

By: Hill

H.B. No. 3352

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the head of a fire or police department
3 to make certain appointments.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 143.014(b) and (c), Local Government
6 Code, are amended to read as follows:

7 (b) If approved by the governing body of the municipality by
8 resolution or ordinance, the head of a fire or police department [~~in~~
9 ~~the municipality in which at least four classifications exist below~~
10 ~~the classification of department head~~] may appoint each person
11 occupying an authorized position in the classification immediately
12 below that of department head, as prescribed by this section. The
13 classification immediately below that of department head may
14 include a person who has a different title but has the same pay
15 grade.

16 (c) In a police department, the total number of persons
17 appointed to the classification immediately below that of
18 department head may not exceed the total number of persons, plus
19 one, serving in that classification on January 1, 1983. [~~In a fire~~
20 ~~department in a municipality having fewer than 300 certified fire~~
21 ~~fighters, the department head may appoint not more than one person~~
22 ~~to the classification immediately below that of department head.~~
23 ~~If a municipality has 300 to 600 certified fire fighters, the~~
24 ~~department head may appoint two persons to the classification. If a~~

1 ~~municipality has more than 600 certified fire fighters, the~~
2 ~~department head may appoint three persons to the classification.]~~
3 This subsection does not apply to a municipality that has adopted
4 The Fire and Police Employee Relations Act (Section 174.001 et
5 seq., Local Government Code~~[Article 5154c-1, Vernon's Texas Civil~~
6 ~~Statutes]~~) unless the municipality specifically adopts the
7 appointment procedure prescribed by this subsection through the
8 collective bargaining process.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2003.