

By: Gallegos

S.B. No. 1026

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the applicability of The Fire and Police Employee
3 Relations Act.

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

5 SECTION 1. Chapter 174, Local Government Code, is amended
6 by amending Sections 174.001 and 174.023 to read as follows:

7 Sec. 174.001. SHORT TITLE; APPLICABILITY OF CHAPTER. (a)
8 This chapter may be cited as The Fire and Police Employee Relations
9 Act.

10 (b) This chapter applies to a political subdivision of the
11 state that employs:

12 (1) fire protection personnel, as defined by Section
13 419.021, Government Code; or

14 (2) law enforcement personnel licensed as peace
15 officers by the Commission on Law Enforcement Officer Standards and
16 Education.

17 Sec. 174.023. RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY.
18 Fire fighters and police officers employed [~~On adoption of this~~
19 ~~chapter or the law codified by this chapter~~] by a political
20 subdivision to which this chapter applies [~~, fire fighters, police~~
21 ~~officers, or both~~] are entitled to organize and bargain
22 collectively with their public employer regarding compensation,
23 hours, and other conditions of employment.

24 SECTION 2. Section 143.014(c), Local Government Code, is

1 amended to read as follows:

2 (c) In a police department, the total number of persons
3 appointed to the classification immediately below that of
4 department head may not exceed the total number of persons, plus
5 one, serving in that classification on January 1, 1983. In a fire
6 department in a municipality having fewer than 300 certified fire
7 fighters, the department head may appoint not more than one person
8 to the classification immediately below that of department head.
9 If a municipality has 300 to 600 certified fire fighters, the
10 department head may appoint two persons to the classification. If a
11 municipality has more than 600 certified fire fighters, the
12 department head may appoint three persons to the classification.
13 This subsection does not apply to a municipality to which Chapter
14 174 applies [~~that has adopted The Fire and Police Employee~~
15 ~~Relations Act (Article 5154c-1, Vernon's Texas Civil Statutes)]
16 unless the municipality specifically adopts the appointment
17 procedure prescribed by this subsection through the collective
18 bargaining process.~~

19 SECTION 3. Section 143.301, Local Government Code, is
20 amended to read as follows:

21 Sec. 143.301. MUNICIPALITIES COVERED BY SUBCHAPTER. This
22 subchapter applies only to a municipality with a population of
23 460,000 or more that operates under a city manager form of
24 government. [~~This subchapter does not apply to a municipality:~~

25 [~~(1) that has adopted Chapter 174 (The Fire and Police~~
26 ~~Employee Relations Act), or~~

27 [~~(2) to which Subchapter H applies.]~~

1 SECTION 4. Section 1.03, Chapter 1332, Acts of the 75th
2 Legislature, Regular Session, 1997 (Article 6243q, Vernon's Texas
3 Civil Statutes), is amended to read as follows:

4 Sec. 1.03. APPLICABILITY. This Act applies to a paid fire
5 and police department of a municipality with a population of
6 750,000 or more in which the qualified voters [~~that has~~] adopted
7 Chapter 174, Local Government Code, at an election authorized by
8 law.

9 SECTION 5. The following laws are repealed:

10 (1) Subchapters H and J, Chapter 143, Local Government
11 Code;

12 (2) Sections 143.035 and 143.3015-143.310, Chapter
13 143, Local Government Code; and

14 (3) Subchapter C, Chapter 174, Local Government Code.

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

20 SECTION 7. This Act takes effect September 1, 2003.