

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Federal and State Affairs** recommends **SB 438**, as amended by House Committee, be amended on page 1, following line 25, by inserting:

"New Sec. 2. Sections 2 through 6, and amendments thereto, shall be known and may be cited as the competitive bid protection act.

New Sec. 3. The purposes of this act are to: (a) Provide for the efficient procurement of goods and services by governmental entities;

(b) promote the economical, nondiscriminatory and efficient administration and completion of state and state-funded or state-assisted construction projects by governmental entities;

(c) provide for fair and open competition for construction contracts, awarded by governmental entities;

(d) prohibit requirements for certain terms in construction contracts awarded by governmental entities;

(e) prohibit the expenditure of public funds under certain conditions;

(f) prohibit certain terms in procurement documents by governmental entities for public facilities; and

(g) provide powers and duties for certain public officers, employees and contractors.

New Sec. 4. (a) Unless otherwise required by law, each governmental entity within this state that contracts for public works construction shall ensure that neither the awarding governmental entity or any agent responsible for procuring a contract directly between the

governmental entity and a contractor shall not:

(1) Require any bidder, contractor, subcontractor or material supplier to enter into or agree to enter into any prehire agreement, project labor agreement, collective bargaining agreement or any other similar agreement with one or more labor organizations on the same or other related construction projects; or

(2) discriminate against or treat differently any bidder, contractor, subcontractor or material supplier for becoming, refusing to become or remaining signatories or otherwise to agree to enter into any prehire agreement, project labor agreement, collective bargaining agreement or any other similar agreement with one or more labor organizations on the same or other related construction projects.

(b) Nothing in this section shall prohibit:

(1) Any bidder, contractor, subcontractor, construction manager, design-builder or material supplier of any tier from voluntarily entering into agreements described in paragraph (1) of subsection (a); or

(2) prohibit any contractor, construction manager or design builder from requiring its subcontractors or material suppliers of any tier to enter into a collection bargaining agreement.

New Sec. 5. No provision of this act shall be construed to:

(a) Prohibit any employer or other party from entering into any agreement or engaging in any other activity protected by the national labor relations act, 29 U.S.C. §§ 151 through 169; and

(b) interfere with labor relations of any party that is protected under the national labor relations act, 29 U.S.C. §§ 151 through 169.

New Sec. 6. For the purposes of Sections 2 through 6:

(a) "Governmental entity" shall mean a state agency or a municipality as the context requires.

(b) "Municipality" shall have the meaning specified in K.S.A. 12-105a, and amendments thereto.

(c) "State agency" shall have the meaning specified in K.S.A 75-3728a, and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all following "concerning"; in line 2, by striking "information submitted by employers" and inserting "employers, labor organizations and certain contractors"; and the bill be passed as amended.

\_\_\_\_\_Chairperson