

1 **H. B. 2165**

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3 (By Delegates Cowles, J. Miller and Overington)
4 [Introduced January 12, 2011; referred to the
5 Committee on Government Organization then Finance.]
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §5A-3-10d, relating
12 to prohibiting project labor agreements on state-funded
13 construction contracts.

14 *Be it enacted by the Legislature of West Virginia:*

15 That the Code of West Virginia, 1931, as amended, be amended
16 by adding thereto a new section, designated §5A-3-10d, to read as
17 follows:

18 **ARTICLE 3. PURCHASING DIVISION.**

19 **§5A-3-10d. Certain labor requirements not to be imposed on**
20 **contractor or subcontractor.**

21 (a) The purpose of this section is to fulfill the state's
22 proprietary objectives in maintaining and promoting the economical,
23 nondiscriminatory, and efficient expenditures of public funds in

1 connection with publicly funded or assisted construction projects.

2 (b) It is further declared to be the policy of the State of
3 West Virginia that public works construction projects be awarded to
4 and completed by contractors and subcontractors on a fair and
5 competitive basis.

6 (c) The director, or other public authority, when engaged in
7 procuring products or services, awarding contracts or overseeing
8 procurement or construction for public improvements, is to ensure
9 that bid specifications when issued by the director or other public
10 authority for the proposed public improvement, and any subsequent
11 contract or other agreement for the public improvement to which the
12 director, or other public authority, and a contractor or
13 subcontractor are direct parties, do not require a contractor or
14 subcontractor to do any of the following:

15 (1) Enter into agreements with any labor organization on the
16 public improvement; or

17 (2) Enter into any agreement that requires the employees of
18 that contractor or subcontractor to do any of the following as a
19 condition of employment or continued employment:

20 (A) Become members of or affiliated with a labor organization;

21 (B) Pay dues or fees to a labor organization; or

22 (C) Discriminate against bidders, offerors, contractors, or
23 subcontractors for entering or refusing to become or remain
24 signatories or otherwise adhere to agreements with one or more

1 labor organizations.

2 (d) Nothing in the subsections (a), (b) and (c) of this
3 section prohibits employers, or other parties covered by the
4 National Labor Relations Act, from entering into agreements or
5 engaging in any other activity protected by law, nor shall these
6 subsections be interpreted in such a way as to interfere with labor
7 relations.

NOTE: The purpose of this bill is to prohibit project labor agreements on state-funded construction projects.

This section is new; therefore, it has been completely underscored.