

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1891

98TH GENERAL ASSEMBLY

5488H.02P

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 authorization of the public employee member  
5 or the public employees who are nonmembers.**

**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 or expenditures as defined  
9 in section 130.011, except with the informed, written authorization (including through an  
10 electronic means using the Internet) of such member or non-member received within the  
11 previous twelve months.**

**12 3. Individuals 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 contributions or expenditures.**

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

18           **5. Signing or refraining from signing the authorizations referred to in subsections**  
19 **1 and 2 of this section shall not be made a condition of employment or continued**  
20 **employment.**

21           **6. This section shall not apply to first responders or any public labor organization**  
22 **that represents such an individual.**

23           **7. A public labor organization must maintain financial records identical to the**  
24 **records that shall be maintained under 29 U.S.C. Section 431(b).**

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

32           **9. Every public labor organization required to produce any record under this**  
33 **section shall maintain such records on the matters required to be reported that will provide**  
34 **in sufficient detail the necessary basic information and data from which the documents**  
35 **may be verified, explained, or clarified for a period of not less than five years.**

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

37           **(1) "Agency shop", an arrangement that requires an employee, as a condition of**  
38 **continued employment, either to join the recognized employee organization or to pay the**  
39 **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, conditions of employment, or other mutual aid or protection.**

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