

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Woolley

H.B. No. 3352

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to municipal civil service for firefighters and police  
3 officers in certain municipalities.

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

5 SECTION 1. Section 143.057(d), Local Government Code, is  
6 amended to read as follows:

7 (d) If the appealing fire fighter or police officer chooses  
8 to appeal to a hearing examiner, the fire fighter or police officer  
9 and the department head, or their designees, shall first attempt to  
10 agree on the selection of an impartial hearing examiner. If the  
11 parties do not agree on the selection of a hearing examiner on or  
12 within 10 days after the date the appeal is filed, the director  
13 shall immediately request a list of seven qualified neutral  
14 independent third party hearing examiners [~~arbitrators~~] from the  
15 American Arbitration Association or the Federal Mediation and  
16 Conciliation Service, or their successors in function. The fire  
17 fighter or police officer and the department head, or their  
18 designees, may agree on one of the seven neutral independent third  
19 party hearing examiners [~~arbitrators~~] on the list. If they do not  
20 agree within five working days after the date they received the  
21 list, each party or the party's designee shall alternate striking a  
22 name from the list and the name remaining is the hearing examiner.  
23 The parties or their designees shall agree on a date for the  
24 hearing.

1 SECTION 2. Sections 143.1015(e), (f), and (i), Local  
2 Government Code, are amended to read as follows:

3 (e) The hearing relating to the reasons for the fire  
4 fighter's or police officer's subpoena request shall be held on the  
5 date set for the original appeal hearing. If the commission  
6 overrules the subpoena request at the hearing:

7 (1) the commission may hear the fire fighter's or  
8 police officer's appeal on that date; or

9 (2) if the commission finds that justice is served by a  
10 continuance, the commission shall:

11 (A) reschedule the hearing to the commission's  
12 next regularly scheduled meeting; and

13 (B) give the fire fighter or police officer at  
14 least 15 days notice of that date.

15 (f) If the commission sustains the fire fighter's or police  
16 officer's subpoena request at the hearing, the commission shall:

17 (1) reschedule the appeal hearing date to the  
18 commission's next regularly scheduled meeting; and

19 (2) give the fire fighter or police officer at least 15  
20 days notice of that date.

21 (i) A municipal employee who is subpoenaed to appear as a  
22 fact witness in any appeal of a disciplinary decision is entitled to  
23 applicable pay for the time the employee is required to be present  
24 at the hearing. Witnesses whose testimony relates primarily to the  
25 character or reputation of the employee shall be limited by the  
26 hearing examiner or commission if the testimony is repetitious or  
27 unduly prolongs the hearing. If the hearing examiner or commission

1 limits the number of character or reputation witnesses, additional  
2 witness statements may be presented by affidavit. The character  
3 witnesses are not entitled to applicable pay for the time they are  
4 required to be present at the hearing.

5 SECTION 3. Section 143.1016, Local Government Code, is  
6 amended by amending Subsections (a), (d), (e), (h), and (k) and  
7 adding Subsection (l) to read as follows:

8 (a) In addition to the other notice requirements prescribed  
9 by this chapter, the letter of disciplinary action issued to a fire  
10 fighter or police officer must state that in an appeal of an  
11 indefinite suspension, a suspension, a promotional pass over, or a  
12 recommended demotion, the appealing fire fighter or police officer  
13 may elect to appeal to a [~~an independent third party~~] hearing  
14 examiner instead of to the commission. The hearing examiner must be  
15 an independent third party hearing examiner. The letter must also  
16 state that if the fire fighter or police officer elects to appeal to  
17 a hearing examiner, the person waives all rights to appeal to a  
18 district court except as provided by Subsection (j).

