

1-1 By: Hancock, Flores S.B. No. 936
 1-2 (In the Senate - Filed February 14, 2023; March 3, 2023,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 March 27, 2023, reported favorably by the following vote: Yeas 8,
 1-5 Nays 3; March 27, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15		X		
1-16	X			
1-17	X			
1-18		X		

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to certain agreements with collective bargaining
 1-22 organizations related to certain publicly funded public work
 1-23 contracts.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 51.7761(b), Education Code, is amended
 1-26 to read as follows:

1-27 (b) An institution awarding a public work contract funded
 1-28 in whole or in part with state or local governmental money or
 1-29 governmentally administered financial assistance, including the
 1-30 issuance of debt guaranteed by this state or a local governmental
 1-31 entity, money from ratepayers, or money from user fees, may not:

1-32 (1) prohibit, require, discourage, or encourage a
 1-33 person bidding on the public work contract, including a contractor
 1-34 or subcontractor, from entering into or adhering to an agreement
 1-35 with a collective bargaining organization relating to the project;
 1-36 or

1-37 (2) discriminate against a person described by
 1-38 Subdivision (1) based on the person's involvement in the agreement,
 1-39 including the person's:

1-40 (A) status or lack of status as a party to the
 1-41 agreement; or

1-42 (B) willingness or refusal to enter into the
 1-43 agreement.

1-44 SECTION 2. Section 2269.0541(a), Government Code, is
 1-45 amended to read as follows:

1-46 (a) A governmental entity awarding a public work contract
 1-47 funded in whole or in part with state or local governmental money or
 1-48 governmentally administered financial assistance, including the
 1-49 issuance of debt guaranteed by this state or a local governmental
 1-50 entity, money from ratepayers, or money from user fees, may not:

1-51 (1) prohibit, require, discourage, or encourage a
 1-52 person bidding on the public work contract, including a contractor
 1-53 or subcontractor, from entering into or adhering to an agreement
 1-54 with a collective bargaining organization relating to the project;
 1-55 or

1-56 (2) discriminate against a person described by
 1-57 Subdivision (1) based on the person's involvement in the agreement,
 1-58 including the person's:

1-59 (A) status or lack of status as a party to the
 1-60 agreement; or

1-61 (B) willingness or refusal to enter into the

2-1 agreement.

2-2 SECTION 3. The changes made by this Act to Section 51.7761,
2-3 Education Code, and Section 2269.0541, Government Code, apply only
2-4 to a public work contract for which an invitation for offers,
2-5 request for proposals, request for qualifications, or other similar
2-6 solicitation is first published or distributed on or after the
2-7 effective date of this Act. A public work contract for which an
2-8 invitation for offers, request for proposals, request for
2-9 qualifications, or other similar solicitation is first published or
2-10 distributed before the effective date of this Act is governed by the
2-11 law in effect at the time the invitation, request, or other
2-12 solicitation is published or distributed, and the former law is
2-13 continued in effect for that purpose.

2-14 SECTION 4. This Act takes effect immediately if it receives
2-15 a vote of two-thirds of all the members elected to each house, as
2-16 provided by Section 39, Article III, Texas Constitution. If this
2-17 Act does not receive the vote necessary for immediate effect, this
2-18 Act takes effect September 1, 2023.

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