

HB 446 - AS INTRODUCED

2017 SESSION

17-0409

05/03

HOUSE BILL                **446**

AN ACT                    relative to state construction contracts.

SPONSORS:            Rep. Seaworth, Merr. 20; Rep. L. Turcotte, Straf. 4; Sen. Reagan, Dist 17

COMMITTEE:          Executive Departments and Administration

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ANALYSIS

     This bill provides that project labor agreements shall not be included in state agency construction contracts.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struck through.]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

*In the Year of Our Lord Two Thousand Seventeen*

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

2 New Chapter; State Construction Contracts. Amend RSA by inserting after chapter 280 the following new chapter:

## STATE CONSTRUCTION CONTRACTS

II. “Construction” means the act, trade, or process of building, erecting, constructing, adding, repairing, remodeling, rehabilitating, reconstructing, altering, converting, improving, expanding, or demolishing of a building, structure, facility, road, or highway, and includes the planning, designing, and financing of a specific construction project.

280-A:2 Certain Labor Requirements Not to be Imposed on Contractor or Subcontractor.

(b) A term, clause, or statement that implies, either directly or indirectly, that a bidder, offerer, contractor, or subcontractor must enter into or adhere to a project labor agreement; or

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1 (c) A term, clause, or statement that rewards or punishes a bidder, offerer, contractor,  
2 or subcontractor for becoming or remaining, or refusing to become or remain a signatory to, or for  
3 adhering or refusing to adhere to, a project labor agreement.

4 II. This section shall not:

5 (a) Prohibit an agency from awarding a contract to a bidder, contractor, or  
6 subcontractor who enters into or who is party to an agreement with a labor organization, if being or  
7 becoming a party or adhering to an agreement with a labor organization is not a condition for award  
8 of the contract and if the agency does not discriminate against a bidder, contractor, or subcontractor  
9 in the awarding of that contract based upon the status as being or becoming, or the willingness or  
10 refusal to become, a party to an agreement with a labor organization.

11 (b) Prohibit a bidder, contractor, or subcontractor from voluntarily entering into or  
12 complying with an agreement entered into with one or more labor organizations in regard to a  
13 contract with an agency.

14 (c) Prohibit employers or other parties from entering into agreements or engaging in  
15 any other activity protected by the National Labor Relations Act, 29 U.S.C. sections 151 to 169.

16 (d) Interfere with labor relations of parties that are left unregulated under the National  
17 Labor Relations Act, 29 U.S.C sections 151 to 169.

18 (e) Prohibit an agency from including other wage and benefit requirements as part of  
19 the bid specifications, project agreement, or other controlling documents for the construction  
20 project.

21 280-A:3 Exemptions. The commissioner or head of the agency may exempt a particular project,  
22 contract, or subcontract from the requirements of any or all of the provisions of RSA 280-A:2 if he or  
23 she finds, after public notice and a hearing, that special circumstances require an exemption to  
24 avert an imminent threat to public health or safety. A finding of special circumstances under this  
25 section may not be based on the possibility or presence of a labor dispute concerning the use of  
26 contractors or subcontractors who are nonsignatories to, or otherwise do not adhere to, agreements  
27 with one or more labor organizations or concerning employees on the project who are not members  
28 of or affiliated with a labor organization.

29 3 Effective Date. This act shall take effect January 1, 2018.