

SECOND REGULAR SESSION

HOUSE BILL NO. 2170

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTIS.

5735H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 34.216, RSMo, and to enact in lieu thereof five new sections relating to the labor organization and workforce opportunity improvement act.

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

Section A. Section 34.216, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 34.216, 290.170, 290.595, 295.500, and 295.505, to read as follows:

34.216. 1. For purposes of this section, the term "project labor agreement" shall be defined as a multiemployer, multiunion pre-hire agreement designed to systemize labor relations at a construction site that is required by the state or a political subdivision of the state as a condition of a bid specification for a construction project, thereby [insuring] **ensuring** that all contractors and subcontractors on a project comply with the terms of a union-only agreement.

2. The state or a political subdivision of the state may enter into a union-only project labor agreement for the procurement of construction services, except as provided in section 34.209, on a project-by-project basis only if the project is funded fifty percent or less with state funds and only on the condition that:

(1) The state or political subdivision must analyze the impact of a union-only project labor agreement and consider:

(a) Whether the union-only project labor agreement advances the interests of the public entity and its citizens;

(b) Whether the union-only project labor agreement is appropriate considering the complexity, size, cost impact, and need for efficiency on the project;

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.

16 (c) Whether the union-only project labor agreement impacts the availability of a qualified
17 work force; and

18 (d) Whether the scope of the union-only project labor agreement has a business
19 justification for the project as bid;

20 (2) The state or political subdivision shall publish the findings of subdivision (1) of this
21 subsection in a document titled "Intent to Enter Into a Union Project Labor Agreement". The
22 document shall establish a rational basis upon which the state or political subdivision bases its
23 intent to require a union-only project labor agreement for the project;

24 (3) No fewer than fourteen days but not more than thirty days following publication of
25 the notice of a public hearing, the state or political subdivision shall conduct a public hearing on
26 whether to proceed with its intent to require a union-only project labor agreement;

27 (4) Within thirty days of the public hearing set forth in subdivision (3) of this subsection,
28 the state or political subdivision shall publish its determination on whether or not to require a
29 union-only project labor agreement.

30 3. (1) Any interested party may, within thirty days of the determination of the state or
31 political subdivision as set forth in subdivision (4) of subsection 2 of this section, appeal to the
32 labor and industrial relations commission for a determination as to whether the state or political
33 subdivision complied with subsection 2 of this section for a union-only project labor agreement
34 as defined in subsection 1 of this section.

35 (2) The labor and industrial relations commission shall consider the appeal in
36 subdivision (1) of this section under a rational basis standard of review.

37 (3) The labor and industrial relations commission shall hold a hearing on the appeal
38 within sixty days of the filing of the appeal. The commission shall issue its decision within
39 ninety days of the filing date of the appeal.

40 (4) Any aggrieved party from the labor and industrial relations commission decision set
41 forth in subdivision (3) of this subsection may file an appeal with the circuit court of Cole
42 County within thirty days of the commission's decision.

43 **4. Notwithstanding the provisions of this section or any other law, a union-only**
44 **project labor agreement on any stadium project, the public funding of which is not**
45 **submitted to a public vote, shall not be entered into through any executive order. Such**
46 **union-only project labor agreement shall be entered into through the governing body of**
47 **the political subdivision in which the stadium project is located. For purposes of this**
48 **subsection, "governing body" means any city council, board of aldermen, or township**
49 **board.**

290.170. 1. Notwithstanding any other provision of law, any public body engaged in the construction of public works shall ensure that apprentices work at least twenty percent of the hours spent on any such project.

2. For purposes of this section, the terms "construction", "public body", and "public works" shall have the same meaning such terms are given in section 290.210.

3. For purposes of this section, the term "apprentice" shall have the same meaning as the term "learner and apprentice" is given in section 290.500.

290.595. 1. As used in this section, the term "labor organization" means any organization of any kind or agency or employee representation committee or union that exists for the purpose, in whole or in part, of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.

