

By: Gallegos

S.B. No. 1894

A BILL TO BE ENTITLED

AN ACT

relating to The Fire Fighter Labor Relations Act.

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

SECTION 1. Subtitle C, Title 5, Local Government Code, is amended by adding Chapter 179 to read as follows:

CHAPTER 179. THE FIRE FIGHTER LABOR RELATIONS ACT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 179.001. SHORT TITLE. This chapter may be cited as The Fire Fighter Labor Relations Act.

Sec. 179.002. POLICY. (a) The policy of this state is that a political subdivision shall provide its fire fighters with wages and working conditions that are substantially the same as wages and working conditions prevailing in comparable private sector employment.

(b) The policy of this state is that fire fighters, like employees in the private sector, should have the right to organize for collective bargaining, as collective bargaining is a fair and practical method for determining wages and other working conditions. Denying fire fighters the right to organize and bargain collectively would lead to strife and unrest, consequently injuring the health, safety, and welfare of the public.

(c) The health, safety, and welfare of the public demands that strikes, lockouts, and work stoppages and slowdowns of fire fighters be prohibited, and therefore it is the state's duty to make

1 available reasonable alternatives to strikes by fire fighters.

2 (d) Because of the essential and emergency nature of the
3 public service performed by fire fighters, a reasonable alternative
4 to strikes is a system of arbitration conducted under adequate
5 legislative standards.

6 (e) With the right to strike prohibited, to maintain the
7 high morale of fire fighters and the efficient operation of the
8 departments in which they serve, alternative procedures must be
9 expeditious, effective, and binding.

10 (f) The general purpose of this chapter is to provide for
11 the execution of the policies of the federal Labor Management
12 Relations Act, 1947 (29 U.S.C. Section 141 et seq.). Mandatory
13 subjects of bargaining under this chapter are the same as mandatory
14 subjects of bargaining under that act, and the duty to bargain,
15 including the duty to engage in midterm bargaining, is co-extensive
16 with that of private employers under that act.

17 Sec. 179.003. DEFINITIONS. In this chapter:

18 (1) "Association" means any type of organization,
19 including an agency or employee representation committee or plan,
20 in which fire fighters participate and that exists, wholly or
21 partly, to deal with one or more public or private employers
22 concerning grievances, labor disputes, or conditions of employment
23 affecting fire fighters.

24 (2) "Bargaining agent" means an association
25 recognized by the public employer as provided by Sections 179.101
26 and 179.102 as the sole and exclusive bargaining agent for the fire
27 fighters of a fire department.

1 (3) "Fire fighter" means an employee of a fire
2 department whose position requires substantial knowledge of fire
3 fighting and who has met the requirements for certification by the
4 Texas Commission on Fire Protection under Chapter 419, Government
5 Code. The term:

6 (A) includes an employee who performs:

- 7 (i) fire suppression;
- 8 (ii) fire prevention;
- 9 (iii) fire training;
- 10 (iv) fire safety education;
- 11 (v) fire maintenance;
- 12 (vi) fire communications;
- 13 (vii) fire medical emergency technology;
- 14 (viii) fire photography;
- 15 (ix) fire administration; or
- 16 (x) fire arson investigation; and

17 (B) does not include:

- 18 (i) the chief of the department;
- 19 (ii) a volunteer fire fighter;
- 20 (iii) a secretary;
- 21 (iv) a clerk;
- 22 (v) a budget analyst;
- 23 (vi) a custodial employee; or
- 24 (vii) a clerical employee.

25 (4) "Political subdivision" includes a municipality,
26 county, municipal utility district, emergency services district,
27 airport district, navigation district, water district, or any other

1 division of this state established by the legislature or by
2 interlocal agreement between two or more political subdivisions.

3 (5) "Public employer" includes a political
4 subdivision and any official or group of officials of a political
5 subdivision whose duty is to establish the compensation, hours, and
6 other conditions of employment of fire fighters, and may include
7 the mayor, city manager, town manager, town administrator,
8 municipal governing body, director of personnel, personnel board,
9 commissioners, or another official or combination of those persons.

10 (6) "State civil service provision" includes all
11 provisions in Title 5 applicable to fire fighters.

