

By: West

S.B. No. 1295

A BILL TO BE ENTITLED

AN ACT

relating to separate negotiations regarding employment matters for police officers and firefighters in certain municipalities.

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

SECTION 1. The heading to Chapter 147, Local Government Code, is amended to read as follows:

CHAPTER 147. LOCAL CONTROL OF FIREFIGHTER ~~[AND POLICE OFFICER]~~
EMPLOYMENT MATTERS IN CERTAIN MUNICIPALITIES WITH POPULATION OF ONE
MILLION OR MORE

SECTION 2. Sections 147.003(a), (b), (c), and (d), Local Government Code, are amended to read as follows:

(a) A meet and confer team is created under this section and consists of ~~[the following members:~~

~~[(1)]~~ members representing the firefighter employee groups in the municipality, provided each group may appoint only one firefighter of the municipality to serve as a member of the team ~~[, and~~

~~[(2) members representing the police officer employee groups in the municipality, provided each group may appoint only one police officer of the municipality to serve as a member of the team].~~

(b) The meet and confer team represents all firefighters ~~[and police officers]~~ in the municipality and shall negotiate with the municipality in an effort to reach an agreement on concerns

1 shared by the firefighters [~~and police officers~~] regarding terms of
2 employment, including concerns relating to wages, benefits, and
3 other working conditions but excluding concerns relating to
4 pensions. Only the meet and confer team created under this section
5 may represent the firefighters [~~or police officers~~] of the
6 municipality in the capacity described by this subsection, except
7 that the team may be accompanied by legal counsel.

8 (c) Concerns relating to affirmative action, employment
9 discrimination, hiring, and promotions may be discussed by
10 individual firefighter [~~and police officer~~] associations
11 independent of the meet and confer team.

12 (d) Expenses associated with the meet and confer team must
13 be divided pro rata among each firefighter employee group [~~and~~
14 ~~police officer employee group~~] based on the number of sworn fire [~~or~~
15 ~~police~~] department members represented by each group.

16 SECTION 3. Section [147.0031](#), Local Government Code, is
17 amended to read as follows:

18 Sec. 147.0031. PETITION FOR RECOGNITION: ELECTION OR ACTION
19 BY GOVERNING BODY. (a) Not later than the 30th day after the date
20 the governing body of a municipality receives from the meet and
21 confer team a petition signed by a majority of all [~~police officers~~
22 ~~and a majority of all~~] firefighters, excluding the head of the
23 [~~police department, the head of the~~] fire department [~~7~~] and other
24 excluded employees as described by Section [147.0035\(b\)](#), that
25 requests recognition of the meet and confer team as the sole and
26 exclusive bargaining agent for all the [~~police officers and~~
27 firefighters employed by the municipality, excluding the head of

1 the [~~police department, the head of the~~] fire department [7] and
2 other excluded employees as described by Section 147.0035(b), the
3 governing body shall:

4 (1) grant recognition of the meet and confer team as
5 requested in the petition and determine by majority vote that the
6 municipality may meet and confer under this chapter without
7 conducting an election by the voters in the municipality under
8 Section 147.0033;

9 (2) defer granting recognition of the meet and confer
10 team and order an election by the voters in the municipality under
11 Section 147.0033 regarding whether the municipality may meet and
12 confer under this chapter; or

13 (3) order a certification election under Section
14 147.0032 to determine whether the employee groups in the meet and
15 confer team represent a majority of the covered [~~police officers~~
16 ~~and a majority of the covered~~] firefighters.

17 (b) If the governing body of a municipality orders a
18 certification election under Subsection (a)(3) and the employee
19 groups that are part of the meet and confer team are certified to
20 represent a majority of the covered [~~police officers and a majority~~
21 ~~of the covered~~] firefighters, the governing body shall, not later
22 than the 30th day after the date that results of that election are
23 certified:

24 (1) grant recognition of the meet and confer team as
25 requested in the petition for recognition and determine by majority
26 vote that the municipality may meet and confer under this chapter
27 without conducting an election by the voters in the municipality

1 under Section 147.0033; or

2 (2) defer granting recognition of the meet and confer
3 team and order an election by the voters in the municipality under
4 Section 147.0033 regarding whether a public employer may meet and
5 confer under this chapter.

