

By: Menendez

H.B. No. 40

A BILL TO BE ENTITLED

AN ACT

relating to collective bargaining by law enforcement officers and firefighters.

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

SECTION 1. Section 174.003, Local Government Code, is amended by adding Subdivisions (1-a), (1-b), and (2-a) and amending Subdivision (3) to read as follows:

(1-a) "County jailer" has the meaning assigned by Section 1701.001, Occupations Code.

(1-b) "Detention officer" has the meaning assigned by Section 411.048, Government Code.

(2-a) "Peace officer" has the meaning assigned by Section 1701.001, Occupations Code.

(3) "Police officer" means a paid employee who is sworn, certified, and full-time, and who regularly serves in a professional law enforcement capacity for a law enforcement agency [~~in the police department~~] of a political subdivision. The term:

(A) includes a peace officer, detention officer, and county jailer; and

(B) does not include the chief of the law enforcement agency [~~department~~].

SECTION 2. Section 174.023, Local Government Code, is amended to read as follows:

Sec. 174.023. RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY.

1 (a) Fire [~~On adoption of this chapter or the law codified by this~~  
2 ~~chapter by a political subdivision to which this chapter applies,~~  
3 ~~fire~~] fighters, police officers, or both are entitled to organize  
4 and bargain collectively with their public employer regarding  
5 compensation, hours, and other conditions of employment.

6 (b) For fire fighters or police officers governed by a state  
7 statute under which an association representing fire fighters,  
8 police officers, or both may enter into a meet and confer agreement  
9 with a public employer, the association representing the fire  
10 fighters, police officers, or both, as applicable, may, on the  
11 expiration of a meet and confer agreement, elect at any time to  
12 pursue collective bargaining under this chapter, except that if the  
13 association enters into a subsequent meet and confer agreement  
14 under another statute, the statute authorizing the meet and confer  
15 agreement applies during the term of the agreement.

16 SECTION 3. Subchapter C, Chapter 174, Local Government  
17 Code, is repealed.

18 SECTION 4. (a) The implementation of the changes in law  
19 made by this Act is contingent on the passage and becoming law of  
20 the federal Public Safety Employer-Employee Cooperation Act of 2009  
21 proposed by the 111th Congress of the United States or similar  
22 legislation of the 112th Congress of the United States. If neither  
23 the federal Public Safety Employer-Employee Cooperation Act of 2009  
24 nor similar legislation of the 112th Congress passes and becomes  
25 law, Sections 1 through 3 of this Act have no effect.

26 (b) The attorney general shall monitor federal legislation  
27 for the purposes of this section and shall publish a notice in the

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1 Texas Register if the federal Public Safety Employer-Employee  
2 Cooperation Act of 2009 or similar legislation of the 112th  
3 Congress passes and becomes law.

4 SECTION 5. Subject to Section 4 of this Act, this Act takes  
5 effect September 1, 2011.