

By: Watson, Hinojosa

S.B. No. 764

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Chapter 146, Local Government Code, is amended by designating Sections 146.001, 146.002, 146.003, 146.004, 146.005, 146.006, 146.007, 146.008, 146.009, 146.010, 146.011, 146.012, 146.013, 146.014, 146.015, 146.016, and 146.017 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. MUNICIPALITY WITH POPULATION OF 1.5 MILLION OR MORE

SECTION 2. Sections 146.001 through 146.004, Local Government Code, are amended to read as follows:

Sec. 146.001. APPLICABILITY. (a) This subchapter [~~chapter~~] applies only to a municipality with a population of 1.5 million or more.

(b) This subchapter [~~chapter~~] does not apply to:

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

(2) an employee association in which those employees participate.

Sec. 146.002. DEFINITIONS. In this subchapter [~~chapter~~]:

(1) "Covered employee" means an employee of a municipality, other than a department head or a firefighter or

1 police officer who is covered by Subchapter H, I, or J of Chapter  
2 143 or by Chapter 174.

3 (2) "Employee association" means an organization in  
4 which municipal employees participate and that exists for the  
5 purpose, wholly or partly, of dealing with one or more employers,  
6 whether public or private, concerning grievances, labor disputes,  
7 wages, rates of pay, hours of employment, or conditions of work  
8 affecting public employees and whose members pay dues by means of an  
9 automatic payroll deduction.

10 (3) "Public employer" means any municipality or  
11 agency, board, commission, or political subdivision controlled by a  
12 municipality that is required to establish the wages, salaries,  
13 rates of pay, hours, working conditions, and other terms and  
14 conditions of employment of public employees. The term may  
15 include, under appropriate circumstances, a mayor, manager,  
16 administrator of a municipality, municipal governing body,  
17 director of personnel, personnel board, or one or more other  
18 officials regardless of the name by which they are designated.

19 Sec. 146.003. GENERAL PROVISIONS RELATING TO AGREEMENTS AND  
20 RECOGNITION. (a) A municipality may not be denied local control  
21 over the wages, salaries, rates of pay, hours of work, other terms  
22 and conditions of employment, or other state-mandated personnel  
23 issues. A public employer may enter into a mutual agreement  
24 governing these issues with an employee association recognized  
25 under this subchapter [~~chapter~~] as the sole and exclusive  
26 bargaining agent for all covered employees that does not advocate  
27 the illegal right to strike by municipal employees. The applicable

1 statutes, local ordinances, and civil service rules govern a term  
2 or condition of employment on which the public employer and the  
3 association do not agree.

4 (b) An agreement under this subchapter [~~chapter~~] must be  
5 written.

6 (c) This subchapter [~~chapter~~] does not require the public  
7 employer and the recognized employee association to meet and confer  
8 or reach an agreement on any issue.

9 (d) This subchapter [~~chapter~~] does not authorize an  
10 agreement regarding pension or pension-related matters governed by  
11 Chapter 88 (H.B. 1573), Acts of the 77th Legislature, Regular  
12 Session, 2001 (Article 6243h, Vernon's Texas Civil Statutes)  
13 [~~Chapter 358, Acts of the 48th Legislature, Regular Session, 1943~~  
14 ~~(Article 6243g, Vernon's Texas Civil Statutes)~~], or a successor  
15 statute.

16 Sec. 146.004. PETITION FOR RECOGNITION: ELECTION OR ACTION  
17 BY GOVERNING BODY. (a) Not later than the 30th day after the date  
18 the governing body of a municipality receives from an employee  
19 association a petition signed by the majority of all covered  
20 employees that requests recognition of the association as the sole  
21 and exclusive bargaining agent for all the covered employees, the  
22 governing body shall:

23 (1) grant recognition of the association as requested  
24 in the petition and find that a public employer may meet and confer  
25 under this subchapter [~~chapter~~] without conducting an election by  
26 the voters in the municipality under Section 146.006;

27 (2) defer granting recognition of the association and

1 order an election by the voters in the municipality under Section  
2 146.006 regarding whether a public employer may meet and confer  
3 under this subchapter [~~chapter~~]; or

4 (3) order a certification election under Section  
5 146.005 to determine whether the association represents a majority  
6 of the covered employees.

