

Amend HB 5061 (house committee report) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. This Act shall be known as the Texas Integrity in State Contracting and Privacy Protection Act.

(2) On page 1, line 15, between "express" and "authorization", insert "or contractual".

(3) On page 1, lines 16 and 17, strike "data mining, and social media monitoring" and substitute "and data mining. The term does not include collecting information that is publicly available or available to the public through a subscription service."

(4) Strike page 2, lines 15 through 17, and substitute the following:

(B) a family member of a person described by Paragraph (A);

(C) a state agency employee; or

(D) an individual making a complaint or raising concerns regarding state agency operations or contracting;

(5) On page 2, line 21, strike "or (C)" and substitute "(C), or (D)".

(6) On page 3, line 6, strike "the person was the target of" and substitute "a".

(7) On page 3, line 7, between "2261.302" and "may", insert "has occurred".

(8) On page 5, between lines 6 and 7, insert the following:

(c) A violation of this subchapter committed by or involving the following individuals or entities is considered a violation of this subchapter by a contractor, subcontractor, vendor, or respondent to a contract solicitation by a state agency:

(1) a parent company of the contractor, subcontractor, vendor, or respondent;

(2) a subsidiary wholly or partially owned by the contractor, subcontractor, vendor, or respondent;

(3) a sister or affiliate entity under common ownership or control of the contractor, subcontractor, vendor, or respondent;

(4) a subdivision, division, or operational branch of

the contractor, subcontractor, vendor, or respondent;

(5) a subcontractor, agent, representative, or third party acting on behalf of or in coordination with the contractor, subcontractor, vendor, or respondent;

(6) a joint venture, consortium, or partnership in which the contractor, subcontractor, vendor, or respondent has an interest;

(7) an employee, officer, or executive of the contractor, subcontractor, vendor, or respondent acting within the employee's, officer's, or executive's scope of employment; and

(8) an entity with which the contractor, subcontractor, vendor, or respondent shares significant operational control, decision-making authority, financial interest, or business goals.

(d) Subsection (c) applies regardless of whether an individual or entity described by that subsection is a direct party to a contract or procurement agreement. An individual or entity described by Subsection (c)(1) through (8) is subject to the enforcement actions, penalties, and disqualifications provided by this subchapter.

(e) The state auditor's office shall notify the comptroller of each final determination that a person violated this subchapter. The comptroller shall distribute information to state agencies regarding the final determination to assist state agencies in carrying out the intent of this subchapter. Each state agency shall review the information distributed by the comptroller to ensure that the agency does not award a contract in violation of this section.

(9) Strike page 5, lines 7 through 22, and substitute the following:

Sec. 2261.307. RETALIATION AGAINST EMPLOYEES AND WHISTLEBLOWERS PROHIBITED. (a) In this section, "employee" means a person who is an employee of a:

(1) contractor or subcontractor of a state agency;

(2) vendor responding to a contract solicitation by a state agency; or

(3) provider or recipient of state services.

(b) An employee or other person with knowledge of a violation of this subchapter has a cause of action against an employer or entity who suspends or terminates services, contracts, or employment of or otherwise disciplines or discriminates or retaliates against the employee or other person in any manner for:

(1) reporting to a supervisor, state regulatory agency, or law enforcement agency a violation of this subchapter;  
or

(2) initiating or cooperating in any investigation by or proceeding of a governmental entity relating to a state contract, including by providing information or testimony in the proceeding.

(10) On page 5, line 24, between "wages" and "if", insert "or services".

(11) On page 6, lines 21 and 22, strike "60 days" and substitute "120 days".

(12) On page 7, between lines 5 and 6, insert the following:

(i) For purposes of this section, retaliation includes harassment, blacklisting, changes or impact to a contract or state services an individual may be receiving, and any other adverse action that affects an individual's livelihood, employment, or access to services.