

1-1 By: Parker, et al. (Senate Sponsor - Hancock) H.B. No. 985
1-2 (In the Senate - Received from the House April 30, 2019;
1-3 May 1, 2019, read first time and referred to Committee on Business
1-4 & Commerce; May 10, 2019, reported favorably by the following vote:
1-5 Yeas 6, Nays 1; May 10, 2019, 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 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) discriminate against a person described by Subdivision (1) based on the person's involvement in the agreement, including the person's:

(A) status or lack of status as a party to the agreement; or

(B) willingness or refusal to enter into the agreement.

(b) This section may not be construed to:

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

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

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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