

BILL ANALYSIS

H.B. 1189
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Urban Affairs
February 28, 2003
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The City of Houston and the Houston Police Officers' Union (HPOU) entered into a meet and confer agreement in 1998 in accordance with state law regarding municipal civil service. The meet and confer agreement called for the development and implementation of alternative dispute resolution procedures for mediating disputes regarding police officers. H.B. 1189 incorporates procedures for the mediation of police officer disputes into the provisions regarding municipal civil service in a municipality of 1.5 million or more.

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.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Local Government Code Subchapter G, Chapter 143, by adding Section 143.135 to authorize the head of a police department in a municipality of 1.5 million or more to develop and implement an alternative dispute resolution program to refer to mediation certain disputes regarding police officers. This Section sets forth mediation time limitations and deadlines, provides that the conduct and demeanor of the mediator and the parties to a dispute during the course of a mediation are confidential, and sets forth provisions for disclosure of communication relevant to a dispute when such communication is admissible or discoverable in a separate proceeding. It prohibits requiring a mediator to testify in a proceeding concerning information relating to or arising out of a mediation under this Section.

This Section provides that current Open Records law applies to a final written agreement reached by mediation to which the police department or municipality is a signatory. Conflicts between this Section and other legal requirements for the disclosure of communications or materials may be presented to a district court.

Chapter 154, Civil Practice and Remedies Code; Section 2009.054, Government Code; and local police department rules govern the mediation process under this Section, when not in conflict with this Section's provisions. The notice requirement for certain meetings or hearings in Section 143.1014, Local Government Code, does not apply to a meeting or hearing conducted under this Section.

SECTION 2. Effective Date.

EFFECTIVE DATE: September 1, 2003.