

2018 Regular Session

SENATE BILL NO. 194

BY SENATOR BISHOP

PUBLIC CONTRACTS. Provides for an exception relative to contracts in which public entities are participants. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 38:2225.5(E), relative to contracts in which public entities are
3 participants; to provide for provisions that do not apply to contracts in which public
4 entities are participants; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 38:2225.5(E) is hereby amended and reenacted to read as follows:

7 §2225.5. Contracts in which public entities are participants; prohibitions and duties;
8 contractors' rights

9 * * *

10 E. The provisions of this Section shall not apply to the following:

11 (1) Any inmate work-release program.

12 (2) Any contract pursuant to the Louisiana Quality Jobs Program.

13 (3) Any contract or cooperative endeavor agreement pursuant to the
14 Incumbent Worker Training Program.

15 (4) Any public-private agreement for any construction or infrastructure
16 project in which the private entity, as a condition of its investment or partnership
17 with the public entity, requires that the private entity have the right to control its

1 labor relations policy with its own employees and the employees of its contractors
 2 and subcontractors in any manner permitted by the National Labor Relations Act, 29
 3 U.S.C. 151 et seq.

4 **(5) Any local governmental subdivisions.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 194 Original 2018 Regular Session Bishop

Present law provides that when each public entity, when engaged in procuring products or services or letting contracts for construction, manufacture, or operation of public works paid for in whole or in part by state or local funds, or when overseeing or administering such procurement, construction, manufacture, or operation, shall ensure that bid specifications, project agreements, and other controlling documents, entered into, required, or subject to approval by the public entity do not:

- (1) Require bidders, offerors, contractors, subcontractors, or operators to:
 - (a) Enter into or adhere to agreements with one or more labor organizations on the same or related projects.
 - (b) Enter into agreements whereby they are required to remain neutral toward any labor organization.
 - (c) Pay predetermined or prevailing wages.
- (2) Discriminate against bidders, offerors, contractors, subcontractors, or operators for refusing to:
 - (a) Become or remain signatories or otherwise adhere to agreements with one or more labor organizations on the same or related projects.
 - (b) Enter into any agreement whereby they are required to remain neutral toward any labor organization.
- (3) Require any bidders, offerors, contractors, subcontractors, or operators to enter into, adhere to, or enforce any agreement that requires any employee as a condition of employment to:
 - (a) Become a member of or become affiliated with a labor organization.
 - (b) Pay dues or fees to a labor organization over the employee's objection.

Present law specifies that the provisions of present law shall not apply to the following:

- (1) Any inmate work-release program.
- (2) Any contract under the Louisiana Quality Jobs Program.
- (3) Any contract or cooperative endeavor agreement pursuant to the Incumbent Worker Training Program.

- (4) Any public-private agreement for any construction or infrastructure project in which the private entity, as a condition of its investment or partnership with the public entity, requires that the private entity have the right to control its labor relations policy with its own employees and the employees of its contractors and subcontractors in any manner permitted by the National Labor Relations Act.

Proposed law retains present law and specifies that any local governmental subdivisions shall not apply to the provisions of present law.

Effective August 1, 2018.

(Amends R.S. 38:2225.5(E))