

# SENATE BILL NO. 121

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

1065S.01I

KRISTINA MARTIN, 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Section A. Section 290.590, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 290.589, to read as follows:

**290.589. 1. As used in this section, the term "labor organization" means any organization of any kind or agency or employee representation committee or union that 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 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**

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

18 dues, fees, assessments, or other charges required of  
19 members of a labor organization.

20 3. Any agreement, understanding, or practice, written  
21 or oral, implied or express, between any labor organization  
22 and employer that violates the rights of employees as  
23 guaranteed under this section is declared to be unlawful,  
24 null and void, and of no legal effect.

25 4. Any person who directly or indirectly violates any  
26 provision of this section shall be guilty of a class C  
27 misdemeanor.

28 5. (1) Any person injured as a result of any  
29 violation or threatened violation of this section shall be  
30 entitled to injunctive relief against any and all violators  
31 or persons threatening violations.

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

39 6. It shall be the duty of the prosecuting attorney of  
40 each county and of the attorney general of this state to  
41 investigate complaints of violation or threatened violation  
42 of this section and to prosecute any person violating this  
43 section and to use all means at their command to ensure the  
44 effective enforcement of this section.

45 7. This section shall not apply:

46 (1) To employers and employees covered by the federal  
47 Railway Labor Act, as amended;

48 (2) To federal employers and employees;

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

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

53           (5) To any collective bargaining agreement or any  
54 other type of agreement between an employer and a labor  
55 organization entered into before the effective date of this  
56 section but shall apply to any new agreement or renewal or  
57 extension of any existing collective bargaining agreement.

58           8. (1) This section shall apply only in any county  
59 that adopts the provisions of this section as provided in  
60 this subsection.

61           (2) (a) The governing body of each county may, by  
62 order or ordinance, adopt the provisions of this section.  
63 No such order or ordinance adopted under this section shall  
64 become effective unless the governing body of the county  
65 submits to the voters residing within the county a proposal  
66 to authorize the governing body to adopt the provisions of  
67 this section. Such proposal shall be submitted to the  
68 voters on the next date available to the county for public  
69 elections under chapter 115 after the adoption of the order  
70 or ordinance by the governing body. If a majority of the  
71 votes cast on the question by the qualified voters voting  
72 thereon are in favor of the question, then the order or  
73 ordinance shall become effective. If a majority of the  
74 votes cast on the question by the qualified voters voting  
75 thereon are opposed to the question, then the order or  
76 ordinance shall not become effective unless and until the  
77 question is resubmitted under this subdivision to the  
78 qualified voters and such question is approved by a majority  
79 of the qualified voters voting on the question.

80 (b) The question submitted by a governing body  
81 pursuant to this subdivision shall be in substantially the  
82 following form:

83 "Shall the County of ..... adopt the  
84 provisions of Section 290.589, RSMo, prohibiting  
85 any employer in the County of ..... from  
86 requiring employees to become or refrain from  
87 becoming a member of any labor organization as a  
88 condition of employment?"

89  YES  NO

90 (3) (a) The governing body of any county that has  
91 adopted the provisions of this section may submit the  
92 question of repeal of the adoption of the provisions of this  
93 section to the voters on the next date available to the  
94 county for public elections under chapter 115. If a  
95 majority of the votes cast on the question by the qualified  
96 voters voting thereon are in favor of the repeal, that  
97 repeal shall become effective on December thirty-first of  
98 the calendar year in which such repeal was approved. If a  
99 majority of the votes cast on the question by the qualified  
100 voters voting thereon are opposed to the repeal, then the  
101 provisions of this section shall remain effective until the  
102 question is resubmitted under this subdivision to the  
103 qualified voters and the repeal is approved by a majority of  
104 the qualified voters voting on the question.

105 (b) The question submitted by a governing body  
106 pursuant to this subdivision shall be in substantially the  
107 following form:

108 "Shall the County of ..... repeal the  
109 ordinance authorized by Section 290.589, RSMo,  
110 prohibiting any employer in the County of  
111 ..... from requiring employees to become or

112           refrain from becoming a member of any labor  
113           organization as a condition of employment?"

114                        YES                                        NO

115           (4) (a) If the governing body of any county that has  
116           adopted the provisions of this section receives a petition,  
117           signed by a number of registered voters of the county equal  
118           to at least ten percent of the number of registered voters  
119           of the county voting in the last gubernatorial election,  
120           calling for an election to repeal the adoption of the  
121           provisions of this section, the governing body shall submit  
122           to the voters a proposal to repeal the provisions of this  
123           section on the next date available to the county for public  
124           elections under chapter 115. If a majority of the votes  
125           cast on the question by the qualified voters voting thereon  
126           are in favor of the repeal, the repeal shall become  
127           effective on December thirty-first of the calendar year in  
128           which such repeal was approved. If a majority of the votes  
129           cast on the question by the qualified voters voting thereon  
130           are opposed to the repeal, then the provisions of this  
131           section shall remain effective until the question is  
132           resubmitted under this subdivision to the qualified voters  
133           and the repeal is approved by a majority of the qualified  
134           voters voting on the question.

135           (b) The petition submitted pursuant to this  
136           subdivision shall be in substantially the following form:

137           "Shall the County of ..... repeal the  
138           ordinance authorized by Section 290.589, RSMo,  
139           prohibiting any employer in the County of  
140           ..... from requiring employees to become or  
141           refrain from becoming a member of any labor  
142           organization as a condition of employment?"

143

 YES NO

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

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

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

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

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

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

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

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

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

39 5. (1) Any person injured as a result of  
40 any violation or threatened violation of this  
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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