7 (b) If the governing body of a municipality orders a  
8 certification election under Subsection (a)(3) and the association  
9 named in the petition is certified to represent a majority of the  
10 covered employees, the governing body shall, not later than the  
11 30th day after the date that results of that election are certified:

12 (1) grant recognition of the association as requested  
13 in the petition for recognition and find that a public employer may  
14 meet and confer under this subchapter [~~chapter~~] without conducting  
15 an election by the voters in the municipality under Section  
16 146.006; or

17 (2) defer granting recognition of the association and  
18 order an election by the voters in the municipality under Section  
19 146.006 regarding whether a public employer may meet and confer  
20 under this subchapter [~~chapter~~].

21 SECTION 3. The heading to Section 146.006, Local Government  
22 Code, is amended to read as follows:

23 Sec. 146.006. ELECTION TO AUTHORIZE OPERATING UNDER THIS  
24 SUBCHAPTER [~~CHAPTER~~].

25 SECTION 4. Subsections (a) and (e), Section 146.006, Local  
26 Government Code, are amended to read as follows:

27 (a) The governing body of a municipality that receives a

1 petition for recognition under Section 146.004 may order an  
2 election to determine whether a public employer may meet and confer  
3 under this subchapter [~~chapter~~].

4 (e) If an election authorized under this section is held,  
5 the municipality may operate under the other provisions of this  
6 subchapter [~~chapter~~] only if a majority of the votes cast at the  
7 election favor the proposition.

8 SECTION 5. Subsection (a), Section 146.007, Local  
9 Government Code, is amended to read as follows:

10 (a) The municipal employees may modify or change the  
11 recognition of the employee association granted under this  
12 subchapter [~~chapter~~] by filing with the governing body of the  
13 municipality a petition signed by a majority of all covered  
14 employees.

15 SECTION 6. Subsection (a), Section 146.009, Local  
16 Government Code, is amended to read as follows:

17 (a) A public employer in a municipality that chooses to meet  
18 and confer under this subchapter [~~chapter~~] shall recognize an  
19 association that is recognized under Section 146.004 or 146.005 as  
20 the sole and exclusive bargaining agent for the covered employees.

21 SECTION 7. Section 146.011, Local Government Code, is  
22 amended to read as follows:

23 Sec. 146.011. PROTECTED RIGHTS OF EMPLOYEES. A meet and  
24 confer agreement ratified under this subchapter [~~chapter~~] may not  
25 interfere with the right of a member of a bargaining unit to pursue  
26 allegations of discrimination based on race, creed, color, national  
27 origin, religion, age, sex, or disability with the Texas Workforce

1 Commission civil rights division or the federal Equal Employment  
2 Opportunity Commission or to pursue affirmative action litigation.

3 SECTION 8. Subsection (a), Section 146.013, Local  
4 Government Code, is amended to read as follows:

5 (a) Deliberations relating to a meet and confer agreement or  
6 proposed agreement under this subchapter [~~chapter~~] between  
7 representatives of the public employer and representatives of the  
8 employee association recognized under this subchapter [~~chapter~~] as  
9 the sole and exclusive bargaining agent for the covered employees  
10 must be open to the public and comply with state law.

11 SECTION 9. Subsection (a), Section 146.014, Local  
12 Government Code, is amended to read as follows:

13 (a) An agreement under this subchapter [~~chapter~~] is  
14 enforceable and binding on the public employer, the recognized  
15 employee association, and the employees covered by the meet and  
16 confer agreement only if:

17 (1) the governing body of the municipality ratified  
18 the agreement by a majority vote; and

19 (2) the recognized employee association ratified the  
20 agreement by conducting a secret ballot election at which the  
21 majority of the covered employees who are members of the  
22 association favored ratifying the agreement.

23 SECTION 10. The heading to Section 146.015, Local  
24 Government Code, is amended to read as follows:

25 Sec. 146.015. ACTION OR ELECTION TO REPEAL AUTHORIZATION TO  
26 OPERATE UNDER THIS SUBCHAPTER [~~CHAPTER~~].

27 SECTION 11. Subsections (b) and (f), Section 146.015, Local

1 Government Code, are amended to read as follows:

2 (b) The governing body of a municipality that granted  
3 recognition of an employee association after conducting an election  
4 under Section 146.006 may order an election to determine whether a  
5 public employer may continue to meet and confer under this  
6 subchapter [~~chapter~~]. The governing body may not order an election  
7 under this subsection until the second anniversary of the date of  
8 the election under Section 146.006.

