining the person's written
18 permission, unless the release of the information is required by
19 law or for a law enforcement purpose.

20 SECTION 5. Subchapter F, Chapter 143, Local Government
21 Code, is amended by adding Sections 143.091 and 143.092 to read as
22 follows:

23 Sec. 143.091. MUTUAL AGREEMENT SUPERSEDES CERTAIN
24 MUNICIPAL LAW. For a municipality with a collective bargaining
25 agreement or a meet-and-confer agreement with the municipality's
26 fire department or police department, the agreement supersedes an
27 ordinance, executive order, or rule adopted by the municipality.

1 Sec. 143.092. ELIGIBILITY FOR CIVILIAN OVERSIGHT BOARD. A
2 person is not eligible to serve on a civilian oversight board if the
3 person has been:

4 (1) convicted of or placed on deferred adjudication
5 community supervision for a felony offense; or

6 (2) convicted of a crime of moral turpitude.

7 SECTION 6. Section 143.306, Local Government Code, is
8 amended by adding Subsection (d) to read as follows:

9 (d) A municipal charter, ordinance, executive order, or
10 rule adopted by a municipality that restricts or conditions the
11 authority of a public employer to enter into a written agreement
12 under this subchapter is void and unenforceable.

13 SECTION 7. Section 143.091, Local Government Code, as added
14 by this Act, applies to a collective bargaining agreement or a
15 meet-and-confer agreement that was in effect on or after January 1,
16 2023.

17 Explanation: The changes are necessary to make certain
18 changes to law relating to municipal civil service systems for fire
19 fighters and police officers in certain municipalities.