

FIRST REGULAR SESSION

SENATE BILL NO. 63

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0284S.01I

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 290.592, to read as follows:

**290.592. 1. As used in this section, the following terms shall
2 mean:**

3 **(1) "Employer", any individual, organization, partnership, state
4 agency, political subdivision, corporation, or other legal entity which
5 employs or has employed one or more individuals performing services
6 for the entity within this state; and**

7 **(2) "Labor organization", any organization of any kind or agency,
8 or employee representation committee or union which exists for the
9 purpose in whole or in part of dealing with employers concerning
10 wages, rates of pay, hours of work, other conditions of employment, or
11 other forms of compensation.**

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

14 **(1) Become, remain, or refrain from becoming a member of a
15 labor organization;**

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

19 **(3) In lieu of the payments listed under subdivision (2) of this
20 subsection, pay to any charity or other third party any amount
21 equivalent to, or on a pro rata basis, any dues, fees, assessments, or**

22 other charges required of members of a labor organization.

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

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

29 5. (1) Any person injured as a result of any violation or
30 threatened violation of this section shall be entitled to injunctive relief
31 against any and all violators or persons threatening violations.

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

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

44 7. This section shall not apply:

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

47 (2) To federal employers and employees;

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

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

51 (5) To any agreement between an employer and a labor
52 organization entered into before the effective date of this section but
53 shall apply to any such agreement upon its renewal, extension,
54 amendment, or modification in any respect after the effective date of
55 this section.

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