

1-1 By: Huffman, Hall S.B. No. 1968
 1-2 (In the Senate - Filed March 13, 2015; March 25, 2015, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 15, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 3; April 15, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Huffman	X			
1-9 Ellis		X		
1-10 Birdwell	X			
1-11 Creighton	X			
1-12 Estes		X		
1-13 Fraser	X			
1-14 Nelson	X			
1-15 Schwertner	X			
1-16 Zaffirini		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1968 By: Huffman

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the organization of public employees.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The heading to Section 403.0165, Government
 1-24 Code, is amended to read as follows:

1-25 Sec. 403.0165. PAYROLL DEDUCTION FOR STATE EMPLOYEE
 1-26 ORGANIZATION: CERTAIN FIREFIGHTERS, POLICE OFFICERS, AND
 1-27 EMERGENCY MEDICAL SERVICES PERSONNEL.

1-28 SECTION 2. Sections 403.0165(a), (b), (c), and (d),
 1-29 Government Code, are amended to read as follows:

1-30 (a) A covered ~~[an]~~ employee of a state agency may authorize
 1-31 a transfer each pay period from the employee's salary or wage
 1-32 payment for a membership fee in an eligible state employee
 1-33 organization. The authorization shall remain in effect until the
 1-34 ~~[an]~~ employee authorizes a change in the authorization.
 1-35 Authorizations and changes in authorizations must be provided in
 1-36 accordance with rules adopted by the comptroller.

1-37 (b) The comptroller shall adopt rules for transfers by
 1-38 covered employees to a certified eligible state employee
 1-39 organization. The rules may authorize electronic transfers of
 1-40 amounts deducted from covered employees' salaries and wages under
 1-41 this section.

1-42 (c) Participation by covered employees of state agencies in
 1-43 the payroll deduction program authorized by this section is
 1-44 voluntary.

1-45 (d) To be certified by the comptroller, a state employee
 1-46 organization must have a current dues structure for covered state
 1-47 employees in place and operating in this state for a period of at
 1-48 least 18 months.

1-49 SECTION 3. Section 403.0165(1), Government Code, is amended
 1-50 by adding Subdivision (3) to read as follows:

1-51 (3) "Covered employee of a state agency" means:

1-52 (A) an individual employed by a state agency in a
 1-53 professional law enforcement or firefighting capacity; or

1-54 (B) an individual employed by a state agency in a
 1-55 capacity that meets the definition of "emergency medical services
 1-56 personnel," as that term is defined by Section 773.003, Health and
 1-57 Safety Code.

1-58 SECTION 4. The heading to Chapter 617, Government Code, is
 1-59 amended to read as follows:

1-

2-1 CHAPTER 617. COLLECTIVE BARGAINING, ~~[AND]~~ STRIKES, AND PAYROLL
2-2 DEDUCTIONS

2-3 SECTION 5. Chapter 617, Government Code, is amended by
2-4 adding Section 617.006 to read as follows:

2-5 Sec. 617.006. PROHIBITION ON COLLECTION OF LABOR
2-6 ORGANIZATION DUES. Except as provided by Sections 403.0165 and
2-7 659.1031, Government Code, and Sections 141.008 and 155.001, Local
2-8 Government Code, the state or a political subdivision of the state
2-9 may not deduct or withhold, or contract to deduct or withhold, from
2-10 an employee's salary or wages payment of dues or membership fees to
2-11 a labor organization or other similar entity, including a trade
2-12 union, labor union, employees' association, or professional
2-13 organization.

2-14 SECTION 6. Section 659.1031(a), Government Code, is amended
2-15 to read as follows:

2-16 (a) An employee of a state agency employed in a professional
2-17 law enforcement capacity may authorize in writing a deduction each
2-18 pay period from the employee's salary or wage payment for payment to
2-19 an eligible state employee organization of a membership fee in the
2-20 organization.

2-21 SECTION 7. Section 101.002(b), Labor Code, is amended to
2-22 read as follows:

2-23 (b) A member of a trade union or other organization acting
2-24 in any capacity, including as otherwise authorized under other law
2-25 to perform an inspection of the premises, may not enter the premises
2-26 of another without the consent of the owner of the premises.

2-27 SECTION 8. Section 101.201(a), Labor Code, is amended to
2-28 read as follows:

2-29 (a) A person may not establish, call, participate in, or aid
2-30 picketing at or near the premises of an employer with whom a labor
2-31 dispute does not exist, regardless of whether the premises are
2-32 temporarily or permanently occupied by the employees of another
2-33 employer with whom a labor dispute does exist.

2-34 SECTION 9. The heading to Section 141.008, Local Government
2-35 Code, is amended to read as follows:

2-36 Sec. 141.008. PAYROLL DEDUCTIONS FOR CERTAIN MUNICIPAL
2-37 FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES
2-38 PERSONNEL [IN CERTAIN MUNICIPALITIES].

