

SUBJECT: Requiring certain cities to make payroll deductions for union dues

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 6 ayes — Carter, Bailey, Edwards, Ehrhardt, Hill, Najera
0 nays
3 absent — Burnam, Callegari, E. Jones

WITNESSES: For — Ken Bailey, Texas State Association of Fire Fighters; *Registered but did not testify:* Chris Heaton, Texas Municipal Police Association; Morgan Herron, Tyler Fire Fighters; Johnny Villarreal, Houston Fire Fighters Local 341; Bob York, Wichita Falls Fire Fighters Association

Against — None

BACKGROUND: Local Government Code, sec. 141.008 authorizes cities with populations of more than 10,000 to deduct employee association dues when requested in writing by full-time, active city employees who are members of a bona fide employees' union. The request remains in effect until the employee provides written notice of revocation. Cities making such payroll deductions may assess an administrative fee to cover the cost of collecting, accounting for, and disbursing the dues.

DIGEST: HB 1957 would add sec. 141.0081 to the Local Government Code to require a city with a population of more than 10,000 to deduct employee association dues when requested in writing by full-time, active city employees who were members of a bona fide employees' union if the city permitted other deductions. Deductions for a charitable purpose, health insurance, taxes, or a deduction required by law would not count as other deductions for the purposes of the bill. The provisions of sec. 141.008 regarding forms and fees would apply to payroll deductions under the new section.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

**SUPPORTERS
SAY:**

HB 1957 would ensure that cities of more than 10,000 people allowed their employees to pay dues to an employee organization through a payroll deduction if they allowed deductions for other reasons, excepting charitable purposes, health insurance, taxes, or deductions required by law. Some cities currently allow payroll deductions for other organizations or purposes but unfairly exclude employee associations. Employees should have the right to decide where they want their money to go, and cities should not be able to single out a particular kind of organization for exclusion.

The bill only would affect cities that already allow deductions and therefore would have the capability to make these deductions. The bill would not create a new burden because cities would be able to assess a fee to cover its costs. LBB's fiscal note determined that there were be no fiscal implication to units of local government based on its discussions with several cities.

**OPPONENTS
SAY:**

Current law should remain permissive. With different employee associations for almost every kind of employee today, this bill could create an additional burden on cities to track these deductions. A city should have the flexibility to decide whether or not to allow automatic payroll deductions for certain items.

NOTES:

The companion bill, SB 846 by Cain, passed the Senate on the Local and Uncontested Calendar on April 20 and was reported favorably as substituted by the House Urban Affairs Committee on April 3, making it eligible to be considered in lieu of HB 1957.

In 1997, the 75th Legislature enacted a similar bill, SB 823 by Cain, but it was vetoed by Gov. George W. Bush, who said the legislation was unnecessary and contrary to the concept of local control.