

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 466

96TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE SCHOELLER.

1372L.01P

D. ADAM CRUMBLISS, Chief Clerk

---

## AN ACT

To repeal section 130.028, RSMo, and to enact in lieu thereof one new section relating to payroll deductions for electioneering purposes, with existing penalty provisions.

---

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

Section A. Section 130.028, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 130.028, to read as follows:

130.028. 1. Every person, labor organization, or corporation organized or existing by virtue of the laws of this state, or doing business in this state who shall:

(1) Discriminate or threaten to discriminate against any member in this state with respect to his membership, or discharge or discriminate or threaten to discriminate against any employee in this state, with respect to his compensation, terms, conditions or privileges of employment by reason of his political beliefs or opinions; or

(2) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or refrain from voting for any candidate at any election in this state; or

(3) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or refrain from voting for any issue at any election in this state; or

(4) Make any member or employee as a condition of membership or employment, contribute to any candidate, political committee or separate political fund; or

(5) Discriminate or threaten to discriminate against any member or employee in this state for contributing or refusing to contribute to any candidate, political committee or separate political fund with respect to the privileges of membership or with respect to his 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.

16 and the compensation, terms, conditions or privileges related thereto shall be guilty of a  
17 misdemeanor, and upon conviction thereof be punished by a fine of not more than five thousand  
18 dollars and confinement for not more than six months, or both, provided, after January 1, 1979,  
19 the violation of this subsection shall be a class D felony.

20         2. No employer, corporation, political action committee, or labor organization shall  
21 receive or cause to be made contributions from its members or employees except on the advance  
22 voluntary permission of the members or employees. Violation of this section by the corporation,  
23 employer, political action committee or labor organization shall be a class A misdemeanor.

24         3. An employer shall, upon written request by ten or more employees, provide its  
25 employees with the option of contributing to a political action committee as defined in section  
26 130.011 through payroll deduction, if the employer has a system of payroll deduction. No  
27 contribution to a political action committee from an employee through payroll deduction shall  
28 be made other than to a political action committee voluntarily chosen by the employee.  
29 Violation of this section shall be a class A misdemeanor.

30         4. **An employer or labor organization, directly or through another person, may**  
31 **obtain contributions for a candidate, campaign committee, political action committee,**  
32 **legislative campaign fund, political party, or person making disbursements to pay the**  
33 **direct costs of producing or airing electioneering communications from an employee or**  
34 **member on an automatic basis under a payroll deduction plan only if the employee or**  
35 **member who is contributing to that candidate, campaign committee, political action**  
36 **committee, legislative campaign fund, political party, or person making disbursements to**  
37 **pay the direct costs of producing or airing electioneering communications affirmatively**  
38 **consents to the contribution in writing annually. Nothing in this section shall be**  
39 **interpreted as denying a labor organization the right to receive and use dues monies for**  
40 **any legal purpose.**

41         5. Any person aggrieved by any act prohibited by this section shall, in addition to any  
42 other remedy provided by law, be entitled to maintain within one year from the date of the  
43 prohibited act, a civil action in the courts of this state, and if successful, he shall be awarded civil  
44 damages of not less than one hundred dollars and not more than one thousand dollars, together  
45 with his costs, including reasonable attorney's fees. Each violation shall be a separate cause of  
46 action.