

By: Gallegos

S.B. No. 1746

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the conditions of employment for firefighters employed  
3 by fire departments created by an interlocal agreement between two  
4 or more political subdivisions of this state; providing penalties.

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

6 SECTION 1. Subtitle C, Title 5, Local Government Code, is  
7 amended by adding Chapter 179 to read as follows:

8 CHAPTER 179. CONDITIONS OF EMPLOYMENT FOR FIREFIGHTERS OF  
9 DEPARTMENTS CREATED BY INTERLOCAL AGREEMENT

10 Sec. 179.001. DEFINITION. In this chapter, "firefighter"  
11 means a person defined as fire protection personnel under Section  
12 419.021, Government Code.

13 Sec. 179.002. APPLICABILITY. (a) This chapter applies to a  
14 fire department of and firefighters employed by a fire department  
15 created by an interlocal agreement between two or more political  
16 subdivisions of this state.

17 (b) For purposes of this chapter, a reference to a  
18 municipality or a municipal official in a provision of law made  
19 applicable by this chapter to a fire department is considered to be  
20 a reference to the department or the official of the department  
21 responsible for the performance of the duty to which the provision  
22 applies.

23 Sec. 179.003. PAYROLL DEDUCTIONS; LONGEVITY PAY;  
24 CLASSIFICATION PAY; PENALTY. (a) Sections 141.008, 141.032, and

1 141.033 apply to a firefighter employed by a fire department.

2 (b) The penalty under Section 141.035 applies to a person  
3 who is in charge of the fire department or who is responsible for  
4 setting the compensation for firefighters employed by the fire  
5 department.

6 Sec. 179.004. ASSISTANCE; BENEFITS; WORKING CONDITIONS;  
7 PENALTY. Sections 142.001, 142.0013, 142.0015, 142.0016, 142.004,  
8 142.009, and 142.010 apply to a firefighter employed by a fire  
9 department.

10 Sec. 179.005. CIVIL SERVICE. (a) A fire department is  
11 considered to have adopted Chapter 143. Chapter 143 applies to the  
12 department in the same manner as the chapter applies to a  
13 municipality with a population of less than 1.5 million that adopts  
14 that chapter. Subchapters A-F, Chapter 143, apply to the  
15 department.

16 (b) Each firefighter who has been in the service of the fire  
17 department for more than six months at the time this chapter first  
18 becomes applicable to the department and who is entitled to civil  
19 service classification:

- 20 (1) has the status of a civil service employee; and  
21 (2) is not required to take a competitive examination  
22 to remain in the position the person occupies at that time.

23 (c) The Fire Fighters' Civil Service Commission is  
24 established in each fire department. The chief officer of the  
25 department shall appoint the members of the commission not later  
26 than the 60th day after the date this chapter first becomes  
27 applicable to the department. Not later than the 30th day after the

1 date the department's first full fiscal year begins after the date  
2 this chapter first becomes applicable to the department, the  
3 governing bodies of the political subdivisions creating the  
4 department shall implement this chapter.

5 (d) The office of Director of Fire Fighters' Civil Service  
6 is established in each fire department. The Fire Fighters' Civil  
7 Service Commission shall appoint the director. The director shall  
8 serve as secretary to the commission and perform work incidental to  
9 the civil service system as required by the commission. The  
10 commission may remove the director at any time.

11 SECTION 2. (a) On the effective date of this Act, Chapter  
12 179, Local Government Code, as added by this Act, first becomes  
13 applicable to an existing fire department.

14 (b) The governing bodies of the political subdivisions  
15 creating a fire department to which Chapter 143, Local Government  
16 Code, is, without regard to the holding of an election, applicable  
17 because of the change in law made by this Act shall implement a  
18 civil service system for the department in accordance with  
19 Subchapters A-F, Chapter 143, Local Government Code, and in  
20 accordance with Chapter 179, Local Government Code, as added by  
21 this Act.

22 SECTION 3. This Act takes effect September 1, 2011.