

FIRST REGULAR SESSION

SENATE BILL NO. 98

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUSSELL.

Pre-filed December 1, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0277S.021

AN ACT

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

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 section, to be known as section 105.527, to read as follows:

105.527. 1. Any employee of this state or any public body whose rights have been violated by a labor organization pursuant to this section may institute a petition in the circuit court of the county where the employee resides, or where the employee's rights were violated, and the labor organization which is shown to have violated this section shall be liable for compensatory and punitive damages and the employee's reasonable attorney fees, along with other relief that the court may deem appropriate under the circumstances for injunctive orders, cease and desist orders, or otherwise.

2. Any employee of this state or any public body may also petition the board of mediation to revoke any certification of any labor organization which has violated the provisions of this section, or which has failed to fairly represent the employees of the appropriate unit, in such a flagrant manner as to reasonably call for a suspension or revocation of the certification of said labor organization to represent the unit involved. The board of mediation shall conduct investigations and hearings if necessary to determine the questions raised by such petition, and shall adopt rules and regulations to govern the procedures for such hearings and determinations, and any final conclusion of the board of mediation is subject to review pursuant to section 105.525.

3. The board of mediation may assess reasonable attorney fees and costs to any

labor organization who is found to have violated the laws of this state, or abused its power as majority representative in connection with said proceedings.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

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