

FIRST REGULAR SESSION

SENATE BILL NO. 118

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

0128S.01H

ADRIANE D. CROUSE, Secretary

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:

Section A. Chapter 290, RSMo, is amended by adding thereto
2 one new section, to be known as section 290.592, to read as
3 follows:

290.592. 1. As used in this section, the following
2 terms shall mean:

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

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

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

16 (1) Become, remain, or refrain from becoming a member
17 of a labor organization;

18 (2) Pay any dues, fees, assessments, or other similar
19 charges however denominated of any kind or amount to a labor
20 organization; or

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

26 3. Any agreement, understanding, or practice, written
27 or oral, implied or expressed, between any labor
28 organization and employer that violates the rights of
29 employees as guaranteed under this section is unlawful, null
30 and void, and of no legal effect.

31 4. Any person who violates or directs another to
32 violate any provision of this section shall be guilty of a
33 class C misdemeanor.

34 5. (1) Any person injured as a result of any
35 violation or threatened violation of this section shall be
36 entitled to injunctive relief against any and all violators
37 or persons threatening violations.

38 (2) Any person injured as a result of any violation or
39 threatened violation of this section may recover any and all
40 damages of any character resulting from such violation or
41 threatened violation including costs and reasonable attorney
42 fees. Such remedies shall be independent of and in addition
43 to the other penalties and remedies prescribed under this
44 section.

45 6. The prosecuting attorney or circuit attorney with
46 jurisdiction over the location where a violation or
47 threatened violation of this section occurs or the attorney
48 general of this state shall investigate complaints of
49 violation or threatened violation of this section, prosecute

50 any person violating this section, and use all means at
51 their command to ensure the effective enforcement of this
52 section.

53 7. This section shall not apply:

54 (1) To employers and employees covered by the federal
55 Railway Labor Act;

56 (2) To federal employers and employees;

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

59 (4) Where this section conflicts with or is preempted
60 by federal law; or

61 (5) To any agreement between an employer and a labor
62 organization entered into before the effective date of this
63 section but shall apply to any such agreement upon its
64 renewal, extension, amendment, or modification in any
65 respect after the effective date of this section.

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