

House Bill 1009

By: Representatives Massey of the 24th, Rogers of the 15th, Shaw of the 143rd, Coan of the 67th, Post 1, and Rynders of the 137th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to
2 contracts for public works, Chapter 91 of Title 36 of the Official Code of Georgia Annotated,
3 relating to bidding on public works, and Article 3 of Chapter 5 of Title 50 of the Official
4 Code of Georgia Annotated, relating to state purchasing, so as to prohibit the state or a
5 governmental entity contracting for public works construction from requiring a contractor,
6 subcontractor, or material supplier or handler to become a party to any labor agreement as
7 a condition of bidding, negotiating regarding bids, being awarded a contract, or working on
8 a public works project; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to contracts for
12 public works, is amended by inserting a new Code section to be designated Code Section
13 13-10-3 to read as follows:

14 "13-10-3.

15 The state shall not require that a contractor, subcontractor, or material supplier or carrier
16 engaged in the performance of any public works construction become a party to any project
17 labor agreement, collective bargaining agreement, prehire agreement, or any other
18 agreement with employees, their representatives, or any labor organization as a condition
19 of bidding or submitting proposals for a public works construction, negotiating with the
20 public entity regarding such proposal, being awarded a contract for performance, or
21 performing work on a contract for a public works project."

22 style="text-align:center">**SECTION 2.**

23 Chapter 91 of Title 36 of the Official Code of Georgia Annotated, relating to bidding on
24 public works, is amended in Code Section 36-91-21, relating to competitive award
25 requirements, by striking subsections (f) and (g) and inserting in lieu thereof the following:

1 "(f) The governmental entity that contracts for public works construction shall not require
 2 that a contractor, subcontractor, or material supplier or carrier engaged in the performance
 3 of such public works construction execute or otherwise become a party to any project labor
 4 agreement, collective bargaining agreement, prehire agreement, or any other agreement
 5 with employees, their representatives, or any labor organization as a condition of bidding
 6 or submitting proposals for such public works construction, negotiating with the
 7 governmental entity regarding such proposal, being awarded a contract for performance,
 8 or performing work on a public works project.

9 (g) If any member of a governmental entity lets out any public works construction contract
 10 subject to the requirements of this article and receives, takes, or contracts to receive or take,
 11 either directly or indirectly, any part of the pay or profit arising out of any such contract,
 12 he or she shall be guilty of a misdemeanor.

13 ~~(g)~~(h) No public works construction contract with a governing authority shall be valid for
 14 any purpose unless the contractor shall comply with all bonding requirements of this
 15 chapter. No such contract shall be valid if any governmental entity lets out any public
 16 works construction contract subject to the requirements of this chapter without complying
 17 with the requirements of this chapter."

18 SECTION 3.

19 Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to state
 20 purchasing, is amended by striking Code Section 50-5-72, relating to the role of the
 21 Department of Administrative Services with regard to state public works contracts, and
 22 inserting in lieu thereof the following:

23 "50-5-72.

24 (a) Notwithstanding any other provision of this part or any other law dealing with the
 25 subject matter contained in this Code section to the contrary, all construction or public
 26 works contracts, exceeding a total expenditure of \$100,000.00, of any department, board,
 27 bureau, commission, office, or agency of the state government, except as provided in this
 28 Code section, shall be conducted and negotiated by the Department of Administrative
 29 Services in accordance with this part; provided, however, that any expenditure of less than
 30 \$100,000.00 shall still be subject to review and approval by the Department of
 31 Administrative Services, which may approve noncompetitive expenditures of up to
 32 \$100,000.00. All advertising costs incurred in connection with such contracts shall be
 33 borne by and paid from the funds appropriated to and available to the department, board,
 34 bureau, commission, office, or agency of the state government for which the contract is
 35 negotiated. The commissioner of administrative services is authorized and directed to

1 promulgate such rules and regulations as shall carry out the additional duties and
2 responsibilities placed upon the department by this Code section.

3 (b) The state shall not require that a contractor, subcontractor, or material supplier or
4 carrier engaged in the performance of any public works construction become a party to any
5 project labor agreement, collective bargaining agreement, prehire agreement, or any other
6 agreement with employees, their representatives, or any labor organization as a condition
7 of bidding or submitting proposals for a public works construction, negotiating with the
8 public entity regarding such proposal, being awarded a contract for performance, or
9 performing work on a contract for a public works project.

10 (c) Nothing contained in this Code section shall apply to or affect the Department of
11 Transportation, the several public authorities of this state, including the Stone Mountain
12 Memorial Association and the Board of Regents of the University System of Georgia, or
13 the expenditure of money credited to the account of this state in the Unemployment Trust
14 Fund by the secretary of the treasury of the United States pursuant to Section 903 of the
15 Social Security Act and appropriated as provided in Code Section 34-8-85. No contract in
16 existence on March 18, 1964, shall be affected by this Code section and such contract may
17 continue to be utilized."

18 SECTION 4.

19 All laws and parts of laws in conflict with this Act are repealed.