

1-1 By: Huffman, et al. S.B. No. 13  
 1-2 (In the Senate - Filed December 16, 2016; January 24, 2017,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 February 21, 2017, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 6, Nays 2;  
 1-6 February 21, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14		X		
1-15	X			
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 13 By: Birdwell

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

1-21 relating to payroll deductions for state and local government  
 1-22 employee organizations.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 12.013(b), Education Code, is amended to  
 1-25 read as follows:

1-26 (b) A home-rule school district is subject to:

1-27 (1) a provision of this title establishing a criminal  
 1-28 offense;

1-29 (2) a provision of this title relating to limitations  
 1-30 on liability; and

1-31 (3) a prohibition, restriction, or requirement, as  
 1-32 applicable, imposed by this title or a rule adopted under this  
 1-33 title, relating to:

1-34 (A) the Public Education Information Management  
 1-35 System (PEIMS) to the extent necessary to monitor compliance with  
 1-36 this subchapter as determined by the commissioner;

1-37 (B) educator certification under Chapter 21 and  
 1-38 educator rights under Sections 21.407 and ~~21.408~~ ~~and 22.001~~;

1-39 (C) criminal history records under Subchapter C,  
 1-40 Chapter 22;

1-41 (D) student admissions under Section 25.001;

1-42 (E) school attendance under Sections 25.085,  
 1-43 25.086, and 25.087;

1-44 (F) inter-district or inter-county transfers of  
 1-45 students under Subchapter B, Chapter 25;

1-46 (G) elementary class size limits under Section  
 1-47 25.112, in the case of any campus in the district that fails to  
 1-48 satisfy any standard under Section 39.054(e);

1-49 (H) high school graduation under Section 28.025;

1-50 (I) special education programs under Subchapter  
 1-51 A, Chapter 29;

1-52 (J) bilingual education under Subchapter B,  
 1-53 Chapter 29;

1-54 (K) prekindergarten programs under Subchapter E,  
 1-55 Chapter 29;

1-56 (L) safety provisions relating to the  
 1-57 transportation of students under Sections 34.002, 34.003, 34.004,  
 1-58 and 34.008;

1-59 (M) computation and distribution of state aid  
 1-60 under Chapters 31, 42, and 43;

- 2-1 (N) extracurricular activities under Section
- 2-2 33.081;
- 2-3 (O) health and safety under Chapter 38;
- 2-4 (P) public school accountability under
- 2-5 Subchapters B, C, D, E, and J, Chapter 39;
- 2-6 (Q) equalized wealth under Chapter 41;
- 2-7 (R) a bond or other obligation or tax rate under
- 2-8 Chapters 42, 43, and 45; and
- 2-9 (S) purchasing under Chapter 44.

2-10 SECTION 2. The heading to Section 403.0165, Government

2-11 Code, is amended to read as follows:  
2-12 Sec. 403.0165. PAYROLL DEDUCTION FOR STATE EMPLOYEE  
2-13 ORGANIZATION: CERTAIN FIREFIGHTERS, POLICE OFFICERS, AND  
2-14 EMERGENCY MEDICAL SERVICES PERSONNEL.

2-15 SECTION 3. Sections 403.0165(a), (b), (c), and (d),  
2-16 Government Code, are amended to read as follows:

2-17 (a) A covered [An] employee of a state agency may authorize  
2-18 a transfer each pay period from the employee's salary or wage  
2-19 payment for a membership fee in an eligible state employee  
2-20 organization. The authorization shall remain in effect until the  
2-21 [an] employee authorizes a change in the authorization.  
2-22 Authorizations and changes in authorizations must be provided in  
2-23 accordance with rules adopted by the comptroller.

2-24 (b) The comptroller shall adopt rules for transfers by  
2-25 covered employees to a certified eligible state employee  
2-26 organization. The rules may authorize electronic transfers of  
2-27 amounts deducted from covered employees' salaries and wages under  
2-28 this section.

2-29 (c) Participation by covered employees of state agencies in  
2-30 the payroll deduction program authorized by this section is  
2-31 voluntary.

2-32 (d) To be certified by the comptroller, a state employee  
2-33 organization must have a current dues structure for covered state  
2-34 employees in place and operating in this state for a period of at  
2-35 least 18 months.

