

BILL ANALYSIS

Senate Research Center

S.B. 336
By: Gallegos
Intergovernmental Relations
3-20-97
Committee Report (Amended)

DIGEST

Currently, Texas has no formalized process to facilitate change or improvements in working conditions for fire fighters with the exception of the adoption of Chapter 174, Local Government Code. The associations that represent Texas fire fighters have used a method with set procedures, which has been informally accepted by both city management and fire fighters. S.B. 336 would set forth certain conditions of employment for fire fighters in Texas.

PURPOSE

As proposed, S.B. 336 outlines provisions regarding the right of fire fighters to meet and confer.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 5C, Local Government Code, by adding Chapter 176, as follows:

CHAPTER 176. FIRE FIGHTERS RELATIONS

Sec. 176.001. SHORT TITLE: FIRE FIGHTERS RELATIONS ACT.

Sec. 176.002. POLICY. Sets forth the policy of the State of Texas regarding fire fighters' rights. Sets forth the policy of the State of Texas regarding the recognition of a fire fighters organization by a public employer.

Sec. 176.003. LOCAL CONTROL. Sets forth requirements and prohibitions regarding a public employer and fire fighters under the provisions of this chapter.

Sec. 176.004. DEFINITIONS. Defines "fire fighters association," "public employer," and "written agreement."

Sec. 176.005. RECOGNITION OF FIRE FIGHTERS ASSOCIATION. Sets forth the requirements of a fire fighters association. Sets forth the requirements in the event of a question about whether a fire fighters association is the majority representative of the covered fire fighters.

Sec. 176.006. OPEN MEETINGS REQUIRED. Requires all deliberations relating to an agreement between a fire fighters association and a public employer to be open to the public and comply with other state law.

Sec. 176.007. ENFORCEABILITY OF AGREEMENT. Sets forth the instances in which a written agreement made under this chapter is enforceable and binding on the public employer, the fire fighters association, and the public employees covered by the written agreement. Sets forth the authorizations of the state district court of the judicial district in which the municipality is located.

Sec. 176.008. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS. Sets forth provisions regarding a written agreement under this chapter that supersedes conflicting provisions. Prohibits the civil service prohibitions from being repealed or modified, with the exception of the legislature's action, although arbitrators and courts may interpret and enforce civil service prohibitions. Provides that nothing contained in this chapter shall be construed as repealing any existing benefit provided by law or ordinance concerning employees' salaries, pensions, retirement plans, hours and conditions of work, or other emoluments, although employee benefits that are provided through state law or local ordinance may be modified by mutual written agreement for periods not to exceed the term of any such written agreement. Requires this chapter to be cumulative and in addition to the benefits provided by such laws and ordinances.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends page 2, line 18, by adding to Section 176.003, Local Government Code, to add ", nor to a municipality covered by Chapter 43, Subchapter H, Local Government Code."