6 SECTION 4. Section 147.0032(a), Local Government Code, is
7 amended to read as follows:

8 (a) Except as provided by Subsection (b), a certification
9 election ordered under Section 147.0031(a)(3) to determine whether
10 the employee groups in the meet and confer team represent a majority
11 of the covered [~~police officers and a majority of the covered~~]
12 firefighters shall be conducted according to procedures agreeable
13 to the parties.

14 SECTION 5. Section 147.0033(c), Local Government Code, is
15 amended to read as follows:

16 (c) The ballot for an election ordered under this section
17 shall be printed to permit voting for or against the
18 proposition: "Authorizing _____ (name of the municipality)
19 to operate under the state law allowing a municipality to meet and
20 confer and make agreements with the meet and confer team
21 representing municipal [~~police officers and~~] firefighters as
22 provided by state law, preserving the prohibition against strikes
23 and organized work stoppages, and providing penalties for strikes
24 and organized work stoppages."

25 SECTION 6. Section 147.0034(a), Local Government Code, is
26 amended to read as follows:

27 (a) The [~~police officers and~~] firefighters may withdraw the

1 recognition of the meet and confer team granted under this chapter
2 by filing with the governing body of the municipality a petition
3 signed by a majority of all covered [~~police officers and a majority~~
4 ~~of all covered~~] firefighters.

5 SECTION 7. Section 147.0035, Local Government Code, is
6 amended to read as follows:

7 Sec. 147.0035. RECOGNITION OF MEET AND CONFER TEAM. (a) A
8 public employer in a municipality that chooses to meet and confer
9 under this chapter shall recognize the meet and confer team that is
10 recognized under Section 147.0031 or 147.0033 as the sole and
11 exclusive bargaining agent for the [~~police officers and~~
12 ~~firefighters, excluding the head of the [police department, head of~~
13 ~~the]~~ fire department [7] and the employees exempt under Subsection
14 (b), in accordance with this chapter and the petition.

15 (b) For the purposes of Subsection (a), exempt employees are
16 employees appointed by the head of the [~~police department or~~] fire
17 department in the classification immediately below that of
18 department head or that are exempt by the mutual agreement of the
19 meet and confer team and the municipality.

20 (c) The municipality shall recognize the meet and confer
21 team until recognition of the meet and confer team is withdrawn in
22 accordance with Section 147.0034 by a majority of the [~~police~~
23 ~~officers and a majority of the]~~ firefighters who are eligible to
24 sign a petition for recognition.

25 SECTION 8. Sections 147.004(a), (c), and (d), Local
26 Government Code, are amended to read as follows:

27 (a) A municipality may not be denied local control over the

1 wages, salaries, rates of pay, hours of work, and other terms of
2 employment, or other state-mandated personnel issues, if the
3 municipality and the meet and confer team recognized under Section
4 147.0031 or 147.0033 as the sole and exclusive bargaining agent for
5 the covered [~~police officers and~~] firefighters come to a mutual
6 agreement on any of the terms of employment. If an agreement is not
7 reached, the state laws, local ordinances, and civil service rules
8 remain unaffected. All agreements shall be written. Nothing in
9 this chapter requires either party to meet and confer on any issue
10 or reach an agreement.

11 (c) Firefighters [~~and police officers~~] of a municipality
12 may not engage in strikes against this state or a political
13 subdivision of this state. A firefighter [~~or police officer~~] who
14 participates in a strike forfeits all civil service rights,
15 reemployment rights, and any other rights, benefits, or privileges
16 the firefighter [~~or police officer~~] enjoys as a result of
17 employment or prior employment.

