

FIRST REGULAR SESSION

HOUSE BILL NO. 88

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TAYLOR.

0727H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 105.505, RSMo, and to enact in lieu thereof one new section relating to the authorization of the deduction of moneys from the paychecks of public employees for the benefit of public labor organizations.

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

Section A. Section 105.505, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.505, to read as follows:

105.505. 1. No sum shall be withheld from the earnings of any public employee for the purpose of paying any portion of dues, agency shop fees, or any other fees paid by members of a labor organization or public employees who are nonmembers except ~~[upon the annual]~~ **with the informed** written or electronic authorization of the member or nonmember **received by the department within the previous twelve months. The department shall require clear and compelling evidence that such authorization has been freely given by a public employee. Submission of the form described in subsection 2 of this section shall constitute clear and compelling evidence that authorization has been freely given.**

2. **The authorization referred to in subsection 1 of this section shall be made on the following form, the sole purpose of which is the documentation of such authorization. The form's title shall read, in at least twenty-four-point bold type, "Consent for Withholding Union Dues/Fees", and shall state, in at least fourteen-point bold type, the following specific text:**

"Signing this form authorizes the amount of \$..... to be withheld from your monthly earnings and allocated to your labor union as a portion of your dues, agency shop fees, or other fee payments for the next twelve

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 months. You are not obligated to sign this authorization. Your signature
 18 below is completely voluntary and cannot in any way affect your
 19 employment. As a public employee, you have a First Amendment right to
 20 refrain from joining or paying dues or fees to a labor union. By signing this
 21 form you are hereby waiving your right to refrain from union membership
 22 and dues payment. You may revoke this authorization at any time by
 23 providing notice to (public body)."

24 3. No labor organization shall use or obtain any portion of dues, agency shop fees, or any
 25 other fees paid by members of the labor organization or public employees who are nonmembers
 26 to make contributions, as defined in section 130.011, or expenditures, as defined in section
 27 130.011, except with the informed written or electronic authorization of such member or
 28 nonmember received by the department within the previous twelve months. The department
 29 shall require clear and compelling evidence that such authorization has been freely given
 30 by a public employee. Submission of the form described in subsection 4 of this section shall
 31 constitute clear and compelling evidence that authorization has been freely given.

32 [3-] 4. The authorization referred to in subsection 3 of this section shall be made
 33 on the following form, the sole purpose of which is the documentation of such
 34 authorization. The form's title shall read, in at least twenty-four-point bold type, "Consent
 35 for Political Use of Dues/Fees", and shall state, in at least fourteen-point bold type, the
 36 following specific text:

37 Signing this form authorizes your union to use the amount of
 38 \$..... from each of your dues or agency shop fee payments
 39 during the next twelve months as a political contribution or
 40 expenditure.

41 Signing this form authorizes your union to use the amount of
 42 \$..... from each of your dues or agency shop fee payments
 43 during the next twelve months as a political contribution to a
 44 continuing committee formed by your public labor organization.

45 Check applicable box.

46 You are not obligated to sign this authorization. Your signature below is
 47 completely voluntary and cannot in any way affect your employment. As a
 48 public employee, you have a First Amendment right to refrain from joining
 49 or paying dues or fees to a labor union. By signing this form you are hereby
 50 waiving your right to refrain from union membership and dues payment.
 51 You may revoke this authorization at any time by providing notice to (public
 52 body)."

53 5. Public employees who do not authorize contributions or expenditures under
54 ~~[subsection 2 of]~~ this section shall not have their dues, agency shop fees, or other fees increased
55 in lieu of payments for contributions or expenditures.

56 ~~[4.]~~ 6. The requirements of this section shall not be waived by any member or
57 nonmember of a labor organization, and waiver of the requirements shall not be made a
58 condition of employment or continued employment.

59 ~~[5.]~~ 7. Signing or refraining from signing any authorization ~~[described]~~ under
60 ~~[subsection 1 or 2 of]~~ this section shall not be made a condition of employment or continued
61 employment.

62 ~~[6.]~~ 8. A labor organization shall maintain financial records substantially similar to and
63 no less comprehensive than the records that are required to be maintained in accordance with 29
64 U.S.C. Section 431(b), or any successor statute.

65 ~~[7.]~~ 9. Every labor organization shall provide the records required under subsection ~~[6]~~
66 8 of this section in a searchable electronic format to every public employee it represents. If any
67 labor organization fails to make such records available to the public employees represented by
68 such organization, any such public employee shall have a cause of action against the labor
69 organization for enforcement of this subsection. The court in such action may, in its discretion,
70 in addition to any judgment awarded to the plaintiff or plaintiffs, require reasonable attorney's
71 fees and court costs to be paid by the labor organization.

72 ~~[8.]~~ 10. Every labor organization required to prepare any record under this section shall
73 maintain such records and any additional data or summary by which the records may be verified,
74 explained, or clarified for a period of not less than five years immediately following the
75 preparation of such record.

76 ~~[9.]~~ 11. For purposes of this section, the term "agency shop" shall mean an arrangement
77 that requires a public employee, as a condition of employment or continued employment, either
78 to join a recognized labor organization or to pay such organization a service fee.

79 **12. (1) The department shall create and maintain an electronic database whereby**
80 **public employees can submit or revoke any authorization under this section.**

81 **(2) Any authorization submitted under this section by a public employee may be**
82 **revoked by such public employee at any time, with such revocation to take effect at the**
83 **beginning of any succeeding pay period.**

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