19 (d) This subsection applies only if the parties have not  
20 established a selection procedure in an agreement pursuant to  
21 Subchapter J. If the appealing fire fighter or police officer  
22 chooses to appeal to a hearing examiner, the fire fighter or police  
23 officer and the department head or their designees shall first  
24 attempt to agree on the selection of an impartial hearing examiner.  
25 If the parties do not agree on the selection of a hearing examiner  
26 on or within 10 days after the date the appeal is filed and no motion  
27 to consolidate is filed under Subsection (l) [~~(k) of this section~~],

1 the director shall on the next work day following notice that the  
2 parties have failed to agree on a selection of a hearing examiner  
3 request a list of seven qualified neutral hearing examiners  
4 [~~arbitrators~~] from the American Arbitration Association or the  
5 Federal Mediation and Conciliation Service or their successors in  
6 function. The fire fighter or police officer and the department  
7 head or their designees may agree on one of the seven neutral  
8 hearing examiners [~~arbitrators~~] on the list. If they do not agree  
9 within 25 days after the date the appeal was filed, each party or  
10 the party's designee shall on the 25th day after the appeal was  
11 filed alternate striking a name from the list and the name remaining  
12 is the hearing examiner. In the event that the 25th day falls on a  
13 Saturday, Sunday, or a legal holiday, then the parties shall strike  
14 the list the next work day. The parties or their designees shall  
15 agree on a date for the hearing that is within the time period  
16 prescribed by Subsection (e). In the event that the director does  
17 not request the list of seven qualified neutral hearing examiners  
18 [~~arbitrators~~] within the time prescribed by this subsection or the  
19 department head or his designee fails to strike the list within the  
20 time prescribed by this subsection, the fire fighter or police  
21 officer or his designee shall select the hearing examiner  
22 [~~arbitrator~~] from the list provided. In the event that the fire  
23 fighter or police officer or his designee fails to strike the list  
24 within the time prescribed by this subsection, the department head  
25 or his designee shall select the hearing examiner [~~arbitrator~~] from  
26 the list provided.

27 (e) The appeal hearing must begin within 60 days after the

1 date the appeal is filed and shall begin as soon as the hearing  
2 examiner can be scheduled. If the hearing examiner cannot begin the  
3 hearing within 45 calendar days after the date of selection, the  
4 fire fighter or police officer may, within two days after learning  
5 of that fact, call for the selection of a new hearing examiner using  
6 the procedure prescribed by Subsection (d) or a procedure  
7 established in an agreement pursuant to Subchapter J. If the appeal  
8 hearing is not begun within 60 days after the date the appeal is  
9 filed, the indefinite suspension, suspension, promotional pass  
10 over, or recommended demotion is upheld and the appeal is withdrawn  
11 if the fire fighter or police officer is not ready to proceed, and  
12 the appeal is sustained if the department head is not ready to  
13 proceed. In computing the 60-day period, a period of delay not to  
14 exceed 30 calendar days because of a continuance granted at the  
15 request of the department head or his representative or the fire  
16 fighter or police officer or his representative on good cause being  
17 shown, or because of the unavoidable unavailability of the hearing  
18 examiner on the date of the hearing, or because of the pendency of a  
19 motion to consolidate with another hearing as provided in  
20 Subsection (1) [~~(k) of this section~~] is excluded. In no event may a  
21 hearing examiner grant a continuance beyond 30 days in an  
22 indefinite suspension. A hearing examiner may grant a continuance  
23 beyond the 30-day period upon good cause being shown in a  
24 disciplinary suspension unless the fire fighter or police officer  
25 has another disciplinary action pending.

26 (h) In an appeal that does not involve an expedited hearing  
27 procedure, the hearing examiner shall make a reasonable effort to

1 render a decision on the appeal within 30 days after the date the  
2 hearing ends or the legal briefs are filed. The hearing examiner's  
3 inability to meet the time requirements imposed by this section  
4 does not affect the hearing examiner's jurisdiction, the validity  
5 of the disciplinary action, or the hearing examiner's final  
6 decision.

7 (k) In an appeal of an indefinite suspension, a suspension,  
8 a promotional pass over, or a recommended demotion, each appealing  
9 fire fighter or police officer or the appealing fire fighter's or  
10 police officer's representative shall be entitled to the selection  
11 of a hearing examiner to hear the case:

12 (1) pursuant to Subsection (d); or

13 (2) in accordance with a procedure established in an  
14 agreement pursuant to Subchapter J [~~of this section to hear the~~  
15 ~~case~~].

