

By: Madden

H.B. No. 4168

A BILL TO BE ENTITLED

AN ACT

relating to the number of persons who may be appointed to the classification immediately below department head in a police department covered by municipal civil service.

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

SECTION 1. Section 143.014, Local Government Code, is amended by amending Subsection (c) and adding Subsections (c-1) and (c-2) to read as follows:

(c) In a police department, the total number of persons appointed to the classification immediately below that of department head may not exceed the greater of the total number of persons~~[, plus one,]~~ serving in that classification on January 1, 2009; or

(1) one person, if the municipality has fewer than 300 police officers;

(2) two persons, if the municipality has 300 to 600 police officers; or

(3) three persons, if the municipality has more than 600 police officers~~[on January 1, 1983].~~

(c-1) In a fire department in a municipality having fewer than 300 certified fire fighters, the department head may appoint not more than one person to the classification immediately below that of department head. If a municipality has 300 to 600 certified fire fighters, the department head may appoint two persons to the

1 classification. If a municipality has more than 600 certified fire
2 fighters, the department head may appoint three persons to the
3 classification.

4 (c-2) Subsections (c) and (c-1) do [~~This subsection does~~
5 not apply to a municipality that has adopted Chapter 174 [~~The Fire~~
6 ~~and Police Employee Relations Act (Article 5154c-1, Vernon's Texas~~
7 ~~Civil Statutes)~~] unless the municipality specifically adopts the
8 appointment procedure prescribed by Subsection (c) or (c-1), as
9 applicable, [~~this subsection~~] through the collective bargaining
10 process.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.