

HCS HB 448 -- OPEN CONTRACTING ACT

SPONSOR: Hunter (Mayer)

COMMITTEE ACTION: Voted "do pass" by the Committee on Workforce Development and Workplace Safety by a vote of 9 to 7.

This substitute establishes the Open Contracting Act. The state and political subdivisions when procuring products, letting contracts, issuing grants, or entering into cooperative agreements for construction of public works are prohibited from:

- (1) Requiring contractors to enter into or adhere to agreements with one or more labor organizations on the same or related projects or prohibiting contractors from doing the same;
- (2) Discriminating against contractors for refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations on the same or related contracts; and
- (3) Requiring any contractor to enter into any agreement that requires its employees to become members of or affiliated with a labor organization.

An interested party, including a bidder, contractor, or taxpayer, may challenge any bid specification, project agreement, controlling document, grant, or cooperative agreement in violation of this law and will be awarded costs and attorney fees if a challenge succeeds.

FISCAL NOTE: Not available at time of printing.

PROPOSERS: Supporters say that the bill eliminates discrimination in public construction contracts, saves taxpayers money, and restricts project labor agreements from requiring unions; that project labor agreements are often used as political paybacks; that women-owned and minority-owned businesses are often not affiliated with labor unions; and that contracts would go to the lowest responsible bidder.

Testifying for the bill were Representative Mayer; Gregory Hoberock; Associated Builders and Contractors; Associated General Contractors of Missouri; and Missouri Chamber of Commerce.

OPPOSERS: Those who oppose the bill say that the bill takes away from public entities something that private entities can do and it may be illegal because it interferes with the collective bargaining process as outlined in the National Labor Relations Act; that project labor agreements establish work standards; and that current law does not mandate that entities use project labor

agreements.

Testifying against the bill were Missouri State Building Trades; Missouri Laborers; International Brotherhood of Electric Workers, Local 124; National Electrical Contractors Association, Kansas City Chapter; Missouri AFL-CIO; Carpenters District Council of Kansas City and St. Louis; United Steelworkers of America, District 11; and Missouri State United Auto Workers.

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