

SB 88-FN - AS AMENDED BY THE SENATE

01/07/2026 3069s

2025 SESSION

25-1056

11/05

SENATE BILL **88-FN**

AN ACT prohibiting state government entities from including specified terms related to labor organization agreements in construction related contracts and grants.

SPONSORS: Sen. Birdsell, Dist 19

COMMITTEE: Commerce

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ANALYSIS

This bill prohibits state entities from including specified terms related to labor organization agreements in construction related contracts and grants.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT prohibiting state government entities from including specified terms related to labor organization agreements in construction related contracts and grants.

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

1 1 New Subdivision; Labor Agreements in Public Works Contracts. Amend RSA 21-I by inserting  
2 after section 86 the following new subdivision:

3 Labor Agreements in Public Works Contracts

4 21-I:86-a Definitions.

5 I. "Construction related project" means the act, trade, or process of building, erecting,  
6 constructing, adding, repairing, remodeling, rehabilitating, reconstructing, altering, converting,  
7 improving, expanding, or demolishing of a building, structure, facility, road, or highway, and  
8 includes the planning, designing, and financing of a specific construction project.

9 II. "Contract-related document" includes a bid specification, project agreement, or other  
10 controlling document for a construction related project.

11 III. "Governmental entity" means the state of New Hampshire or any agency, any branch of  
12 state government or any spending unit thereof. "Government entity" shall not mean individual  
13 municipalities.

14 IV. "Facility" means:

15 (a) A highway, road, bridge, runway, or rail.

16 (b) A building or structure along with its grounds, approaches, services, fixtures, and  
17 appurtenances.

18 (c) Any other similar physical improvement to real property.

19 21-I:86-b Labor Organization Agreements

20 I. A governmental entity that awards or renews a contract on or after the effective date of  
21 this section, for a construction related project regarding a facility the governmental entity owns or  
22 leases directly or through a building authority, shall not include in any contract-related document a  
23 term that:

24 (a) Requires, prefers, or prohibits a bidder, offeror, contractor, or subcontractor from  
25 entering into or adhering to an agreement with any person including a labor organization in regard  
26 to the construction related project, or

27 (b) Otherwise discriminates against a bidder, offeror, contractor, or subcontractor for  
28 being, becoming, or refusing to become or remain a signatory to, or for adhering or refusing to adhere  
29 to, an agreement with any person including a labor organization in regard to the construction related  
30 project.

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1           II. A governmental entity shall not award or renew a grant for a construction related project  
2 that is conditioned on the recipient including a term prohibited in this section in a contract-related  
3 document concerning a facility or real property that is the subject of the grant.

4           III. The head of a governmental entity may exempt a contract-related document or grant  
5 from the requirements of paragraphs I or II, as applicable, if the governmental entity finds that the  
6 exemption is necessary to avert an imminent threat to public health or safety.

7           IV. Nothing in this section shall:

8           (a) Prohibit a governmental entity from awarding grants, tax credits to an applicant, or  
9 contracts to a bidder, contractor, or subcontractor who enters into or who is party to an agreement  
10 with a labor organization, if being or becoming a party or adhering to an agreement with a labor  
11 organization is not a condition for award of the contract and if the governmental entity does not  
12 discriminate against a bidder, contractor, or subcontractor in the awarding of that contract based  
13 upon the status as being or becoming, or the willingness or refusal to become, a party to an  
14 agreement with a labor organization.

15           (b) Prohibit a bidder, contractor, or subcontractor from voluntarily entering into or  
16 complying with an agreement entered into with one or more labor organizations in regard to a  
17 contract with a governmental entity.

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

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

22           2 New Section; Prohibition on Discriminatory Contract and RFP Provisions. Amend RSA 21-I  
23 by inserting after section 114 the following new section:

24           21-I:114-a Prohibition on Discriminatory Contract and RFP Provisions. No state agency shall  
25 issue an RFP or enter into or review any contract, construction grant, or related agreement that  
26 includes any provision that favors or disfavors a contractor based on their affiliation or non-  
27 affiliation with a labor organization, ensuring the state shall be neutral and shall not discriminate  
28 on the basis of labor affiliation.

29           3 Effective Date. This act shall take effect 60 days after its passage.

LBA  
25-1056  
1/13/26

**SB 88-FN- FISCAL NOTE  
AS AMENDED BY THE SENATE (AMENDMENT #2025-3069s)**

AN ACT prohibiting state government entities from including specified terms related to labor organization agreements in construction related contracts and grants.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant states this bill has no fiscal impact on state, county and local expenditures or revenue.

**AGENCIES CONTACTED:**

Department of Administrative Services