

FIRST REGULAR SESSION

SENATE BILL NO. 240

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

Read 1st time January 14, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0901S.011

AN ACT

To amend chapter 290, RSMo, by adding thereto two new sections 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 two new sections, to be known as sections 290.591 and 290.592, to read as follows:

290.591. 1. As used in sections 290.591 and 290.592, the following terms shall mean:

(1) "Employer", any individual, organization, partnership, political subdivision, corporation, or other legal entity which employs or has employed one or more individuals performing services for the entity within a county that has elected to become subject to this section pursuant to section 290.592; and

(2) "Labor organization", 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, remain, 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

22 equivalent to, or on a pro rata basis, any dues, fees, assessments, or
23 other charges required of members of a labor organization.

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

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

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

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

39 6. The prosecuting attorney or circuit attorney with jurisdiction
40 over the location where a violation or threatened violation of this
41 section occurs or the attorney general of this state shall investigate
42 complaints of violation or threatened violation of this section,
43 prosecute any person violating this section, and use all means at their
44 command to ensure the effective enforcement of this section.

45 7. 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 or

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

290.592. 1. The provisions of section 290.591 shall only apply in
2 a county that has elected, pursuant to this section, to be subject to such
3 provisions.

4 2. (1) The governing body of any county may submit to the
5 qualified voters of the county a question asking whether the county
6 shall be subject to the provisions of section 290.591.

