

SECOND REGULAR SESSION

# SENATE BILL NO. 771

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR HOSKINS.

Pre-filed December 5, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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## AN ACT

To repeal section 105.500, RSMo, and to enact in lieu thereof two new sections relating to restrictions on the use of payroll deduction options for public employees.

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

Section A. Section 105.500, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 105.500 and 105.505, to read as follows:

105.500. Unless the context otherwise requires, the following words and phrases mean:

(1) "Agency shop", an arrangement that requires an employee, as a condition of continued employment, either to join the recognized employee organization, or to pay the organization a service fee;

(2) "Appropriate unit" [means], a unit of employees at any plant or installation or in a craft or in a function of a public body which establishes a clear and identifiable community of interest among the employees concerned;

[(2)] (3) "Exclusive bargaining representative" [means], an organization which has been designated or selected by majority of employees in an appropriate unit as the representative of such employees in such unit for purposes of collective bargaining;

[(3)] (4) "First responder", any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers, emergency medical

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 technicians, mobile emergency medical technicians, emergency medical  
19 technician-paramedics, registered nurses, or physicians;

20 (5) "Labor organization", any organization, agency, or employee  
21 representation committee or plan, in which employees participate and  
22 which exists for the purpose, in whole or in part, of dealing with a  
23 public body or public bodies concerning collective bargaining,  
24 grievances, labor disputes, wages, rates of pay, hour of employment, or  
25 conditions of work;

26 (6) "Public body" [means], the state of Missouri, or any officer, agency,  
27 department, bureau, division, board or commission of the state, or any other  
28 political subdivision of or within the state.

105.505. 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 public employee members of a labor  
4 organization, or public employees who are not members except upon  
5 the annual written authorization of the public employee member, or the  
6 public employee who is not a member, received on a form described by  
7 subsection 2 of this section.

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

14 "Signing this form authorizes the amount of \$..... to be  
15 withheld from your monthly earnings and allocated to your labor  
16 organization as a portion of your dues, agency shop fees, or other fee  
17 payments for the next twelve months. You are not obligated to sign this  
18 authorization. Your signature below is completely voluntary and  
19 cannot in any way affect your employment."

20 3. No labor organization shall use or obtain any portion of dues,  
21 agency shop fees, or any other fees paid by public employee members  
22 of the labor organization, or public employees who are not members, to  
23 make contributions or expenditures, as such terms are defined in  
24 section 130.011, except upon the written authorization of such member  
25 or non member, received within the previous twelve months on a form  
26 described by subsection 4 of this section signed by such member or

27 nonmember and an officer of the union.

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

34           "Signing this form authorizes your union to use the amount of  
35 \$..... from each of your dues or agency shop fee payments during  
36 the next twelve months as a political contribution or expenditure."

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

41 Check any applicable box.

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

45           5. Any labor organization that uses any portion of dues, agency  
46 shop fees, or other fees to make contributions or expenditures under  
47 subsection 3 of this section shall maintain records that include a copy  
48 of each authorization obtained under subsection 4 of this section, the  
49 amounts and dates funds were actually transferred, and the amounts  
50 and dates funds were transferred to the labor organization's continuing  
51 committee, as that term is defined in section 130.011. Records  
52 maintained under this subsection shall not include the employee's home  
53 address or telephone number.

54           6. Copies of all records maintained under subsection 5 of this  
55 section shall be sent to the labor and industrial relations commission  
56 established under section 286.005.

57           7. Individuals who do not authorize contributions or  
58 expenditures under subsection 3 of this section shall not have their  
59 dues, agency shop fees, or other fees increased in lieu of contribution  
60 or expenditure.

61           8. The requirements of this section shall not be waived by the  
62 public employee member or public employee who is not a member and  
63 waiver of the requirements shall not be made a condition of

64 **employment or continued employment.**

65 **9. Signing or refraining from signing the authorizations referred**  
66 **to in subsections 2 or 4 of this section shall not be made a condition of**  
67 **employment or continued employment.**

68 **10. This section shall not apply to first responders or any labor**  
69 **organization that represents such individuals.**

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