

1-1 By: Van de Putte, Uresti S.B. No. 772
1-2 (In the Senate - Filed February 20, 2007; March 6, 2007,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 16, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 16, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 772 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to conditions of employment for certain peace officers.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (b), Section 142.051, Local
1-13 Government Code, is amended to read as follows:

1-14 (b) Except as provided by Section 142.069, this [This]
1-15 subchapter does not apply to a municipality that:

- 1-16 (1) has adopted Chapter 174;
1-17 (2) is covered by Subchapter H, I, or J, Chapter 143;

1-18 or

1-19 (3) has a population of one million or more and has not
1-20 adopted Chapter 143.

1-21 SECTION 2. Subchapter B, Chapter 142, Local Government
1-22 Code, is amended by adding Section 142.069 to read as follows:

1-23 Sec. 142.069. CERTAIN PEACE OFFICERS EMPLOYED BY
1-24 MUNICIPALITY. (a) This section applies only in relation to peace
1-25 officers employed as park police or airport police in a
1-26 municipality with a population of one million or more that has
1-27 adopted Chapter 174. This section does not apply in relation to
1-28 members of the police department.

1-29 (b) In this section:

1-30 (1) "Peace officer" means a peace officer under
1-31 Article 2.12, Code of Criminal Procedure.

1-32 (2) "Peace officers association" means an employee
1-33 organization in which peace officers employed by a municipal
1-34 department other than the police department participate that exists
1-35 for the purpose, wholly or partly, of dealing with the municipality
1-36 or public employer concerning grievances, labor disputes, wages,
1-37 rates of pay, hours of work, or conditions of work affecting peace
1-38 officers.

1-39 (c) Not later than the 30th day after the date the governing
1-40 body of a municipality receives from a peace officers association a
1-41 petition signed by the majority of all peace officers employed by a
1-42 department of the municipality other than the police department,
1-43 excluding the head of the affected department, that requests
1-44 recognition of the association as the sole and exclusive bargaining
1-45 agent for all peace officers employed in that department, excluding
1-46 the head of the department, the governing body shall:

1-47 (1) grant recognition of the association as requested
1-48 in the petition and determine by majority vote that a public
1-49 employer may meet and confer with the peace officers association
1-50 under this subchapter without conducting an election by the voters
1-51 in the municipality under the procedures prescribed by Section
1-52 142.055;

1-53 (2) defer granting recognition of the association and
1-54 order an election by the voters in the municipality held under the
1-55 procedures prescribed by Section 142.055 regarding whether a public
1-56 employer may meet and confer with the peace officers association
1-57 under this subchapter; or

1-58 (3) order a certification election held under the
1-59 procedures prescribed by Section 142.054 to determine whether the
1-60 association represents a majority of the affected peace officers.

1-61 (d) If more than one department within a municipality,
1-62 excluding the police department, employs peace officers, a separate
1-63 petition must be submitted under Subsection (c) for each

department's peace officers.

(e) If the governing body of a municipality orders a certification election under Subsection (c)(3) and the peace officers association named in the petition is certified to represent a majority of the peace officers of the affected municipal department, the governing body shall, not later than the 30th day after the date the results of that election are certified:

(1) grant recognition of the association as requested in the petition for recognition and determine by majority vote that a public employer may meet and confer with the peace officers association under this subchapter without conducting an election by the voters in the municipality under the procedures prescribed by Section 142.055; or

(2) defer granting recognition of the association and order an election by the voters in the municipality held under the procedures prescribed by Section 142.055 regarding whether a public employer may meet and confer with a peace officers association under this subchapter.

(f) The ballot for an election ordered under this section and held under the procedures prescribed by Section 142.055 shall be printed to permit voting for or against the proposition: "Authorizing _____ (name of the municipality) to operate under the state law allowing a municipality to meet and confer and make agreements with the association representing _____ (description of affected municipal peace officers) as provided by state law, preserving the prohibition against strikes and organized work stoppages, and providing penalties for strikes and organized work stoppages."

(g) If a municipality recognizes a peace officers association under this section, this subchapter, including Section 142.059, applies to the municipality, the recognized peace officers association for the affected municipal department, and the affected peace officers in the same manner as it applies to a police officers association and police officers. The wording of any ballot proposition not covered by Subsection (f) shall be conformed accordingly.

SECTION 3. This Act takes effect September 1, 2007.

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