

By: Huffman, et al.

S.B. No. 13

(In the Senate - Filed December 16, 2016; January 24, 2017, read first time and referred to Committee on State Affairs; February 21, 2017, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 2; February 21, 2017, sent to printer.)

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COMMITTEE SUBSTITUTE FOR S.B. No. 13

By: Birdwell

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;

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

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

(H) high school graduation under Section 28.025;

(I) special education programs under Subchapter A, Chapter 29;

(J) bilingual education under Subchapter B, Chapter 29;

(K) prekindergarten programs under Subchapter E, Chapter 29;

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

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

(N) extracurricular activities under Section

33.081;

(O) health and safety under Chapter 38;
 (P) public school accountability under
 Subchapters B, C, D, E, and J, Chapter 39;
 (Q) equalized wealth under Chapter 41;
 (R) a bond or other obligation or tax rate under
 Chapters 42, 43, and 45; and
 (S) purchasing under Chapter 44.

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

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

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

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

SECTION 4. Section 403.0165(1), Government Code, is amended 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 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 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.

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

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

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

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

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

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

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

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

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

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

(1) receives revenue from the state; [~~r~~] and

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

(a-3) [(a-2)] The governing body of a municipality whose police department is not covered by a collective bargaining

agreement or meet and confer agreement entered into under this code shall make the payroll deduction described by Subsection (a-1)

~~[(a)]~~ if:

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

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

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

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

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

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

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

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

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

Sec. 146.017. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

(a) Except as provided by Subsection (b), a [A] written meet and confer agreement ratified under this chapter preempts, during the term of the agreement and to the extent of any conflict, all contrary state statutes, local ordinances, executive orders, civil service provisions, or rules adopted by this state or a political subdivision or agent of this state, including a personnel board, 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. Section 22.001, Education Code, is repealed.

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

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