

SECOND REGULAR SESSION

# HOUSE BILL NO. 2172

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CURTIS.

5363H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 34.216, RSMo, and to enact in lieu thereof one new section relating to project labor agreements.

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

Section A. Section 34.216, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 34.216, to read as follows: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;

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

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.

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.**

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