18 (d) In this section, "strike" means failing to report for
19 duty in concerted action with others, wilfully being absent from an
20 assigned position, stopping work, abstaining from the full,
21 faithful, and proper performance of the duties of employment, or
22 interfering with the operation of a municipality. However, this
23 section does not prohibit a firefighter [~~or police officer~~] from
24 conferring with members of the municipal governing body about
25 conditions, compensation, rights, privileges, or obligations of
26 employment.

27 SECTION 9. Section 147.005, Local Government Code, is

1 amended to read as follows:

2 Sec. 147.005. PAYROLL DUES DEDUCTIONS. The municipality
3 may not prevent automatic payroll deductions for dues paid to a
4 firefighter employee group [~~or police officer employee group~~].

5 SECTION 10. Section 147.007(a), Local Government Code, is
6 amended to read as follows:

7 (a) A written agreement made under this chapter between a
8 municipality and the meet and confer team is enforceable and
9 binding on the municipality, the meet and confer team, firefighter
10 employee groups, [~~police officer employee groups,~~] and the
11 firefighters [~~and police officers~~] covered by the agreement if:

12 (1) the municipality's governing body ratified the
13 agreement by a majority vote; and

14 (2) the agreement is ratified under Section 147.008.

15 SECTION 11. Sections 147.008(b) and (d), Local Government
16 Code, are amended to read as follows:

17 (b) All firefighters [~~and police officers~~] of the
18 municipality are eligible to vote in the election.

19 (d) A firefighter [~~or police officer~~] who is not a member of
20 a firefighter employee group [~~or a police officer employee group~~]
21 may be assessed a fee for any cost associated with casting the
22 firefighter's [~~or police officer's~~] vote.

23 SECTION 12. Section 147.009(d), Local Government Code, is
24 amended to read as follows:

25 (d) The ballot for an election ordered under Subsection (b)
26 shall be printed to allow voting for or against the
27 proposition: "Authorizing _____ (name of the municipality)

1 to continue to operate under the state law allowing a municipality
2 to meet and confer and make agreements with the meet and confer team
3 representing municipal [~~police officers and~~] firefighters as
4 provided by state law, preserving the prohibition against strikes
5 and organized work stoppages, and providing penalties for strikes
6 and organized work stoppages."

7 SECTION 13. Chapter 147, Local Government Code, is amended
8 by adding Section 147.0091 to read as follows:

9 Sec. 147.0091. TEMPORARY PROVISION: ACTION TO WITHDRAW
10 RECOGNITION OF POLICE OFFICER AND FIREFIGHTER MEET AND CONFER TEAM
11 UNDER THIS CHAPTER. (a) Notwithstanding Sections 147.009(b)
12 through (g), the governing body of a municipality that granted
13 recognition of a meet and confer team as the sole and exclusive
14 bargaining agent of all police officers and firefighters under
15 Section 147.0031 before September 1, 2015, shall, not later than
16 September 30, 2015, withdraw recognition of the meet and confer
17 team by providing to the meet and confer team written notice that:

18 (1) pursuant to __.B. No. __, Acts of the 84th
19 Legislature, Regular Session, 2015, the governing body is
20 withdrawing recognition of the meet and confer team; and

21 (2) any agreement between the governing body and the
22 meet and confer team will not be renewed.

23 (b) This section expires September 1, 2025.

24 SECTION 14. Sections 147.010(a) and (c), Local Government
25 Code, are amended to read as follows:

26 (a) Not later than the 60th day after the date a meet and
27 confer agreement is ratified by the governing body of the

1 municipality and the firefighters [~~and police officers~~] under
2 Section 147.008, a petition calling for the repeal of the agreement
3 signed by a number of registered voters residing in the
4 municipality equal to at least 10 percent of the votes cast at the
5 most recent general election held in the municipality may be
6 presented to the person charged with ordering an election under
7 Section 3.004, Election Code.

