

FIRST REGULAR SESSION

HOUSE BILL NO. 87

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TAYLOR.

0735H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Section 290.590, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 290.591, to read as follows:

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

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

(2) "Labor organization", any organization of any kind or agency, or any 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, 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, assessments, or other charges required of members of a labor organization.

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.

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

19 **4. Any person who violates or directs another to violate any provision of this section**
20 **shall be guilty of a class C misdemeanor.**

21 **5. (1) Any person injured as a result of any violation or threatened violation of this**
22 **section shall be entitled to injunctive relief against any and all violators or persons**
23 **threatening violations.**

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

29 **6. The prosecuting attorney or circuit attorney with jurisdiction over the location**
30 **where a violation or threatened violation of this section occurs or the attorney general of**
31 **this state shall investigate complaints of violation or threatened violation of this section,**
32 **prosecute any person violating this section, and use all means available to ensure the**
33 **effective enforcement of this section.**

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

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

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

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

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

39 **(5) To any agreement between an employer and a labor organization entered into**
40 **before August 28, 2021, but shall apply to any such agreement upon its renewal, extension,**
41 **amendment, or modification in any respect after August 28, 2021.**

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

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

6 ~~_____ (2) "Labor organization", any organization of any kind or agency, or~~
7 ~~employee representation committee or union which exists for the purpose in~~
8 ~~whole or in part of dealing with employers concerning wages, rates of pay, hours~~
9 ~~of work, other conditions of employment, or other forms of compensation.~~

10 ~~_____ 2. No person shall be required as a condition or continuation of~~
11 ~~employment to:~~

- 12 ~~_____ (1) Become, remain, or refrain from becoming a member of a labor~~
13 ~~organization;~~
- 14 ~~_____ (2) Pay any dues, fees, assessments, or other similar charges however~~
15 ~~denominated of any kind or amount to a labor organization; or~~
- 16 ~~_____ (3) In lieu of the payments listed under subdivision (2) of this subsection;~~
17 ~~pay to any charity or other third party any amount equivalent to, or on a pro rata~~
18 ~~basis, any dues, fees, assessments, or other charges required of members of a~~
19 ~~labor organization.~~
- 20 ~~_____ 3. Any agreement, understanding, or practice, written or oral, implied or~~
21 ~~expressed, between any labor organization and employer that violates the rights~~
22 ~~of employees as guaranteed under this section is unlawful, null and void, and of~~
23 ~~no legal effect.~~
- 24 ~~_____ 4. Any person who violates or directs another to violate any provision of~~
25 ~~this section shall be guilty of a class C misdemeanor.~~
- 26 ~~_____ 5. (1) Any person injured as a result of any violation or threatened~~
27 ~~violation of this section shall be entitled to injunctive relief against any and all~~
28 ~~violators or persons threatening violations.~~
- 29 ~~_____ (2) Any person injured as a result of any violation or threatened violation~~
30 ~~of this section may recover any and all damages of any character resulting from~~
31 ~~such violation or threatened violation including costs and reasonable attorney~~
32 ~~fees. Such remedies shall be independent of and in addition to the other penalties~~
33 ~~and remedies prescribed under this section.~~
- 34 ~~_____ 6. The prosecuting attorney or circuit attorney with jurisdiction over the~~
35 ~~location where a violation or threatened violation of this section occurs or the~~
36 ~~attorney general of this state shall investigate complaints of violation or~~
37 ~~threatened violation of this section, prosecute any person violating this section;~~
38 ~~and use all means at their command to ensure the effective enforcement of this~~
39 ~~section.~~
- 40 ~~_____ 7. This section shall not apply:~~
- 41 ~~_____ (1) To employers and employees covered by the federal Railway Labor~~
42 ~~Act;~~
- 43 ~~_____ (2) To federal employers and employees;~~
- 44 ~~_____ (3) To employers and employees on exclusive federal enclaves;~~
- 45 ~~_____ (4) Where this section conflicts with or is preempted by federal law; or~~
- 46 ~~_____ (5) To any agreement between an employer and a labor organization~~
47 ~~entered into before August 28, 2017, but shall apply to any such agreement upon~~
48 ~~its renewal, extension, amendment, or modification in any respect after August~~
49 ~~28, 2017.]~~

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