16 (1) The fire fighter, police officer, department head, or a  
17 representative of any of those may, within 10 days of the date they  
18 received notice of the appeal, file a motion with a copy to the  
19 opposing side to consolidate the case with that of one or more other  
20 fire fighters or police officers where the charges arise out of the  
21 same incident. The motion to consolidate may be agreed to in  
22 writing and filed with the director. If a motion to consolidate the  
23 cases is filed and not agreed to, a hearing examiner shall be chosen  
24 to hear the motion pursuant to the provisions of Subsection (d) or  
25 in accordance with a procedure established in an agreement pursuant  
26 to Subchapter J [~~of this section to hear the motion~~]. The decision  
27 of the hearing examiner shall be final and binding as to the issue

1 of consolidation. The hearing examiner chosen to hear the motion to  
2 consolidate shall not hear the case, and the provisions of  
3 Subsection (d) or of a selection procedure established in an  
4 agreement pursuant to Subchapter J [~~of this section~~] shall be used  
5 to choose the hearing examiner with the day the decision is rendered  
6 being the equivalent of the date the appeal was filed.

7 SECTION 4. The changes in law made by this Act to Sections  
8 143.057(d), 143.1015, and 143.1016, Local Government Code, apply  
9 only to an appeal initiated by a firefighter or police officer on or  
10 after the effective date of this Act. An appeal initiated before  
11 the effective date of this Act is governed by the law in effect  
12 immediately before the effective date of this Act, and the former  
13 law is continued in effect for that purpose.

14 SECTION 5. This Act takes effect September 1, 2007.

ADOPTED

MAY 18 2007

*Leta Spaw*  
Secretary of the Senate

By: *John Whitman*

H.B. No. 3352

Substitute the following for H.B. No. 3352:

By: *John Whitman*

C.S.H.B. No. 3352

A BILL TO BE ENTITLED

AN ACT

relating to municipal civil service for firefighters and police officers in certain municipalities.

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

SECTION 1. Section 143.025, Local Government Code, is amended by adding Subsection (k) to read as follows:

(k) This section does not apply to a police department located in a municipality with a population of 1.5 million or more.

SECTION 2. Section 143.057(d), Local Government Code, is amended to read as follows:

(d) If the appealing fire fighter or police officer chooses to appeal to a hearing examiner, the fire fighter or police officer and the department head, or their designees, shall first attempt to agree on the selection of an impartial hearing examiner. If the parties do not agree on the selection of a hearing examiner on or within 10 days after the date the appeal is filed, the director shall immediately request a list of seven qualified neutral independent third party hearing examiners [~~arbitrators~~] from the American Arbitration Association or the Federal Mediation and Conciliation Service, or their successors in function. The fire fighter or police officer and the department head, or their designees, may agree on one of the seven neutral independent third party hearing examiners [~~arbitrators~~] on the list. If they do not agree within five working days after the date they received the



1 list, each party or the party's designee shall alternate striking a  
2 name from the list and the name remaining is the hearing examiner.  
3 The parties or their designees shall agree on a date for the  
4 hearing.

5 SECTION 3. Sections 143.1015(e), (f), and (i), Local  
6 Government Code, are amended to read as follows:

7 (e) The hearing relating to the reasons for the fire  
8 fighter's or police officer's subpoena request shall be held on the  
9 date set for the original appeal hearing. If the commission  
10 overrules the subpoena request at the hearing:

11 (1) the commission may hear the fire fighter's or  
12 police officer's appeal on that date; or

13 (2) if the commission finds that justice is served by a  
14 continuance, the commission shall:

15 (A) reschedule the hearing to the commission's  
16 next regularly scheduled meeting; and

17 (B) give the fire fighter or police officer at  
18 least 15 days notice of that date.

19 (f) If the commission sustains the fire fighter's or police  
20 officer's subpoena request at the hearing, the commission shall:

21 (1) reschedule the appeal hearing date to the  
22 commission's next regularly scheduled meeting; and

23 (2) give the fire fighter or police officer at least 15  
24 days notice of that date.