8 (c) An election called under Subsection (b)(2) may be held
9 as part of the next regularly scheduled general election for the
10 municipality. The ballot shall be printed to provide for voting
11 for or against the proposition: "Repeal the meet and confer
12 agreement ratified on _____ (date agreement was ratified) by
13 the _____ (name of the governing body of the municipality) and
14 the [~~police officers and~~] firefighters employed by the City of
15 _____ (name of municipality) concerning wages, salaries,
16 rates of pay, hours of work, and other terms of employment."

17 SECTION 15. Section 147.011, Local Government Code, is
18 amended to read as follows:

19 Sec. 147.011. EFFECT ON EXISTING BENEFITS AND RIGHTS. (a)
20 This chapter may not be construed to repeal any existing benefit
21 provided by statute or ordinance concerning [~~police officers' or~~]
22 firefighters' compensation, pensions, retirement plans, hours of
23 work, conditions of employment, or other emoluments except as
24 expressly provided in a ratified meet and confer agreement. This
25 chapter is in addition to the benefits provided by existing
26 statutes and ordinances.

27 (b) This chapter may not be construed to interfere with the

1 free speech right, guaranteed by the First Amendment to the United
2 States Constitution, of an individual firefighter [~~or a police~~
3 ~~officer~~] to endorse or dissent from any agreement.

4 SECTION 16. Subtitle A, Title 5, Local Government Code, is
5 amended by adding Chapter 148 to read as follows:

6 CHAPTER 148. LOCAL CONTROL OF POLICE OFFICER EMPLOYMENT MATTERS IN
7 CERTAIN MUNICIPALITIES WITH POPULATION OF ONE MILLION OR MORE

8 Sec. 148.001. APPLICABILITY. This chapter applies only to
9 a municipality with a population of one million or more, but does
10 not apply to a municipality that has adopted Chapter 143 or 174.

11 Sec. 148.002. DEFINITIONS. In this chapter:

12 (1) "Police officer" means a sworn police officer
13 employed by the municipality who is covered by the municipality's
14 police pension plan and is classified by the municipality as
15 nonexempt. The term does not include a police officer with a rank
16 above that of captain, a civilian, or a municipal marshal.

17 (2) "Police officer employee group" means an
18 organization:

19 (A) in which, on or before September 1, 2007, at
20 least three percent of the police officers of the municipality have
21 participated and paid dues via automatic payroll deduction; and

22 (B) that exists for the purpose, in whole or in
23 part, of dealing with the municipality concerning grievances, labor
24 disputes, wages, rates of pay, hours of employment, or conditions
25 of employment affecting police officers.

26 Sec. 148.003. MEET AND CONFER TEAM; NEGOTIATIONS. (a) A
27 meet and confer team is created under this section and consists of

1 members representing the police officer employee groups in the
2 municipality, provided each group may appoint only one police
3 officer of the municipality to serve as a member of the team.

4 (b) The meet and confer team represents all police officers
5 in the municipality and shall negotiate with the municipality in an
6 effort to reach an agreement on concerns shared by the police
7 officers regarding terms of employment, including concerns
8 relating to wages, benefits, and other working conditions but
9 excluding concerns relating to pensions. Only the meet and confer
10 team created under this section may represent the police officers
11 of the municipality in the capacity described by this subsection,
12 except that the team may be accompanied by a representative of the
13 team's choosing to assist with the negotiation process.

14 (c) Concerns relating to affirmative action, employment
15 discrimination, hiring, and promotions may be discussed by
16 individual police officer associations independent of the meet and
17 confer team.

18 (d) Expenses associated with the meet and confer team must
19 be divided pro rata among each police officer employee group based
20 on the number of sworn police department members represented by
21 each group.

22 (e) A municipality may designate one or more persons to meet
23 and confer on the municipality's behalf.

