

FIRST REGULAR SESSION

# SENATE BILL NO. 73

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

1061S.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 290.589, to read as  
3 follows:

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

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

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

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

15 (3) In lieu of the payments listed under subdivision  
16 (2) of this subsection, pay to any charity or other third  
17 party any amount equivalent to, or on a pro rata basis, any

18 dues, fees, assessments, or other charges required of  
19 members of a labor organization.

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

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

28 5. (1) Any person injured as a result of any  
29 violation or threatened violation of this section shall be  
30 entitled to injunctive relief against any and all violators  
31 or persons threatening violations.

32 (2) Any person injured as a result of any violation or  
33 threatened violation of this section may recover any and all  
34 damages of any character resulting from such violation or  
35 threatened violation including costs and reasonable attorney  
36 fees. Such remedies shall be independent of and in addition  
37 to the other penalties and remedies permitted under this  
38 section.

39 6. It shall be the duty of the prosecuting attorney of  
40 each county and of the attorney general of this state to  
41 investigate complaints of violation or threatened violation  
42 of this section and to prosecute any person violating this  
43 section and to use all means at their command to ensure the  
44 effective enforcement of this section.

45 7. This section shall not apply:

46 (1) To employers and employees covered by the federal  
47 Railway Labor Act, as amended;

48 (2) To federal employers and employees;

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

51           (4) Where this section conflicts with or is preempted  
52 by federal law; or

53           (5) To any collective bargaining agreement or any  
54 other type of agreement between an employer and a labor  
55 organization entered into before the effective date of this  
56 section but shall apply to any new agreement or renewal or  
57 extension of any existing collective bargaining agreement.

58           8. (1) This section shall apply only in any county  
59 that adopts the provisions of this section as provided in  
60 this subsection.

61           (2) (a) The governing body of each county may, by  
62 order or ordinance, adopt the provisions of this section.  
63 No such order or ordinance adopted under this section shall  
64 become effective unless the governing body of the county  
65 submits to the voters residing within the county a proposal  
66 to authorize the governing body to adopt the provisions of  
67 this section. Such proposal shall be submitted to the  
68 voters on the next date available to the county for public  
69 elections under chapter 115 after the adoption of the order  
70 or ordinance by the governing body. If a majority of the  
71 votes cast on the question by the qualified voters voting  
72 thereon are in favor of the question, then the order or  
73 ordinance shall become effective. If a majority of the  
74 votes cast on the question by the qualified voters voting  
75 thereon are opposed to the question, then the order or  
76 ordinance shall not become effective unless and until the  
77 question is resubmitted under this section to the qualified  
78 voters and such question is approved by a majority of the  
79 qualified voters voting on the question.

80           (b) The question submitted by a governing body  
81 pursuant to this subdivision shall be in substantially the  
82 following form:

83           "Shall the County of ..... adopt the  
84 provisions of Section 290.589, RSMo, prohibiting  
85 any employer in the County of ..... from  
86 requiring employees to become or refrain from  
87 becoming a member of any labor organization as a  
88 condition of employment?"

89                            YES    NO

90           (3) (a) The governing body of any county that has  
91 adopted the provisions of this section may submit the  
92 question of repeal of the adoption of the provisions of this  
93 section to the voters on any date available for elections  
94 for the county. If a majority of the votes cast on the  
95 question by the qualified voters voting thereon are in favor  
96 of the repeal, that repeal shall become effective on  
97 December thirty-first of the calendar year in which such  
98 repeal was approved. If a majority of the votes cast on the  
99 question by the qualified voters voting thereon are opposed  
100 to the repeal, then the provisions of this section shall  
101 remain effective until the question is resubmitted under  
102 this section to the qualified voters and the repeal is  
103 approved by a majority of the qualified voters voting on the  
104 question.

105           (b) The question submitted by a governing body  
106 pursuant to this subdivision shall be in substantially the  
107 following form:

108           "Shall the County of ..... repeal the  
109 ordinance authorized by Section 290.589, RSMo,

110 prohibiting any employer in the County of  
111 ..... from requiring employees to become or  
112 refrain from becoming a member of any labor  
113 organization as a condition of employment?"

114  YES  NO

115 (4) (a) If the governing body of any county that has  
116 adopted the provisions of this section receives a petition,  
117 signed by a number of registered voters of the county equal  
118 to at least ten percent of the number of registered voters  
119 of the county voting in the last gubernatorial election,  
120 calling for an election to repeal the adoption of the  
121 provisions of this section, the governing body shall submit  
122 to the voters a proposal to repeal the provisions of this  
123 section. If a majority of the votes cast on the question by  
124 the qualified voters voting thereon are in favor of the  
125 repeal, the repeal shall become effective on December thirty-  
126 first of the calendar year in which such repeal was  
127 approved. If a majority of the votes cast on the question  
128 by the qualified voters voting thereon are opposed to the  
129 repeal, then the provisions of this section shall remain  
130 effective until the question is resubmitted under this  
131 section to the qualified voters and the repeal is approved  
132 by a majority of the qualified voters voting on the question.

133 (b) The petition submitted pursuant to this  
134 subdivision shall be in substantially the following form:

135 "Shall the County of ..... repeal the  
136 ordinance authorized by Section 290.589, RSMo,  
137 prohibiting any employer in the County of  
138 ..... from requiring employees to become or

