

1-1 By: Bailey, et al. (Senate Sponsor - Uresti) H.B. No. 2099
1-2 (In the Senate - Received from the House May 14, 2007;
1-3 May 15, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2007, reported favorably by
1-5 the following vote: Yeas 3, Nays 0; May 18, 2007, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the right of certain municipalities to maintain local
1-10 control over wages, hours, and other terms and conditions of
1-11 employment.

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

1-13 SECTION 1. Subtitle A, Title 5, Local Government Code, is
1-14 amended by adding Chapter 147 to read as follows:

1-15 CHAPTER 147. LOCAL CONTROL OF MUNICIPAL EMPLOYMENT MATTERS IN
1-16 CERTAIN MUNICIPALITIES

1-17 Sec. 147.001. APPLICABILITY. (a) This chapter applies
1-18 only to a municipality with a population of more than one million
1-19 that:

1-20 (1) has adopted Chapter 174; and

1-21 (2) is not covered by Chapter 146.

1-22 (b) This chapter does not apply to:

1-23 (1) firefighters or police officers who are covered by
1-24 Subchapters H, I, or J of Chapter 143 or by Chapter 174;

1-25 (2) police officers employed in a municipality's
1-26 airport or parks and recreation department;

1-27 (3) employees managed by a municipally owned utility
1-28 or other separate agency, board, or political subdivision created
1-29 or controlled by a municipality; or

1-30 (4) an employee association in which employees
1-31 described by Subdivision (1), (2), or (3) participate.

1-32 (c) This chapter does not affect any provision or procedure
1-33 governing employer-employee relations at an entity described by
1-34 Subsection (b)(2) or (3).

1-35 Sec. 147.002. MEET AND CONFER PROCESS; AGREEMENTS. A
1-36 municipality may design a meet and confer process and enter into a
1-37 written agreement with an employee association recognized in
1-38 accordance with the process as the sole and exclusive bargaining
1-39 agent of an employee bargaining unit, under terms and conditions
1-40 established by the municipality in accordance with this chapter.

1-41 Sec. 147.003. GENERAL PROVISIONS. (a) A municipality that
1-42 designs a meet and confer process under this chapter may not be
1-43 denied local control over wages, salaries, rates of pay, hours of
1-44 work, other terms and conditions of employment, or other
1-45 state-mandated personnel issues covered by a meet and confer
1-46 agreement. A municipality may enter into a written agreement
1-47 governing these issues with an employee association recognized
1-48 under the municipality's meet and confer process as the sole and
1-49 exclusive bargaining agent for an employee bargaining unit that
1-50 does not advocate the illegal right to strike by municipal
1-51 employees.

1-52 (b) The municipality may establish procedures the
1-53 municipality considers necessary and proper for the implementation
1-54 of this chapter, including procedures for an election by the voters
1-55 in the municipality regarding whether the municipality may meet and
1-56 confer under this chapter.

1-57 Sec. 147.004. STRIKES PROHIBITED. (a) A municipal
1-58 employee, employee representative, or employee association may
1-59 not, either independently or jointly, declare or engage in a strike
1-60 or organized work stoppage against this state or the municipality.

1-61 (b) A municipal employee who participates in a strike
1-62 forfeits any civil service rights, reemployment rights, and other
1-63 rights, benefits, or privileges the employee may have as a result of
1-64 the employee's employment or prior employment with the

2-1 municipality.

2-2 (c) This section does not affect the right of a person to
2-3 cease work if the person is not acting in concert with others in an
2-4 organized work stoppage.

2-5 Sec. 147.005. ENFORCEABILITY OF AGREEMENT. A state
2-6 district court of a judicial district in which the municipality is
2-7 located has jurisdiction to hear and resolve a dispute under a
2-8 ratified written meet and confer agreement on the application of a
2-9 party to the agreement aggrieved by an action or omission of the
2-10 other party when the action or omission is related to a right, duty,
2-11 or obligation provided by the agreement. The court may issue proper
2-12 restraining orders, temporary and permanent injunctions, or any
2-13 other writ, order, or process, including contempt orders, that are
2-14 appropriate to enforcing the agreement.

2-15 Sec. 147.006. ELECTION TO REPEAL AGREEMENT. (a) Not later
2-16 than the 45th day after the date a written meet and confer agreement
2-17 is ratified by the governing body of the municipality and the
2-18 recognized employee association, a petition calling for the repeal
2-19 of the agreement signed by at least 10 percent of the qualified
2-20 voters residing in the municipality may be presented to the person
2-21 charged with ordering an election under Section 3.004, Election
2-22 Code.

2-23 (b) If a petition is presented under Subsection (a), the
2-24 governing body of the municipality shall:

- 2-25 (1) repeal the meet and confer agreement; or
- 2-26 (2) certify that it is not repealing the agreement and
2-27 call an election to determine whether to repeal the agreement.

2-28 (c) An election called under Subsection (b)(2) may be held
2-29 as part of the next regularly scheduled general election for the
2-30 municipality or at a special election called by the governing body
2-31 for that purpose. The ballot shall be printed to permit voting for
2-32 or against the proposition: "Repeal the meet and confer agreement
2-33 ratified on _____ (date agreement was ratified) by the _____
2-34 (name of the governing body of the municipality) and the _____ (name
2-35 of the recognized employee association) concerning wages,
2-36 salaries, rates of pay, hours of work, and other terms of
2-37 employment."

2-38 (d) If a majority of the votes cast at the election favor the
2-39 repeal of the agreement, the agreement is void.

2-40 Sec. 147.007. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.
2-41 A written meet and confer agreement ratified under this chapter
2-42 preempts, during the term of the agreement and to the extent of any
2-43 conflict, all contrary state statutes or rules adopted by this
2-44 state regarding wages, hours of work, and other conditions of
2-45 employment, other than a statute or rule regarding pensions or
2-46 pension-related matters.

2-47 SECTION 2. This Act takes effect September 1, 2007.

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