9 (f) If an election ordered under Subsection (b) is held, the  
10 municipality may continue to operate under this subchapter  
11 [~~chapter~~] only if a majority of the votes cast at the election favor  
12 the proposition.

13 SECTION 12. Section 146.017, Local Government Code, is  
14 amended to read as follows:

15 Sec. 146.017. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.  
16 A written meet and confer agreement ratified under this subchapter  
17 [~~chapter~~] preempts, during the term of the agreement and to the  
18 extent of any conflict, all contrary state statutes, local  
19 ordinances, executive orders, civil service provisions, or rules  
20 adopted by this state or a political subdivision or agent of this  
21 state, including a personnel board, civil service commission, or  
22 home-rule municipality, other than a statute, ordinance, executive  
23 order, civil service provision, or rule regarding pensions or  
24 pension-related matters.

25 SECTION 13. Chapter 146, Local Government Code, is amended  
26 by adding Subchapter B to read as follows:

1 SUBCHAPTER B. MUNICIPALITY WITH POPULATION OF 650,000 OR MORE THAT  
2 OPERATES UNDER CITY MANAGER FORM OF GOVERNMENT

3 Sec. 146.101. APPLICABILITY. (a) This subchapter applies  
4 only to a municipality with a population of 650,000 or more:

5 (1) that operates under a city manager form of  
6 government;

7 (2) in which all members of the municipality's  
8 governing body are elected at large; and

9 (3) that recognized associations under Subchapter I,  
10 Chapter 143, as the exclusive bargaining agents for both  
11 firefighters and police officers before September 1, 2005.

12 (b) This subchapter does not apply to:

13 (1) firefighters or police officers who are covered by  
14 Subchapter I, Chapter 143;

15 (2) emergency medical services personnel; or

16 (3) an employee association in which employees  
17 described by Subdivisions (1) and (2) participate.

18 (c) A municipality that was subject to this subchapter by  
19 application of Subsection (a) and that subsequently changes its  
20 governing body or form of government continues to be subject to this  
21 subchapter, regardless of whether the municipality continues to  
22 meet the requirements of Subdivisions (1) and (2) of that  
23 subsection.

24 Sec. 146.102. DEFINITIONS. In this subchapter:

25 (1) "Appointed employee" means any municipal employee  
26 appointed by the municipality's governing body.

27 (2) "Covered employee" means an employee of a



1 municipality, other than:

2 (A) an appointed employee;

3 (B) a city manager, an assistant city manager, or  
4 a professional executive assistant to a city manager or assistant  
5 city manager;

6 (C) an employee who holds an executive-level  
7 position;

8 (D) a cadet or trainee enrolled in a training  
9 program for police officers, firefighters, or emergency medical  
10 services personnel;

11 (E) an employee designated under Section 146.110  
12 as a bargaining agent for the municipality; and

13 (F) an employee designated as exempt from the  
14 bargaining unit by the mutual agreement of the recognized employee  
15 association and the public employer.

16 (3) "Emergency medical services personnel" has the  
17 meaning assigned by Section 142.152(2).

18 (4) "Employee association" means an organization in  
19 which municipal employees participate and that exists for the  
20 purpose, wholly or partly, of dealing with one or more employers,  
21 whether public or private, concerning grievances, labor disputes,  
22 wages, rates of pay, hours of employment, or conditions of work  
23 affecting public employees and whose members pay dues by means of an  
24 automatic payroll deduction.

25 (5) "Public employer" means any municipality or  
26 agency, board, commission, or political subdivision controlled by a  
27 municipality that is required to establish the wages, salaries,

1 rates of pay, hours, working conditions, and other terms and  
2 conditions of employment of public employees. The term may  
3 include, under appropriate circumstances, a mayor, manager,  
4 administrator of a municipality, municipal governing body,  
5 director of personnel, personnel board, or one or more other  
6 officials regardless of the name by which they are designated.

7 Sec. 146.103. GENERAL PROVISIONS RELATING TO AGREEMENTS AND  
8 RECOGNITION. (a) A municipality may not be denied local control  
9 over wages, salaries, rates of pay, hours of work, other terms and  
10 conditions of employment, or other state-mandated personnel  
11 issues. A public employer may enter into a mutual agreement  
12 governing these issues with an employee association recognized  
13 under this subchapter as the sole and exclusive bargaining agent  
14 for all covered employees that does not advocate the illegal right  
15 to strike by municipal employees. The applicable statutes, local  
16 ordinances, and civil service rules govern a term or condition of  
17 employment on which the public employer and the association do not  
18 agree.

