

FIRST REGULAR SESSION

HOUSE BILL NO. 308

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLAND.

Read 1st time January 29, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0195L.011

AN ACT

Relating to union organization limitations on private employer use of state funds.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section 1. 1. A private employer that receives state funds related to the employer's participation in a state program which are in excess of ten thousand dollars in any calendar year:

(1) Shall not use any such funds to assist, promote, or deter union organizing, including expending any expense such as legal and consulting fees and salaries of supervisors and employees which are incurred in researching for, preparing for, planning for, coordinating of, or carrying out an activity to assist, promote, or deter union organizing;

(2) Shall provide certification to the state that none of the state funds will be used to assist, promote, or deter union organizing; and

(3) Shall maintain records sufficient to show that state funds were not used for the prohibited activities if the employer makes any expenditures to assist, promote, or deter union organizing.

2. A private employer subject to this section shall provide to the director of the department of labor and industrial relations, upon request, any records required to be maintained pursuant to this section.

3. Pursuant to this section and for purposes of recording expenditures if state funds and other funds are commingled, any expenditures to assist, promote, or deter union organizing shall be allocated between state funds and other funds on a pro rata basis.

4. An employer subject to this section is liable to the state for any funds expended in violation of this section and is subject to a civil penalty equal to twice the amount of the

22 **funds expended in violation of this section. The director of the department of labor and**
23 **industrial relations may bring a civil action for injunctive relief, damages, civil penalties,**
24 **and other appropriate relief for violation of this section.**

25 **5. This section does not prohibit an activity performed or an expense incurred by**
26 **a private employer in connection with:**

27 **(1) Addressing a grievance or negotiating or administering a collective bargaining**
28 **agreement;**

29 **(2) Allowing a labor organization or the organization's representative access to the**
30 **employer's facility or property;**

31 **(3) Performing an activity required by federal or state law or by a collective**
32 **bargaining agreement; or**

33 **(4) Negotiating, entering, or carrying out a voluntary recognition agreement with**
34 **a labor organization.**