

HOUSE BILL NO. 505

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RONE.

1202H.011

DANA RADEMAN MILLER, Chief Clerk

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 one new section, to be known as section 290.589, to read as follows:

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

2. No person shall be required as a condition or for continuation of employment to:
(1) Become or refrain from becoming a member of a labor organization;
(2) Pay any dues, fees, assessments, or other similar charges, however denominated, of any kind or amount, to a labor organization; or

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **4. Any person who directly or indirectly violates any provision of this section shall**
18 **be guilty of a class C misdemeanor.**

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

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

27 **6. It shall be the duty of the prosecuting attorney of each county and of the attorney**
28 **general of this state to investigate complaints of violation or threatened violation of this**
29 **section, to prosecute any person violating this section, and to use all means available to**
30 **ensure the effective enforcement of this section.**

31 **7. This section shall not apply:**

32 **(1) To employers and employees covered by the federal Railway Labor Act, as**
33 **amended;**

34 **(2) To federal employers and employees;**

35 **(3) To employers and employees on exclusive federal enclaves;**

36 **(4) Where this section conflicts with or is preempted by federal law; or**

37 **(5) To any collective bargaining agreement or any other type of agreement between**
38 **an employer and a labor organization entered into before the effective date of this section;**
39 **provided that, this section shall apply to any new agreement or renewal or extension of any**
40 **existing collective bargaining agreement.**

41 **8. (1) This section shall apply only in any county that adopts the provisions of this**
42 **section as provided in this subsection.**

43 **(2) (a) The governing body of each county may, by order or ordinance, adopt the**
44 **provisions of this section. No such order or ordinance adopted under this section shall**
45 **become effective unless the governing body of the county submits to the voters residing**
46 **within the county a proposal to authorize the governing body to adopt the provisions of this**
47 **section. Such proposal shall be submitted to the voters on the next date available to the**
48 **county for public elections under chapter 115 after the adoption of the order or ordinance**
49 **by the governing body. If a majority of the votes cast on the question by the qualified**
50 **voters voting thereon are in favor of the question, the order or ordinance shall become**
51 **effective. If a majority of the votes cast on the question by the qualified voters voting**

52 thereon are opposed to the question, the order or ordinance shall not become effective
 53 unless and until the question is resubmitted under this section to the qualified voters and
 54 such question is approved by a majority of the qualified voters voting on the question.

55 (b) The question submitted by a governing body under this subdivision shall be in
 56 substantially the following form:

57 Shall the County of adopt the provisions of Section 290.589, RSMo,
 58 prohibiting any employer in the County of from requiring employees
 59 to become or refrain from becoming a member of any labor organization as
 60 a condition of employment?

61 YES NO

62
 63 (3) (a) The governing body of any county that has adopted the provisions of this
 64 section may submit the question of repeal of the adoption of the provisions of this section
 65 to the voters on any date available for elections for the county. If a majority of the votes
 66 cast on the question by the qualified voters voting thereon are in favor of the repeal, that
 67 repeal shall become effective on December thirty-first of the calendar year in which such
 68 repeal was approved. If a majority of the votes cast on the question by the qualified voters
 69 voting thereon are opposed to the repeal, the provisions of this section shall remain
 70 effective until the question is resubmitted under this section to the qualified voters and the
 71 repeal is approved by a majority of the qualified voters voting on the question.

72 (b) The question submitted by a governing body under this subdivision shall be in
 73 substantially the following form:

74 Shall the County of repeal the ordinance authorized by Section
 75 290.589, RSMo, prohibiting any employer in the County of from
 76 requiring employees to become or refrain from becoming a member of any
 77 labor organization as a condition of employment?

78 YES NO

79
 80 (4) (a) If the governing body of any county that has adopted the provisions of this
 81 section receives a petition calling for an election to repeal the adoption of the provisions of
 82 this section, signed by a number of registered voters of the county equal to at least ten
 83 percent of the number of registered voters of the county voting in the last gubernatorial
 84 election, the governing body shall submit to the voters a proposal to repeal the provisions
 85 of this section. If a majority of the votes cast on the question by the qualified voters voting
 86 thereon are in favor of the repeal, the repeal shall become effective on December thirty-
 87 first of the calendar year in which such repeal was approved. If a majority of the votes cast

88 on the question by the qualified voters voting thereon are opposed to the repeal, then the
89 provisions of this section shall remain effective until the question is resubmitted under this
90 section to the qualified voters and the repeal is approved by a majority of the qualified
91 voters voting on the question.

92 (b) The petition submitted under this subdivision shall be in substantially the
93 following form:

94 Shall the County of repeal the ordinance authorized by Section
95 290.589, RSMo, prohibiting any employer in the County of from
96 requiring employees to become or refrain from becoming a member of any
97 labor organization as a condition of employment?

98 YES

NO

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