

By: Martinez

H.B. No. 2925

Substitute the following for H.B. No. 2925:

By: Rosenthal

C.S.H.B. No. 2925

A BILL TO BE ENTITLED

1

AN ACT

2 relating to applicability of the civil service system for municipal
3 firefighters and police officers and sheriff's departments.

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

5 SECTION 1. Section 143.002(a), Local Government Code, is
6 amended to read as follows:

7 (a) This chapter applies only to a municipality[+]

8 [~~(1)~~] that:

9 (1) [~~(A)~~] has a population of 10,000 or more; and

10 (2) [~~(B)~~] has a paid fire department or police
11 department[~~;~~ and

12 [~~(C) has voted to adopt this chapter or the law
13 codified by this chapter; or~~

14 [~~(2) whose election to adopt this chapter and whose
15 acts subsequent to that election were validated by the law enacted
16 by House Bill 822, Acts of the 73rd Legislature, Regular Session,
17 1993].~~

18 SECTION 2. Section 143.005, Local Government Code, is
19 amended to read as follows:

20 Sec. 143.005. STATUS OF EMPLOYEES WHEN [~~IF~~] CHAPTER BECOMES
21 APPLICABLE [~~ADOPTED~~]. (a) Each fire fighter or police officer
22 [~~-serving in a municipality that adopts this chapter and~~] who has
23 been in the service of a [~~the~~] municipality for more than six months
24 at the time this chapter first becomes applicable to the

1 municipality [~~is adopted~~] and who is entitled to civil service
2 classification has the status of a civil service employee and is not
3 required to take a competitive examination to remain in the
4 position the person occupies at the time this chapter first becomes
5 applicable to the municipality [~~of the adoption~~].

6 (b) An [~~In a municipality that adopts this chapter, an~~]
7 employee of the fire department whose primary duties are to provide
8 emergency medical services for the municipality is considered to be
9 a fire fighter who is a member of the fire department performing
10 fire medical emergency technology, entitled to civil service
11 protection, and covered by this chapter.

12 SECTION 3. Section 143.006(a), Local Government Code, is
13 amended to read as follows:

14 (a) The [~~On adoption of this chapter, the~~] Fire Fighters'
15 and Police Officers' Civil Service Commission is established in
16 each [~~the~~] municipality subject to this chapter. The chief
17 executive of the municipality shall appoint the members of the
18 commission within 60 days after the date this chapter first becomes
19 applicable to the municipality [~~is adopted~~]. Within 30 days after
20 the date the municipality's first full fiscal year begins after the
21 date this chapter first becomes applicable to the municipality [~~of~~
22 ~~the adoption election~~], the governing body of the municipality
23 shall implement this chapter.

24 SECTION 4. Section 143.012(a), Local Government Code, is
25 amended to read as follows:

26 (a) The [~~On adoption of this chapter, the~~] office of
27 Director of Fire Fighters' and Police Officers' Civil Service is

1 established in each ~~[the]~~ municipality subject to this chapter.
2 The commission shall appoint the director. The director shall
3 serve as secretary to the commission and perform work incidental to
4 the civil service system as required by the commission. The
5 commission may remove the director at any time.

6 SECTION 5. Section 158.032, Local Government Code, is
7 amended to read as follows:

8 Sec. 158.032. APPLICABILITY OF SUBCHAPTER ~~[ELIGIBLE~~
9 ~~DEPARTMENTS]~~. A sheriff's department in a county with a population
10 of more than 250,000 shall adopt ~~[500,000 may, in accordance with~~
11 ~~this subchapter, create]~~ a civil service system.

12 SECTION 6. Section 158.034(a), Local Government Code, is
13 amended to read as follows:

14 (a) In a county with a population of less than 2.8 million,
15 on the date this subchapter first becomes applicable to the
16 department ~~[if a majority of the employees voting at the election~~
17 ~~approve the creation of a sheriff's department civil service~~
18 ~~system]~~, the sheriff, commissioners court, and district attorney
19 shall each appoint one person to serve as a member of the civil
20 service commission that administers the system. In a county with a
21 population of 2.8 million or more, on the date this subchapter first
22 becomes applicable to the department ~~[if a majority of the~~
23 ~~employees voting at the election approve the creation of a~~
24 ~~sheriff's department civil service system]~~, the sheriff,
25 commissioners court, and district attorney shall each appoint two
26 persons to serve as members of the civil service commission that
27 administers the system, and the three appointing authorities shall

1 appoint one member by joint action requiring the affirmative vote
2 of each of the authorities.

3 SECTION 7. The following provisions of the Local Government
4 Code are repealed:

- 5 (1) Section 143.002(c);
- 6 (2) Section 143.004;
- 7 (3) Section 158.033; and
- 8 (4) Section 158.039.

9 SECTION 8. (a) On the effective date of this Act, Chapters
10 143 and 158, Local Government Code, as amended by this Act, first
11 become applicable for purposes of the changes in law made by this
12 Act to a municipality that is subject to Chapter 143, Local
13 Government Code, as amended by this Act, and a county that is
14 subject to Chapter 158, Local Government Code, as amended by this
15 Act, but that was not operating under the applicable chapter
16 immediately before that date.

17 (b) A municipality to which Chapter 143, Local Government
18 Code, as amended by this Act, or a county to which Chapter 158,
19 Local Government Code, as amended by this Act, is applicable,
20 without regard to the holding of an election, because of the change
21 in law made by this Act shall implement a civil service system in
22 the municipality or county in accordance with Chapter 143 or 158,
23 Local Government Code, as amended by this Act, as applicable.

24 SECTION 9. This Act takes effect September 1, 2023.