

BILL ANALYSIS

Senate Research Center

C.S.S.B. 396
By: Gallegos
Intergovernmental Relations
3-20-97
Committee Report (Substituted)

DIGEST

Currently, an agreement between a municipality and a firefighter's association is prohibited from diminishing any right of an employee under Subchapter H, Local Government Code, or other law unless approved by a majority vote by secret ballot of the members of the firefighter's association recognized as the bargaining agent. However, it may be unclear if an agreement is ratified if a majority of the votes cast in the membership election is in favor of ratification. This bill provides that an agreement may not diminish the rights of an employee unless approved by a majority of the votes received in a secret ballot referendum of the members of the firefighter's association.

PURPOSE

As proposed, C.S.S.B. 396 provides that an agreement may not diminish the rights of an employee unless approved by a majority of the votes received in a secret ballot referendum of the members of the firefighter's association.

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 Section 143.206, Local Government Code, as follows:

Sec. 143.206. ENFORCEABILITY OF AGREEMENT. Provides that a certain written agreement is binding between certain entities and individuals if the municipality's governing body ratified the agreement by a majority vote, and the firefighter's association ratified the agreement by a majority of the votes received in a referendum, rather than a majority vote, of its members by secret ballot. Sets forth authority and jurisdiction of certain state district courts.

SECTION 2. Amends Section 143.207(c), Local Government Code, to authorize an agreement under Chapter 143H, of this code, not to diminish or qualify any right of an employee under this chapter or other law unless approved by a majority of the votes received in a secret ballot referendum of the firefighter's association members, rather than a majority of the votes received in a secret ballot referendum of the members.

SECTION 3. Effective date: upon passage.
Makes application of this Act prospective.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 143.206, Local Government Code, to establish enforceability standards.
Redesignates proposed text to SECTION 2.

SECTION 2.

Redesignates Section 143.207(c), Local Government Code, to prohibit an agreement from diminishing certain rights of an employee unless approved by a majority of the votes received in a secret ballot referendum, rather than requiring approval by a secret ballot election of certain members. Deletes proposed text requiring the agreement to be approved if a majority of the votes actually received in the election are in favor of adoption of the agreement.

SECTION 3.

Redesignates effective clause and requires the Act to become effective upon passage, rather than June 3, 1997.