

By: Villarreal

H.B. No. 1018

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a purchasing preference for vendors that provide  
3 employee dependent care benefits.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter H, Chapter 2155, Government Code, is  
6 amended by adding Section 2155.451 to read as follows:

7 Sec. 2155.451. PREFERENCE FOR VENDORS RECEIVING FAMILY  
8 FRIENDLY DESIGNATION. (a) The commission and state agencies shall  
9 give preference to goods or services of a vendor that receives a  
10 family friendly designation from the Texas Workforce Commission if:

11 (1) the goods or services meet specifications  
12 regarding quantity and quality; and

13 (2) the cost of the good or service does not exceed the  
14 cost of other similar goods or services that are produced by a  
15 vendor that does not receive a family friendly designation from the  
16 Texas Workforce Commission.

17 (b) Notwithstanding Subsection (a), during the state fiscal  
18 biennium that begins September 1, 2003, the commission and state  
19 agencies shall give preference to goods or services of a vendor that  
20 participates in a dependent care benefits assessment conducted by  
21 an employer dependent care coalition and develops a plan for  
22 improving employee dependent care benefits in accordance with  
23 Subsection (e) if:

24 (1) the goods or services meet specifications

1 regarding quantity and quality; and

2 (2) the cost of the good or service does not exceed the  
3 cost of other similar goods or services that are produced by a  
4 vendor that does not participate in a dependent care benefits  
5 assessment by an employer dependent care coalition or develop a  
6 plan for improving employee dependent care benefits in accordance  
7 with Subsection (e).

8 (c) This subsection and Subsection (b) expire September 1,  
9 2005.

10 (d) Notwithstanding Subsection (a), during the state fiscal  
11 biennium that begins September 1, 2005, the commission and state  
12 agencies shall give preference to goods or services of a vendor that  
13 implements the plan for improving employee dependent care benefits  
14 that was developed as part of an assessment by an employer dependent  
15 care coalition in accordance with Subsection (e) if:

16 (1) the goods or services meet specifications  
17 regarding quantity and quality; and

18 (2) the cost of the good or service does not exceed the  
19 cost of other similar goods or services that are produced by a  
20 vendor that does not implement a plan for improving employee  
21 dependent care benefits that was developed as part of an assessment  
22 by an employer dependent care coalition in accordance with  
23 Subsection (e).

24 (e) For the purposes of Subsections (b) and (d), the  
25 employer dependent care coalition:

26 (1) must be working under a contract with the Texas  
27 Workforce Commission; and

1           (2) is responsible for certifying, as applicable,  
2 that:

3           (A) the coalition has assessed the dependent care  
4 benefits of an employer;

5           (B) the employer has developed a plan for  
6 improving employee dependent care benefits as part of its  
7 participation in the assessment by the coalition; and

8           (C) the employer is implementing the plan.

9           (f) This subsection and Subsections (d) and (e) expire  
10 September 1, 2007.

11           SECTION 2. Subchapter Z, Chapter 271, Local Government  
12 Code, is amended by adding Section 271.907 to read as follows:

13           Sec. 271.907. PREFERENCE FOR VENDORS RECEIVING FAMILY  
14 FRIENDLY DESIGNATION. (a) In this section, "local government"  
15 means a county, municipality, special district, school district,  
16 junior college district, or other political subdivision of the  
17 state.

18           (b) A local government shall give preference to goods or  
19 services of a vendor that receives a family friendly designation  
20 from the Texas Workforce Commission if:

21           (1) the goods or services meet specifications  
22 regarding quantity and quality; and

23           (2) the cost of the good or service does not exceed the  
24 cost of other similar goods or services that are produced by a  
25 vendor that does not receive a family friendly designation from the  
26 Texas Workforce Commission.

27           (c) Notwithstanding Subsection (b), during the state fiscal

1 biennium that begins September 1, 2003, a local government shall  
2 give preference to goods or services of a vendor that participates  
3 in a dependent care benefits assessment conducted by an employer  
4 dependent care coalition and develops a plan for improving employee  
5 dependent care benefits in accordance with Subsection (e) if:

6 (1) the goods or services meet specifications  
7 regarding quantity and quality; and

8 (2) the cost of the good or service does not exceed the  
9 cost of other similar goods or services that are produced by a  
10 vendor that does not participate in a dependent care benefits  
11 assessment by an employer dependent care coalition or develop a  
12 plan for improving employee dependent care benefits in accordance  
13 with Subsection (e).

14 (d) This subsection and Subsection (c) expire September 1,  
15 2005.

16 (e) Notwithstanding Subsection (b), during the state fiscal  
17 biennium that begins September 1, 2005, a local government shall  
18 give preference to goods or services of a vendor that implements the  
19 plan for improving employee dependent care benefits that was  
20 developed as part of an assessment by an employer dependent care  
21 coalition in accordance with Subsection (e) if:

22 (1) the goods or services meet specifications  
23 regarding quantity and quality; and

24 (2) the cost of the good or service does not exceed the  
25 cost of other similar goods or services that are produced by a  
26 vendor that does not implement a plan for improving employee  
27 dependent care benefits that was developed as part of an assessment

1 by an employer dependent care coalition in accordance with  
2 Subsection (e).

3 (f) For the purposes of Subsections (c) and (e), the  
4 employer dependent care coalition:

5 (1) must be working under a contract with the Texas  
6 Workforce Commission; and

7 (2) is responsible for certifying, as applicable,  
8 that:

9 (A) the coalition has assessed the dependent care  
10 benefits of an employer;

11 (B) the employer has developed a plan for  
12 improving employee dependent care benefits as part of its  
13 participation in the assessment by the coalition; and

14 (C) the employer is implementing the plan.

15 (g) This subsection and Subsections (e) and (f) expire  
16 September 1, 2007.

17 SECTION 3. Chapter 81, Labor Code, is amended by adding  
18 Section 81.010 to read as follows:

19 Sec. 81.010. FAMILY FRIENDLY DESIGNATION. (a) In this  
20 section, "family friendly," means the provision of dependent care  
21 benefits and the adoption of policies relating to dependent care  
22 that have a value to employees that is appropriate to the size and  
23 nature of an employer's operations, as determined by commission  
24 rule.

25 (b) The commission, in consultation with employer dependent  
26 care coalitions, shall by rule develop a rating system for  
27 employers to determine the degree to which the employer is family

1 friendly. In developing the system, the commission shall take into  
2 consideration the different sizes and kinds of businesses.

3 (c) Only employers that receive the highest rating under the  
4 system developed under Subsection (b) qualify for a family friendly  
5 designation.

6 (d) The commission shall publish on its website a list  
7 showing each employer that currently holds a family friendly  
8 designation.

9 (e) A governmental entity shall use the information  
10 published under Subsection (d) to evaluate bids for goods and  
11 services. A governmental entity may rely on information published  
12 under Subsection (d) to meet the requirements of Section 2155.451,  
13 Government Code, and Section 271.907, Local Government Code.

14 SECTION 4. This Act takes effect September 1, 2003.