12 Sec. 179.004. LIBERAL CONSTRUCTION. This chapter shall be
13 liberally construed.

14 Sec. 179.005. PREEMPTION OF OTHER LAW. (a) Except as
15 provided by Section 179.006(a), this chapter preempts all contrary
16 statutes, legislation, ordinances, executive orders, or rules
17 adopted by the state, a political subdivision, or an agent of the
18 state or political subdivision.

19 (b) In a political subdivision that previously has adopted
20 Chapter 142 or 174 for its fire fighters, except as otherwise
21 specifically provided by this chapter, this chapter governs to the
22 extent of any conflict.

23 Sec. 179.006. EFFECT ON CIVIL SERVICE PROVISIONS. (a) A
24 state or local civil service provision prevails over a collective
25 bargaining agreement under this chapter unless the collective
26 bargaining contract specifically provides otherwise.

27 (b) Except as provided by Subsection (a), a state or local

1 civil service provision may not be repealed or modified by
2 arbitration or judicial action but may be interpreted or enforced
3 by an arbitrator or court.

4 (c) This chapter does not limit the authority of a municipal
5 fire chief under Chapter 143 except as modified by the parties
6 through collective bargaining.

7 Sec. 179.007. EFFECT ON EXISTING BENEFITS. This chapter
8 may not be construed as repealing any existing benefit provided by
9 statute or ordinance concerning fire fighters' compensation,
10 pensions, retirement plans, hours of work, conditions of
11 employment, or other emoluments. This chapter is in addition to the
12 benefits provided by existing statutes and ordinances.

13 Sec. 179.008. WAIVER OF IMMUNITY. This chapter is binding
14 and enforceable against the employing public employer, and
15 sovereign or governmental immunity from suit and liability is
16 waived only to the extent necessary to enforce this chapter against
17 that employer.

18 [Sections 179.009-179.020 reserved for expansion]

19 SUBCHAPTER B. CONDITIONS OF EMPLOYMENT AND RIGHT TO ORGANIZE

20 Sec. 179.021. PREVAILING WAGES AND WORKING CONDITIONS
21 REQUIRED. (a) A political subdivision that employs fire fighters
22 shall provide those fire fighters with no less than the prevailing
23 wages and working conditions. To meet this standard, the wages and
24 working conditions must meet or exceed each of the following
25 standards:

26 (1) be substantially equal to wages and working
27 conditions that prevail in comparable private sector employment, as

1 determined by other jobs in the labor market area that require the
2 same or similar skills, ability, and training and may be performed
3 under the same or similar conditions; and

4 (2) be substantially equal to wages and working
5 conditions in fire departments within the labor market area that
6 are located in political subdivisions of the same type and have
7 similar population, staffing, and demographics.

8 (b) The standard stated in Subsection (a)(2) does not apply
9 to a political subdivision that has previously adopted Chapter 174,
10 unless the political subdivision held a successful repeal election
11 under that chapter.

12 Sec. 179.022. CERTAIN PUBLIC EMPLOYERS CONSIDERED TO BE IN
13 COMPLIANCE. (a) A public employer that has reached an agreement
14 with a bargaining agent on wages and working conditions as provided
15 by this chapter is considered to be in compliance with the
16 requirements of Section 179.021 as to wages and working conditions
17 for the duration of the agreement.

18 (b) If an arbitration award is rendered as provided by
19 Subchapter D, the involved public employer is considered to be in
20 compliance with the requirements of Section 179.021 as to the wages
21 and working conditions provided by the award for the duration of the
22 collective bargaining period to which the award applies.

23 Sec. 179.023. RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY.
24 All fire fighters employed by a political subdivision to which this
25 chapter applies are entitled to organize and bargain collectively
26 with their public employer regarding wages and other working
27 conditions.

1 [Sections 179.024-179.100 reserved for expansion]

2 SUBCHAPTER C. COLLECTIVE BARGAINING

3 Sec. 179.101. RECOGNITION OF BARGAINING AGENT FOR FIRE
4 FIGHTERS. A public employer shall recognize an association
5 selected by a majority of the fire fighters of the fire department
6 of a political subdivision as the sole and exclusive bargaining
7 agent for the fire fighters of that department unless a majority of
8 the fire fighters withdraw the recognition.

9 Sec. 179.102. QUESTION REGARDING REPRESENTATION. (a) A
10 question of whether an association is the majority representative
11 of the employees of a department under Section 179.101 shall be
12 resolved by a fair election conducted according to procedures
13 agreed on by the parties.