25 (i) A municipal employee who is subpoenaed to appear as a  
26 fact witness in any appeal of a disciplinary decision is entitled to  
27 applicable pay for the time the employee is required to be present

1 at the hearing. Witnesses whose testimony relates primarily to the  
2 character or reputation of the employee shall be limited by the  
3 hearing examiner or commission if the testimony is repetitious or  
4 unduly prolongs the hearing. If the hearing examiner or commission  
5 limits the number of character or reputation witnesses, additional  
6 witness statements may be presented by affidavit. The character  
7 witnesses are not entitled to applicable pay for the time they are  
8 required to be present at the hearing.

9 SECTION 4. Section 143.1016, Local Government Code, is  
10 amended by amending Subsections (a), (d), (e), (h), and (k) and  
11 adding Subsection (l) to read as follows:

12 (a) In addition to the other notice requirements prescribed  
13 by this chapter, the letter of disciplinary action issued to a fire  
14 fighter or police officer must state that in an appeal of an  
15 indefinite suspension, a suspension, a promotional pass over, or a  
16 recommended demotion, the appealing fire fighter or police officer  
17 may elect to appeal to a [~~an independent third party~~] hearing  
18 examiner instead of to the commission. The hearing examiner must be  
19 an independent third party hearing examiner. The letter must also  
20 state that if the fire fighter or police officer elects to appeal to  
21 a hearing examiner, the person waives all rights to appeal to a  
22 district court except as provided by Subsection (j).

23 (d) This subsection applies only if the parties have not  
24 established a selection procedure in an agreement pursuant to  
25 Subchapter J. If the appealing fire fighter or police officer  
26 chooses to appeal to a hearing examiner, the fire fighter or police  
27 officer and the department head or their designees shall first

1 attempt to agree on the selection of an impartial hearing examiner.  
2 If the parties do not agree on the selection of a hearing examiner  
3 on or within 10 days after the date the appeal is filed and no motion  
4 to consolidate is filed under Subsection (1) [~~(k) of this section~~],  
5 the director shall on the next work day following notice that the  
6 parties have failed to agree on a selection of a hearing examiner  
7 request a list of seven qualified neutral hearing examiners  
8 [~~arbitrators~~] from the American Arbitration Association or the  
9 Federal Mediation and Conciliation Service or their successors in  
10 function. The fire fighter or police officer and the department  
11 head or their designees may agree on one of the seven neutral  
12 hearing examiners [~~arbitrators~~] on the list. If they do not agree  
13 within 25 days after the date the appeal was filed, each party or  
14 the party's designee shall on the 25th day after the appeal was  
15 filed alternate striking a name from the list and the name remaining  
16 is the hearing examiner. In the event that the 25th day falls on a  
17 Saturday, Sunday, or a legal holiday, then the parties shall strike  
18 the list the next work day. The parties or their designees shall  
19 agree on a date for the hearing that is within the time period  
20 prescribed by Subsection (e). In the event that the director does  
21 not request the list of seven qualified neutral hearing examiners  
22 [~~arbitrators~~] within the time prescribed by this subsection or the  
23 department head or his designee fails to strike the list within the  
24 time prescribed by this subsection, the fire fighter or police  
25 officer or his designee shall select the hearing examiner  
26 [~~arbitrator~~] from the list provided. In the event that the fire  
27 fighter or police officer or his designee fails to strike the list

1 within the time prescribed by this subsection, the department head  
2 or his designee shall select the hearing examiner [~~arbitrator~~] from  
3 the list provided.

