

## **BILL ANALYSIS**

Senate Research Center  
78R5575 KSD-F

S.B. 1026  
By: Gallegos  
State Affairs  
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As Filed

### **DIGEST AND PURPOSE**

Currently, there is not a statewide collective bargaining system whereby firefighters and police officers are entitled to organize and bargain collectively with their public employer regarding compensation, hours, and other conditions of employment. The Fire and Police Employee Relations Act was enacted in 1973. The statute was codified in 1991 as Texas Local Government Code Chapter 174. The statute provides collective bargaining rights for fire fighters and police officers employed by political subdivisions of the state, by local referendum election. As proposed, S.B. 1026 removes the election requirement and puts in place statewide collective bargaining for police and fire departments.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 174, Local Government Code, by amending Sections 174.001 and 174.023, as follows:

Sec. 174.001. New heading: SHORT TITLE; APPLICABILITY OF CHAPTER. (a)  
Authorizes this chapter to be cited as The Fire and Police Employee Relations Act.

(b) Provides that this chapter applies to a political subdivision of the state that employs fire protection personnel, as defined by Section 419.021 (Definitions), Government Code, or law enforcement personnel licensed as peace officers by the Commission on Law Enforcement Officer Standards and Education.

Sec. 174.023. Provides that fire fighters and police officers employed by a political subdivision to which this chapter applies are entitled to organize and bargain collectively with their public employer regarding compensation, hours, and other conditions of employment.

SECTION 2. Amends Section 143.014(c), Local Government Code, to provide that this subsection does not apply to a municipality to which Chapter 174 applies, rather than a municipality that has adopted The Fire and Police Employee Relations Act (Article 5154c-1, V.T.C.S.), unless the municipality specifically adopts the appointment procedure prescribed by this subsection through the collective bargaining process.

SECTION 3. Amends Section 143.301, Local Government Code, to delete language stating that this subchapter does not apply to a municipality that has adopted Chapter 174 (The Fire and Police Employee Relations Act) or to which Subchapter H applies.

SECTION 4. Amends Section 1.03, Chapter 1332, Acts of the 75th Legislature, Regular Session, 1997 (Article 6243q, V.T.C.S.), to provide that this Act applies to a paid fire and police department of a municipality with a population of 750,000 or more in which the qualified voters adopted Chapter

174, Local Government Code, at an election authorized by law.

SECTION 5. Repealer:

(1) Repealer: Subchapters H (Local Control of Fire Fighter Employment Matters in Municipalities with Population of 1.5 Million or More) and J (Local Control of Police Matters in Municipalities with Population of 1.5 Million or More), Chapter 143, Local Government Code.

(2) Repealer: Sections 143.035 (Alternate Promotional System in Police Department) and 143.3015[section not found] -143.310 (Binding Interest Arbitration), Chapter 143, Local Government Code.

(3) Repealer: Subchapter C (Adoption and Repeal of Collective Bargaining Provisions), Chapter 174, Local Government Code.

SECTION 6. Provides that an agreement that was adopted under a law repealed by Section 5 of this Act is covered by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect until the agreement expires by its own terms.

SECTION 7. Effective date: September 1, 2003.