14 (b) If the parties are unable to agree on election
15 procedures under Subsection (a), either party may request the
16 American Arbitration Association to conduct the election and
17 certify the results. Certification of the results of an election
18 under this section shall resolve the question regarding
19 representation. The public employer shall pay the expenses of the
20 election, except that if two or more associations seek recognition
21 as the bargaining agent, the associations shall pay the costs of the
22 election equally.

23 Sec. 179.103. DUTY TO BARGAIN COLLECTIVELY IN GOOD FAITH.

24 (a) If the fire fighters of a political subdivision are represented
25 by a bargaining agent as provided by Section 179.101, the public
26 employer and the bargaining agent shall bargain collectively.

27 (b) For purposes of this section, the duty to bargain

1 collectively means a public employer and a bargaining agent shall:

2 (1) meet at reasonable times;

3 (2) confer in good faith regarding wages and other
4 working conditions or the negotiation of an agreement or a question
5 arising under an agreement; and

6 (3) execute a written contract incorporating any
7 agreement reached.

8 (c) This section does not require a public employer or a
9 bargaining agent to:

10 (1) agree to a proposal; or

11 (2) make a concession.

12 Sec. 179.104. DESIGNATION OF NEGOTIATION TEAM; FIRST
13 BARGAINING SESSION. (a) A public employer or a bargaining agent
14 may designate one or more persons to negotiate or bargain on its
15 behalf.

16 (b) A bargaining agent desiring to negotiate a collective
17 bargaining agreement with the public employer must provide to the
18 public employer a written request for bargaining. Not later than
19 the 30th day after the date the public employer receives the written
20 bargaining request, the parties shall designate negotiation teams
21 and notify the other members on their respective teams. Not later
22 than the 45th day after the date the public employer receives the
23 written bargaining request, the parties' designated negotiation
24 teams must conduct their first bargaining session.

25 Sec. 179.105. NOTICE TO PUBLIC EMPLOYER REGARDING CERTAIN
26 ISSUES. If a bargaining agent desires to bargain under this chapter
27 concerning wages or other matters that require an appropriation of

1 money by the governing body, the bargaining agent shall serve on the
2 public employer a written notice of its request for bargaining at
3 least 120 days before the date on which the public employer's
4 current fiscal operating budget ends.

5 Sec. 179.106. OPEN DELIBERATIONS. A collective bargaining
6 meeting between the bargaining representatives or teams of the
7 public employer and bargaining agent shall be open to the public and
8 comply with state law. However, collective bargaining meetings are
9 not otherwise subject to the requirements of Chapter 551,
10 Government Code, unless those participating in the meeting
11 constitute a quorum of a governmental body, as that term is defined
12 by Section 551.001, Government Code.

13 Sec. 179.107. EFFECT OF AGREEMENT. An agreement under this
14 chapter is binding and enforceable against a public employer and a
15 bargaining agent covered by the agreement.

16 [Sections 179.108-179.150 reserved for expansion]

17 SUBCHAPTER D. MEDIATION; ARBITRATION

18 Sec. 179.151. MEDIATION. (a) A public employer and a
19 bargaining agent may use mediation to assist the parties in
20 reaching an agreement.

21 (b) The parties may select a mediator by agreement or may
22 obtain the services of a mediator provided by an appropriate state
23 or federal agency.

24 (c) A mediator may:

25 (1) hold separate or joint conferences with the
26 bargaining representatives or teams, as the mediator considers
27 expedient, to settle issues voluntarily, amicably, and

1 expeditiously; and

2 (2) except as prohibited by Subsection (d), recommend
3 or suggest to the parties any proposal or procedure that in the
4 mediator's judgment might lead to settlement.

5 (d) A mediator may not:

6 (1) make a public recommendation on any negotiation
7 issue in connection with the mediator's service; or

8 (2) make a public statement or report that evaluates
9 the relative merits of the parties' positions.

10 (e) The failure of the parties to use a mediator during
11 negotiations does not affect the right of the parties to arbitrate a
12 collective bargaining impasse.

