

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 76 By Senator Martiny**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

PUBLIC CONTRACTS. Prohibits public entities from requiring certain agreements related to labor organizations as a condition of bidding on projects. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Makes technical amendments.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Proposed law provides that a public entity, except as provided in proposed law or unless otherwise required by federal law, 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 public 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 shall 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 the public entity is 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 the public entity is 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.

Proposed law prohibits public entities from providing financial assistance, issuing grants, or entering into cooperative agreements for projects, a condition of which is that the bid specifications, project agreements, or other controlling documents pertaining to the financial assistance, grant, or cooperative agreement contain any of the elements prohibited by proposed law.

Proposed law does not prevent contractors and subcontractors from voluntarily entering into various agreements which are otherwise prohibited by proposed law.

Proposed law allows any interested party to challenge any bid specification, project agreement, neutrality agreement, controlling document, grant, or cooperative agreement which violates proposed law. Provides for injunctive relief for violation of proposed law.

Proposed law specifies that the provisions of proposed 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.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 38:2211(A)(12); adds R.S. 38:2225.5)

J. W. Wiley
Senate Counsel