

SECOND REGULAR SESSION

SENATE BILL NO. 438

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4296S.011

AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions, and a referendum clause.

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

Section A. Chapter 290, RSMo, is amended by adding thereto one new
2 section, to be known as section 290.590, to read as follows:

290.590. 1. As used in this section, the term "labor organization"
2 **means any organization of any kind or agency or employee**
3 **representation committee or union which exists for the purpose in**
4 **whole or in part of dealing with employers concerning wages, rates of**
5 **pay, hours of work, other conditions of employment, or other forms of**
6 **compensation.**

7 **2. No person shall be required as a condition or continuation of**
8 **employment to:**

9 **(1) Become or refrain from becoming a member of a labor**
10 **organization;**

11 **(2) Pay any dues, fees, assessments, or other similar charges**
12 **however denominated of any kind or amount to a labor organization;**
13 **or**

14 **(3) In lieu of the payments listed under subdivision (2) of this**
15 **subsection, pay to any charity or other third party any amount**
16 **equivalent to, or on a pro rata basis, any dues, fees, assessments, or**
17 **other charges required of members of a labor organization.**

18 **3. Any agreement, understanding, or practice, written or oral,**
19 **implied or expressed, between any labor organization and employer**
20 **that violates the rights of employees as guaranteed under this section**
21 **is declared to be unlawful, null and void, and of no legal effect.**

22 4. Any person who directly or indirectly violates any provision
23 of this section shall be guilty of a class C misdemeanor.

24 5. (1) Any person injured as a result of any violation or
25 threatened violation of this section shall be entitled to injunctive relief
26 against any and all violators or persons threatening violations.

27 (2) Any person injured as a result of any violation or threatened
28 violation of this section may recover any and all damages of any
29 character resulting from such violation or threatened violation
30 including costs and reasonable attorney fees. Such remedies shall be
31 independent of and in addition to the other penalties and remedies
32 proscribed under this section.

33 6. It shall be the duty of the prosecuting attorney of each county
34 and of the attorney general of this state to investigate complaints of
35 violation or threatened violation of this section and to prosecute any
36 person violating this section and to use all means at their command to
37 ensure the effective enforcement of this section.

38 7. This section shall not apply:

39 (1) To employers and employees covered by the federal Railway
40 Labor Act;

41 (2) To federal employers and employees;

42 (3) To employers and employees on exclusive federal enclaves;

43 (4) Where this section conflicts with or is preempted by federal
44 law; or

45 (5) To any collective bargaining agreement or any other type of
46 agreement between an employer and a labor organization entered into
47 before the effective date of this section but shall apply to any new
48 agreement or renewal or extension of any existing collective bargaining
49 agreement.

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 November,
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.

✓