

Senators Bethel of the 54th, Mullis of the 53rd, Rogers of the 21st and Goggans 7th offered the following amendment:

1 *Amend the Senate Insurance and Labor Committee substitute to HB 971 (LC 28 6269ERS)*
 2 *by replacing lines 7 and 8 with the following:*

3 provisions relating to compensation for loss of hearing caused by harmful noise; to amend
 4 Code Section 36-91-21 and Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code
 5 of Georgia Annotated, relating to competitive award requirements and to state purchasing,
 6 respectively, so as to provide for certain contracting and bidding requirements for
 7 governmental entities and the Department of Administrative Services; to provide for related
 8 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
 9 other purposes.

10 *By inserting between lines 108 and 109 the following:*

11 Code Section 36-91-21 of the Official Code of Georgia Annotated, relating to competitive
 12 award requirements, is amended by redesignating existing subsections (f) and (g) as
 13 subsections (g) and (h), respectively, and by inserting a new subsection (f) to read as follows:

14 "(f) Unless otherwise required by law, no governmental entity that contracts for public
 15 works construction shall in its bid documents, specifications, project agreements, or other
 16 controlling documents for a public works construction contract:

17 (1) Require bidders, offerors, contractors, subcontractors, or material suppliers to enter
 18 into or adhere to prehire agreements, project labor agreements, collective bargaining
 19 agreements, or any other agreement with one or more labor organizations on the same or
 20 other related construction projects; provided, however, that nothing in this subsection
 21 shall prohibit bidders, offerors, contractors, subcontractors, or material suppliers from
 22 voluntarily entering into such agreements; or

23 (2) Discriminate against, or treat differently, bidders, offerors, contractors,
 24 subcontractors, or material suppliers for becoming or refusing to become or remain
 25 signatories or otherwise to adhere to agreements with one or more labor organizations on
 26 the same or other related construction projects."

27 **SECTION 6.**

28 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,
 29 relating to general authority, duties, and procedure relative to state purchasing, is amended
 30 in Code Section 50-5-72, relating to construction and public works contracts, by designating
 31 the existing provisions as subsection (a) and inserting a new subsection as follows:

32 "(b) Unless otherwise required by law, the Department of Administrative Services shall
33 not in its bid documents, specifications, project agreements, or other controlling documents
34 for a public works construction contract:

35 (1) Require bidders, offerors, contractors, subcontractors, or material suppliers to enter
36 into or adhere to prehire agreements, project labor agreements, collective bargaining
37 agreements, or any other agreement with one or more labor organizations on the same or
38 other related construction projects; provided, however, that nothing in this subsection
39 shall prohibit bidders, offerors, contractors, subcontractors, or material suppliers from
40 voluntarily entering into such agreements; or

41 (2) Discriminate against, or treat differently, bidders, offerors, contractors,
42 subcontractors, or material suppliers for becoming or refusing to become or remain
43 signatories or otherwise to adhere to agreements with one or more labor organizations on
44 the same or other related construction projects."

45 **SECTION 7.**

46 This Act shall become effective on July 1, 2012, and Sections 5 and 6 of this Act shall apply
47 to all contracts entered into on or after such date.

48 **SECTION 8.**