

By: Rodriguez

H.B. No. 3028

A BILL TO BE ENTITLED

AN ACT

relating to the conditions of employment for firefighters employed by certain districts and entities; providing penalties.

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

SECTION 1. Subtitle C, Title 5, Local Government Code, is amended by adding Chapter 179 to read as follows:

CHAPTER 179. CONDITIONS OF EMPLOYMENT FOR FIREFIGHTERS OF CERTAIN DISTRICTS AND ENTITIES

Sec. 179.001. APPLICABILITY. (a) This chapter applies to a fire department of and firefighters employed by:

(1) an emergency services district created under Chapter 775, Health and Safety Code; and

(2) an entity created by an interlocal agreement between two or more political subdivisions of this state.

(b) For purposes of this section, a reference to a municipality or a municipal official in a provision of law made applicable by this chapter to a district or entity described by Subsection (a) is considered to be a reference to the district or entity or the official of the district or entity responsible for the performance of the duty to which the provision applies.

Sec. 179.002. DEFINITIONS. In this chapter:

(1) "Emergency services employer" means an emergency services district created under Chapter 775, Health and Safety Code, or an entity created by an interlocal agreement between two

1 or more political subdivisions of this state.

2 (2) "Firefighter" means a person defined as fire  
3 protection personnel under Section 419.021, Government Code.

4 Sec. 179.003. PAYROLL DEDUCTIONS; LONGEVITY PAY;  
5 CLASSIFICATION PAY; PENALTY. (a) Sections 141.008, 141.032,  
6 141.033, and 141.034 apply to a firefighter employed by an  
7 emergency services employer.

8 (b) The penalty under Section 141.035 applies to a person  
9 who is in charge of the fire department of an emergency services  
10 employer or who is responsible for setting the compensation for  
11 firefighters employed by an emergency services employer in  
12 accordance with this section.

13 Sec. 179.004. ASSISTANCE; BENEFITS; WORKING CONDITIONS;  
14 PENALTY. Sections 142.001, 142.0013, 142.0015, 142.0016, 142.004,  
15 142.005, 142.006, 142.008, and 142.009 apply to a firefighter  
16 employed by an emergency services employer.

17 Sec. 179.005. CIVIL SERVICE. (a) An emergency services  
18 employer may hold an election to adopt or repeal Subchapters A-F,  
19 Chapter 143, as those subchapters apply to the employer's fire  
20 department and firefighters, in the same manner as a municipality  
21 is authorized to hold an election under Section 143.004.

22 (b) An election held under Subsection (a) by an emergency  
23 services employer that is an emergency services district created  
24 under Chapter 775, Health and Safety Code, must be held in the  
25 territory of the district.

26 (c) An election held under Subsection (a) by an emergency  
27 services employer that is an entity created by an interlocal

1 agreement between two or more political subdivisions must be held  
2 in the territory of each of the political subdivisions. An election  
3 petition submitted to the entity as required under Section 143.004  
4 must be signed by a number of qualified voters of the political  
5 subdivisions equal to at least 10 percent of the total number of  
6 qualified voters who voted in the most recent election of each of  
7 the political subdivisions.

8 (d) An entity created by an interlocal agreement between two  
9 or more political subdivisions may not adopt or repeal Subchapters  
10 A-F, Chapter 143, unless a majority of the voters in each political  
11 subdivision vote in favor of the adoption or repeal of those  
12 subchapters.

13 (e) If a majority of the voters in the territory of an  
14 emergency services employer vote in favor of the adoption of  
15 Subchapters A-F, Chapter 143, the provisions of Subchapters A-F,  
16 Chapter 143, that are applicable to the employer's fire department  
17 and firefighters are applicable to the employer as if the employer  
18 is a municipality under that chapter, and the employer must  
19 implement those provisions accordingly.

20 (f) An emergency services employer may contract with a  
21 county for the county to conduct an election on behalf of the  
22 employer in accordance with this section.

23 SECTION 2. This Act takes effect September 1, 2005.