

FIRST REGULAR SESSION

SENATE BILL NO. 109

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Read 1st time January 13, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0241S.02I

AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions, and a referendum clause.

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 290.590, to read as follows:

290.590. 1. As used in this section, the term "labor organization" means any organization of any kind or agency or employee representation committee or union which 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 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 expressed, between any labor organization and 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.

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

24 **5. (1) Any person injured as a result of any violation or**
25 **threatened violation of this section shall be entitled to injunctive relief**
26 **against any and all violators or persons threatening violations.**

27 **(2) Any person injured as a result of any violation or threatened**
28 **violation of this section may recover any and all damages of any**
29 **character resulting from such violation or threatened violation**
30 **including costs and reasonable attorney fees. Such remedies shall be**
31 **independent of and in addition to the other penalties and remedies**
32 **proscribed under this section.**

33 **6. It shall be the duty of the prosecuting attorney of each county**
34 **and of the attorney general of this state to investigate complaints of**
35 **violation or threatened violation of this section and to prosecute any**
36 **person violating this section and to use all means at their command to**
37 **ensure the effective enforcement of this section.**

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

39 **(1) To employers and employees covered by the federal Railway**
40 **Labor Act;**

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

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

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

45 **(5) To any collective bargaining agreement or any other type of**
46 **agreement between an employer and a labor organization entered into**
47 **before the effective date of this section but shall apply to any new**
48 **agreement or renewal or extension of any existing collective bargaining**
49 **agreement.**

 Section B. This act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election which is hereby ordered and which shall
3 be held and conducted on Tuesday next following the first Monday in August,
4 2012, pursuant to the laws and constitutional provisions of this state for the
5 submission of referendum measures by the general assembly, and this act shall
6 become effective when approved by a majority of the votes cast thereon at such
7 election and not otherwise.

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