2-36 SECTION 4. Section 403.0165(1), Government Code, is amended  
2-37 by adding Subdivision (3) to read as follows:

- 2-38 (3) "Covered employee of a state agency" means:
- 2-39 (A) an individual employed by a state agency in a
- 2-40 professional law enforcement or firefighting capacity; or
- 2-41 (B) an individual employed by a state agency in a
- 2-42 capacity that meets the definition of "emergency medical services
- 2-43 personnel," as that term is defined by Section 773.003, Health and
- 2-44 Safety Code.

2-45 SECTION 5. The heading to Chapter 617, Government Code, is  
2-46 amended to read as follows:

2-47 CHAPTER 617. COLLECTIVE BARGAINING, [AND] STRIKES, AND PAYROLL  
2-48 DEDUCTIONS

2-49 SECTION 6. Chapter 617, Government Code, is amended by  
2-50 adding Section 617.006 to read as follows:

2-51 Sec. 617.006. PROHIBITION ON COLLECTION OF LABOR  
2-52 ORGANIZATION DUES. (a) Except as provided by Subsection (b), the  
2-53 state or a political subdivision of the state may not deduct or  
2-54 withhold, or contract to deduct or withhold, from an employee's  
2-55 salary or wages payment of dues or membership fees to a labor  
2-56 organization or other similar entity, including a trade union,  
2-57 labor union, employees' association, or professional organization.

2-58 (b) Subsection (a) does not apply to deductions or  
2-59 withholdings by:

2-60 (1) a state agency under Section 403.0165 or 659.1031;  
2-61 or

2-62 (2) a political subdivision:

2-63 (A) under Section 141.008 or 155.001(a)(2),  
2-64 Local Government Code; or

2-65 (B) under the terms of an agreement entered into  
2-66 under:

2-67 (i) Subchapter B or C, Chapter 142, Local

2-68 Government Code; or

2-69 (ii) Chapter 174, Local Government Code.

3-1 (c) Subsection (a) does not affect the ability of the state  
3-2 or a political subdivision of the state to deduct or withhold from  
3-3 an employee's salary or wages an amount for donation to a charitable  
3-4 organization determined to be eligible for participation in the  
3-5 state employee charitable campaign under Subchapter I, Chapter 659.

3-6 SECTION 7. Section 659.1031(a), Government Code, is amended  
3-7 to read as follows:

3-8 (a) An employee of a state agency employed in a professional  
3-9 law enforcement capacity may authorize in writing a deduction each  
3-10 pay period from the employee's salary or wage payment for payment to  
3-11 an eligible state employee organization of a membership fee in the  
3-12 organization.

3-13 SECTION 8. The heading to Section 141.008, Local Government  
3-14 Code, is amended to read as follows:

3-15 Sec. 141.008. PAYROLL DEDUCTIONS FOR CERTAIN MUNICIPAL  
3-16 FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES  
3-17 PERSONNEL [IN CERTAIN MUNICIPALITIES].

3-18 SECTION 9. Section 141.008, Local Government Code, is  
3-19 amended by amending Subsections (a), (a-1), and (a-2) and adding  
3-20 Subsection (a-3) to read as follows:

3-21 (a) This section applies only to a municipal employee who  
3-22 is:

3-23 (1) a member of the municipality's fire or police  
3-24 department; or

3-25 (2) emergency medical services personnel, as defined  
3-26 by Section 773.003, Health and Safety Code.

3-27 (a-1) The governing body of a municipality with a population  
3-28 of more than 10,000 may deduct from a municipal employee's monthly  
3-29 salary or wages an amount requested in writing by the employee in  
3-30 payment of membership dues to a bona fide employees' association  
3-31 named by the employee.

3-32 (a-2) [~~(a-1)~~] The governing body shall make the payroll  
3-33 deduction described by Subsection (a-1) [~~(a)~~] if requested in  
3-34 writing by an employee who is a member of the municipality's fire  
3-35 department or emergency medical services personnel [~~employees who~~  
3-36 ~~are fire protection personnel as defined by Section 419.021,~~  
3-37 ~~Government Code,~~] if the municipality:

3-38 (1) receives revenue from the state; [~~7~~] and

3-39 (2) [~~if the municipality~~] permits deductions for  
3-40 purposes other than charity, health insurance, taxes, or other  
3-41 purposes for which the municipality is required by law to permit a  
3-42 deduction.