13 Sec. 179.152. TENTATIVE AGREEMENT; FURTHER NEGOTIATION.

14 (a) If the negotiation teams for the parties reach tentative
15 agreement on all issues in dispute, the resulting collective
16 bargaining agreement shall be reduced to writing not later than the
17 14th day after the date the final agreement is reached and presented
18 to the public employer's governing body and the association's
19 membership for approval.

20 (b) The public employer's governing body shall vote to
21 approve or not approve the tentative collective bargaining
22 agreement at the first regularly scheduled meeting that occurs
23 after the date the tentative agreement is reduced to writing.

24 (c) The association's membership shall take steps in
25 accordance with the association's practice and bylaws to approve or
26 not approve the tentative collective bargaining agreement not later
27 than the 21st day after the date the tentative agreement is reduced

1 to writing.

2 (d) If either the public employer or the association fails
3 to approve the tentative agreement, the negotiation teams shall
4 meet as soon as practicable to negotiate further to reach agreement
5 on a new collective bargaining agreement. Extended negotiations
6 under this subsection may not extend beyond the 30th day after the
7 date the tentative collective bargaining agreement was rejected by
8 the public employer or association. The period of extended
9 negotiations may not be extended by agreement.

10 Sec. 179.153. IMPASSE. (a) For purposes of this
11 subchapter, a collective bargaining impasse occurs if the parties
12 do not settle each issue in dispute by the later of:

13 (1) the 60th day after the date on which the first
14 collective bargaining session occurred; or

15 (2) the end of the extended negotiation period
16 authorized under Section 179.152(d).

17 (b) The period specified in Subsection (a)(1) may be
18 extended by written agreement of the parties. Each extension must
19 be for a definite period not to exceed 30 days.

20 Sec. 179.154. REQUEST FOR ARBITRATION; AGREEMENT TO
21 ARBITRATE. (a) A public employer or a bargaining agent may request
22 the appointment of an arbitration board if:

23 (1) the parties reach a collective bargaining impasse;

24 (2) the parties made every reasonable effort to settle
25 the dispute through good faith collective bargaining; and

26 (3) the public employer or bargaining agent gives
27 written notice to the other party, specifying the issue in dispute.

1 (b) A request for arbitration must be made not later than
2 the 10th day after the date a collective bargaining impasse is
3 reached.

4 (c) A party may not request arbitration more than once in a
5 fiscal year.

6 Sec. 179.155. ARBITRATION BOARD. (a) Not later than the
7 fifth day after the date a request to arbitrate is made, each party
8 shall:

- 9 (1) select one arbitrator to represent the party; and
10 (2) immediately notify the other party in writing of
11 the name and address of the arbitrator selected.

12 (b) Not later than the 10th day after the date a request to
13 arbitrate is made, the arbitrators selected by the parties shall
14 attempt to select a third, neutral arbitrator. If the party
15 arbitrators are unable to agree on a neutral arbitrator, the party
16 requesting arbitration may request a list of seven qualified
17 neutral arbitrators from the American Arbitration Association or
18 the Federal Mediation and Conciliation Service, or their successors
19 in function. The party arbitrators may agree on one of the seven
20 arbitrators on the list to serve as the neutral arbitrator. If the
21 party arbitrators do not agree within five working days after the
22 date they receive the list, the party arbitrators shall alternately
23 strike names from the list. The party that requested arbitration
24 must make the first strike. The name remaining on the list
25 following the parties' strikes shall serve as the neutral
26 arbitrator.

27 (c) The arbitrator selected under Subsection (b) shall

1 serve as the presiding arbitrator and shall preside over the
2 three-member arbitration board.

3 Sec. 179.156. ARBITRATION HEARING. (a) A presiding
4 arbitrator shall:

5 (1) after conferring with the party arbitrators, call
6 a hearing to be held not later than the 10th day after the date on
7 which the presiding arbitrator is appointed; and

8 (2) notify the other arbitrators, the public employer,
9 and the association in writing of the time and place of the hearing,
10 not later than the eighth day before the date of the hearing.

11 (b) An arbitration hearing shall end not later than the 20th
12 day after the date the hearing begins.

13 (c) An arbitration hearing shall be informal.

14 Sec. 179.157. SCOPE OF ARBITRATION. (a) Not later than the
15 first day of the arbitration hearing, the parties' representatives
16 shall meet to determine:

17 (1) the issues that were raised in collective
18 bargaining regarding which there is no dispute; and

19 (2) the issues that were raised in collective
20 bargaining that remain in dispute and require a decision by the
21 arbitration board.