19 (b) An agreement under this subchapter must be written.

20 (c) This subchapter does not require the public employer and  
21 the recognized employee association to meet and confer or reach an  
22 agreement on any issue.

23 (d) This subchapter does not authorize an agreement  
24 regarding pension or pension-related matters governed by statute.

25 Sec. 146.104. PETITION FOR RECOGNITION: ELECTION OR ACTION  
26 BY GOVERNING BODY. (a) Not later than the 30th day after the date  
27 the governing body of a municipality receives from an employee

1 association a petition signed by the majority of all covered  
2 employees that requests recognition of the association as the sole  
3 and exclusive bargaining agent for all the covered employees, the  
4 governing body shall:

5 (1) grant recognition of the association as requested  
6 in the petition and find that a public employer may meet and confer  
7 under this subchapter without conducting an election by the voters  
8 in the municipality under Section 146.106;

9 (2) defer granting recognition of the association and  
10 order an election by the voters in the municipality under Section  
11 146.106 regarding whether a public employer may meet and confer  
12 under this subchapter; or

13 (3) order a certification election under Section  
14 146.105 to determine whether the association represents a majority  
15 of the covered employees.

16 (b) If the governing body of a municipality orders a  
17 certification election under Subsection (a)(3) and the employee  
18 association named in the petition is certified to represent a  
19 majority of the covered employees, the governing body shall, not  
20 later than the 30th day after the date results of that election are  
21 certified:

22 (1) grant recognition of the association as requested  
23 in the petition for recognition and find that a public employer may  
24 meet and confer under this subchapter without conducting an  
25 election by the voters in the municipality under Section 146.106;  
26 or

27 (2) defer granting recognition of the association and

1 order an election by the voters in the municipality under Section  
2 146.106 regarding whether a public employer may meet and confer  
3 under this subchapter.

4 Sec. 146.105. CERTIFICATION ELECTION. (a) Except as  
5 provided by Subsection (b), a certification election ordered under  
6 Section 146.104(a)(3) to determine whether an employee association  
7 represents a majority of the covered employees shall be conducted  
8 according to procedures agreeable to the parties.

9 (b) If the parties are unable to agree on procedures for the  
10 certification election, either party may request the American  
11 Arbitration Association to conduct the election and to certify the  
12 results of the election.

13 (c) The results of an election shall be certified if the  
14 employee association receives a majority of valid votes cast in the  
15 election.

16 (d) The employee association is liable for the expenses of  
17 the certification election, except that if two or more associations  
18 seeking recognition as the sole and exclusive bargaining agent  
19 submit a petition signed by at least 30 percent of the employees  
20 eligible to sign the petition for recognition, all the associations  
21 named in any petition shall share equally the costs of the election.

22 Sec. 146.106. ELECTION TO AUTHORIZE OPERATING UNDER THIS  
23 SUBCHAPTER. (a) The governing body of a municipality that  
24 receives a petition for recognition under Section 146.104 may order  
25 an election to determine whether a public employer may meet and  
26 confer under this subchapter.

27 (b) An election ordered under this section must be held as

1 part of the next regularly scheduled general election for municipal  
2 officials that is held after the date the governing body of the  
3 municipality orders the election and that allows sufficient time to  
4 prepare the ballot in compliance with other requirements of law.

5 (c) The ballot for an election ordered under this section  
6 shall be printed to permit voting for or against the proposition:  
7 "Authorizing \_\_\_\_\_ (name of the municipality) to operate under  
8 the state law allowing a municipality to meet and confer and make  
9 agreements with the association representing municipal employees  
10 as provided by state law, preserving the prohibition against  
11 strikes and organized work stoppages, and providing penalties for  
12 strikes and organized work stoppages."

13 (d) An election called under this section must be held and  
14 the returns prepared and canvassed in conformity with the Election  
15 Code.

16 (e) If an election authorized under this section is held,  
17 the municipality may operate under the other provisions of this  
18 subchapter only if a majority of the votes cast at the election  
19 favor the proposition.

20 (f) If an election authorized under this section is held, an  
21 employee association may not submit a petition for recognition to  
22 the governing body of the municipality under Section 146.104 before  
23 the second anniversary of the date of the election.

