

BILL ANALYSIS

H.B. 263
By: Madden
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Attorney General's opinion GA-0041, dated March 17, 2003, stated that the enumerated positions listed in section 143.003 (4) (A) - (J) of the Texas Local Government Code require substantial knowledge of fire fighting and work in the fire department as a matter of law and therefore persons holding these positions must be a civil service employee. However, the City of Plano has had a long-standing practice of hiring civilians for these positions. In order to comply with the Attorney General's interpretation of section 143.003 (4) of the Local Government Code, the City of Plano would be forced to terminate its civilian employees who do not qualify for civil service because of age requirements.

H. B. 263 grants existing civilian employees in the City of Plano civil service status and requires that subsequent vacancies in those positions be filled using competitive civil service procedures.

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.

ANALYSIS

This bill grants civilian employees holding positions defined by Section 143.003 (4) of the Local Government Code civil service status in municipalities of 220,000 or more who employ civilian fire department employees not subject to Subchapter H or I of Chapter 143 of the Local Government Code or who are employed by a municipality that has not adopted Chapter 174 of the Local Government Code. The bill specifies that the employees to which this act applies are not required to take a civil service exam and that the local municipality must pass an ordinance amending the classification system to include these employees before they are granted civil service status.

EFFECTIVE DATE

This Act takes effect September 1, 2005 or immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.