

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1891
98TH GENERAL ASSEMBLY

5488S.08T

2016

AN ACT

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

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 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 or electronic authorization of such
10 member or non-member received within the previous twelve months.**

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

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

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

20 **6. The provisions of subsection 1 and 2 of this section shall not apply to public**
21 **employee first responders. For purposes of this section, "public employee first responder"**
22 **shall mean any person trained and authorized by law or rule to render emergency medical**
23 **assistance or treatment. Such persons may include, but shall not be limited to, emergency**
24 **first responders, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants**
25 **and attendant drivers, emergency medical technicians, mobile emergency medical**
26 **technicians, emergency medical technician-paramedics, registered nurses, or physicians.**

27 **7. A public labor organization shall maintain financial records substantially similar**
28 **to and no less comprehensive than the records that are required to be maintained pursuant**
29 **to 29 U.S.C. Section 431(b), or any successor statute.**

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

38 **9. Every public labor organization required to prepare any record under this**
39 **section shall maintain such records and any additional data or summary by which the**
40 **records may be verified, explained, or clarified for a period of not less than five years**
41 **immediately preceding the preparation of such annual report.**

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

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

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

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