

FIRST REGULAR SESSION

# HOUSE BILL NO. 77

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BLAND.

Pre-filed December 8, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0358L.011

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### AN ACT

To amend chapter 285, RSMo, by adding thereto one new section relating to limitations on private employer use of state funds, with penalty provisions.

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

Section A. Chapter 285, RSMo, is amended by adding thereto one new section, to be known as section 285.220, to read as follows:

**285.220. 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 that 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 under this section.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

20           **4. An employer subject to this section is liable to the state for any funds expended**  
21 **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.**