

SECOND REGULAR SESSION

# HOUSE BILL NO. 1701

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LANT.

5090H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

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*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 290.590, to read as follows:

2 **290.590. 1. As used in this section, the term "labor organization" means any**  
3 **organization of any kind or agency or employee representation committee or union that**  
4 **exists for the purpose in whole or in part of dealing with employers concerning wages, rates**  
5 **of pay, hours of work, other conditions of employment, or other forms of compensation.**

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

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

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

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

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

16 **4. Any person who directly or indirectly violates any provision of this section shall**  
17 **be guilty of a class C misdemeanor.**

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

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

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

30           **7. This section shall not apply:**

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

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

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

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

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

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