

BILL ANALYSIS

S.B. 936
By: Hancock
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law states that governmental entities awarding public work and education construction contracts funded with state funds may not discriminate against a person bidding for the contract based on their agreements with collective bargaining organizations nor require them to be in association with these organizations. This allows for a competitive, open market regardless of affiliation. However, local governments may still require these specific agreements on public work contracts funded through other public funding, such as local tax dollars, or user fees. S.B. 936 seeks to expand the scope of the prohibition so as to make the prohibition applicable also to public work contracts funded with local governmental money, governmentally administered financial assistance, money from ratepayers, or money from user fees.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 936 amends the Education Code and Government Code to expand the scope of the provisions prohibiting a public institution of higher education or other applicable governmental entity that is awarding a public work contract funded with state money from prohibiting, requiring, discouraging, or encouraging a person bidding on the contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project or discriminating against such a person based on their involvement in the agreement. Whereas these provisions currently apply to a public work contract funded with state money, including the issuance of debt guaranteed by the state, the bill makes these provisions applicable instead to public work contracts funded in whole or in part with state or local governmental money or governmentally administered financial assistance, including the issuance of debt guaranteed by the state or a local governmental entity, money from ratepayers, or money from user fees. The bill applies only to a contract for which a solicitation is first published or distributed on or after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.