

BILL ANALYSIS

H.B. 1548
By: Callegari
Government Efficiency & Reform
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerned parties note that project labor agreements are increasingly being used across the nation as a means of forcing governmental entities to award contracts to unionized companies and assert that there should not be a preference in regard to unionized or non-unionized labor when allocating state resources for approved state-funded projects. These parties contend that such a preference places the state in a position of picking winners and losers in decisions that are not based on the most efficient cost or the most competent labor in the execution of government contracts. H.B. 1548 seeks to ensure that everyone can compete for government contracts on the open market regardless of group affiliation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1548 amends the Education Code and Subchapter B, Chapter 2267, Government Code, as added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature, Regular Session, 2011, to prohibit an institution of higher education or a governmental entity, respectively, that is awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, from 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. The bill prohibits such an institution of higher education or governmental entity from discriminating against the person bidding on the contract 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. The bill prohibits its provisions from being construed to prohibit activity protected by the federal National Labor Relations Act, including entering into an agreement with a collective bargaining organization relating to the project, or to permit conduct prohibited under that act.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.