

FIRST REGULAR SESSION

# HOUSE BILL NO. 878

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HUNTER (Sponsor), STEVENSON, FISHER, PHILLIPS, EMERY, SMITH (118), CUNNINGHAM (145), SANDER, RECTOR, CHINN, DETHROW, WILSON (119), RUESTMAN, WOOD, ROARK, DAY, DEEKEN, BEAN AND MYERS (Co-sponsors).

Read 1<sup>st</sup> time March 30, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1364L.01I

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### AN ACT

To amend chapter 295, RSMo, by adding thereto five new sections relating to unions, with penalty provisions.

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

Section A. Chapter 295, RSMo, is amended by adding thereto five new sections, to be  
2 known as sections 295.300, 295.305, 295.310, 295.315, and 295.320, to read as follows:

**295.300. As used in sections 295.300 to 295.320 the following terms shall mean:**

- 2       **(1) "Ballot proposition", initiatives, referenda, proposed constitutional**  
3 **amendments, and any other items submitted to the voters for their approval or rejection;**  
4       **(2) "Filing entity", a candidate, officeholder, political committee, political party,**  
5 **and each other entity required to report contributions under chapter 130, RSMo;**  
6       **(3) "Fund", the separate segregated fund established by a labor organization for**  
7 **political purposes according to the procedures and requirements of sections 295.300 to**  
8 **295.320;**  
9       **(4) (a) "Labor organization", any association or organization of employees, and**  
10 **any agency, employee representation committee, or plan in which employees participate**  
11 **that exists, in whole or in part, to advocate on behalf of employees about grievances, labor**  
12 **disputes, wages, rates of pay, hours or condition of employment;**

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.

13           (b) Except as provided in paragraph (a) of this subdivision, "labor organization"  
14 includes each employee association and union for employees of public and private sector  
15 employers;

16           (c) "Labor organization" shall not include organizations governed by the national  
17 labor relations act, 29 U.S.C. 151, et. seq. or the railway labor act. 45 U.S.C. 151. et. seq;

18           (5) "Political activities", electoral activities, independent expenditures, or  
19 expenditures made to any candidate, political party, political action committee, voter  
20 registration campaign, or any other political or legislative cause, including ballot  
21 propositions;

22           (6) "Union dues", dues, fees, or other moneys required as a condition of  
23 membership in a labor organization.

          295.305. 1. (1) A labor organization shall only make expenditures for political  
2 activities if the labor organization establishes a separate, segregated fund that meets the  
3 requirements of sections 295.300 to 295.320.

4           (2) A labor organization shall ensure that:

5           (a) In soliciting contributions for the fund, the solicitor discloses, in clear and  
6 unambiguous language on the face of the solicitation, that contributions are voluntary and  
7 that the fund is a political fund and will be expended for political activities;

8           (b) Union dues are not used for political activities, transferred to the fund, or  
9 intermingled in any way with fund moneys;

10           (c) The cost of administering the fund is paid from fund contributions and not from  
11 union dues; and

12           (d) Each contribution is voluntary and shall be made by the member and shall not  
13 come from or be remitted by the employer of the member.

14           2. At the time the labor organization is soliciting contributions for the fund from  
15 an employee, the labor organization shall:

16           (1) Affirmatively inform the employee, orally or in writing, of the fund's political  
17 purpose; and

18           (2) Affirmatively inform the employee, orally or in writing, of the employee's right  
19 to refuse to contribute without fear of reprisal or loss of membership in the labor  
20 organization.

21           3. The labor organization has the burden of proof to establish that the  
22 requirements of subdivision (2) of subsection 1 of this section and subsection 2 of this  
23 section are met.

24           4. Notwithstanding the requirements of paragraph (b) of subdivision (2) of  
25 subsection 1 of this section, a labor organization may use union dues to communicate

26 directly with its own members about political candidates, ballot propositions, and other  
27 political issues.

295.310. 1. (1) It shall be unlawful for a labor organization to make expenditures  
2 for political activities by using contributions secured by physical force or threat of force,  
3 job discrimination or threat of job discrimination, membership discrimination or threat  
4 of membership discrimination, or economic reprisals or threat of economic reprisals; or

5 (2) When a labor organization is soliciting contributions for a fund from an  
6 employee, it shall be unlawful for a labor organization to fail to:

7 (a) Affirmatively inform the employee orally or in writing of the fund's political  
8 purpose; and

9 (b) Affirmatively inform the employee orally or in writing of the employee's right  
10 to refuse to contribute without fear of reprisal or loss of membership in the labor  
11 organization.

12 2. It shall be unlawful for a labor organization to pay a member for contributing  
13 to the fund by providing a bonus, expense account, rebate of union dues, or by any other  
14 form of direct or indirect compensation.

15 3. Any person or entity that violates this section shall be guilty of a class C  
16 misdemeanor.

295.315. Each fund established by a labor organization under sections 295.300 to  
2 295.320 shall comply with the requirements of a continuing committee under chapter 130,  
3 RSMo.

295.320. The provisions of sections 295.300 to 295.320 shall apply to all contracts  
2 entered into after the effective date of sections 295.300 to 295.320, and shall apply to any  
3 renewal of an existing contract.