

BILL ANALYSIS

Senate Research Center
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S.B. 936
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Business & Commerce
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law states that governmental entities awarding public work 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 group affiliation. However, many local governments are still requiring these specific agreements on public work contracts funded through other public funding, such as local tax dollars, user fees, federal funds, etc.

S.B. 936 would expand the prohibition on discriminating based on labor agreements for public contract work to include local governmental money, governmentally administered financial assistance, money from ratepayers, or money from user fees. Public funds should be carefully stewarded toward the most efficient and effective use, regardless of group affiliation.

As proposed, S.B. 936 amends current law relating to certain agreements with collective bargaining organizations related to certain publicly 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 Section 51.7761(b), Education Code, as follows:

(b) Prohibits an institution awarding a public work contract funded in whole or in part with state or local governmental money or governmentally administered financial assistance, including the issuance of debt guaranteed by this state or a local governmental entity, money from ratepayers, or money from user fees, from:

(1)-(2) makes no changes to these subdivisions.

SECTION 2. Amends Section 2269.0541(a), Government Code, as follows:

(a) Prohibits a governmental entity awarding a public work contract funded in whole or in part with state or local governmental money or governmentally administered financial assistance, including the issuance of debt guaranteed by this state or a local governmental entity, money from ratepayers, or money from user fees, from:

(1)-(2) makes no changes to these subdivisions.

SECTION 3. Makes application of the changes made by this Act to Section 51.7761 (Agreement With Collective Bargaining Organization), Education Code, and Section 2269.0541 (Agreement With Collective Bargaining Organization), Government Code, prospective.

SECTION 4. Effective date: upon passage or September 1, 2023.