

By: Callegari, Parker

H.B. No. 1548

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the effect of certain agreements with a collective  
3 bargaining organization on certain state-funded public work  
4 contracts.

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

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

8 Sec. 51.7761. AGREEMENT WITH COLLECTIVE BARGAINING  
9 ORGANIZATION. (a) In this section, "public work contract" means a  
10 contract for constructing, altering, or repairing a public building  
11 or carrying out or completing any public work.

12 (b) An institution of higher education awarding a public  
13 work contract funded with state money, including the issuance of  
14 debt guaranteed by the state, may not:

15 (1) prohibit, require, discourage, or encourage a  
16 person bidding on the public work contract, including a contractor  
17 or subcontractor, from entering into or adhering to an agreement  
18 with a collective bargaining organization relating to the project;  
19 or

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

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

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

3           (c) This section may not be construed to:

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

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

10           SECTION 2. Subchapter B, Chapter 2267, Government Code, as  
11 added by Chapter 1129 (H.B. No. 628), Acts of the 82nd Legislature,  
12 Regular Session, 2011, is amended by adding Section 2267.0541 to  
13 read as follows:

14           Sec. 2267.0541. AGREEMENT WITH COLLECTIVE BARGAINING  
15 ORGANIZATION. (a) A governmental entity awarding a public work  
16 contract funded with state money, including the issuance of debt  
17 guaranteed by the state, may not:

18                   (1) prohibit, require, discourage, or encourage a  
19 person bidding on the public work contract, including a contractor  
20 or subcontractor, from entering into or adhering to an agreement  
21 with a collective bargaining organization relating to the project;  
22 or

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

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

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

3           (b) This section may not be construed to:

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

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

10           SECTION 3. Section 2267.0541, Government Code, and Section  
11 51.7761, Education Code, as added by this Act, apply only to a  
12 public work contract for which an invitation for offers, request  
13 for proposals, request for qualifications, or other similar  
14 solicitation is first published or distributed on or after the  
15 effective date of this Act. A public work contract for which an  
16 invitation for offers, request for proposals, request for  
17 qualifications, or other similar solicitation is first published or  
18 distributed before the effective date of this Act is governed by the  
19 law in effect at the time the invitation, request, or other  
20 solicitation is published or distributed, and the former law is  
21 continued in effect for that purpose.

22           SECTION 4. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2013.