

SECOND REGULAR SESSION

HOUSE BILL NO. 1444

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VESCOVO.

4253H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 34.209 and 34.212, RSMo, and to enact in lieu thereof three new sections relating to public contracts.

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

Section A. Sections 34.209 and 34.212, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 34.209, 34.212, and 34.213, to read as follows:

34.209. The state, any agency of the state, or any instrumentality thereof, when engaged in procuring or letting contracts for construction [of a project that is funded by greater than fifty percent of state funds], **repair, remodeling, or demolition of a facility** shall ensure that bid specification, project agreements, and other controlling documents entered into, required, or subject to approval by the state, agency, or instrumentality do not:

(1) Require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations on the same or related projects; or

(2) Discriminate against bidders, offerors, contractors, or subcontractors for entering or refusing to enter or to remain signatory or otherwise adhere to agreements with one or more labor organizations on the same or related construction projects.

34.212. 1. The state, any agency of the state, or any instrumentality thereof shall not issue **or award grants, tax abatements, or tax credits** or enter into cooperative agreements for construction projects **or for the improvement, maintenance, or renovation to real property or fixtures**, a condition of which requires that bid specifications, project agreements, or other controlling documents pertaining to the grant, **tax abatement, tax credit**, or cooperative agreement contain any of the elements specified in section 34.209.

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.

7 2. Sections 34.203 to 34.216 shall not prohibit the state, any agency of the state, or
8 any instrumentality thereof from awarding a contract, grant, tax abatement, or tax credit
9 to a private owner, bidder, contractor, or subcontractor who enters into or who is party
10 to an agreement with a labor organization, if being or becoming a party or adhering to an
11 agreement with a labor organization is not a condition for award of the contract, grant, tax
12 abatement, or tax credit, and if the state, any agency of the state, or any instrumentality
13 thereof does not discriminate against a private owner, bidder, contractor, or subcontractor
14 in the awarding of that contract, grant, tax abatement, or tax credit based upon the status
15 as being or becoming, or the willingness or refusal to become, a party to an agreement with
16 a labor organization.

17 3. The state, any agency of the state, or any instrumentality thereof shall exercise such
18 authority as may be required to preclude a grant, **tax abatement, or tax credit** recipient or party
19 to a cooperative agreement from imposing any of the elements specified in section 34.209 in
20 connection with any grant or cooperative agreement awarded or entered into. Nothing in sections
21 34.203 to 34.216 shall prohibit contractors or subcontractors from voluntarily entering into
22 agreements described in section 34.209.

34.213. The state, any agency of the state, or any instrumentality thereof may
2 **exempt a particular project, contract, subcontract, grant, tax abatement, or tax credit from**
3 **the requirements of any or all of the provisions of section 34.209 or 34.212 if the state, any**
4 **agency of the state, or any instrumentality thereof finds, after public notice and a hearing,**
5 **that special circumstances require an exemption to avert an imminent threat to public**
6 **health or safety. A finding of special circumstances under this section shall not be based**
7 **on the possibility or presence of a labor dispute concerning the use of contractors or**
8 **subcontractors who are nonsignatories to, or otherwise do not adhere to, agreements with**
9 **one or more labor organizations or concerning employees on the project who are not**
10 **members of or affiliated with a labor organization.**

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