

BILL ANALYSIS

C.S.H.B. 2640
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Added during the 70th Legislative session in 1987, Section 143.003, Local Government Code set forth a definition for fire fighter. Nevertheless, a question existed as to whether administrative staff associated with fire fighting and prevention were included in this definition. On March 17, 2003, Attorney General Greg Abbot released opinion No. GA-0041 stating that a fire fighter is "a fire department member whose position requires substantial knowledge of fire fighting" and is therefore entitled to civil service protection in municipalities that have adopted the civil service statute under Chapter 143 of the Local Government Code. A person who is not required to have substantial knowledge in fire fighting is therefore not protected by civil service statutes.

H.B. 2640 codifies AG opinion No. GA-0041 in Section 143.003(4), Local Government Code.

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

H.B. 2640 clarifies that a fire fighter is an employee of a fire department whose position requires substantial knowledge of fire fighting, is not a secretary, clerk, budget analyst, custodial engineer, or other administrative employee, and has met the requirements for certification by the Texas Commission on Fire Protection.

EFFECTIVE DATE

This Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds that a fire fighter must meet the requirements for certification by the Texas Commission on Fire Protection, precludes specific administrative employees, and makes a number change to subsection (A) of Section 143.003(4).