4 (e) The appeal hearing must begin within 60 days after the  
5 date the appeal is filed and shall begin as soon as the hearing  
6 examiner can be scheduled. If the hearing examiner cannot begin the  
7 hearing within 45 calendar days after the date of selection, the  
8 fire fighter or police officer may, within two days after learning  
9 of that fact, call for the selection of a new hearing examiner using  
10 the procedure prescribed by Subsection (d) or a procedure  
11 established in an agreement pursuant to Subchapter J. If the appeal  
12 hearing is not begun within 60 days after the date the appeal is  
13 filed, the indefinite suspension, suspension, promotional pass  
14 over, or recommended demotion is upheld and the appeal is withdrawn  
15 if the fire fighter or police officer is not ready to proceed, and  
16 the appeal is sustained if the department head is not ready to  
17 proceed. In computing the 60-day period, a period of delay not to  
18 exceed 30 calendar days because of a continuance granted at the  
19 request of the department head or his representative or the fire  
20 fighter or police officer or his representative on good cause being  
21 shown, or because of the unavoidable unavailability of the hearing  
22 examiner on the date of the hearing, or because of the pendency of a  
23 motion to consolidate with another hearing as provided in  
24 Subsection (l) [~~(k) of this section~~] is excluded. In no event may a  
25 hearing examiner grant a continuance beyond 30 days in an  
26 indefinite suspension. A hearing examiner may grant a continuance  
27 beyond the 30-day period upon good cause being shown in a

1 disciplinary suspension unless the fire fighter or police officer  
2 has another disciplinary action pending.

3 (h) In an appeal that does not involve an expedited hearing  
4 procedure, the hearing examiner shall make a reasonable effort to  
5 render a decision on the appeal within 30 days after the date the  
6 hearing ends or the legal briefs are filed. The hearing examiner's  
7 inability to meet the time requirements imposed by this section  
8 does not affect the hearing examiner's jurisdiction, the validity  
9 of the disciplinary action, or the hearing examiner's final  
10 decision.

11 (k) In an appeal of an indefinite suspension, a suspension,  
12 a promotional pass over, or a recommended demotion, each appealing  
13 fire fighter or police officer or the appealing fire fighter's or  
14 police officer's representative shall be entitled to the selection  
15 of a hearing examiner to hear the case:

16 (1) pursuant to Subsection (d); or

17 (2) in accordance with a procedure established in an  
18 agreement pursuant to Subchapter J [~~of this section to hear the~~  
19 ~~case~~].

20 (1) The fire fighter, police officer, department head, or a  
21 representative of any of those may, within 10 days of the date they  
22 received notice of the appeal, file a motion with a copy to the  
23 opposing side to consolidate the case with that of one or more other  
24 fire fighters or police officers where the charges arise out of the  
25 same incident. The motion to consolidate may be agreed to in  
26 writing and filed with the director. If a motion to consolidate the  
27 cases is filed and not agreed to, a hearing examiner shall be chosen

1 to hear the motion pursuant to the provisions of Subsection (d) or  
2 in accordance with a procedure established in an agreement pursuant  
3 to Subchapter J [~~of this section to hear the motion~~]. The decision  
4 of the hearing examiner shall be final and binding as to the issue  
5 of consolidation. The hearing examiner chosen to hear the motion to  
6 consolidate shall not hear the case, and the provisions of  
7 Subsection (d) or of a selection procedure established in an  
8 agreement pursuant to Subchapter J [~~of this section~~] shall be used  
9 to choose the hearing examiner with the day the decision is rendered  
10 being the equivalent of the date the appeal was filed.

11 SECTION 5. Subchapter G, Chapter 143, Local Government  
12 Code, is amended by adding Section 143.1041 to read as follows:

13 Sec. 143.1041. ENTRANCE EXAMINATION FOR BEGINNING PEACE  
14 OFFICER POSITION IN POLICE DEPARTMENT. (a) In this section,  
15 "police officer training academy" means a police officer training  
16 academy operated or sponsored by a municipality to which this  
17 section applies.

18 (b) The commission shall provide for open, competitive, and  
19 free entrance examinations to provide eligibility lists for  
20 beginning peace officer positions in the police department. The  
21 examinations are open to each person who:

22 (1) makes a proper application;

23 (2) has been admitted to or is enrolled in a police  
24 officer training academy as an academy trainee; and

25 (3) meets the requirements prescribed by this chapter.

26 (c) The entrance examination may be administered to  
27 examinees only after the examinees are admitted to a police officer

1 training academy and before the examinees graduate from the  
2 academy.

