

SB 88-FN - AS AMENDED BY THE HOUSE

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

ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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.

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. Nothing in this section shall:

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

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

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

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

19 2 New Section; Prohibition on Discriminatory Contract and RFP Provisions. Amend RSA 21-I
20 by inserting after section 114 the following new section:

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

26 3 Effective Date. This act shall take effect 60 days after its passage.

LBA
25-1056
05/18/2026

SB 88-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2026-1577h)

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