24 Sec. 148.0031. PETITION FOR RECOGNITION: ELECTION OR ACTION
25 BY GOVERNING BODY. (a) Not later than the 30th day after the date
26 the governing body of a municipality receives from the meet and
27 confer team a petition signed by a majority of all police officers,

1 excluding the head of the police department and other excluded
2 employees as described by Section 148.0035(b), that requests
3 recognition of the meet and confer team as the sole and exclusive
4 bargaining agent for all the police officers employed by the
5 municipality, excluding the head of the police department and other
6 excluded employees as described by Section 148.0035(b), the
7 governing body shall:

8 (1) grant recognition of the meet and confer team as
9 requested in the petition and determine by majority vote that the
10 municipality may meet and confer under this chapter without
11 conducting an election by the voters in the municipality under
12 Section 148.0033;

13 (2) defer granting recognition of the meet and confer
14 team and order an election by the voters in the municipality under
15 Section 148.0033 regarding whether the municipality may meet and
16 confer under this chapter; or

17 (3) order a certification election under Section
18 148.0032 to determine whether the employee groups in the meet and
19 confer team represent a majority of the covered police officers.

20 (b) If the governing body of a municipality orders a
21 certification election under Subsection (a)(3) and the employee
22 groups that are part of the meet and confer team are certified to
23 represent a majority of the covered police officers, the governing
24 body shall, not later than the 30th day after the date that results
25 of that election are certified:

26 (1) grant recognition of the meet and confer team as
27 requested in the petition for recognition and determine by majority

1 vote that the municipality may meet and confer under this chapter
2 without conducting an election by the voters in the municipality
3 under Section 148.0033; or

4 (2) defer granting recognition of the meet and confer
5 team and order an election by the voters in the municipality under
6 Section 148.0033 regarding whether a public employer may meet and
7 confer under this chapter.

8 Sec. 148.0032. CERTIFICATION ELECTION. (a) Except as
9 provided by Subsection (b), a certification election ordered under
10 Section 148.0031(a)(3) to determine whether the employee groups in
11 the meet and confer team represent a majority of the covered police
12 officers shall be conducted according to procedures agreeable to
13 the parties.

14 (b) If the parties are unable to agree on procedures for the
15 certification election, either party may request the American
16 Arbitration Association to conduct the election and to certify the
17 results of the election.

18 (c) Certification of the results of an election under this
19 section resolves the question concerning representation.

20 (d) Each employee group in the meet and confer team is
21 liable for the expenses of the certification election for the
22 employees the group represents.

23 Sec. 148.0033. ELECTION TO AUTHORIZE OPERATING UNDER THIS
24 CHAPTER. (a) The governing body of a municipality that receives a
25 petition for recognition under Section 148.0031 may order an
26 election to determine whether a public employer may meet and confer
27 under this chapter.

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

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

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

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

21 (f) If an election authorized under this section is held, a
22 meet and confer team may not submit a petition for recognition to
23 the governing body of the municipality under Section 148.0031
24 before the second anniversary of the date of the election.

25 Sec. 148.0034. WITHDRAWAL OF RECOGNITION. (a) The police
26 officers may withdraw the recognition of the meet and confer team
27 granted under this chapter by filing with the governing body of the

1 municipality a petition signed by a majority of all covered police
2 officers.

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

4 (1) withdraw recognition as provided by the petition;
5 or

6 (2) order a certification election in accordance with
7 Section 148.0032 regarding whether to do so.

8 Sec. 148.0035. RECOGNITION OF MEET AND CONFER TEAM. (a) A
9 public employer in a municipality that chooses to meet and confer
10 under this chapter shall recognize the meet and confer team that is
11 recognized under Section 148.0031 or 148.0033 as the sole and
12 exclusive bargaining agent for the police officers, excluding the
13 head of the police department and the employees exempt under
14 Subsection (b), in accordance with this chapter and the petition.

15 (b) For the purposes of Subsection (a), exempt employees are
16 employees appointed by the head of the police department in the
17 classification immediately below that of department head or that
18 are exempt by the mutual agreement of the meet and confer team and
19 the municipality.

