

## 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.

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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, remain, or refrain from becoming a member of a  
18 labor 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 violates or directs another to violate  
14 any 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 or circuit attorney with  
27 jurisdiction over the location where a violation or threatened  
28 violation of this section occurs or the attorney general of this

1 state shall investigate complaints of violation or threatened  
2 violation of this section, prosecute any person violating this  
3 section, and use all means at their command to ensure the  
4 effective enforcement of this section.

5 7. This section shall not apply:

6 (1) To employers and employees covered by the federal  
7 Railway Labor Act;

8 (2) To federal employers and employees;

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

11 (4) Where this section conflicts with or is preempted by  
12 federal law; or

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