

BILL ANALYSIS

Senate Research Center
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H.B. 1548
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Government Organization
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Project labor agreements (PLAs) are increasingly being used across the nation as a means of forcing governmental entities to award contracts to unionized companies. When allocating state resources for approved state-funded projects, there should not be preferences for unionized labor or non-unionized labor. Such preferences place the state in a position of picking winners and losers in decisions not based upon the most efficient cost or the most competent labor in the execution of government contracts.

If a unionized company can perform the work for the best value, then they should win the bid. The same holds true for non-unionized companies. This bill ensures that everyone can compete on the open market regardless of their group affiliation.

This bill adds a section to both the Education Code and the Government Code stating that contract work funded with state money, including the issuance of debt guaranteed by the state, may not 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 discriminate against a person described above based upon that person's involvement in the agreement, including that person's status or lack of status as a party to the agreement, or his or her willingness or refusal to enter into the agreement.

The language in this bill may not be construed to prohibit activity protected by the National Labor Relations Act.

H.B. 1548 amends current law relating to the effect of certain agreements with a collective bargaining organization on certain state-funded public work contracts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter T, Chapter 51, Education Code, by adding Section 51.7761, as follows:

Sec. 51.7761. AGREEMENT WITH COLLECTIVE BARGAINING ORGANIZATION.

(a) Defines "public work contract" in this section.

(b) Prohibits an institution of higher education awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, from:

(1) prohibiting, requiring, discouraging, or encouraging 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) discriminating against a person described by Subdivision (1) based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

(c) Prohibits this section from being 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. Amends Subchapter B, Chapter 2267, Government Code, as added by Chapter 1129 (H.B. No. 628), Acts of the 82nd Legislature, Regular Session, 2011, by adding Section 2267.0541, as follows:

Sec. 2267.0541. AGREEMENT WITH COLLECTIVE BARGAINING ORGANIZATION. (a) Prohibits a governmental entity awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, from:

(1) prohibiting, requiring, discouraging, or encouraging 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) discriminating against a person described by Subdivision (1) based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

(b) Prohibits this section from being 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. Provides that Section 2267.0541, Government Code, and Section 51.7761, Education 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. Provides that 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. Effective date: upon passage or September 1, 2013.