

1-1 By: Madla S.B. No. 1433
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 26, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 26, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1433 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the conditions of employment for firefighters employed
1-11 by certain districts and entities; providing penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle C, Title 5, Local Government Code, is
1-14 amended by adding Chapter 179 to read as follows:

1-15 CHAPTER 179. CONDITIONS OF EMPLOYMENT FOR FIREFIGHTERS OF CERTAIN
1-16 DISTRICTS AND ENTITIES

1-17 Sec. 179.001. APPLICABILITY. (a) This chapter applies to
1-18 a fire department of and firefighters employed by:

1-19 (1) an emergency services district created under
1-20 Chapter 775, Health and Safety Code, with a population of 30,000 or
1-21 more; and

1-22 (2) an entity created by an interlocal agreement
1-23 between two or more political subdivisions of this state.

1-24 (b) For purposes of this section, a reference to a
1-25 municipality or a municipal official in a provision of law made
1-26 applicable by this chapter to a district or entity described by
1-27 Subsection (a) is considered to be a reference to the district or
1-28 entity or the official of the district or entity responsible for the
1-29 performance of the duty to which the provision applies.

1-30 (c) If this chapter applies to the fire department of and
1-31 firefighters employed by an emergency services district and the
1-32 population of the district decreases to less than 30,000, the
1-33 applicability of this chapter in relation to the district is not
1-34 affected.

1-35 Sec. 179.002. DEFINITIONS. In this chapter:

1-36 (1) "Emergency services employer" means an emergency
1-37 services district created under Chapter 775, Health and Safety
1-38 Code, or an entity created by an interlocal agreement between two or
1-39 more political subdivisions of this state.

1-40 (2) "Firefighter" means a person defined as fire
1-41 protection personnel under Section 419.021, Government Code.

1-42 Sec. 179.003. PAYROLL DEDUCTIONS; LONGEVITY PAY;
1-43 CLASSIFICATION PAY; PENALTY. (a) Sections 141.008, 141.032,
1-44 141.033, and 141.034 apply to a firefighter employed by an
1-45 emergency services employer.

1-46 (b) The penalty under Section 141.035 applies to a person
1-47 who is in charge of the fire department of an emergency services
1-48 employer or who is responsible for setting the compensation for
1-49 firefighters employed by an emergency services employer in
1-50 accordance with this section.

1-51 Sec. 179.004. ASSISTANCE; BENEFITS; WORKING CONDITIONS;
1-52 PENALTY. Sections 142.001, 142.0013, 142.0015, 142.0016, 142.004,
1-53 142.005, 142.006, 142.008, and 142.009 apply to a firefighter
1-54 employed by an emergency services employer.

1-55 Sec. 179.005. CIVIL SERVICE. (a) An emergency services
1-56 employer may hold an election to adopt or repeal Subchapters A-F,
1-57 Chapter 143, as those subchapters apply to the employer's fire
1-58 department and firefighters, in the same manner as a municipality
1-59 is authorized to hold an election under Section 143.004.

1-60 (b) An election held under Subsection (a) by an emergency
1-61 services employer that is an emergency services district created
1-62 under Chapter 775, Health and Safety Code, must be held in the
1-63 territory of the district.

(c) An election held under Subsection (a) by an emergency services employer that is an entity created by an interlocal agreement between two or more political subdivisions must be held in the territory of each of the political subdivisions. An election petition submitted to the entity as required under Section 143.004 must be signed by a number of qualified voters of the political subdivisions equal to at least 10 percent of the total number of qualified voters who voted in the most recent election of each of the political subdivisions.

(d) An entity created by an interlocal agreement between two or more political subdivisions may not adopt or repeal Subchapters A-F, Chapter 143, unless a majority of the voters in each political subdivision vote in favor of the adoption or repeal of those subchapters.

(e) If a majority of the voters in the territory of an emergency services employer vote in favor of the adoption of Subchapters A-F, Chapter 143, the provisions of Subchapters A-F, Chapter 143, that are applicable to the employer's fire department and firefighters are applicable to the employer as if the employer is a municipality under that chapter, and the employer must implement those provisions accordingly.

(f) An emergency services employer may contract with a county for the county to conduct an election on behalf of the employer in accordance with this section.

SECTION 2. This Act takes effect September 1, 2005.

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