GOVERNOR OF MISSOURI

JEFFERSON CITY
65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

P.O. BOX 720
(573) 751-3222

March 18, 2016

TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
98th GENERAL ASSEMBLY
SECOND REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Substitute for House Committee Substitute for House Bill No. 1891 (House Bill No. 1891) entitled:

AN ACT

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

I disapprove of House Bill No. 1891. My reasons for disapproval are as follows:

Like a similar bill that I vetoed in 2013, House Bill No. 1891 would require public employees to reauthorize every year the deduction for "public labor organization"[1] dues or fees from their paychecks. In addition to placing this unnecessary burden on public employees, the legislation would also impose additional bureaucratic paperwork on public employers that will serve only to waste taxpayer money and inject needless inefficiencies in the operations of those employers. While the legislation purports to protect public employees, House Bill No. 1891 actually does just the opposite by burdening both employees and employers for the clear purpose of undermining "public labor organizations."

A state employee is authorized under existing law to have amounts deducted from their paycheck for a variety of purposes including donations to charitable organizations, contributions to a qualified state tuition program, and payments to deferred compensation plans. Section 33.103, RSMo. That same provision allows for the deduction of "the amount necessary for each employee's…collective bargaining dues…." In addition, section 168.300, RSMo, contains a similar provision applicable to employees of school districts, such as teachers. Under any of

[1] The term "public labor organization" is broadly defined in House Bill No. 1891 and would include not only unions but would also encompass other employee associations including the Missouri State Teachers Association, Missouri National Education Association, and Missouri Corrections Officers Association.

these circumstances, the deduction occurs only if the employee agrees to such deduction, and the deduction may be terminated at any time by the employee.

Notwithstanding the safeguards already found in the law, House Bill No. 1891 would erect new impediments directed solely at "public labor organizations" by requiring both employees and employers to take steps every year to continue those deductions. Adding these unnecessary burdens serves no purpose other than to curb the efforts of "public labor organizations." The animus towards those organizations underlying this legislation is clear. Indeed, House Bill No. 1891 is singularly directed at "public labor organizations" and makes no effort to require any additional conditions or reauthorizations relating to any other payroll deductions.

And while the proponents contend that these unnecessary burdens are needed for the "protection" of public employees, the legislation inexplicably exempts first responder public employees from the yearly authorization requirements. That the legislation picks and chooses who to "protect" based on political calculations rather than a rational basis demonstrates that its purported "protections" are merely pretext for interfering with "public labor organizations."

The General Assembly's intrusion into the efforts of these labor organizations is not limited to the filing of superfluous paperwork. House Bill No. 1891 would require these groups to retain internal records for at least five years and would authorize lawsuits against these groups, exposing them to awards of damages, attorney's fees, and court costs. This misguided approach creates new litigation opportunities directed at any "public labor organization" meeting the broad definition contained in the legislation. And, unlike the other provisions in the bill, first responder employee organizations would not be exempt and thus would be subject to these lawsuits.

House Bill No. 1891 would create an unnecessary bureaucratic process that would burden both public employees and their public entity employers and create new causes of actions against employee associations. This effort was wrong in 2013, is wrong today, and will not receive my approval.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute for House Committee Substitute for House Bill No. 1891 without my approval.

Respectfully submitted,

Jeremiah W. (Jay) Nixon
Governor