

BILL ANALYSIS

H.B. 3736
By: Martinez, "Mando"
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Cities elect to have their fire and police departments fall under Chapter 143 of the Local Government Code. Under Chapter 143, individuals are required to possess specific qualifications to be a Fire Chief or a Police Chief. Additionally, there are specific grievance procedures that must be followed by Chapter 143 cities.

When an unqualified City Manager appoints themselves as "department head" of their fire and/or police department, in lieu of having a Police/Fire Chief, they are intentionally circumventing Chapter 143. Plus, during the grievance process, statute requires that grievances go through the grievance committee prior to being sent to the Fire/Police Chief. If the Fire/Police Chief does not resolve the grievance, it then goes to the City Manager. If the City Manager holds both positions, this circumvents Chapter 143.

The purpose of H.B.3736 is to prevent unqualified City Managers from appointing themselves as "department head" of a Fire Department or Police Department in municipalities that fall under Chapter 143.

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

SECTION 1. Section 143.013 of the Local Government Code is amended by adding Subsection (b-1) to read as follows: (b-1) The city manager of a municipality may not be appointed as department head of a fire or police department unless the city manager satisfies the qualifications for appointment appropriate for the position provided by Subsection (b).

SECTION 2. The effective date.

EFFECTIVE DATE

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