

1-1 By: Hughes, et al. S.B. No. 7
 1-2 (In the Senate - Filed July 14, 2017; July 20, 2017, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 July 23, 2017, reported favorably by the following vote: Yeas 6,
 1-5 Nays 3; July 23, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to payroll deductions for state and local government
 1-20 employee organizations.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 22.001(a), Education Code, is amended to
 1-23 read as follows:

1-24 (a) A school district employee who is employed in a
 1-25 professional law enforcement capacity is entitled to have an amount
 1-26 deducted from the employee's salary for membership fees or dues to a
 1-27 professional organization. The employee must:

1-28 (1) file with the district a signed written request
 1-29 identifying the organization and specifying the number of pay
 1-30 periods per year the deductions are to be made; and

1-31 (2) inform the district of the total amount of the fees
 1-32 and dues for each year or have the organization notify the district
 1-33 of the amount.

1-34 SECTION 2. The heading to Section 403.0165, Government
 1-35 Code, is amended to read as follows:

1-36 Sec. 403.0165. PAYROLL DEDUCTION FOR STATE EMPLOYEE
 1-37 ORGANIZATION: CERTAIN FIREFIGHTERS, POLICE OFFICERS, AND
 1-38 EMERGENCY MEDICAL SERVICES PERSONNEL.

1-39 SECTION 3. Sections 403.0165(a), (b), (c), and (d),
 1-40 Government Code, are amended to read as follows:

1-41 (a) A covered ~~[an]~~ employee of a state agency may authorize
 1-42 a transfer each pay period from the employee's salary or wage
 1-43 payment for a membership fee in an eligible state employee
 1-44 organization. The authorization shall remain in effect until the
 1-45 ~~[an]~~ employee authorizes a change in the authorization.
 1-46 Authorizations and changes in authorizations must be provided in
 1-47 accordance with rules adopted by the comptroller.

1-48 (b) The comptroller shall adopt rules for transfers by
 1-49 covered employees to a certified eligible state employee
 1-50 organization. The rules may authorize electronic transfers of
 1-51 amounts deducted from covered employees' salaries and wages under
 1-52 this section.

1-53 (c) Participation by covered employees of state agencies in
 1-54 the payroll deduction program authorized by this section is
 1-55 voluntary.

1-56 (d) To be certified by the comptroller, a state employee
 1-57 organization must have a current dues structure for covered state
 1-58 employees in place and operating in this state for a period of at
 1-59 least 18 months.

1-60 SECTION 4. Section 403.0165(1), Government Code, is amended
 1-61 by adding Subdivision (3) to read as follows:

2-1 (3) "Covered employee of a state agency" means:
 2-2 (A) an individual employed by a state agency in a
 2-3 professional law enforcement or firefighting capacity; or
 2-4 (B) an individual employed by a state agency in a
 2-5 capacity that meets the definition of "emergency medical services
 2-6 personnel," as that term is defined by Section 773.003, Health and
 2-7 Safety Code.

2-8 SECTION 5. The heading to Chapter 617, Government Code, is
 2-9 amended to read as follows:

2-10 CHAPTER 617. COLLECTIVE BARGAINING, [~~AND~~] STRIKES, AND PAYROLL
 2-11 DEDUCTIONS

2-12 SECTION 6. Chapter 617, Government Code, is amended by
 2-13 adding Section 617.006 to read as follows:

2-14 Sec. 617.006. PROHIBITION ON COLLECTION OF LABOR
 2-15 ORGANIZATION DUES. (a) Except as provided by Subsection (b), the
 2-16 state or a political subdivision of the state may not deduct or
 2-17 withhold, or contract to deduct or withhold, from an employee's
 2-18 salary or wages payment of dues or membership fees to a labor
 2-19 organization or other similar entity, including a trade union,
 2-20 labor union, employees' association, or professional organization.

2-21 (b) Subsection (a) does not apply to deductions or
 2-22 withholdings by:

2-23 (1) a state agency under Section 403.0165 or 659.1031;
 2-24 or

2-25 (2) a political subdivision:
 2-26 (A) under Section 141.008 or 155.001(a)(2),
 2-27 Local Government Code; or

2-28 (B) under the terms of an agreement entered into
 2-29 under:

2-30 (i) Subchapter B or C, Chapter 142, Local
 2-31 Government Code; or

2-32 (ii) Chapter 174, Local Government Code.

2-33 (c) Subsection (a) does not affect the ability of the state
 2-34 or a political subdivision of the state to deduct or withhold from
 2-35 an employee's salary or wages an amount for donation to a charitable
 2-36 organization determined to be eligible for participation in the
 2-37 state employee charitable campaign under Subchapter I, Chapter 659.

2-38 SECTION 7. Section 659.1031(a), Government Code, is amended
 2-39 to read as follows:

2-40 (a) An employee of a state agency employed in a professional
 2-41 law enforcement capacity may authorize in writing a deduction each
 2-42 pay period from the employee's salary or wage payment for payment to
 2-43 an eligible state employee organization of a membership fee in the
 2-44 organization.

2-45 SECTION 8. The heading to Section 141.008, Local Government
 2-46 Code, is amended to read as follows:

2-47 Sec. 141.008. PAYROLL DEDUCTIONS FOR CERTAIN MUNICIPAL
 2-48 FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES
 2-49 PERSONNEL [~~IN CERTAIN MUNICIPALITIES~~].