24 Sec. 146.107. CHANGE OR MODIFICATION OF RECOGNITION.

25 (a) The municipal employees may modify or change the recognition  
26 of the employee association granted under this subchapter by filing  
27 with the governing body of the municipality a petition signed by a

1 majority of all covered employees.

2 (b) The governing body of the municipality may:

3 (1) recognize the change or modification as provided  
4 by the petition; or

5 (2) order a certification election in accordance with  
6 Section 146.105 regarding whether to do so.

7 Sec. 146.108. STRIKES PROHIBITED. (a) A municipal  
8 employee may not engage in a strike or organized work stoppage  
9 against this state or the municipality.

10 (b) A municipal employee who participates in a strike  
11 forfeits any civil service rights, reemployment rights, and other  
12 rights, benefits, or privileges the employee may have as a result of  
13 the employee's employment or prior employment with the  
14 municipality.

15 (c) This section does not affect the right of a person to  
16 cease work if the person is not acting in concert with others in an  
17 organized work stoppage.

18 Sec. 146.109. RECOGNITION OF EMPLOYEE ASSOCIATION. (a) A  
19 public employer in a municipality that chooses to meet and confer  
20 under this subchapter shall recognize an employee association that  
21 is recognized under Section 146.104 or 146.105 as the sole and  
22 exclusive bargaining agent for the covered employees.

23 (b) The public employer shall recognize the employee  
24 association until recognition of the association is withdrawn, in  
25 accordance with Section 146.107, by a majority of the municipal  
26 employees eligible to sign a petition for recognition.

27 Sec. 146.110. SELECTION OF BARGAINING AGENT; BARGAINING

1 UNIT. (a) The public employer's chief executive officer or the  
2 chief executive officer's designee shall select one or more persons  
3 to represent the public employer as its sole and exclusive  
4 bargaining agent to meet and confer on issues related to the wages,  
5 hours of employment, and other terms and conditions of employment  
6 of municipal employees.

7 (b) An employee association may designate one or more  
8 persons to negotiate or bargain on the association's behalf. An  
9 employee association may not designate as one of its bargaining  
10 agents any person employed as an attorney for the public employer.

11 (c) A municipality's bargaining unit is composed of all the  
12 covered employees.

13 Sec. 146.111. PROTECTED RIGHTS OF EMPLOYEES. A meet and  
14 confer agreement ratified under this subchapter may not interfere  
15 with the right of a member of a bargaining unit to pursue  
16 allegations of discrimination based on race, creed, color, national  
17 origin, religion, age, sex, or disability with the Texas Workforce  
18 Commission civil rights division or the federal Equal Employment  
19 Opportunity Commission or to pursue affirmative action litigation.

20 Sec. 146.112. OPEN RECORDS. (a) A proposed meet and  
21 confer agreement and a document prepared and used by the  
22 municipality, including a public employer, in connection with the  
23 proposed agreement are available to the public under Chapter 552,  
24 Government Code, only after the agreement is ready to be ratified by  
25 the governing body of the municipality.

26 (b) This section does not affect the application of  
27 Subchapter C, Chapter 552, Government Code, to a document prepared

1 and used in connection with the agreement.

2 Sec. 146.113. OPEN DELIBERATIONS. (a) Deliberations  
3 relating to a meet and confer agreement or proposed agreement under  
4 this subchapter between representatives of the public employer and  
5 representatives of the employee association recognized under this  
6 subchapter as the sole and exclusive bargaining agent for the  
7 covered employees must be open to the public and comply with state  
8 law.

9 (b) Subsection (a) may not be construed to prohibit the  
10 representatives of the public employer or the representatives of  
11 the recognized employee association from conducting private  
12 caucuses that are not open to the public during meet and confer  
13 negotiations.

14 Sec. 146.114. RATIFICATION AND ENFORCEABILITY OF  
15 AGREEMENT. (a) An agreement under this subchapter is enforceable  
16 and binding on the public employer, the recognized employee  
17 association, and the employees covered by the meet and confer  
18 agreement only if:

19 (1) the governing body of the municipality ratified  
20 the agreement by a majority vote; and

21 (2) the recognized employee association ratified the  
22 agreement by conducting a secret ballot election at which the  
23 majority of the covered employees who voted in the election and are  
24 members of the association favored ratifying the agreement.

25 (b) A meet and confer agreement ratified as described by  
26 Subsection (a) may establish a procedure by which the parties agree  
27 to resolve disputes related to a right, duty, or obligation



1 provided by the agreement, including binding arbitration on a  
2 question involving interpretation of the agreement.

