

By: Hancock

S.B. No. 1381

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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.