

By: Elkins

H.B. No. 1749

A BILL TO BE ENTITLED

AN ACT

relating to the organization of public employees.

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

SECTION 1. The heading to Chapter 617, Government Code, is amended to read as follows:

CHAPTER 617. COLLECTIVE BARGAINING, ~~[AND]~~ STRIKES, AND PAYROLL DEDUCTIONS

SECTION 2. Chapter 617, Government Code, is amended by adding Section 617.006 to read as follows:

Sec. 617.006. PROHIBITION ON COLLECTION OF LABOR ORGANIZATION DUES. Except as provided by Section 141.008, Local Government Code, the state or a political subdivision of the state may not deduct or withhold, or contract to deduct or withhold, from an employee's salary or wages payment of dues or membership fees to a labor organization or other similar entity, including a trade union, labor union, employees' association, or professional organization.

SECTION 3. Section 101.002(b), Labor Code, is amended to read as follows:

(b) A member of a trade union or other organization acting in any capacity, including as otherwise authorized under other law to perform an inspection of the premises, may not enter the premises of another without the consent of the owner of the premises.

SECTION 4. Section 141.008, Local Government Code, is

1 amended to read as follows:

2           Sec. 141.008. PAYROLL DEDUCTIONS FOR CERTAIN MUNICIPAL FIRE  
3 AND POLICE DEPARTMENT MEMBERS [~~IN CERTAIN MUNICIPALITIES~~]. (a)  
4 The governing body of a municipality with a population of more than  
5 10,000 may deduct from the [a municipal employee's] monthly salary  
6 or wages of a member of the municipality's fire or police department  
7 an amount requested in writing by the member [~~employee~~] in payment  
8 of the member's [~~membership~~] dues to a bona fide employees'  
9 association named by the member [~~employee~~].

10           (b) [~~(a-1)~~] The governing body shall make the payroll  
11 deduction described by Subsection (a) if requested in writing by  
12 members of the municipality's fire department [~~employees who are~~  
13 ~~fire protection personnel as defined by Section 419.021, Government~~  
14 ~~Code~~], if the municipality receives revenue from the state, and if  
15 the municipality permits deductions for purposes other than  
16 charity, health insurance, taxes, or other purposes for which the  
17 municipality is required by law to permit a deduction.

18           (c) [~~(a-2)~~] The governing body shall make the payroll  
19 deduction described by Subsection (a) if:

20                   (1) requested in writing by members of the  
21 municipality's police department [~~employees~~] who[+]

22                                   [~~(A) are peace officers as defined by Article~~  
23 ~~2.12, Code of Criminal Procedure, and~~

24                                   [~~(B)~~] are not members of a police department  
25 covered by a collective bargaining agreement or meet-and-confer  
26 agreement entered into under this code; and

27                   (2) the municipality permits deductions for purposes

1 other than charity, health insurance, taxes, or other purposes for  
2 which the municipality is required by law to permit a deduction.

3 (d) [~~(b)~~] Participation in the payroll deduction program by  
4 a municipal fire or police department member [~~municipal employee~~]  
5 who is on active full-time duty is voluntary.

6 (e) A [~~(c)~~ ~~An employee's~~] written request under Subsection  
7 (b) or (c) must:

8 (1) be set out in a form prescribed and provided by the  
9 municipal treasurer or comptroller;

10 (2) state the amount to be deducted each month; and

11 (3) direct the municipal treasurer or comptroller to  
12 transfer the deducted funds to the designated employees'  
13 association.

14 (f) [~~(d)~~] The amount deducted each month may not exceed the  
15 amount stated in the written request. However, the governing body  
16 of a municipality having a program under this section may impose and  
17 collect an administrative fee from each participating fire or  
18 police department member [~~employee~~] in addition to the membership  
19 dues that are withheld. The fee must be a reasonable amount to  
20 reimburse the municipality for the administrative costs of  
21 collecting, accounting for, and disbursing the membership dues.

22 (g) [~~(e)~~] A request under this section remains in effect  
23 until the municipal treasurer or comptroller receives a written  
24 notice of revocation in a form prescribed and provided by the  
25 treasurer or comptroller and filed by the fire or police department  
26 member [~~employee~~].

27 SECTION 5. Section [146.002\(2\)](#), Local Government Code, is

1 amended to read as follows:

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

9 SECTION 6. Section 146.003, Local Government Code, is  
10 amended by adding Subsection (e) to read as follows:

11 (e) This chapter does not authorize an agreement for  
12 deducting or withholding payment of dues, fees, or contributions to  
13 a labor organization or other similar entity, including a trade  
14 union, labor union, employees' association, or professional  
15 organization in violation of Section 617.006, Government Code.

16 SECTION 7. Section 146.005(a), Local Government Code, is  
17 amended to read as follows:

18 (a) A [~~Except as provided by Subsection (b), a~~]  
19 certification election ordered under Section 146.004(a)(3) to  
20 determine whether an employee association represents a majority of  
21 the covered employees shall be conducted according to procedures  
22 specified by rules adopted by the Texas Workforce Commission, which  
23 must include a requirement that the election be conducted by secret  
24 ballot [~~agreeable to the parties~~].