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

12 Sec. 146.115. ACTION OR ELECTION TO REPEAL AUTHORIZATION TO  
13 OPERATE UNDER THIS SUBCHAPTER. (a) The governing body of a  
14 municipality that granted recognition of an employee association  
15 under Section 146.104 without conducting an election under Section  
16 146.106 may withdraw recognition of the association by providing to  
17 the association not less than 90 days' written notice that:

18 (1) the governing body is withdrawing recognition of  
19 the association; and

20 (2) any agreement between the governing body and the  
21 association will not be renewed.

22 (b) The governing body of a municipality that granted  
23 recognition of an employee association after conducting an election  
24 under Section 146.106 may order an election to determine whether a  
25 public employer may continue to meet and confer under this  
26 subchapter. The governing body may not order an election under this  
27 subsection until the second anniversary of the date of the election

1 under Section 146.106.

2 (c) An election ordered under Subsection (b) must be held as  
3 part of the next regularly scheduled general election for municipal  
4 officers that occurs after the date the governing body of the  
5 municipality orders the election and that allows sufficient time to  
6 prepare the ballot in compliance with other requirements of law.

7 (d) The ballot for an election ordered under Subsection (b)  
8 shall be printed to permit voting for or against the proposition:  
9 "Authorizing \_\_\_\_\_ (name of the municipality) to continue to  
10 operate under the state law allowing a municipality to meet and  
11 confer and make agreements with the association representing  
12 municipal employees as provided by state law, preserving the  
13 prohibition against strikes and organized work stoppages, and  
14 providing penalties for strikes and organized work stoppages."

15 (e) An election ordered under Subsection (b) must be held  
16 and the returns prepared and canvassed in conformity with the  
17 Election Code.

18 (f) If an election ordered under Subsection (b) is held, the  
19 municipality may continue to operate under this subchapter only if  
20 a majority of the votes cast at the election favor the proposition.

21 (g) If an election ordered under Subsection (b) is held, an  
22 employee association may not submit a petition for recognition to  
23 the governing body of the municipality under Section 146.104 before  
24 the second anniversary of the date of the election.

25 Sec. 146.116. ELECTION TO REPEAL AGREEMENT. (a) Not later  
26 than the 45th day after the date a meet and confer agreement is  
27 ratified by the governing body of the municipality and the

1 recognized employee association, a petition calling for the repeal  
2 of the agreement signed by at least 10 percent of the qualified  
3 voters residing in the municipality may be presented to the person  
4 charged with ordering an election under Section 3.004, Election  
5 Code.

6 (b) If a petition is presented under Subsection (a), the  
7 governing body of the municipality shall:

8 (1) repeal the meet and confer agreement; or

9 (2) certify that it is not repealing the agreement and  
10 call an election to determine whether to repeal the agreement.

11 (c) An election called under Subsection (b)(2) may be held  
12 as part of the next regularly scheduled general election for the  
13 municipality or at a special election called by the governing body  
14 for that purpose. The ballot shall be printed to permit voting for  
15 or against the proposition: "Repeal the meet and confer agreement  
16 ratified on \_\_\_\_\_ (date agreement was ratified) by the \_\_\_\_\_  
17 (name of the governing body of the municipality) and the \_\_\_\_\_ (name  
18 of the recognized municipal employee association) concerning  
19 wages, salaries, rates of pay, hours of work, and other terms of  
20 employment."

21 (d) If a majority of the votes cast at the election favor the  
22 repeal of the agreement, the agreement is void.

23 Sec. 146.117. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.  
24 A written meet and confer agreement ratified under this subchapter  
25 preempts, during the term of the agreement and to the extent of any  
26 conflict, all contrary state statutes, local ordinances, executive  
27 orders, civil service provisions, or rules adopted by this state or

1 a political subdivision or agent of this state, including a  
2 personnel board, civil service commission, or home-rule  
3 municipality, other than a statute, ordinance, executive order,  
4 civil service provision, or rule regarding pensions or  
5 pension-related matters.

6 Sec. 146.118. ARBITRATION. The governing body of a  
7 municipality may submit to interest arbitration any issues that  
8 were the subject of negotiation between the municipality and the  
9 employee association. An award or decision by an arbitrator is not  
10 binding on the municipality until it is adopted by the  
11 municipality's governing body.

12 SECTION 14. This Act takes effect September 1, 2009.