

By: Huffman, et al.

S.B. No. 13

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 22.001(a), Education Code, is amended to read as follows:

(a) A school district employee who is employed in a professional law enforcement capacity is entitled to have an amount deducted from the employee's salary for membership fees or dues to a professional organization. The employee must:

(1) file with the district a signed written request identifying the organization and specifying the number of pay periods per year the deductions are to be made; and

(2) inform the district of the total amount of the fees and dues for each year or have the organization notify the district of the amount.

SECTION 2. The heading to Section 403.0165, Government Code, is amended to read as follows:

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

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

(a) A covered ~~[An]~~ employee of a state agency may authorize

1 a transfer each pay period from the employee's salary or wage
2 payment for a membership fee in an eligible state employee
3 organization. The authorization shall remain in effect until the
4 ~~an~~ employee authorizes a change in the authorization.
5 Authorizations and changes in authorizations must be provided in
6 accordance with rules adopted by the comptroller.

7 (b) The comptroller shall adopt rules for transfers by
8 covered employees to a certified eligible state employee
9 organization. The rules may authorize electronic transfers of
10 amounts deducted from covered employees' salaries and wages under
11 this section.

12 (c) Participation by covered employees of state agencies in
13 the payroll deduction program authorized by this section is
14 voluntary.

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

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

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

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

24 (B) an individual employed by a state agency in a
25 capacity that meets the definition of "emergency medical services
26 personnel," as that term is defined by Section 773.003, Health and
27 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 Subsection (b), 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 apply to deductions or withholdings by:

(1) a state agency under Section 403.0165 or 659.1031; or

(2) a political subdivision:

(A) under Section 141.008 or 155.001(a)(2), Local Government Code; or

(B) under the terms of an agreement entered into under:

(i) Subchapter B or C, Chapter 142, Local Government Code; or

(ii) Chapter 174, Local Government Code.

(c) Subsection (a) does not affect the ability of the state or a political subdivision of the state to deduct or withhold from

1 an employee's salary or wages an amount for donation to a charitable
2 organization determined to be eligible for participation in the
3 state employee charitable campaign under Subchapter I, Chapter 659.

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

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

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

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

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

19 (a) This section applies only to a municipal employee who
20 is:

21 (1) a member of the municipality's fire or police
22 department; or

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

25 (a-1) The governing body of a municipality with a population
26 of more than 10,000 may deduct from a municipal employee's monthly
27 salary or wages an amount requested in writing by the employee in

1 payment of membership dues to a bona fide employees' association
2 named by the employee.

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

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

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

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

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

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

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

26 (2) the municipality permits deductions for purposes
27 other than charity, health insurance, taxes, or other purposes for

1 which the municipality is required by law to permit a deduction.

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

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

11 SECTION 11. Section 146.003, Local Government Code, is
12 amended by adding Subsection (e) to read as follows:

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

18 SECTION 12. Section 146.017, Local Government Code, is
19 amended to read as follows:

20 Sec. 146.017. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

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

statute, ordinance, executive order, civil service provision, or rule regarding pensions or pension-related matters.

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

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

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

(1) payment to a credit union;

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

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

(B) 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;

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

(4) payment to a charitable organization; or

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

SECTION 14. This Act takes effect September 1, 2017.