

By: Davis of Harris

H.B. No. 510

A BILL TO BE ENTITLED

AN ACT

relating to payroll deductions for state and local government employee organizations.

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

SECTION 1. Section 12.013(b), Education Code, is amended to read as follows:

(b) A home-rule school district is subject to:

(1) a provision of this title establishing a criminal offense;

(2) a provision of this title relating to limitations on liability; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) educator certification under Chapter 21 and educator rights under Sections 21.407 and ~~21.408~~ ~~and 22.001~~;

(C) criminal history records under Subchapter C, Chapter 22;

(D) student admissions under Section 25.001;

(E) school attendance under Sections 25.085, 25.086, and 25.087;

- 1 (F) inter-district or inter-county transfers of
- 2 students under Subchapter B, Chapter 25;
- 3 (G) elementary class size limits under Section
- 4 25.112, in the case of any campus in the district that fails to
- 5 satisfy any standard under Section 39.054(e);
- 6 (H) high school graduation under Section 28.025;
- 7 (I) special education programs under Subchapter
- 8 A, Chapter 29;
- 9 (J) bilingual education under Subchapter B,
- 10 Chapter 29;
- 11 (K) prekindergarten programs under Subchapter E,
- 12 Chapter 29;
- 13 (L) safety provisions relating to the
- 14 transportation of students under Sections 34.002, 34.003, 34.004,
- 15 and 34.008;
- 16 (M) computation and distribution of state aid
- 17 under Chapters 31, 42, and 43;
- 18 (N) extracurricular activities under Section
- 19 33.081;
- 20 (O) health and safety under Chapter 38;
- 21 (P) public school accountability under
- 22 Subchapters B, C, D, E, and J, Chapter 39;
- 23 (Q) equalized wealth under Chapter 41;
- 24 (R) a bond or other obligation or tax rate under
- 25 Chapters 42, 43, and 45; and
- 26 (S) purchasing under Chapter 44.

27 SECTION 2. The heading to Section 403.0165, Government

1 Code, is amended to read as follows:

2           Sec. 403.0165. PAYROLL DEDUCTION FOR STATE EMPLOYEE  
3 ORGANIZATION: CERTAIN FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY  
4 MEDICAL SERVICES PERSONNEL.

5           SECTION 3. Sections 403.0165(a), (b), (c), and (d),  
6 Government Code, are amended to read as follows:

7           (a) A covered [~~An~~] employee of a state agency may authorize  
8 a transfer each pay period from the employee's salary or wage  
9 payment for a membership fee in an eligible state employee  
10 organization. The authorization shall remain in effect until the  
11 [~~an~~] employee authorizes a change in the authorization.  
12 Authorizations and changes in authorizations must be provided in  
13 accordance with rules adopted by the comptroller.

14           (b) The comptroller shall adopt rules for transfers by  
15 covered employees to a certified eligible state employee  
16 organization. The rules may authorize electronic transfers of  
17 amounts deducted from covered employees' salaries and wages under  
18 this section.

19           (c) Participation by covered employees of state agencies in  
20 the payroll deduction program authorized by this section is  
21 voluntary.

22           (d) To be certified by the comptroller, a state employee  
23 organization must have a current dues structure for covered state  
24 employees in place and operating in this state for a period of at  
25 least 18 months.

26           SECTION 4. Section 403.0165(1), Government Code, is amended  
27 by adding Subdivision (3) to read as follows:

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

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

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

SECTION 5. The heading to Chapter 617, Government Code, is amended to read as follows:

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

SECTION 6. 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. (a) Except as provided by Sections 403.0165 and 659.1031, Government Code, and Sections 141.008 and 155.001(a)(2), 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.

(b) Subsection (a) does not affect the ability of the state or a political subdivision of the state to deduct or withhold from an employee's salary or wages an amount for donation to a charitable organization determined to be eligible for participation in the state employee charitable campaign under Subchapter I, Chapter 659,

1 Government Code.

2 SECTION 7. Section 659.1031(a), Government Code, is amended  
3 to read as follows:

4 (a) An employee of a state agency employed in a professional  
5 law enforcement capacity may authorize in writing a deduction each  
6 pay period from the employee's salary or wage payment for payment to  
7 an eligible state employee organization of a membership fee in the  
8 organization.

9 SECTION 8. The heading to Section 141.008, Local Government  
10 Code, is amended to read as follows:

11 Sec. 141.008. PAYROLL DEDUCTIONS FOR CERTAIN MUNICIPAL  
12 FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES  
13 PERSONNEL [~~IN CERTAIN MUNICIPALITIES~~].

14 SECTION 9. Section 141.008, Local Government Code, is  
15 amended by amending Subsections (a), (a-1), and (a-2) and adding  
16 Subsection (a-3) to read as follows:

17 (a) This section applies only to a municipal employee who  
18 is:

19 (1) a member of the municipality's fire or police  
20 department; or

21 (2) emergency medical services personnel, as defined  
22 by Section 773.003, Health and Safety Code.

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

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

7                   (1) receives revenue from the state; ~~;~~ and

8                   (2) [~~if the municipality~~] permits deductions for  
9 purposes other than charity, health insurance, taxes, or other  
10 purposes for which the municipality is required by law to permit a  
11 deduction.

12           (a-3) [~~(a-2)~~] The governing body of a municipality whose  
13 police department is not covered by a collective bargaining  
14 agreement or meet and confer agreement entered into under this code  
15 shall make the payroll deduction described by Subsection (a-1)  
16 [~~(a)~~] if:

17                   (1) requested in writing by an employee who is a member  
18 of the municipality's police department [~~employees who:~~

19                           [~~(A) are peace officers as defined by Article~~  
20 ~~2.12, Code of Criminal Procedure,~~ and

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

24                   (2) the municipality permits deductions for purposes  
25 other than charity, health insurance, taxes, or other purposes for  
26 which the municipality is required by law to permit a deduction.

27           SECTION 10. 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 11. 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 12. Section 146.017, Local Government Code, is  
17 amended to read as follows:

18 Sec. 146.017. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

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

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

4        SECTION 13. Section 155.001(a), Local Government Code, is  
5 amended to read as follows:

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

9            (1) payment to a credit union;

10           (2) payment of membership dues in a labor union or a  
11 bona fide employees association if the requesting employee serves:

12                (A) in a professional law enforcement or  
13 firefighting capacity; or

14                (B) in a capacity that meets the definition of  
15 "emergency medical services personnel," as that term is defined by  
16 Section 773.003, Health and Safety Code;

17            (3) payment of fees for parking in a county-owned  
18 facility;

19            (4) payment to a charitable organization; or

20            (5) payment relating to an item not listed in this  
21 subsection if the commissioners court determines that the payment  
22 serves a public purpose, unless the deduction would violate another  
23 law, including Section 617.006, Government Code.

24        SECTION 14. Section 22.001, Education Code, is repealed.

25        SECTION 15. This Act takes effect September 1, 2017.