

BILL ANALYSIS

C.S.H.B. 3352
By: Woolley
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As of 1997, Subchapter J of Chapter 143, Local Government Code, enables the Houston Police Department to enter into a meet and confer contract agreements with the City of Houston. To that end, the first contract was negotiated between these parties in 1998. Since 1998 a number of changes have been made by agreement at the local governmental entity level to acts that are controlled by Chapter 143, Local Government Code.

The proposed complete committee substitute for House Bill No. 3352 takes technical changes to conform Chapter 143, Local Government Code, to the current agreed to practices authorized between the City of Houston and the Houston Police Department.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a State officer, agency, department, or institution.

SECTION-BY-SECTION ANALYSIS

SECTION 1. Amends Section 143.057 (d), Local Government Code, to provide that independent third party hearing examiners may serve under certain circumstances as a hearing examiner.

SECTION 2. Amends Section 143.1015, Local Government Code, to provide that certain continuances require at least 15 days notice to the fire fighter or police officer. Provides that certain municipal employees who are subpoenaed to appear as a fact witness in any appeal of a disciplinary decision are entitled to applicable pay for the time the employee is required to be present at the hearing.

SECTION 3. Amends Section 143.1016, Local Government Code, to provide that certain hearing examiners must be independent third party hearing examiners. Provides that subsection (d) applies only if the parties have not established a selection procedure in an agreement pursuant to Subchapter J. Provides for the use of hearing examiners under certain circumstances. Provides that the selection of a new hearing examiner may follow a procedure established in an agreement pursuant to Subchapter J. Clarifies that during certain appeals, certain parties shall be entitled to the selection of a hearing examiner pursuant to either Subsection (d) or a procedure established in an agreement pursuant to Subchapter J. Provides that a hearing examiner shall make a reasonable effort to render a decision within 30 days after the date the hearing ends or 30 days after legal briefs are filed. Clarifies that during certain appeals, certain parties shall be entitled to the selection of a hearing examiner pursuant to either Subsection (d) or a procedure established in an agreement pursuant to Subchapter J. Clarifies that in certain motions to consolidate, a hearing examiner shall be chosen pursuant to either Subsection (d) or a procedure established in an agreement pursuant to Subchapter J. Clarifies that the hearing examiner chosen to hear a motion to consolidate shall not hear the case and the provisions of Subsection (d) or a procedure established in an agreement pursuant to Subchapter J shall be used to select a hearing examiner. Makes conforming changes.

SECTION 4. Provides that this Act this Act to Sections 143.057(d), 143.1015, and 143.1016, Local Government Code, apply only to an appeal initiated by a firefighter or police officer on or after the effective date of this Act.

SECTION 5. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute restores the current language of 143.1014, Local Government Code, by removing the requirement that the notice under this section be written.

The substitute restores the current language of 143.1015(a), Local Government Code, by removing the requirement that a written notice of an appeal is required under this section.

The substitute clarifies that during certain appeals, certain parties shall be entitled to the selection of a new hearing examiner pursuant to either Subsection (d) or a procedure established in an agreement pursuant to Subchapter J.

The substitute restores the current language of 143.1016(i), Local Government Code, requiring the costs of a witness to be paid by the party who calls the witness.

The substitute clarifies that during certain appeals, certain parties shall be entitled to the selection of a hearing examiner pursuant to either Subsection (d) or a procedure established in an agreement pursuant to Subchapter J.

The substitute clarifies that in certain motions to consolidate, a hearing examiner shall be chosen pursuant to either Subsection (d) or a procedure established in an agreement pursuant to Subchapter J.

The substitute clarifies that the hearing examiner chosen to hear a motion to consolidate shall not hear the case and the provisions of Subsection (d) or a procedure established in an agreement pursuant to Subchapter J shall be used to select a hearing examiner.

The substitute restores the current language of 143.361(b), Local Government Code.