H.B. No. 985

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

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

(c)  This section may not be construed to:

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

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

SECTION 2.  Subchapter B, Chapter 2269, Government Code, is amended by adding Section 2269.0541 to read as follows:

Sec. 2269.0541.  AGREEMENT WITH COLLECTIVE BARGAINING ORGANIZATION. (a) A governmental entity 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

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

(b)  This section may not be construed to:

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

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

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

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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    President of the Senate Speaker of the House

I certify that H.B. No. 985 was passed by the House on April 30, 2019, by the following vote:  Yeas 93, Nays 54, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 985 was passed by the Senate on May 16, 2019, by the following vote:  Yeas 19, Nays 12.

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Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

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                  Governor