2-39 SECTION 10. Section 141.008, Local Government Code, is
2-40 amended by amending Subsections (a), (a-1), and (a-2) and adding
2-41 Subsection (a-3) to read as follows:

2-42 (a) This section applies only to a municipal employee who
2-43 is:

2-44 (1) a member of the municipality's fire or police
2-45 department; or

2-46 (2) emergency medical services personnel, as defined
2-47 by Section 773.003, Health and Safety Code.

2-48 (a-1) The governing body of a municipality with a population
2-49 of more than 10,000 may deduct from a municipal employee's monthly
2-50 salary or wages an amount requested in writing by the employee in
2-51 payment of membership dues to a bona fide employees' association
2-52 named by the employee.

2-53 (a-2) [(a-1)] The governing body shall make the payroll
2-54 deduction described by Subsection (a-1) [(a)] if requested in
2-55 writing by an employee who is a member of the municipality's fire
2-56 department or emergency medical services personnel [employees who
2-57 are fire protection personnel as defined by Section 419.021,
2-58 Government Code,] if the municipality:

2-59 (1) receives revenue from the state; [7] and

2-60 (2) [if the municipality] permits deductions for
2-61 purposes other than charity, health insurance, taxes, or other
2-62 purposes for which the municipality is required by law to permit a
2-63 deduction.

2-64 (a-3) [(a-2)] The governing body of a municipality whose
2-65 police department is not covered by a collective bargaining
2-66 agreement or meet and confer agreement entered into under this code
2-67 shall make the payroll deduction described by Subsection (a-1)
2-68 [(a)] if:

2-69 (1) requested in writing by an employee who is a member

3-1 of the municipality's police department [~~employees who:~~
 3-2 [~~(A) are peace officers as defined by Article~~
 3-3 ~~2.12, Code of Criminal Procedure, and~~
 3-4 [~~(B) are not members of a police department~~
 3-5 ~~covered by a collective bargaining agreement or meet and confer~~
 3-6 ~~agreement entered into under this code]; and~~
 3-7 (2) the municipality permits deductions for purposes
 3-8 other than charity, health insurance, taxes, or other purposes for
 3-9 which the municipality is required by law to permit a deduction.

3-10 SECTION 11. Section 146.002(2), Local Government Code, is
 3-11 amended to read as follows:

3-12 (2) "Employee association" means an organization in
 3-13 which municipal employees participate and that exists for the
 3-14 purpose, wholly or partly, of dealing with one or more employers,
 3-15 whether public or private, concerning grievances, labor disputes,
 3-16 wages, rates of pay, hours of employment, or conditions of work
 3-17 affecting public employees [~~and whose members pay dues by means of~~
 3-18 ~~an automatic payroll deduction].~~

3-19 SECTION 12. Section 146.003, Local Government Code, is
 3-20 amended by adding Subsection (e) to read as follows:

3-21 (e) This chapter does not authorize an agreement for
 3-22 deducting or withholding payment of dues, fees, or contributions to
 3-23 a labor organization or other similar entity, including a trade
 3-24 union, labor union, employees' association, or professional
 3-25 organization in violation of Section 617.006, Government Code.

3-26 SECTION 13. Section 146.017, Local Government Code, is
 3-27 amended to read as follows:

3-28 Sec. 146.017. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

3-29 (a) Except as provided by Subsection (b), a [A] written meet and
 3-30 confer agreement ratified under this chapter preempts, during the
 3-31 term of the agreement and to the extent of any conflict, all
 3-32 contrary state statutes, local ordinances, executive orders, civil
 3-33 service provisions, or rules adopted by this state or a political
 3-34 subdivision or agent of this state, including a personnel board,
 3-35 civil service commission, or home-rule municipality, other than a
 3-36 statute, ordinance, executive order, civil service provision, or
 3-37 rule regarding pensions or pension-related matters.

3-38 (b) A written meet and confer agreement ratified under this
 3-39 chapter may not conflict with or preempt Section 617.006,
 3-40 Government Code.

3-41 SECTION 14. Section 155.001(a), Local Government Code, is
 3-42 amended to read as follows:

3-43 (a) The commissioners court, on the request of a county
 3-44 employee, may authorize a payroll deduction to be made from the
 3-45 employee's wages or salary for:

3-46 (1) payment to a credit union;

3-47 (2) payment of membership dues in a labor union or a
 3-48 bona fide employees association if the requesting employee serves:

3-49 (A) in a professional law enforcement or

3-50 firefighting capacity; or

3-51 (B) in a capacity that meets the definition of

3-52 "emergency medical services personnel," as that term is defined by
 3-53 Section 773.003, Health and Safety Code;

3-54 (3) payment of fees for parking in a county-owned
 3-55 facility;

3-56 (4) payment to a charitable organization; or

3-57 (5) payment relating to an item not listed in this
 3-58 subsection if the commissioners court determines that the payment
 3-59 serves a public purpose, unless the deduction would violate another

3-60 law, including Section 617.006, Government Code, prohibiting the
 3-61 deduction of labor organization dues.

3-62 SECTION 15. Section 22.001, Education Code, is repealed.

3-63 SECTION 16. This Act takes effect September 1, 2015.

3-64 * * * * *