

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 251

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TAYLOR.

0642H.01P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

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

Section A. Chapter 105, RSMo, is amended by adding thereto one new section, to be  
2 known as section 105.504, to read as follows:

**105.504. 1. No sum shall be withheld from the earnings of any public employee for  
2 the purpose of paying any portion of dues, agency shop fees, or any other fees paid by  
3 public employee members of a public labor organization or public employees who are  
4 nonmembers except upon the annual written or electronic authorization of the public  
5 employee member or public employee nonmember.**

**6 2. No public labor organization shall use or obtain any portion of dues, agency shop  
7 fees, or any other fees paid by public employee members of the labor organization or  
8 public employees who are nonmembers to make contributions, as defined in section  
9 130.011, or expenditures, as defined in section 130.011, except with the informed, written  
10 or electronic authorization of such member or nonmember received within the previous  
11 twelve months.**

**12 3. Employees who do not authorize contributions or expenditures under subsection  
13 2 of this section shall not have their dues, agency shop fees, or other fees increased in lieu  
14 of payments for contributions or expenditures.**

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.

15           **4. The requirements of this section shall not be waived by any member or**  
16 **nonmember of a public labor organization, and waiver of the requirements shall not be**  
17 **made a condition of employment or continued employment.**

18           **5. Signing or refraining from signing any authorization described under subsection**  
19 **1 or 2 of this section shall not be made a condition of employment or continued**  
20 **employment.**

21           **6. A public labor organization shall maintain financial records substantially similar**  
22 **to and no less comprehensive than the records that are required to be maintained in**  
23 **accordance with 29 U.S.C. Section 431(b), or any successor statute.**

24           **7. Every public labor organization shall provide the records required under**  
25 **subsection 6 of this section in a searchable electronic format to every public employee it**  
26 **represents. If any public labor organization fails to make such records available to the**  
27 **employees represented by such organization, any such employee shall have a cause of**  
28 **action against the public labor organization for enforcement of this subsection. The court**  
29 **in such action may, in its discretion, in addition to any judgment awarded to the plaintiff**  
30 **or plaintiffs, require reasonable attorney's fees and court costs to be paid by the public**  
31 **labor organization.**

32           **8. Every public labor organization required to prepare any record under this**  
33 **section shall maintain such records and any additional data or summary by which the**  
34 **records may be verified, explained, or clarified for a period of not less than five years**  
35 **immediately following the preparation of such record.**

36           **9. For purposes of this section, the following terms mean:**

37           **(1) "Agency shop", an arrangement that requires an employee, as a condition of**  
38 **employment or continued employment, either to join a recognized public labor**  
39 **organization or to pay such organization a service fee;**

40           **(2) "Public labor organization", any organization that exists and is constituted for**  
41 **the purpose, in whole or in part, of collective bargaining or dealing with public employers**  
42 **concerning grievances, terms and conditions of employment, or other mutual aid or**  
43 **protection.**

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