

1-1 By: Hancock S.B. No. 452
 1-2 (In the Senate - Filed January 10, 2017; February 6, 2017,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 March 22, 2017, reported favorably by the following vote: Yeas 6,
 1-5 Nays 2; March 22, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Creighton	X			
1-9 Campbell			X	
1-10 Estes	X			
1-11 Nichols	X			
1-12 Schwertner	X			
1-13 Taylor of Galveston	X			
1-14 Whitmire		X		
1-15 Zaffirini		X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the effect of certain agreements with a collective
 1-20 bargaining organization on certain state-funded public work
 1-21 contracts.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter T, Chapter 51, Education Code, is
 1-24 amended by adding Section 51.7761 to read as follows:

1-25 Sec. 51.7761. AGREEMENT WITH COLLECTIVE BARGAINING
 1-26 ORGANIZATION. (a) In this section, "public work contract" means a
 1-27 contract for constructing, altering, or repairing a public building
 1-28 or carrying out or completing any public work.

1-29 (b) An institution awarding a public work contract funded
 1-30 with state money, including the issuance of debt guaranteed by this
 1-31 state, may not:

1-32 (1) prohibit, require, discourage, or encourage a
 1-33 person bidding on the public work contract, including a contractor
 1-34 or subcontractor, from entering into or adhering to an agreement
 1-35 with a collective bargaining organization relating to the project;
 1-36 or

1-37 (2) discriminate against a person described by
 1-38 Subdivision (1) based on the person's involvement in the agreement,
 1-39 including the person's:

1-40 (A) status or lack of status as a party to the
 1-41 agreement; or

1-42 (B) willingness or refusal to enter into the
 1-43 agreement.

1-44 (c) This section may not be construed to:

1-45 (1) prohibit activity protected by the National Labor
 1-46 Relations Act (29 U.S.C. Section 151 et seq.), including entering
 1-47 into an agreement with a collective bargaining organization
 1-48 relating to the project; or

1-49 (2) permit conduct prohibited under the National Labor
 1-50 Relations Act (29 U.S.C. Section 151 et seq.).

1-51 SECTION 2. Subchapter B, Chapter 2269, Government Code, is
 1-52 amended by adding Section 2269.0541 to read as follows:

1-53 Sec. 2269.0541. AGREEMENT WITH COLLECTIVE BARGAINING
 1-54 ORGANIZATION. (a) A governmental entity awarding a public work
 1-55 contract funded with state money, including the issuance of debt
 1-56 guaranteed by this state, may not:

1-57 (1) prohibit, require, discourage, or encourage a
 1-58 person bidding on the public work contract, including a contractor
 1-59 or subcontractor, from entering into or adhering to an agreement
 1-60 with a collective bargaining organization relating to the project;
 1-61 or

2-1 (2) discriminate against a person described by
2-2 Subdivision (1) based on the person's involvement in the agreement,
2-3 including the person's:

2-4 (A) status or lack of status as a party to the
2-5 agreement; or

2-6 (B) willingness or refusal to enter into the
2-7 agreement.

2-8 (b) This section may not be construed to:

2-9 (1) prohibit activity protected by the National Labor
2-10 Relations Act (29 U.S.C. Section 151 et seq.), including entering
2-11 into an agreement with a collective bargaining organization
2-12 relating to the project; or

2-13 (2) permit conduct prohibited under the National Labor
2-14 Relations Act (29 U.S.C. Section 151 et seq.).

2-15 SECTION 3. Section 51.7761, Education Code, and Section
2-16 2269.0541, Government Code, as added by this Act, apply only to a
2-17 public work contract for which an invitation for offers, request
2-18 for proposals, request for qualifications, or other similar
2-19 solicitation is first published or distributed on or after the
2-20 effective date of this Act. A public work contract for which an
2-21 invitation for offers, request for proposals, request for
2-22 qualifications, or other similar solicitation is first published or
2-23 distributed before the effective date of this Act is governed by the
2-24 law in effect at the time the invitation, request, or other
2-25 solicitation is published or distributed, and the former law is
2-26 continued in effect for that purpose.

2-27 SECTION 4. This Act takes effect immediately if it receives
2-28 a vote of two-thirds of all the members elected to each house, as
2-29 provided by Section 39, Article III, Texas Constitution. If this
2-30 Act does not receive the vote necessary for immediate effect, this
2-31 Act takes effect September 1, 2017.

2-32 * * * * *