

FIRST REGULAR SESSION

# SENATE BILL NO. 238

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Read 1st time January 30, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0936S.03I

## 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  
2 section, to be known as section 290.590, to read as follows:

**290.590. 1. It is hereby declared as the public policy of this state  
2 that the best interests of the state's citizens are most effectively served  
3 by protecting their freedom to work in a manner consistent with and  
4 expressly authorized by Congress under Section 14(b) of the National  
5 Labor Relations Act, codified as 29 U.S.C. 164(b), which shall obviate  
6 unwanted interference with employees' personal and private property  
7 rights and ensure the right of employees to freely and willingly  
8 associate and avoid coercion.**

9 **2. As used in this section, the term "labor organization" means  
10 any organization of any kind or agency or employee representation  
11 committee or union which exists for the purpose in whole or in part of  
12 dealing with employers concerning wages, rates of pay, hours of work,  
13 other conditions of employment, or other forms of compensation.**

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

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

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

21 **(3) In lieu of the payments listed under subdivision (2) of this**

22 subsection, pay to any charity or other third party any amount  
23 equivalent to, or on a pro rata basis, any dues, fees, assessments, or  
24 other charges required of members of a labor organization.

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

29 5. Any person who directly or indirectly violates any provision  
30 of this section shall be guilty of a class C misdemeanor.

31 6. (1) Any person injured as a result of any violation or  
32 threatened violation of this section shall be entitled to injunctive relief  
33 against any and all violators or persons threatening violations.

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

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

45 8. This section shall not apply:

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

48 (2) To federal employers and employees;

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

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

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