

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 19

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

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

4 290.590. 1. As used in this section, the following terms
5 shall mean:

6 (1) "Employer", any individual, organization, partnership,
7 state agency, political subdivision, corporation, or other legal
8 entity which employs or has employed one or more individuals
9 performing services for the entity within this state; and

10 (2) "Labor organization", any organization of any kind or
11 agency, or employee representation committee or union which
12 exists for the purpose in whole or in part of dealing with
13 employers concerning wages, rates of pay, hours of work, other
14 conditions of employment, or other forms of compensation.

15 2. No person shall be required as a condition or
16 continuation of employment to:

17 (1) Become or refrain from becoming a member of a labor
18 organization;

19 (2) Pay any dues, fees, assessments, or other similar

1 charges however denominated of any kind or amount to a labor
2 organization; or

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

8 3. Any agreement, understanding, or practice, written or
9 oral, implied or expressed, between any labor organization and
10 employer that violates the rights of employees as guaranteed
11 under this section is unlawful, null and void, and of no legal
12 effect.

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

16 5. (1) Any person injured as a result of any violation or
17 threatened violation of this section shall be entitled to
18 injunctive relief against any and all violators or persons
19 threatening violations.

20 (2) Any person injured as a result of any violation or
21 threatened violation of this section may recover any and all
22 damages of any character resulting from such violation or
23 threatened violation including costs and reasonable attorney
24 fees. Such remedies shall be independent of and in addition to
25 the other penalties and remedies prescribed under this section.

26 6. The prosecuting attorney of each county and the attorney
27 general of this state shall investigate complaints of violation
28 or threatened violation of this section, prosecute any person

1 violating this section, and use all means at their command to
2 ensure the effective enforcement of this section.

3 7. This section shall not apply:

4 (1) To employers and employees covered by the federal
5 Railway Labor Act;

6 (2) To federal employers and employees;

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

9 (4) Where this section conflicts with or is preempted by
10 federal law; or

11 (5) To any agreement between an employer and a labor
12 organization entered into before the effective date of this
13 section but shall apply to any such agreement upon its renewal,
14 extension, amendment, or modification in any respect after the
15 effective date of this section.