

SENATE BILL NO. 781

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

4124S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 290.590, RSMo, and to enact in lieu thereof 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Section A. Section 290.590, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 290.589,
3 to read as 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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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 subdivision to the
78 qualified voters and such question is approved by a majority
79 of the 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 the next date available to the
94 county for public elections under chapter 115. If a
95 majority of the votes cast on the question by the qualified
96 voters voting thereon are in favor of the repeal, that
97 repeal shall become effective on December thirty-first of
98 the calendar year in which such repeal was approved. If a
99 majority of the votes cast on the question by the qualified
100 voters voting thereon are opposed to the repeal, then the
101 provisions of this section shall remain effective until the
102 question is resubmitted under this subdivision to the
103 qualified voters and the repeal is approved by a majority of
104 the qualified voters voting on the 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 on the next date available to the county for public
124 elections under chapter 115. If a majority of the votes
125 cast on the question by the qualified voters voting thereon
126 are in favor of the repeal, the repeal shall become
127 effective on December thirty-first of the calendar year in
128 which such repeal was approved. If a majority of the votes
129 cast on the question by the qualified voters voting thereon
130 are opposed to the repeal, then the provisions of this
131 section shall remain effective until the question is
132 resubmitted under this subdivision to the qualified voters
133 and the repeal is approved by a majority of the qualified
134 voters voting on the question.

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

137 "Shall the County of repeal the
138 ordinance authorized by Section 290.589, RSMo,
139 prohibiting any employer in the County of
140 from requiring employees to become or
141 refrain from becoming a member of any labor
142 organization as a condition of employment?"

143

 YES NO

2 [290.590. 1. As used in this section, the
3 following terms shall mean:

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

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

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

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

21 (2) Pay any dues, fees, assessments, or
22 other similar charges however denominated of any
23 kind or amount to a labor organization; or

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

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

36 4. Any person who violates or directs
37 another to violate any provision of this section
38 shall be guilty of a class C misdemeanor.

39 5. (1) Any person injured as a result of
40 any violation or threatened violation of this
41 section shall be entitled to injunctive relief
42 against any and all violators or persons
43 threatening violations.

44 (2) Any person injured as a result of any
45 violation or threatened violation of this
46 section may recover any and all damages of any
47 character resulting from such violation or
48 threatened violation including costs and
49 reasonable attorney fees. Such remedies shall
50 be independent of and in addition to the other
51 penalties and remedies prescribed under this
52 section.

53 6. The prosecuting attorney or circuit
attorney with jurisdiction over the location

54 where a violation or threatened violation of
55 this section occurs or the attorney general of
56 this state shall investigate complaints of
57 violation or threatened violation of this
58 section, prosecute any person violating this
59 section, and use all means at their command to
60 ensure the effective enforcement of this section.
61 7. This section shall not apply:
62 (1) To employers and employees covered by
63 the federal Railway Labor Act;
64 (2) To federal employers and employees;
65 (3) To employers and employees on
66 exclusive federal enclaves;
67 (4) Where this section conflicts with or
68 is preempted by federal law; or
69 (5) To any agreement between an employer
70 and a labor organization entered into before
71 August 28, 2017, but shall apply to any such
72 agreement upon its renewal, extension,
73 amendment, or modification in any respect after
74 August 28, 2017.]

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