

By: Martinez

H.B. No. 2685

A BILL TO BE ENTITLED

AN ACT

relating to conditions of employment for fire protection personnel of emergency service districts; creating criminal offenses.

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

SECTION 1. Chapter 775, Health and Safety Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. CONDITIONS OF EMPLOYMENT

Sec. 775.401. DEFINITION. In this subchapter, "fire protection personnel" has the meaning assigned by Section 419.021, Government Code.

Sec. 775.402. PROVISIONS REGARDING APPLICABILITY OF OTHER LAW. (a) In a provision of law made applicable by this subchapter to a district, a reference to a municipality, a governing body of a municipality, a municipal official, a firefighter or member of a fire department, or a fire department is considered to be a reference to the district, the board, the equivalent official of the district, fire protection personnel, or the unit of a district directly responsible for providing fire protection services, respectively.

(b) A provision of law made applicable by this subchapter to a district applies to the district regardless of any population requirement in the provision.

Sec. 775.403. ELECTION TO ADOPT OR REPEAL CONDITIONS OF EMPLOYMENT PROVISIONS. (a) Subject to Subsection (b), a district

1 shall hold an election to adopt or repeal this subchapter if the
2 board receives a petition requesting the election signed by a
3 number of registered voters of the district equal to at least 10
4 percent of the number of voters who voted in the most recent
5 election of the district.

6 (b) A district may not order an election for the repeal of
7 the adoption of this subchapter before the first anniversary of the
8 adoption of this subchapter.

9 (c) The district must hold an election under this subchapter
10 on the first authorized uniform election date prescribed by Chapter
11 41, Election Code, that allows sufficient time for compliance with
12 any requirements established by law.

13 (d) The ballot in an election to adopt this subchapter shall
14 be printed to provide for voting for or against the proposition:
15 "Adoption of the state law providing conditions of employment for
16 fire protection personnel employed by (name of district)."

17 (e) The ballot in an election to repeal this subchapter
18 shall be printed to provide for voting for or against the
19 proposition: "Repeal of the adoption of the state law providing
20 conditions of employment for fire protection personnel employed by
21 (name of district)."

22 (f) If an election for the adoption or the repeal of the
23 adoption of this subchapter is held under this subchapter, a like
24 petition for a subsequent election may not be submitted before the
25 first anniversary of the date of the preceding election.

26 Sec. 775.404. EFFECT OF ELECTION. (a) If a majority of the
27 voters voting at an election to adopt this subchapter vote in favor

1 of adoption, the district shall implement the provisions of this
2 subchapter. The district must implement the provisions not later
3 than the 30th day after the first day of the district's first fiscal
4 year that begins after the date of the election.

5 (b) If a majority of the voters voting at an election to
6 repeal this subchapter vote in favor of repeal, the subchapter no
7 longer applies to the district.

8 Sec. 775.405. PAYROLL DEDUCTIONS; SALARY; LONGEVITY PAY;
9 CLASSIFICATION PAY; PENALTY. (a) Sections 141.008, 141.031(d),
10 141.032, 141.033, and 141.034, Local Government Code, apply to fire
11 protection personnel employed by a district that adopts this
12 subchapter.

13 (b) The penalty under Section 141.035, Local Government
14 Code, applies to a person who is in charge of or who is responsible
15 for setting the compensation for all fire protection personnel
16 employed by a district.

17 Sec. 775.406. ASSISTANCE; BENEFITS; WORKING CONDITIONS;
18 PENALTY. (a) Sections 142.001(a), (d), and (e), 142.0013,
19 142.0015, 142.0016, 142.004, 142.005, 142.006, 142.008, and
20 142.009, Local Government Code, apply to fire protection personnel
21 employed by a district that adopts this subchapter.

22 (b) A provision of Section 142.0013 or 142.0015, Local
23 Government Code, does not apply if the provision is inconsistent
24 with a collective bargaining agreement that:

25 (1) was in effect on August 31, 2017; and

26 (2) was entered into in accordance with Subchapter D,
27 Chapter 174, Local Government Code.

1 SECTION 2. This Act takes effect September 1, 2017.