

BILL ANALYSIS

S.B. 452
By: Hancock
Economic & Small Business Development
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties are concerned that certain agreements with collective bargaining organizations on certain state-funded public work contracts could cause the state to pick winners and losers and place the state in the position of making decisions based on factors other than efficiency, cost, or the quality of work. S.B. 452 seeks to address these concerns by prohibiting a public institution of higher education or a governmental entity from prohibiting or requiring a person bidding on a public work contract from entering into or adhering to an agreement with a collective bargaining organization and from discriminating against such a person based on the person's involvement in the agreement.

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. 452 amends the Education Code and the Government Code to prohibit a public institution of higher education or a governmental entity, respectively, from prohibiting, requiring, discouraging, or encouraging a person bidding on a public work contract to construct, alter, or repair a public building or to carry out or complete any public work funded with state money, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project or from discriminating against such a person 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 expressly 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, or to permit activity prohibited under that act.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.