

BILL ANALYSIS

H.B. 554
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Chapter 143, Local Government Code is the Municipal Civil Service Act for fire and police in municipalities with a population of over 10,000. The Act applies to cities that have adopted it through an election. The Act establishes rules for the employment and management of police officers and fire fighters and provides certain due process rights. In most municipalities that have adopted the Act, paramedics and other emergency medical service (EMS) personnel are initially employed as fire fighters in the fire department. However, in some cities, such as Austin, EMS personnel are employed in a separate department from the fire department so they are not covered by the law.

H.B.554 would allow a local option election for the voters to adopt the same civil service system that covers police and fire fighters, for EMS employees employed in a department other than the police or fire department.

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.554 amends the Local Government Code, in provisions applicable to a municipality with a population of 460,000 or more that operates under a city manager form of government and that employs emergency medical services personnel in a municipal department other than the fire department, to authorize a municipality to hold an election to adopt or repeal the emergency medical services personnel civil service law as added by the bill's provisions. The bill requires the governing body of the municipality to order an election on the question of the adoption of the civil service law if the governing body receives a petition requesting an election that is signed by at least 10 percent of the registered voters who voted in the most recent municipal general election.

The bill requires the election to be held on the first uniform election date authorized by law that occurs after the petition is filed and that allows sufficient time to comply with other requirements of law. The bill requires the ballot to be printed to provide for voting for or against the proposition: "Adoption of the emergency medical services personnel civil service law." The bill requires the governing body of the municipality to implement the law if a majority of the votes received in the election favor adoption of the law.

H.B.554 prohibits a petition for a subsequent election under the bill's provisions from being filed for at least one year after the date of the previous election and requires the petition to contain the signatures of at least 20 percent of the registered voters who voted in the most recent municipal general election. The bill requires the election to be held at the next municipal general election that occurs after the petition is filed. The bill requires a governing body that has operated under the emergency medical services personnel civil service law for at least one year to order an election on the question of the repeal of the law if the governing body receives a petition requesting the election that is signed by at least 10 percent of the registered voters who reside in the municipality. The bill makes the civil service law void in the municipality if a majority of the votes received favor repeal of the law.

H.B.554 establishes the status of emergency medical services personnel if the emergency medical services personnel civil service law is adopted. The bill grants to each person classified as emergency medical services personnel who is employed for more than six months in the municipality at the time the law is adopted and who is entitled to civil service classification the status of a civil service employee. The bill specifies that the person is not required to take a competitive examination to remain in the position the person occupies at the time the law is adopted. The bill requires the governing body of the municipality employing emergency medical services personnel at the time the law is adopted to classify the personnel in accordance with municipal civil service law provisions governing the classification of fire fighters and police officers. The bill requires municipal civil service law provisions for fire fighters and police officers, to the extent the provisions can be made applicable, to apply to emergency medical services personnel at the time the law is adopted, including provisions relating to eligibility lists, examinations, promotions, appointments, educational incentive pay, longevity or seniority pay, certification pay, assignment pay, salary, vacation leave, and disciplinary appeals.

H.B.554 provides for the meaning of "emergency medical services personnel" by reference to the Health and Safety Code and specifies that the term applies only to an individual certified under the Emergency Health Care Act.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2011.