25 SECTION 8. Section 146.006(c), Local Government Code, is  
26 amended to read as follows:

27 (c) The ballot for an election ordered under this section

1 shall be printed to permit voting "yes" or "no" to the question [~~for~~  
2 ~~or against the proposition~~]: "Should [Authorizing] \_\_\_\_\_  
3 (name of the municipality) be required to [~~operate under the state~~  
4 ~~law allowing a municipality to~~] meet and confer and make agreements  
5 with the trade union [~~association~~] representing the \_\_\_\_\_  
6 (name of division of municipal employees)? [~~as provided by state~~  
7 ~~law, preserving the prohibition against strikes and organized work~~  
8 ~~stoppages, and providing penalties for strikes and organized work~~  
9 ~~stoppages.]"~~

10 SECTION 9. Section 146.015(d), Local Government Code, is  
11 amended to read as follows:

12 (d) The ballot for an election ordered under Subsection (b)  
13 shall be printed to allow voting "yes" or "no" to the question [~~for~~  
14 ~~or against the proposition~~]: "Should [Authorizing] \_\_\_\_\_  
15 (name of the municipality) be required [~~to continue to operate~~  
16 ~~under the state law allowing a municipality~~] to meet and confer and  
17 make agreements with the trade union [~~association~~] representing the  
18 \_\_\_\_\_ (name of division of municipal employees)? [~~as provided~~  
19 ~~by state law, preserving the prohibition against strikes and~~  
20 ~~organized work stoppages, and providing penalties for strikes and~~  
21 ~~organized work stoppages.]"~~

22 SECTION 10. Section 146.016(c), Local Government Code, is  
23 amended to read as follows:

24 (c) An election called under Subsection (b)(2) may be held  
25 as part of the next regularly scheduled general election for the  
26 municipality or a special election called by the governing body for  
27 that purpose. The ballot shall be printed to provide for voting

1 "yes" or "no" to the question [~~for or against the proposition~~]:  
2 "Should [~~Repeal~~] the meet and confer agreement ratified on \_\_\_\_\_  
3 (date agreement was ratified) by the \_\_\_\_\_ (name of the  
4 governing body of the municipality) and the \_\_\_\_\_ (recognized  
5 municipal trade union [~~employee association~~]) be repealed?  
6 [~~concerning wages, salaries, rates of pay, hours of work, and other~~  
7 ~~terms of employment.~~]"

8 SECTION 11. Section 146.017, Local Government Code, is  
9 amended to read as follows:

10 Sec. 146.017. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

11 (a) Except as provided by Subsection (b), a [A] written meet and  
12 confer agreement ratified under this chapter preempts, during the  
13 term of the agreement and to the extent of any conflict, all  
14 contrary state statutes, local ordinances, executive orders, civil  
15 service provisions, or rules adopted by this state or a political  
16 subdivision or agent of this state, including a personnel board,  
17 civil service commission, or home-rule municipality, other than a  
18 statute, ordinance, executive order, civil service provision, or  
19 rule regarding pensions or pension-related matters.

20 (b) A written meet and confer agreement ratified under this  
21 chapter may not conflict with or preempt:

22 (1) Chapter 88 (H.B. 1573), Acts of the 77th  
23 Legislature, Regular Session, 2001 (Article 6243h, Vernon's Texas  
24 Civil Statutes); or

25 (2) Section 617.006, Government Code.

26 SECTION 12. Section 155.001(a), Local Government Code, is  
27 amended to read as follows:

1 (a) The commissioners court, on the request of a county  
2 employee, may authorize a payroll deduction to be made from the  
3 employee's wages or salary for:

4 (1) payment to a credit union;

5 (2) [~~payment of membership dues in a labor union or a~~  
6 ~~bona fide employees association,~~

7 [~~(3)~~] payment of fees for parking in a county-owned  
8 facility;

9 (3) [~~(4)~~] payment to a charitable organization; or

10 (4) [~~(5)~~] payment relating to an item not listed in  
11 this subsection if the commissioners court determines that the  
12 payment serves a public purpose, unless the deduction would violate  
13 another law, including Section 617.006, Government Code,  
14 prohibiting the deduction of labor organization dues.

15 SECTION 13. The following provisions are repealed:

16 (1) Section 22.001, Education Code; and

17 (2) Section 146.005(b), Local Government Code.

18 SECTION 14. The changes in law made by this Act to Chapter  
19 146, Local Government Code:

20 (1) do not affect the validity of a meet and confer  
21 agreement entered into under that chapter before the effective date  
22 of this Act; and

23 (2) apply to a meet and confer agreement entered into,  
24 proposed to be entered into, proposed to be renewed, or renewed on  
25 or after the effective date of this Act.

26 SECTION 15. This Act takes effect September 1, 2015.