

BILL ANALYSIS

Senate Research Center
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S.B. 1539
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Intergovernmental Relations
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As Filed

DIGEST

Currently, the Houston Police Department does not have the ability to replace a bargaining agent, relating to dealing with employment negotiations, should a majority of the police officers choose to do so. S.B. 1539 would establish provisions regarding local control of police officer employment matters by certain municipalities.

PURPOSE

As proposed, S.B. 1539 establishes provisions regarding local control of police officer employment matters by certain municipalities.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 143.352(1) and (2), Local Government Code, to redefine “bargaining agent” and “police employee group.”

SECTION 2. Amends Sections 143.353(a) and (b), Local Government Code, to prohibit a municipality from being denied local control over certain funds, terms of employment, or state-mandated issues, if the employer and bargaining agent, rather than majority bargaining agent, come to a mutual agreement on any of the terms of employment. Makes a conforming change.

SECTION 3. Amends Section 143.354, Local Government Code, as follows:

Sec. 143.354. New heading: RECOGNITION OF POLICE EMPLOYEE GROUP. Authorizes the public employer to recognize a police employee group that submits a petition signed by a majority of the paid police officers in the municipality, excluding certain persons, as the sole and exclusive bargaining agent for all of the police officers in the municipality, unless recognition of the police employee group is withdrawn by a majority of those police officers. Requires a police employee group to be resolved by a fair election conducted according to procedures agreed on by the parties. Authorizes either party to request the American Arbitration Association, in the event of unresolved election procedures, to conduct the election and certify the results, whereby resolving the question concerning representation. Sets forth requirements for payment of costs of an election by one or more police employee groups. Requires the public employer’s chief executive officer to designate a team to represent the public employer as its sole and exclusive bargain agent for issues related to the police department. Deletes existing section regarding the selection of a majority bargaining agent.

SECTION 4. Amends Section 143.357, Local Government Code, to make conforming changes.

SECTION 5. Amends Section 143.358, Local Government Code, to make a conforming change.

SECTION 6. Amends Section 143.359(a), Local Government Code, to delete text regarding approval by a bargaining team. Makes conforming changes.

SECTION 7. Amends 143.360, Local Government Code, to delete text regarding an election involving the bargaining team. Make conforming changes.

SECTION 8. Amends Sections 143.361(a) and (c), Local Government Code, to make conforming changes.

SECTION 9. Amends Section 143.362, Local Government Code, to make conforming changes.

SECTION 10. Amends Section 143.363(a), Local Government Code, to make a conforming change.

SECTION 11. Repealers: Sections 143.355 and 143.356, Local Government Code (regarding the election of a majority bargaining agent and bargaining team negotiations).

SECTION 12. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 13. Emergency clause.