22 (b) Agreed contract language regarding all issues
23 identified by the parties under Subsection (a)(1) as undisputed
24 must be included in the final collective bargaining agreement
25 without need for further action by the arbitration board.

26 (c) The issues to be decided by the arbitration board are
27 limited to those matters identified by the parties under Subsection

1 (a)(2) as disputed. Neither party may identify as a disputed item
2 for decision by the arbitration board an issue that was not raised
3 during collective bargaining negotiations.

4 (d) As to all disputed issues, the arbitration board shall
5 render an award establishing wages and working conditions in
6 accordance with the requirements of Section 179.021. In settling
7 disputes between the parties relating to what constitutes
8 prevailing wages and working conditions, the board shall consider:

9 (1) hazards of employment;

10 (2) physical qualifications;

11 (3) educational qualifications;

12 (4) mental qualifications;

13 (5) job training;

14 (6) skills; and

15 (7) other factors determined by the arbitration board

16 to be relevant to the standard prescribed by Section 179.021.

17 Sec. 179.158. EVIDENCE; OATH; SUBPOENA. (a) The rules of
18 evidence applicable to judicial proceedings are not binding in an
19 arbitration hearing.

20 (b) An arbitration board may:

21 (1) receive in evidence any documentary evidence or
22 other information the board considers relevant;

23 (2) administer oaths; and

24 (3) issue subpoenas to require:

25 (A) the attendance and testimony of witnesses;

26 and

27 (B) the production of books, records, and other

1 evidence relevant to an issue presented to the board for
2 determination.

3 Sec. 179.159. ARBITRATION AWARD. (a) Not later than the
4 10th day after the date the hearing ends, an arbitration board
5 shall:

6 (1) make written findings; and

7 (2) render a written award on the disputed issues
8 presented to the board for determination under Section
9 179.157(a)(2).

10 (b) A copy of the findings and award shall be mailed or
11 delivered to the public employer and the bargaining agent.

12 (c) An increase in compensation awarded by an arbitration
13 board under this subchapter may take effect only at the beginning of
14 the next fiscal year after the date of the award.

15 (d) If a new fiscal year begins after the initiation of
16 arbitration procedures under this subchapter but before an award is
17 rendered, Subsection (c) does not apply and an increase in
18 compensation may be made retroactive to the beginning of the fiscal
19 year.

20 Sec. 179.160. EFFECT OF AWARD. (a) A majority decision of
21 an arbitration board:

22 (1) is final and binding on the parties; and

23 (2) may be enforced by either party in a district court
24 for the judicial district in which a majority of the affected
25 employees reside, or in which the political subdivision is located.

26 (b) The collective bargaining agreement resulting from the
27 arbitration award will consist of:

1 (1) agreed contract language identified in accordance
2 with Section 179.157(a)(1); and

3 (2) contract language identified for inclusion in the
4 agreement by the arbitration award.

5 Sec. 179.161. AMENDMENT OF AWARD. The parties to an
6 arbitration award may amend the award by written agreement at any
7 time.

8 Sec. 179.162. BEGINNING OF NEW FISCAL YEAR. If a new fiscal
9 year begins after the initiation of arbitration procedures under
10 this subchapter but before an award is rendered or enforced:

11 (1) the dispute is not moot;

12 (2) the jurisdiction of the arbitration board is not
13 impaired; and

14 (3) the arbitration award is not impaired.

15 Sec. 179.163. EXTENSION OF PERIOD. A period specified by
16 Section 179.155, 179.156, or 179.159 may be extended:

17 (1) by the written agreement of the parties for a
18 reasonable period; or

19 (2) by the arbitration board for good cause for one or
20 more periods that in the aggregate do not exceed 30 days.

21 Sec. 179.164. COMPENSATION OF ARBITRATORS; EXPENSES OF
22 ARBITRATION. (a) The compensation, if any, of an arbitrator
23 selected by a public employer shall be paid by the public employer.

24 (b) The compensation, if any, of an arbitrator selected by
25 the bargaining agent shall be paid by the bargaining agent.

26 (c) The public employer and the bargaining agent shall each
27 pay 50 percent of:

1 (1) the compensation of the neutral arbitrator; and
2 (2) the stenographic and other expenses of the
3 arbitration board in connection with the arbitration proceedings.