3 (d) An eligibility list for a beginning peace officer  
4 position in the police department may be created only as a result of  
5 the examination. Except as provided by Subsection (f), the  
6 examination must be held in the presence of each examinee. The  
7 examination must be based on the examinee's general knowledge and  
8 aptitude and must inquire into the examinee's general education and  
9 mental ability. A person may not be appointed to the police  
10 department except as a result of the examination.

11 (e) An examinee may not take an examination unless at least  
12 one other examinee taking the examination is present.

13 (f) An entrance examination for beginning peace officer  
14 positions in the police department must be held at one or more  
15 locations in the municipality in which the police department is  
16 located and may be held at additional locations outside the  
17 municipality. An examination held at multiple locations must be  
18 administered on the same day and at the same time at each location  
19 at which it is given. To create one eligibility list, each member  
20 of a police officer training academy class shall take the  
21 examination at the same time and each examinee who takes that  
22 examination shall:

23 (1) take the same examination; and

24 (2) be examined in the presence of other examinees.

25 (g) An additional five points shall be added to the  
26 examination grade of an examinee who:

27 (1) served in the United States armed forces;

1           (2) received an honorable discharge from that service;  
2 and  
3           (3) made a passing grade on the examination.

4           (h) The grade to be placed on the eligibility list for each  
5 examinee shall be computed by adding an examinee's points under  
6 Subsection (g), if any, to the examinee's grade on the written  
7 examination. Each examinee's grade on the written examination is  
8 based on a maximum grade of 100 percent and is determined entirely  
9 by the correctness of the examinee's answers to the questions. The  
10 minimum passing grade on the examination is 70 percent. An examinee  
11 must pass the examination to be placed on an eligibility list.

12           SECTION 6. Section 143.105, Local Government Code, is  
13 amended to read as follows:

14           Sec. 143.105. ELIGIBILITY FOR BEGINNING POSITION IN POLICE  
15 DEPARTMENT. In addition to meeting the eligibility requirements  
16 prescribed by Section 143.023, to be certified as eligible for a  
17 beginning position with a police department, a person must[+]

18           [~~(1)~~] be at least 21 years of age at the end of the  
19 probationary period and have: [+]

20           (1) [~~(2)~~—have] served in the United States armed  
21 forces and received an honorable discharge; [~~or~~]

22           (2) [~~(3)~~—have] earned at least 60 hours' credit in any  
23 area of study at an accredited college or university; or

24           (3) been employed full-time for at least five years as  
25 a peace officer licensed by:

26           (A) the Commission on Law Enforcement Officer  
27 Standards and Education; or



1                   (B) an acceptable licensing entity in another  
2 state that has law enforcement officer licensing requirements  
3 substantially equivalent to those of Chapter 1701, Occupations  
4 Code.

5           SECTION 7. Section 143.352(2), Local Government Code, is  
6 amended to read as follows:

7                   (2) "Police employee group" means an organization:

8                   (A) in which at least three percent of the police  
9 officers of the municipality participate [~~and pay dues via~~  
10 ~~automatic payroll deduction~~]; and

11                   (B) which exists for the purpose, in whole or  
12 part, of dealing with the municipality concerning grievances, labor  
13 disputes, wages, rates of pay, benefits other than pension  
14 benefits, hours of employment, or conditions of work affecting  
15 police officers.

16           SECTION 8. Subchapter J, Chapter 143, Local Government  
17 Code, is amended by adding Section 143.355 to read as follows:

18                   Sec. 143.355. AUTOMATIC PAYROLL DEDUCTION OF POLICE  
19 EMPLOYEE GROUP DUES. A public employer that has recognized a police  
20 employee group as the sole and exclusive bargaining agent under  
21 Section 143.354 shall deduct police employee group dues via  
22 automatic payroll deduction for members of the employee group that  
23 has been recognized as the bargaining agent. Automatic payroll  
24 deduction for members of other police employee groups may be  
25 authorized by agreement between the chief executive officer of the  
26 public employer and the recognized bargaining agent.

27           SECTION 9. The changes in law made by this Act to Sections

1 143.057(d), 143.1015, and 143.1016, Local Government Code, apply  
2 only to an appeal initiated by a firefighter or police officer on or  
3 after the effective date of this Act. An appeal initiated before  
4 the effective date of this Act is governed by the law in effect  
5 immediately before the effective date of this Act, and the former  
6 law is continued in effect for that purpose.