2. As used in this section, "construction industry" includes, but is not limited to, the following trades:

- (1) Asbestos services;
- (2) Boilermaking;
- (3) Bricklaying;
- (4) Carpentry;
- (5) Plastering and cement masonry;
- (6) Electrical services;
- (7) Elevator services, including construction;
- (8) Engineering;
- (9) Installation of glass products;
- (10) Ironworking;
- (11) Painting;
- (12) Pipefitting;
- (13) Plastering;
- (14) Plumbing;
- (15) Roofing;
- (16) Working with sheet metal;
- (17) Sprinkler fitting;
- (18) Installation of tile and marble; and
- (19) Working with terrazzo.

3. Except in instances when this section conflicts with or is preempted by federal law, no person employed in the construction industry shall be required as a condition or continuation of employment to:

- 30 **(1) Become or refrain from becoming a member of a labor organization;**
31 **(2) Pay any dues, fees, assessments, or other similar charges, however denominated,**
32 **of any kind or amount to a labor organization; or**
33 **(3) Pay to any charity or other third party any amount equivalent to, or on a pro**
34 **rata basis, any dues, fees, assessments, or other charges required of members of a labor**
35 **organization, in lieu of the payments listed under subdivision (2) of this subsection.**
36 **4. Any agreement, understanding, or practice, written or oral, implied or express,**
37 **between any labor organization and employer in the construction industry that violates the**
38 **rights of employees of such industry as guaranteed under this section is declared to be**
39 **unlawful, null and void, and of no legal effect.**

295.500. 1. For purposes of this section, the following terms mean:

- 2 **(1) "Department", the department of labor and industrial relations;**
3 **(2) "Labor organization", any organization of any kind, agency, employee**
4 **representation committee, or union that exists for the purpose, in whole or in part, of**
5 **dealing with employers concerning wages, rates of pay, hours of work, other conditions of**
6 **employment, or other forms of compensation;**
7 **(3) "Recruitment practice", any method, strategy, procedure, technique, or use of**
8 **resources undertaken with the intent of encouraging one or more workers to join the labor**
9 **organization.**
- 10 **2. Every labor organization shall report to the department before October first of**
11 **each year all of the following information:**
12 **(1) Recruitment practices used by the labor organization within the previous year,**
13 **including the names of any organizations or third parties that recruit on behalf of the labor**
14 **organization;**
15 **(2) The following information on each individual who is being recruited by the**
16 **labor organization but is not yet a member of the labor organization:**
17 **(a) First name;**
18 **(b) Telephone number or email address; and**
19 **(c) Age; and**
20 **(3) A breakdown of the current membership of the labor organization by gender,**
21 **race, and age.**
- 22 **3. The department shall post the information described under subdivisions (1) and**
23 **(3) of subsection 2 of this section on its website within one month of receipt of such**
24 **information in a manner that ensures easy and free accessibility by members of the public.**
25 **4. Any information posted to the website of the department as required under this**
26 **section shall not contain personally identifiable member data. The department shall**

27 **aggregate any data in order to avoid the release of personally identifiable member data and**
28 **shall not use any personally identifiable information that it receives under this section for**
29 **any purpose other than aggregation of the data.**

30 **5. The department shall allow members of the general assembly to access the**
31 **information described under subdivision (2) of subsection 2 of this section. The**
32 **department shall not allow any other entity or individual to access such information.**

295.505. 1. As used in this section, the following terms mean:

2 **(1) "Discrimination", any unfair treatment based on race, color, religion, national**
3 **origin, ancestry, sex, age, or disability;**

4 **(2) "Labor organization", any organization of any kind or agency or employee**
5 **representation committee or union that exists for the purpose, in whole or in part, of**
6 **dealing with employers concerning wages, rates of pay, hours of work, other conditions of**
7 **employment, or other forms of compensation.**

8 **2. Every labor organization shall implement a policy that requires certain members**
9 **to report to any executive officer of the labor organization if they have reasonable cause**
10 **to suspect that a member of such labor organization has been subjected to discrimination**
11 **by another member of the labor organization. Such policy shall require the labor**
12 **organization to conduct an internal investigation upon receipt of a report of**
13 **discrimination.**

✓