4 (d) If a party to the arbitration hearing makes a
5 stenographic or other transcription of the arbitration proceedings
6 not requested by the arbitration board, the party shall pay the cost
7 of the transcript. A transcript described by this subsection may
8 not be considered the official record of the proceedings unless
9 agreed to by both parties.

10 [Sections 179.165-179.200 reserved for expansion]

11 SUBCHAPTER E. STRIKES; LOCKOUTS

12 Sec. 179.201. DEFINITION. In this subchapter, "strike"
13 means failing to report for duty in concerted action with others,
14 wilfully being absent from one's position, stopping work,
15 abstaining from the full, faithful, and proper performance of the
16 duties of employment, or interfering with the operation of a
17 municipality in any manner, to induce, influence, or coerce a
18 change in wages or other working conditions.

19 Sec. 179.202. STRIKES, SLOWDOWNS, AND LOCKOUTS PROHIBITED.

20 (a) A fire fighter may not engage in a strike or slowdown.

21 (b) A lockout of fire fighters by the public employer is
22 prohibited.

23 Sec. 179.203. LOCKOUT BY PUBLIC EMPLOYER; INJUNCTION;
24 PENALTY. If a public employer engages in a lockout of fire
25 fighters, a court shall:

26 (1) prohibit the lockout;

27 (2) impose a fine not to exceed \$2,000 on any

1 individual violator; or

2 (3) both prohibit the lockout and impose the fine.

3 Sec. 179.204. STRIKE; PENALTY AGAINST ASSOCIATION. (a) A
4 district court for the judicial district in which a public employer
5 is located that finds a bargaining agent has called, ordered,
6 aided, or abetted a strike by fire fighters shall:

7 (1) impose a fine on the bargaining agent for each day
8 of the strike equal to 1/26 of the total of the bargaining agent's
9 annual membership dues, but not less than \$2,500 nor more than
10 \$20,000; and

11 (2) order the forfeiture of any membership dues
12 check-off for a specified period not to exceed 12 months.

13 (b) If the court finds that the public employer or its
14 representative engaged in acts of extreme provocation that detract
15 substantially from the bargaining agent's responsibility for the
16 strike, the court may reduce the amount of the fine.

17 (c) A bargaining agent that appeals a fine under this
18 section is not required to pay the fine until the appeal is finally
19 determined.

20 Sec. 179.205. STRIKE; PENALTY AGAINST INDIVIDUAL. If a
21 fire fighter engages in a strike, interferes with the political
22 subdivision, prevents the political subdivision from engaging in
23 its duty, directs any employee of the political subdivision to
24 decline to work or to stop or slow down work, causes another to fail
25 or refuse to deliver goods or services to the political
26 subdivision, pickets for any of those unlawful acts, or conspires
27 to perform any of those acts:

1 (1) the fire fighter's compensation in any form may not
2 increase in any manner until after the first anniversary of the date
3 the fire fighter resumes normal working duties; and

4 (2) the fire fighter shall be on probation for two
5 years regarding civil service status, tenure of employment, or
6 contract of employment to which the fire fighter was previously
7 entitled.

8 [Sections 179.206-179.250 reserved for expansion]

9 SUBCHAPTER F. JUDICIAL ENFORCEMENT AND REVIEW

10 Sec. 179.251. JUDICIAL ENFORCEMENT GENERALLY. A district
11 court for the judicial district in which a political subdivision is
12 located, on the application of a party aggrieved by an act or
13 omission of the other party that relates to the rights or duties
14 under this chapter, may issue a restraining order, temporary or
15 permanent injunction, contempt order, or other writ, order, or
16 process appropriate to enforce this chapter.

17 Sec. 179.252. JUDICIAL REVIEW OF ARBITRATION AWARD. (a) An
18 award of an arbitration board may be reviewed by a district court
19 for the judicial district in which the political subdivision is
20 located only on the grounds that:

21 (1) the arbitration board was without jurisdiction;

22 (2) the arbitration board exceeded its jurisdiction;

23 or

24 (3) the order was obtained by fraud, collusion, or
25 similar unlawful means.

26 (b) The pendency of a review proceeding does not
27 automatically stay enforcement of the arbitration board's order.

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect on the 91st day after the last day of the
6 legislative session.