20 (c) The municipality shall recognize the meet and confer
21 team until recognition of the meet and confer team is withdrawn in
22 accordance with Section 148.0034 by a majority of the police
23 officers who are eligible to sign a petition for recognition.

24 Sec. 148.004. GENERAL PROVISIONS RELATING TO AGREEMENTS,
25 RECOGNITION, AND STRIKES. (a) A municipality may not be denied
26 local control over the wages, salaries, rates of pay, hours of work,
27 and other terms of employment, or other state-mandated personnel

1 issues, if the municipality and the meet and confer team recognized
2 under Section 148.0031 or 148.0033 as the sole and exclusive
3 bargaining agent for the covered police officers come to a mutual
4 agreement on any of the terms of employment. If an agreement is not
5 reached, the state laws, local ordinances, and civil service rules
6 remain unaffected. All agreements shall be written. Nothing in
7 this chapter requires either party to meet and confer on any issue
8 or reach an agreement.

9 (b) A municipality may meet and confer only if the meet and
10 confer team does not advocate the illegal right to strike by public
11 employees.

12 (c) Police officers of a municipality may not engage in
13 strikes against this state or a political subdivision of this
14 state. A police officer who participates in a strike forfeits all
15 civil service rights, reemployment rights, and any other rights,
16 benefits, or privileges the police officer enjoys as a result of
17 employment or prior employment.

18 (d) In this section, "strike" means failing to report for
19 duty in concerted action with others, wilfully being absent from an
20 assigned position, stopping work, abstaining from the full,
21 faithful, and proper performance of the duties of employment, or
22 interfering with the operation of a municipality. However, this
23 section does not prohibit a police officer from conferring with
24 members of the municipal governing body about conditions,
25 compensation, rights, privileges, or obligations of employment.

26 Sec. 148.005. PAYROLL DUES DEDUCTIONS. The municipality
27 may not prevent automatic payroll deductions for dues paid to a

1 police officer employee group.

2 Sec. 148.006. RECORDS AND MEETINGS. (a) An agreement made
3 under this chapter is public information for purposes of Chapter
4 552, Government Code. The agreement and any document prepared and
5 used by the municipality in connection with the agreement, except
6 for materials created during a municipality's caucuses and notes
7 that are otherwise privileged by law, are available to the public in
8 accordance with Chapter 552, Government Code, only after the
9 agreement is ratified by both parties.

10 (b) This section does not affect the application of
11 Subchapter C, Chapter 552, Government Code, to a document prepared
12 and used by the municipality in connection with the agreement.

13 Sec. 148.007. ENFORCEABILITY OF AGREEMENT. (a) A written
14 agreement made under this chapter between a municipality and the
15 meet and confer team is enforceable and binding on the
16 municipality, the meet and confer team, police officer employee
17 groups, and the police officers covered by the agreement if:

18 (1) the municipality's governing body ratified the
19 agreement by a majority vote; and

20 (2) the agreement is ratified under Section 148.008.

21 (b) A state district court of the judicial district in which
22 a majority of the population of the municipality is located has full
23 authority and jurisdiction on the application of either party
24 aggrieved by an action or omission of the other party when the
25 action or omission is related to a right, duty, or obligation
26 provided by any written agreement ratified as required by this
27 chapter. The court may issue proper restraining orders, temporary

1 and permanent injunctions, and any other writ, order, or process,
2 including contempt orders, that are appropriate to enforcing any
3 written agreement ratified as required by this chapter.

4 Sec. 148.008. ELECTION TO RATIFY AGREEMENT. (a) The meet
5 and confer team shall call an election to ratify any agreement
6 reached with the municipality if the agreement has been approved by
7 a unanimous vote of the members of the meet and confer team.

8 (b) All police officers of the municipality are eligible to
9 vote in the election.

10 (c) An agreement may be ratified under this section only if
11 at least 50 percent of the votes cast in the election favor the
12 ratification.

13 (d) A police officer who is not a member of a police officer
14 employee group may be assessed a fee for any cost associated with
15 casting the police officer's vote.

