

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1413

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TAYLOR.

4637H.01P

D. ADAM CRUMBLISS, Chief Clerk

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:

3 **105.504. 1. No sum shall be withheld from the earnings of any public employee for**
4 **the purpose of paying any portion of dues, agency shop fees, or any other fees paid by**
5 **public employee members of a public labor organization or public employees who are**
6 **nonmembers except upon the annual written or electronic authorization of the public**
7 **employee member or public employee nonmember, provided that a public employer may**
8 **choose to withhold such sums, and then such withholding shall be done in accordance with**
9 **this section.**

10 **2. No public labor organization shall use or obtain any portion of dues, agency shop**
11 **fees, or any other fees paid by public employee members of the labor organization or**
12 **public employees who are nonmembers to make contributions, as defined in section**
13 **130.011, or expenditures, as defined in section 130.011, except with the informed, written**
14 **or electronic authorization of such member or nonmember received within the previous**
15 **twelve months.**

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

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

20 **5. Signing or refraining from signing any authorization described under subsection**
21 **1 or 2 of this section shall not be made a condition of employment or continued**
22 **employment.**

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

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

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

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

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

42 **(2) "Public employee", an employee of the state or a political subdivision thereof;**

43 **(3) "Public labor organization", any organization, composed of public employees,**
44 **that exists and is constituted for the purpose, in whole or in part, of collective bargaining**
45 **or dealing with public employers concerning grievances, terms and conditions of**
46 **employment, or other mutual aid or protection. This term shall only include bargaining**
47 **units composed of public employees.**

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