

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SCS/HCS/House Bill No. 255, Page 338, Section 238.410, Line 28,

by inserting immediately after said line the following:

"290.590. 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;

(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 equivalent to, or on a pro rata basis, any dues, fees,

1 assessments, or other charges required of members of a labor  
2 organization.

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

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

11 5. (1) Any person injured as a result of any violation or  
12 threatened violation of this section shall be entitled to  
13 injunctive relief against any and all violators or persons  
14 threatening violations.

15 (2) Any person injured as a result of any violation or  
16 threatened violation of this section may recover any and all  
17 damages of any character resulting from such violation or  
18 threatened violation including costs and reasonable attorney  
19 fees. Such remedies shall be independent of and in addition to  
20 the other penalties and remedies prescribed under this section.

21 6. The prosecuting attorney or circuit attorney with  
22 jurisdiction over the location where a violation or threatened  
23 violation of this section occurs or the attorney general of this  
24 state shall investigate complaints of violation or threatened  
25 violation of this section, prosecute any person violating this  
26 section, and use all means at their command to ensure the  
27 effective enforcement of this section.

28 7. This section shall not apply:

29 (1) To employers and employees covered by the federal

1 Railway Labor Act;

2 (2) To federal employers and employees;

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

5 (4) Where this section conflicts with or is preempted by  
6 federal law; or

7 (5) To any agreement between an employer and a labor  
8 organization entered into before the effective date of this  
9 section but shall apply to any such agreement upon its renewal,  
10 extension, amendment, or modification in any respect after the  
11 effective date of this section."; and

12 Further amend the title and enacting clause accordingly.  
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