

FIRST REGULAR SESSION

HOUSE BILL NO. 877

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HUNTER (Sponsor), FISHER, EMERY, PHILLIPS, SMITH (118), DETHROW, CUNNINGHAM (145), SANDER, CHINN, RUESTMAN, WOOD, ROARK, DAY, RECTOR, DEEKEN, SELF, BEAN, MYERS, MUNZLINGER, HOBBS, WILSON (130) AND QUINN (Co-sponsors).

Read 1st time March 30, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2089L.011

AN ACT

To amend chapter 290, RSMo, by adding thereto one new section relating to employee rights, with a penalty provision.

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:

**290.590. 1. As used in this section the term "labor organization" means any
2 organization of any kind or agency or employee representation committee or union which
3 exists for the purpose in whole or in part of dealing with employers concerning wages, rates
4 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 any
10 charity or other third party any amount equivalent to or on a pro rata basis any dues, fees,
11 assessments, or other charges required of members of a labor organization.**

**12 3. Any agreement, understanding, or practice, written or oral, implied or expressed,
13 between any labor organization and employer that violates the rights of employees as**

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.

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.**

18 **5. (1) Any person injured as a result of any violation or threatened violation of this**
19 **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 proscribed under this**
25 **section.**

26 **6. It shall be the duty of the prosecuting attorney of each county and of the attorney**
27 **general of this state to investigate complaints of violation or threatened violation of this**
28 **section and to prosecute any person violating this section and to use all means at their**
29 **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 between**
36 **an employer and a labor organization entered into before the effective date of this section**
37 **but shall apply to any new agreement or renewal or extension of any existing collective**
38 **bargaining agreement.**