

By: Anchia

H.B. No. 258

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a prohibition on the award of a state agency contract to
3 a person in a state with laws allowing or requiring discrimination
4 based on sexual orientation or gender identity or expression.

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

6 SECTION 1. Subchapter A, Chapter 2155, Government Code, is
7 amended by adding Section 2155.008 to read as follows:

8 Sec. 2155.008. PROHIBITION ON BIDS AND CONTRACTS INVOLVING
9 STATES WITH CERTAIN DISCRIMINATORY LAWS. (a) In this section:

10 (1) "Gender identity or expression" means having or
11 being perceived as having gender-related identity, appearance,
12 expression, or behavior, regardless of whether that identity,
13 appearance, expression, or behavior is different from that commonly
14 associated with the individual's actual or perceived sex.

15 (2) "Sexual orientation" means the actual or perceived
16 status of an individual with respect to the individual's sexuality.

17 (b) A state agency may not accept a bid or award a contract
18 that includes proposed financial participation by an individual
19 residing in or a business entity conducting business in a state
20 that, after June 26, 2015, enacted a law to:

21 (1) void or repeal any existing protection against
22 discrimination on the basis of sexual orientation or gender
23 identity or expression; or

24 (2) authorize or require discrimination against

1 same-sex couples or their families or on the basis of sexual
2 orientation or gender identity or expression.

3 (c) A bid or award subject to the requirements of this
4 section must include the following statement:

5 "Under Section 2155.008, Government Code, the vendor
6 certifies that the individual or business entity named in this bid
7 or contract is not ineligible to receive the specified contract and
8 acknowledges that this contract may be terminated and payment
9 withheld if this certification is inaccurate."

10 (d) If a state agency determines that an individual or
11 business entity holding a state contract was ineligible to have the
12 bid accepted or contract awarded under Subsection (b), the state
13 agency may immediately terminate the contract without further
14 obligation to the vendor.

15 (e) This section does not create a cause of action to
16 contest a bid or award of a state contract.

17 SECTION 2. Section 2155.008, Government Code, as added by
18 this Act, applies only to a contract for which a state agency first
19 advertises or otherwise solicits bids, proposals, offers,
20 qualifications, or other similar expressions of interest on or
21 after the effective date of this Act.

22 SECTION 3. This Act takes effect September 1, 2017.