3-43 (a-3) [~~(a-2)~~] The governing body of a municipality whose  
3-44 police department is not covered by a collective bargaining  
3-45 agreement or meet and confer agreement entered into under this code  
3-46 shall make the payroll deduction described by Subsection (a-1)  
3-47 [~~(a)~~] if:

3-48 (1) requested in writing by an employee who is a member  
3-49 of the municipality's police department [~~employees who:~~

3-50 [~~(A) are peace officers as defined by Article~~  
3-51 ~~2.12, Code of Criminal Procedure, and~~

3-52 [~~(B) are not members of a police department~~  
3-53 ~~covered by a collective bargaining agreement or meet-and-confer~~  
3-54 ~~agreement entered into under this code]; and~~

3-55 (2) the municipality permits deductions for purposes  
3-56 other than charity, health insurance, taxes, or other purposes for  
3-57 which the municipality is required by law to permit a deduction.

3-58 SECTION 10. Section 146.002(2), Local Government Code, is  
3-59 amended to read as follows:

3-60 (2) "Employee association" means an organization in  
3-61 which municipal employees participate and that exists for the  
3-62 purpose, wholly or partly, of dealing with one or more employers,  
3-63 whether public or private, concerning grievances, labor disputes,  
3-64 wages, rates of pay, hours of employment, or conditions of work  
3-65 affecting public employees [~~and whose members pay dues by means of~~  
3-66 ~~an automatic payroll deduction]~~.

3-67 SECTION 11. Section 146.003, Local Government Code, is  
3-68 amended by adding Subsection (e) to read as follows:

3-69 (e) This chapter does not authorize an agreement for

4-1 deducting or withholding payment of dues, fees, or contributions to  
4-2 a labor organization or other similar entity, including a trade  
4-3 union, labor union, employees' association, or professional  
4-4 organization in violation of Section 617.006, Government Code.

4-5 SECTION 12. Section 146.017, Local Government Code, is  
4-6 amended to read as follows:

4-7 Sec. 146.017. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

4-8 (a) Except as provided by Subsection (b), a [A] written meet and  
4-9 confer agreement ratified under this chapter preempts, during the  
4-10 term of the agreement and to the extent of any conflict, all  
4-11 contrary state statutes, local ordinances, executive orders, civil  
4-12 service provisions, or rules adopted by this state or a political  
4-13 subdivision or agent of this state, including a personnel board,  
4-14 civil service commission, or home-rule municipality, other than a  
4-15 statute, ordinance, executive order, civil service provision, or  
4-16 rule regarding pensions or pension-related matters.

4-17 (b) A written meet and confer agreement ratified under this  
4-18 chapter may not conflict with or preempt Section 617.006,  
4-19 Government Code.

4-20 SECTION 13. Section 155.001(a), Local Government Code, is  
4-21 amended to read as follows:

4-22 (a) The commissioners court, on the request of a county  
4-23 employee, may authorize a payroll deduction to be made from the  
4-24 employee's wages or salary for:

- 4-25 (1) payment to a credit union;
- 4-26 (2) payment of membership dues in a labor union or a  
4-27 bona fide employees association if the requesting employee serves:

4-28 (A) in a professional law enforcement or  
4-29 firefighting capacity; or

4-30 (B) in a capacity that meets the definition of  
4-31 "emergency medical services personnel," as that term is defined by  
4-32 Section 773.003, Health and Safety Code;

4-33 (3) payment of fees for parking in a county-owned  
4-34 facility;

4-35 (4) payment to a charitable organization; or

4-36 (5) payment relating to an item not listed in this  
4-37 subsection if the commissioners court determines that the payment  
4-38 serves a public purpose, unless the deduction would violate another  
4-39 law, including Section 617.006, Government Code.

4-40 SECTION 14. Section 22.001, Education Code, is repealed.

4-41 SECTION 15. This Act takes effect September 1, 2017.

4-42 \* \* \* \* \*