

By: Alonzo

H.B. No. 1652

A BILL TO BE ENTITLED

1 AN ACT
2 relating to collective bargaining by firefighters and police
3 officers.

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

5 SECTION 1. Section 142.0015(f), Local Government Code, is
6 amended to read as follows:

7 (f) Except as provided by Subsection (g) or (j), a police
8 officer may not be required to work:

9 (1) more than 40 hours during a calendar week in a
10 municipality that:

11 (A) has a population of more than one million;
12 and

13 (B) is not subject to Section 142.0017; [~~and~~
14 [~~(C) has not adopted Chapter 174,~~] or

15 (2) in a municipality not described by Subdivision
16 (1), more hours during a calendar week than the number of hours in
17 the normal work week of the majority of the employees of the
18 municipality other than fire fighters and police officers.

19 SECTION 2. Section 142.013(a), Local Government Code, is
20 amended to read as follows:

21 (a) This section applies only to police officers employed by
22 a municipality with a population of one million or more [~~that has~~
23 ~~not adopted Chapter 174 and~~] to which Section 143.1261 does not
24 apply.

1 SECTION 3. Section 143.0051(a), Local Government Code, as
2 added by Chapter 129 (H.B. 263), Acts of the 79th Legislature,
3 Regular Session, 2005, is amended to read as follows:

4 (a) This section applies only to a fire department employee
5 employed by a municipality with a population of 220,000 or more.
6 ~~[This section does not apply to a fire department employee employed~~
7 ~~by a municipality.]~~

8 ~~[(1) that has adopted Chapter 174; or~~

9 ~~[(2) to which Subchapter H or I applies.]~~

10 SECTION 4. Subchapter A, Chapter 174, Local Government
11 Code, is amended by adding Section 174.009 to read as follows:

12 Sec. 174.009. EFFECT OF MEET AND CONFER AGREEMENTS. An
13 agreement reached under Subchapter B or C, Chapter 142, Subchapter
14 H, I, or J, Chapter 143, or Chapter 147 before September 1, 2011,
15 remains in effect until the earlier of:

16 (1) the date the agreement expires according to its
17 terms; or

18 (2) the date an agreement under this chapter is
19 ratified by the parties and becomes effective.

20 SECTION 5. Section 174.023, Local Government Code, is
21 amended to read as follows:

22 Sec. 174.023. RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY.
23 Fire ~~[On adoption of this chapter or the law codified by this~~
24 ~~chapter by a political subdivision to which this chapter applies,~~
25 ~~fire]~~ fighters, police officers, or both are entitled to organize
26 and bargain collectively with their public employer regarding
27 compensation, hours, and other conditions of employment.

1 SECTION 6. The heading to Section 174.153, Local Government
2 Code, is amended to read as follows:

3 Sec. 174.153. REQUEST FOR ARBITRATION[~~, AGREEMENT TO~~
4 ~~ARBITRATE~~].

5 SECTION 7. Sections 174.154(a) and (b), Local Government
6 Code, are amended to read as follows:

7 (a) Not later than the fifth day after the date a request [~~an~~
8 ~~agreement~~] to arbitrate is made [~~executed~~], each party shall:

9 (1) select one arbitrator; 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 [~~an~~
13 ~~agreement~~] to arbitrate is made [~~executed~~], the arbitrators named
14 under Subsection (a) shall attempt to select a third (neutral)
15 arbitrator. If the arbitrators are unable to agree on a third
16 arbitrator, either party may request the American Arbitration
17 Association to select the third arbitrator, and the American
18 Arbitration Association may appoint the third arbitrator according
19 to its fair and regular procedures. Unless both parties consent,
20 the third arbitrator may not be the same individual who served as a
21 mediator under Section 174.151.

22 SECTION 8. The following provisions are repealed:

23 (1) Subchapters B and C, Chapter 142, Local Government
24 Code;

25 (2) Subchapters H, I, and J, Chapter 143, Local
26 Government Code;

27 (3) Chapter 147, Local Government Code;

- 1 (4) Subchapter C, Chapter 174, Local Government Code;
- 2 (5) Section 174.153(c), Local Government Code;
- 3 (6) Section 174.163, Local Government Code;
- 4 (7) Section 174.252, Local Government Code; and
- 5 (8) Section 1.05, Chapter 183 (S.B. 598), Acts of the
- 6 64th Legislature, Regular Session, 1975 (Article 6243e.1, Vernon's
- 7 Texas Civil Statutes).

8 SECTION 9. This Act takes effect September 1, 2011.