

## **BILL ANALYSIS**

C.S.H.B. 973  
By: Hernandez  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been reported that when emergency services districts were created, emergency services commissioners functioned primarily as administrators for firefighting services and compensation for their services was capped accordingly. Over time, according to informed parties, the role of an emergency services commissioner in certain districts has evolved and now encompasses multiple tasks, including the performance of emergency services. The parties believe that this increase in responsibility should be appropriately compensated. C.S.H.B. 973 seeks to provide for this increased compensation for certain emergency services commissioners.

### **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**

C.S.H.B. 973 amends the Health and Safety Code to entitle an emergency services commissioner of an emergency services district located wholly in a county with a population of more than three million to receive compensation of not more than \$150 per day for each day the commissioner actually spends performing the duties of a commissioner. The bill caps the compensation at \$7,200 per year and authorizes such a commissioner to be reimbursed for reasonable and necessary expenses incurred in performing official duties. The bill authorizes a commissioner to elect to receive, instead of such compensation, per diem compensation of \$150 for each day the commissioner actually spends performing the duties of a commissioner and caps per diem payments at \$7,200 per year. The bill prohibits a commissioner who receives per diem compensation from being reimbursed for reasonable and necessary expenses.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 973 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sections 775.038(a) and (b), Health and Safety Code, are amended to read as follows:

(a) Except as provided by Subsection (b), an emergency services commissioner is entitled to receive compensation of not more than \$150 [~~\$50~~] per day for each day the commissioner actually spends performing the duties of a commissioner. Compensation may not exceed \$7,200 [~~\$3,000~~] per year. Commissioners may be reimbursed for reasonable and necessary expenses incurred in performing official duties.

(b) Instead of compensation under Subsection (a), a commissioner may elect to receive per diem compensation of \$150 [~~\$50~~] for each day the commissioner actually spends performing the duties of a commissioner. A commissioner who receives per diem compensation may not be reimbursed for reasonable and necessary expenses. Per diem payments may not exceed \$7,200 [~~\$3,000~~] per year.

No equivalent provision. (*But see SECTION 1 above.*)

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision. (*But see SECTION 1 below.*)

SECTION 1. Subchapter C, Chapter 775, Health and Safety Code, is amended by adding Section 775.0381 to read as follows:

Sec. 775.0381. COMPENSATION IN CERTAIN POPULOUS COUNTIES. (a) This section applies only to an emergency services commissioner of a district located wholly in a county with a population of more than three million.

(b) Notwithstanding Section 775.038(a), except as provided by Subsection (c), an emergency services commissioner is entitled to receive compensation of not more than \$150 per day for each day the commissioner actually spends performing the duties of a commissioner. Compensation may not exceed \$7,200 per year. Commissioners may be reimbursed for reasonable and necessary expenses incurred in performing official duties.

(c) Notwithstanding Section 775.038(b), instead of compensation under Subsection (b), a commissioner may elect to receive per diem compensation of \$150 for each day the commissioner actually spends performing the duties of a commissioner. A commissioner who receives per diem

compensation may not be reimbursed for reasonable and necessary expenses. Per diem payments may not exceed \$7,200 per year.

SECTION 2. The changes in law made by this Act apply only to the payment of compensation and per diem compensation of an emergency services commissioner for the performance of duties on or after the effective date of this Act. The payment of compensation or per diem compensation before the effective date of this Act is governed by the law in effect when the duty is performed, and the former law is continued in effect for that purpose.

SECTION 2. Same as introduced version.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 3. Same as introduced version.