

SENATE BILL NO. 880

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

3748S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 290.590, RSMo, and to enact in lieu thereof 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Section A. Section 290.590, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 290.592, to read as follows:

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

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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

21 (3) In lieu of the payments listed under subdivision
22 (2) of this subsection, pay to any charity or other third
23 party any amount equivalent to, or on a pro rata basis, any
24 dues, fees, assessments, or other charges required of
25 members of a labor organization.

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

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

34 5. (1) Any person injured as a result of any
35 violation or threatened violation of this section shall be
36 entitled to injunctive relief against any and all violators
37 or persons threatening violations.

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

45 6. The prosecuting attorney or circuit attorney with
46 jurisdiction over the location where a violation or
47 threatened violation of this section occurs or the attorney
48 general of this state shall investigate complaints of
49 violation or threatened violation of this section, prosecute

50 any person violating this section, and use all means at
51 their command to ensure the effective enforcement of this
52 section.

53 7. This section shall not apply:

54 (1) To employers and employees covered by the federal
55 Railway Labor Act;

56 (2) To federal employers and employees;

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

59 (4) Where this section conflicts with or is preempted
60 by federal law; or

61 (5) To any agreement between an employer and a labor
62 organization entered into before the effective date of this
63 section but shall apply to any such agreement upon its
64 renewal, extension, amendment, or modification in any
65 respect after the effective date of this section.

[290.590. 1. As used in this section, the
2 following terms shall mean:

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

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

16 2. No person shall be required as a
17 condition or continuation of employment to:

18 (1) Become, remain, or refrain from
19 becoming a member of a labor organization;

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

23 (3) In lieu of the payments listed under
24 subdivision (2) of this subsection, pay to any
25 charity or other third party any amount
26 equivalent to, or on a pro rata basis, any dues,
27 fees, assessments, or other charges required of
28 members of a labor organization.

29 3. Any agreement, understanding, or
30 practice, written or oral, implied or expressed,
31 between any labor organization and employer that
32 violates the rights of employees as guaranteed
33 under this section is unlawful, null and void,
34 and of no legal effect.

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

38 5. (1) Any person injured as a result of
39 any violation or threatened violation of this
40 section shall be entitled to injunctive relief
41 against any and all violators or persons
42 threatening violations.

43 (2) Any person injured as a result of any
44 violation or threatened violation of this
45 section may recover any and all damages of any
46 character resulting from such violation or
47 threatened violation including costs and
48 reasonable attorney fees. Such remedies shall
49 be independent of and in addition to the other
50 penalties and remedies prescribed under this
51 section.

52 6. The prosecuting attorney or circuit
53 attorney with jurisdiction over the location
54 where a violation or threatened violation of
55 this section occurs or the attorney general of
56 this state shall investigate complaints of
57 violation or threatened violation of this
58 section, prosecute any person violating this
59 section, and use all means at their command to
60 ensure the effective enforcement of this section.

61 7. This section shall not apply:

62 (1) To employers and employees covered by
63 the federal Railway Labor Act;

64 (2) To federal employers and employees;

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

67 (4) Where this section conflicts with or
68 is preempted by federal law; or

69 (5) To any agreement between an employer
70 and a labor organization entered into before
71 August 28, 2017, but shall apply to any such
72 agreement upon its renewal, extension,
73 amendment, or modification in any respect after
74 August 28, 2017.]

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