

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

By: Hancock

S.R. No. 692

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 88th  
2 Legislature, Regular Session, 2023, That Senate Rule 12.03 be  
3 suspended in part as provided by Senate Rule 12.08 to enable the  
4 conference committee appointed to resolve the differences on House  
5 Bill 4227 (provisions governing the municipal civil service of fire  
6 fighters or police officers in certain municipalities) to consider  
7 and take action on the following matter:

8 Senate Rule 12.03(4) is suspended to permit the committee to  
9 add text on a matter not included in either the house or senate  
10 version of the bill by adding the following new SECTIONS to the  
11 bill:

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

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

20 (1-a) "Commission" means the Fire Fighters' and Police  
21 Officers' Civil Service Commission.

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

24 Sec. 143.017. INVESTIGATION BY CIVILIAN OVERSIGHT BOARD

1 PROHIBITED. An investigation under this chapter may not be  
2 performed by a civilian oversight board.

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

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

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

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

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

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

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

27 Sec. 143.092. ELIGIBILITY FOR CIVILIAN OVERSIGHT BOARD. A

1 person is not eligible to serve on a civilian oversight board if the  
2 person has been:

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

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

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

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

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

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