A bill for an act

relating to labor relations; prohibiting use of state funds to encourage or discourage union organizing; providing for a civil penalty; proposing coding for new law in Minnesota Statutes, chapter 179.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[179.601] PROHIBITING STATE FUNDS FOR UNION ORGANIZING DRIVES.**

Subdivision 1. **General prohibition.** Notwithstanding any other provision of law, no money appropriated by the state for any purpose shall be used or made available to employers to:

(1) train managers, supervisors, or other administrative personnel regarding methods to encourage or discourage union organization, or to encourage or discourage an employee from participating in a union organizing drive;

(2) hire or pay attorneys, consultants, or other contractors to encourage or discourage union organization, or to encourage or discourage an employee from participating in a union organizing drive; or

(3) hire employees or pay the salary and other compensation of employees whose principal job duties are to encourage or discourage union organization, or to encourage or discourage an employee from participating in a union organizing drive.

Subd. 2. **Record-keeping requirements.** Any employer that utilizes funds appropriated by the state and engages in such activities shall maintain, for a period of not less than three years from the date of such activities, financial records, audited as to their validity and accuracy, sufficient to show that state funds were not used to pay for such activities. An employer shall make such financial records available to the state entity that provided such funds and the attorney general within ten business days of receipt of a request from such entity or the attorney general for such records.

Subd. 3. **Remedies; penalties.** The attorney general may apply in the name of the people of the state of Minnesota for an order enjoining or restraining the commission or continuance of the alleged violation of this section. In any such proceeding, the court may order the return to the state of the unlawfully expended funds. Further, the court may impose a civil penalty not to exceed $1,000 where it has been shown that an employer engaged in a violation of subdivision 1; provided, however, that a court may impose a civil penalty not to exceed $1,000 or three times the amount of money unlawfully expended, whichever is greater, where it is shown that the employer knowingly engaged in a violation of subdivision 1 or where the employer previously had been found to have violated subdivision 1 within the preceding two years. All money collected under this section shall be deposited in the state general fund.

Subd. 4. **Rulemaking.** The commissioner of labor and industry shall adopt rules describing the form and content of the financial records required under this section and shall provide advice and guidance to state entities subject to the provisions of this section as to the implementation of contractual and administrative measures to enforce the purposes of this section.