

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 77, 91 & 95
97TH GENERAL ASSEMBLY

0370H.05C

D. ADAM CRUMBLISS, Chief Clerk

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 section, to be
2 known as section 290.589, to read as follows:

**290.589. 1. This section shall be known and may be cited as the “Freedom to Work
2 Act”.**

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

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

8 (1) Become or refrain from becoming a member of a labor organization;

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

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

**14 4. Any agreement, understanding, or practice, written or oral, implied or expressed,
15 between any labor organization and employer that violates the rights of employees as
16 guaranteed under this section is declared to be unlawful, null and void, and of no legal
17 effect.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **5. Any person who directly or indirectly violates any provision of this section shall**
19 **be guilty of a class C misdemeanor.**

20 **6. (1) Any person injured as a result of any violation or threatened violation of this**
21 **section shall be entitled to injunctive relief against any and all violators or persons**
22 **threatening violations.**

23 **(2) Any person injured as a result of any violation or threatened violation of this**
24 **section may recover any and all damages of any character resulting from such violation or**
25 **threatened violation including costs and reasonable attorney fees. Such remedies shall be**
26 **independent of and in addition to the other penalties and remedies proscribed under this**
27 **section.**

28 **7. It shall be the duty of the prosecuting attorney of each county and of the attorney**
29 **general of this state to investigate complaints of violation or threatened violation of this**
30 **section and to prosecute any person violating this section and to use all means at their**
31 **command to ensure the effective enforcement of this section.**

32 **8. This section shall not apply:**

33 **(1) To employers and employees covered by the federal Railway Labor Act;**

34 **(2) To federal employers and employees;**

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

36 **(4) Where this section conflicts with or is preempted by federal law; or**

37 **(5) To any collective bargaining agreement or any other type of agreement between**
38 **an employer and a labor organization entered into before the effective date of this section**
39 **but shall apply to any new agreement or renewal or extension of any existing collective**
40 **bargaining agreement.**

 Section B. This act is hereby submitted to the qualified voters of this state for approval
2 or rejection at an election which is hereby ordered and which shall be held and conducted on
3 Tuesday next following the first Monday in August, 2014, or at any other successor primary
4 election date in 2014 as provided by law, pursuant to the laws and constitutional provisions of
5 this state for the 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 election and not
7 otherwise.

 Section C. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions
2 and laws of this state allowing the general assembly to adopt ballot language for the submission
3 of this act to the voters of this state, the official ballot title of this act shall be as follows:

4 “Shall Missouri Statutes be amended to:

- 5 • Protect the freedom of all workers to join or financially contribute, or not join or
6 financially contribute to a private labor organization?

- 7 • Prohibit forced payment of dues, fees, or other assessments to a private labor
8 organization as a condition of employment?"