2-50 SECTION 9. Section 141.008, Local Government Code, is
 2-51 amended by amending Subsections (a), (a-1), and (a-2) and adding
 2-52 Subsection (a-3) to read as follows:

2-53 (a) This section applies only to a municipal employee who
 2-54 is:

2-55 (1) a member of the municipality's fire or police
 2-56 department; or

2-57 (2) emergency medical services personnel, as defined
 2-58 by Section 773.003, Health and Safety Code.

2-59 (a-1) The governing body of a municipality with a population
 2-60 of more than 10,000 may deduct from a municipal employee's monthly
 2-61 salary or wages an amount requested in writing by the employee in
 2-62 payment of membership dues to a bona fide employees' association
 2-63 named by the employee.

2-64 (a-2) [~~(a-1)~~] The governing body shall make the payroll
 2-65 deduction described by Subsection (a-1) [~~(a)~~] if requested in
 2-66 writing by an employee who is a member of the municipality's fire
 2-67 department or emergency medical services personnel [~~employees who~~
 2-68 ~~are fire protection personnel as defined by Section 419.021,~~
 2-69 ~~Government Code,~~] if the municipality:

3-1 (1) receives revenue from the state; ~~[7]~~ and
 3-2 (2) ~~[if the municipality]~~ permits deductions for
 3-3 purposes other than charity, health insurance, taxes, or other
 3-4 purposes for which the municipality is required by law to permit a
 3-5 deduction.

3-6 (a-3) ~~[(a-2)]~~ The governing body of a municipality whose
 3-7 police department is not covered by a collective bargaining
 3-8 agreement or meet and confer agreement entered into under this code
 3-9 shall make the payroll deduction described by Subsection (a-1)
 3-10 ~~[(a)]~~ if:

3-11 (1) requested in writing by an employee who is a member
 3-12 of the municipality's police department ~~[employees who:~~
 3-13 ~~[(A) are peace officers as defined by Article~~
 3-14 ~~2.12, Code of Criminal Procedure; and~~
 3-15 ~~[(B) are not members of a police department~~
 3-16 ~~covered by a collective bargaining agreement or meet-and-confer~~
 3-17 ~~agreement entered into under this code]; and~~

3-18 (2) the municipality permits deductions for purposes
 3-19 other than charity, health insurance, taxes, or other purposes for
 3-20 which the municipality is required by law to permit a deduction.

3-21 SECTION 10. Section 146.002(2), Local Government Code, is
 3-22 amended to read as follows:

3-23 (2) "Employee association" means an organization in
 3-24 which municipal employees participate and that exists for the
 3-25 purpose, wholly or partly, of dealing with one or more employers,
 3-26 whether public or private, concerning grievances, labor disputes,
 3-27 wages, rates of pay, hours of employment, or conditions of work
 3-28 affecting public employees ~~[and whose members pay dues by means of~~
 3-29 ~~an automatic payroll deduction].~~

3-30 SECTION 11. Section 146.003, Local Government Code, is
 3-31 amended by adding Subsection (e) to read as follows:

3-32 (e) This chapter does not authorize an agreement for
 3-33 deducting or withholding payment of dues, fees, or contributions to
 3-34 a labor organization or other similar entity, including a trade
 3-35 union, labor union, employees' association, or professional
 3-36 organization in violation of Section 617.006, Government Code.

3-37 SECTION 12. Section 146.017, Local Government Code, is
 3-38 amended to read as follows:

3-39 Sec. 146.017. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

3-40 (a) Except as provided by Subsection (b), a [A] written meet and
 3-41 confer agreement ratified under this chapter preempts, during the
 3-42 term of the agreement and to the extent of any conflict, all
 3-43 contrary state statutes, local ordinances, executive orders, civil
 3-44 service provisions, or rules adopted by this state or a political
 3-45 subdivision or agent of this state, including a personnel board,
 3-46 civil service commission, or home-rule municipality, other than a
 3-47 statute, ordinance, executive order, civil service provision, or
 3-48 rule regarding pensions or pension-related matters.

3-49 (b) A written meet and confer agreement ratified under this
 3-50 chapter may not conflict with or preempt Section 617.006,
 3-51 Government Code.

3-52 SECTION 13. Section 155.001(a), Local Government Code, is
 3-53 amended to read as follows:

3-54 (a) The commissioners court, on the request of a county
 3-55 employee, may authorize a payroll deduction to be made from the
 3-56 employee's wages or salary for:

- 3-57 (1) payment to a credit union;
- 3-58 (2) payment of membership dues in a labor union or a
 3-59 bona fide employees association if the requesting employee serves:
 3-60 (A) in a professional law enforcement or
 3-61 firefighting capacity; or
 3-62 (B) in a capacity that meets the definition of
 3-63 "emergency medical services personnel," as that term is defined by
 3-64 Section 773.003, Health and Safety Code;

3-65 (3) payment of fees for parking in a county-owned
 3-66 facility;

3-67 (4) payment to a charitable organization; or

3-68 (5) payment relating to an item not listed in this
 3-69 subsection if the commissioners court determines that the payment

4-1 serves a public purpose, unless the deduction would violate another
4-2 law, including Section 617.006, Government Code.

4-3 SECTION 14. This Act takes effect December 1, 2017.

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