

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 553 & 435

96TH GENERAL ASSEMBLY

Reported from the Committee on Small Business, Insurance and Industry, January 26, 2012, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4559S.02C

AN ACT

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

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
2 section, to be known as section 105.504, to read as follows:

**105.504. 1. No sum shall be withheld from the earnings of any
2 public employee for the purposes of paying any portion of dues, agency
3 shop fees, or any other fees paid by members of a public labor
4 organization, or individuals who are not members.**

5 **2. No public labor organization shall use or obtain any portion
6 of dues, agency shop fees, or any other fees paid by members of the
7 labor organization, or individuals who are not members, to make
8 contributions or expenditures as defined in section 130.011, except
9 upon the written authorization of the member, or individual who is not
10 a member, received within the previous twelve months on a form
11 described by subsection 4 of this section signed by the member or
12 nonmember and an officer of the union.**

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

19 "Signing this form authorizes your union to use the amount of
20 \$..... from each of your dues or agency shop fee payments during

21 the next twelve months as a political contribution or expenditure.

22 "Signing this form requests your union to use the amount of
23 \$..... from each of your dues or agency shop fee payments during
24 the next twelve months as a political contribution to the (name of the
25 committee).

26 Check applicable box.

27 You are not obligated to sign this authorization. Your signature below
28 is completely voluntary and cannot in any way affect your
29 employment."

30 4. Any public employee labor organization that uses any portion
31 of dues, agency shop fees, or other fees to make contributions or
32 expenditures under subsection 2 of this section shall maintain records
33 that include a copy of each authorization obtained under subsection 3
34 of this section, the amounts and dates funds were actually transferred,
35 the amounts and dates funds were transferred to a committee as
36 defined in section 130.011, and the committee to which the funds were
37 transferred. Records maintained under this subsection shall not
38 include the employee's home address or telephone number.

39 5. Copies of all records maintained under subsection 4 of this
40 section shall be sent to the labor and industrial relations commission,
41 established under section 286.005.

42 6. Individuals who do not authorize contributions or
43 expenditures under subsection 2 of this section may not have their
44 dues, agency shop fees, or other fees increased in lieu of contribution
45 or expenditure.

46 7. The requirements of this section may not be waived by the
47 member or individual and waiver of the requirements shall not be made
48 a condition of employment or continued employment.

49 8. Signing or refraining from signing the authorizations referred
50 to in subsection 3 of this section shall not be made a condition of
51 employment or continued employment.

52 9. For the purposes of this section, "agency shop" means an
53 arrangement that requires an employee, as a condition of continued
54 employment, either to join the recognized employee organization, or to
55 pay the organization a service fee.

56 10. For the purposes of this section, "public labor organization"

57 **includes any organization which exists and is constituted for the**
58 **purpose, in whole or in part, of collective bargaining or dealing with**
59 **public employers concerning grievances, terms, or conditions of**
60 **employment, or of other mutual aid or protection.**

Section B. This act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election which is hereby ordered and which shall
3 be held and conducted on Tuesday next following the first Monday in August,
4 2012, pursuant to the laws and constitutional provisions of this state for the
5 submission of referendum measures by the general assembly, and this act shall
6 become effective when approved by a majority of the votes cast thereon at such
7 election and not otherwise.

✓

Bill

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