

By: Hancock

S.B. No. 452

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 awarding a public work contract funded with state money, including the issuance of debt guaranteed by this 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 2269, Government Code, is  
11 amended by adding Section 2269.0541 to read as follows:

12           Sec. 2269.0541. AGREEMENT WITH COLLECTIVE BARGAINING  
13 ORGANIZATION. (a) A governmental entity awarding a public work  
14 contract funded with state money, including the issuance of debt  
15 guaranteed by this state, may not:

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

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

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

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

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

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

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

8           SECTION 3. Section 51.7761, Education Code, and Section  
9 2269.0541, Government Code, as added by this Act, apply only to a  
10 public work contract for which an invitation for offers, request  
11 for proposals, request for qualifications, or other similar  
12 solicitation is first published or distributed on or after the  
13 effective date of this Act. A public work contract for which an  
14 invitation for offers, request for proposals, request for  
15 qualifications, or other similar solicitation is first published or  
16 distributed before the effective date of this Act is governed by the  
17 law in effect at the time the invitation, request, or other  
18 solicitation is published or distributed, and the former law is  
19 continued in effect for that purpose.

20           SECTION 4. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2017.