16 (e) The meet and confer team shall establish procedures for
17 the election by unanimous consensus.

18 Sec. 148.009. ACTION OR ELECTION TO REPEAL AUTHORIZATION TO
19 OPERATE UNDER THIS CHAPTER. (a) The governing body of a
20 municipality that granted recognition of a meet and confer team
21 under Section 148.0031 without conducting an election under Section
22 148.0033 may withdraw recognition of the meet and confer team by
23 providing to the meet and confer team not less than 90 days' written
24 notice that:

25 (1) the governing body is withdrawing recognition of
26 the meet and confer team; and

27 (2) any agreement between the governing body and the

1 meet and confer team will not be renewed.

2 (b) The governing body of a municipality that granted
3 recognition of a meet and confer team after conducting an election
4 under Section 148.0033 may order an election to determine whether a
5 public employer may continue to meet and confer under this chapter.
6 The governing body may not order an election under this subsection
7 until the second anniversary of the date of the election under
8 Section 148.0033.

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

14 (d) The ballot for an election ordered under Subsection (b)
15 shall be printed to allow voting for or against the proposition:
16 "Authorizing _____ (name of the municipality) to continue to
17 operate under the state law allowing a municipality to meet and
18 confer and make agreements with the meet and confer team
19 representing municipal police officers as provided by state law,
20 preserving the prohibition against strikes and organized work
21 stoppages, and providing penalties for strikes and organized work
22 stoppages."

23 (e) An election ordered under Subsection (b) must be held
24 and the returns prepared and canvassed in conformity with the
25 Election Code.

26 (f) If an election ordered under Subsection (b) is held, the
27 municipality may continue to operate under this chapter only if a

1 majority of the votes cast at the election favor the proposition.

2 (g) If an election ordered under Subsection (b) is held, a
3 meet and confer team may not submit a petition for recognition to
4 the governing body of the municipality under Section 148.0031
5 before the second anniversary of the date of the election.

6 Sec. 148.010. ELECTION TO REPEAL AGREEMENT. (a) Not later
7 than the 60th day after the date a meet and confer agreement is
8 ratified by the governing body of the municipality and the police
9 officers under Section 148.008, a petition calling for the repeal
10 of the agreement signed by a number of registered voters residing in
11 the municipality equal to at least 10 percent of the votes cast at
12 the most recent general election held in the municipality may be
13 presented to the person charged with ordering an election under
14 Section 3.004, Election Code.

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

17 (1) repeal the meet and confer agreement; or
18 (2) certify that the governing body is not repealing
19 the agreement and call an election to determine whether to repeal
20 the agreement.

21 (c) An election called under Subsection (b)(2) may be held
22 as part of the next regularly scheduled general election for the
23 municipality. The ballot shall be printed to provide for voting for
24 or against the proposition: "Repeal the meet and confer agreement
25 ratified on _____ (date agreement was ratified) by the
26 _____ (name of the governing body of the municipality) and the
27 police officers employed by the City of _____ (name of

1 municipality) concerning wages, salaries, rates of pay, hours of
2 work, and other terms of employment."

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

5 Sec. 148.011. EFFECT ON EXISTING BENEFITS AND RIGHTS. (a)
6 This chapter may not be construed to repeal any existing benefit
7 provided by statute or ordinance concerning police officers'
8 compensation, pensions, retirement plans, hours of work,
9 conditions of employment, or other emoluments except as expressly
10 provided in a ratified meet and confer agreement. This chapter is
11 in addition to the benefits provided by existing statutes and
12 ordinances.

13 (b) This chapter may not be construed to interfere with the
14 free speech right, guaranteed by the First Amendment to the United
15 States Constitution, of an individual police officer to endorse or
16 dissent from any agreement.

17 SECTION 17. Sections 147.002(3) and (4), Local Government
18 Code, are repealed.

19 SECTION 18. This Act takes effect September 1, 2015.