

H. B. 2237

(By Delegates Foster, Cadle, Butler, Ihle, Faircloth, Kessinger,
Overington, Moffatt, Cowles, Shott and Householder)

[Introduced January 22, 2015; referred to the
Committee on Government Organization then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10f, relating to prohibiting project labor agreements on state-funded construction contracts.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. PURCHASING DIVISION.

§5A-3-10f. Certain labor requirements not to be imposed on contractor or subcontractor.

(a) The purpose of this section is to fulfill the state’s proprietary objectives in maintaining and promoting the economical, nondiscriminatory and efficient expenditures of public funds in connection with publicly funded or assisted construction projects.

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

1 (c) The director or other public authority when engaged in procuring products or services,
2 awarding contracts or overseeing procurement or construction for public improvements, shall ensure
3 that bid specifications when issued by the director or other public authority for the proposed public
4 improvement, and any subsequent contract or other agreement for the public improvement to which
5 the director or other public authority and a contractor or subcontractor are direct parties, do not
6 require a contractor or subcontractor to do any of the following:

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

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

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

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

12 (C) Discriminate against bidders, offerors, contractors or subcontractors for entering or
13 refusing to become or remain signatories or otherwise adhere to agreements with one or more labor
14 organizations.

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