7 SECTION 10. Section 143.1041, Local Government Code, as  
8 added by this Act, and the changes in law made by this Act to Section  
9 143.025, Local Government Code, apply only to an examination  
10 administered for a position as a beginning peace officer on or after  
11 the effective date of this Act. An examination administered before  
12 the effective date of this Act and matters dependent on the  
13 examination are governed by the law in effect at the time the  
14 examination was administered, and the prior law is continued in  
15 effect for this purpose.

16 SECTION 11. The change in law made by this Act to Section  
17 143.105, Local Government Code, applies only to a certification of  
18 eligibility for a beginning position in a police department that  
19 occurs on or after the effective date of this Act.

20 SECTION 12. This Act takes effect September 1, 2007.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 10, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB3352** by Woolley (Relating to municipal civil service for firefighters and police officers in certain municipalities. ), **Committee Report 2nd House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would make minor adjustments to Sections 144.057, 143.1015, 143.1016, 143.105, and 143.352, Local Government Code. Chapter 143, Local Government Code relates to municipal civil service for firefighters and police officers in certain municipalities.

The bill would add Section 143.1041 to the Local Government Code, to require the civil service commission in certain municipalities that have adopted Chapter 143 for police officers to provide for open, competitive, and free entrance examinations to establish an eligibility list for beginning peace officer positions in the police department. The examination may be administered only after the examinees are admitted to a police officer training academy and before the examinees graduate from the academy.

The bill would add Section 143.355 to the Local Government Code to require a public employer that has recognized a police employee group as the sole and exclusive bargaining agent under Section 143.354 to deduct police employee group dues via automatic payroll deduction for members of that employee group. The employer would also be authorized to set up automatic payroll deductions for members of other police employee groups if an agreement is made between the chief executive officer of the public employer and the recognized bargaining agent.

The bill would take effect September 1, 2007.

**Local Government Impact**

There would be no significant fiscal implications to units of local government for the sections of the Local Government Code to which minor changes would be made by provisions of the bill and for administrative costs related to making payroll deductions as would be added by Section 143.355.

If a police department already administers an entrance examination as described in the proposed Section 143.1041, there would be no fiscal impact. If the civil service commission for an applicable police department does not offer a free entrance examination for establishing an eligibility list, there would be costs for developing and administering the examination. The cost for administering the exam would depend on how many persons take the exam and how frequently the exam is offered.

**Source Agencies:**

**LBB Staff:** JOB, ES, DB



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 4, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3352** by Woolley (Relating to municipal civil service for firefighters and police officers in certain municipalities.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would make minor adjustments to Chapter 143, Local Government Code, which relates to municipal civil service for firefighters and police officers in certain municipalities. The bill would take effect September 1, 2007.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, ES, DB



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 9, 2007**

**TO:** Honorable Kevin Bailey, Chair, House Committee on Urban Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB3352** by Woolley (Relating to municipal civil service for firefighters and police officers in certain municipalities.), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would make minor adjustments to Chapter 143, Local Government Code, which relates to municipal civil service for firefighters and police officers in certain municipalities. The bill would take effect September 1, 2007.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, DB





**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 27, 2007**

**TO:** Honorable Kevin Bailey, Chair, House Committee on Urban Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3352** by Woolley (Relating to municipal civil service for firefighters and police officers in certain municipalities.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would make minor adjustments to Chapter 143, Local Government Code, which relates to municipal civil service for firefighters and police officers in certain municipalities. The bill would take effect September 1, 2007.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, DB



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**May 10, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB3352** by Woolley (Relating to municipal civil service for firefighters and police officers in certain municipalities.), **Committee Report 2nd House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff:** JOB, GG, LM



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**80TH LEGISLATIVE REGULAR SESSION**

**May 4, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3352** by Woolley (Relating to municipal civil service for firefighters and police officers in certain municipalities.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

**Source Agencies:**

**LBB Staff:** JOB, LM

