

SECOND REGULAR SESSION

# SENATE BILL NO. 514

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Pre-filed December 5, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4223S.011

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

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

7 **2. No person shall be required as a condition or continuation of**  
8 **employment to:**

9 **(1) Become or refrain from becoming a member of a labor**  
10 **organization;**

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

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

18 **3. Any agreement, understanding, or practice, written or oral,**  
19 **implied or expressed, between any labor organization and employer**  
20 **that violates the rights of employees as guaranteed under this section**  
21 **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 2013, 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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