

## **BILL ANALYSIS**

H.B. 3980  
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Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law allows firefighters who are members of a law enforcement association in certain municipalities to donate one hour of accumulated vacation or compensatory leave time to a business leave time account. Time in that account may be used, with approval, by association members for purposes of supporting the organization, such as traveling to Austin to lobby on relevant issues. However, this law has been interpreted as requiring unanimous consent in an association before time can be donated to such an account; in large associations, a single member can prevent this option from being utilized. H.B. 3980 seeks to remedy this issue by allowing a law enforcement association to authorize donations to a business leave time account by an affirmative vote of the majority of the association's membership.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 3980 amends the Local Government Code to establish the following as methods by which donations to the business leave time account of an applicable firefighter employee organization by its members may be authorized:

- if the majority of the organization's membership has not affirmatively voted to require member contributions to its business leave time account:
  - a firefighter must authorize the donation in writing on a form provided by the employee organization and approved by the municipality; and
  - after receiving the requisite authorization, the municipality must transfer donated time to the account monthly until the municipality receives the firefighter's written revocation of the authorization; or
- if the majority of the organization's membership has affirmatively voted to require member contributions to the account:
  - beginning in a specified time period, the municipality must transfer monthly donated time to the account from the accumulated vacation or compensatory time of each firefighter in the amount approved by vote of the organization, not to exceed one hour of such time for each calendar quarter.

The bill provides for a firefighter who is a member of an organization that has affirmatively voted to require member contributions to the account to choose to not donate time to the account for a specified 12-month period. The bill requires the organization to make up for the costs which incurred during the business leave by payment to the municipality in the amount equal to

the overtime, pension and health care costs associated with replacing the firefighter on business leave. The bill's provisions apply only to firefighters employed by a municipality with a population of one million or more that has not adopted The Fire and Police Employee Relations Act and to which firefighters' and police officers' civil service law does not apply.

H.B. 3980 repeals Section 142.014(h), Local Government Code, which caps at 4,000 hours the amount of hours an employee organization may use from its business leave time account in a calendar year for business leave purposes without prior municipal approval.

**EFFECTIVE DATE**

September 1, 2023.