

SECOND REGULAR SESSION

# HOUSE BILL NO. 1902

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TAYLOR.

5365H.02I

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.

*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 known as section 290.630, to read as follows:

**290.630. 1. This section shall be known and may be cited as the "Freedom to Work Act".**

**2. As used in this section, the term "labor organization" means any organization of any kind, agency, 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.**

**3. 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 dues, fees, assessments, or other charges required of members of a labor organization.**

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

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

19           **6. (1) Any person injured as a result of any violation or threatened violation of this**  
20 **section shall be entitled to injunctive relief against any and all violators or persons**  
21 **threatening violations.**

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

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

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

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

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, renewal, or extension of any existing collective**  
40 **bargaining agreement.**

41           **9. Except as provided in subsection 11 of this section, this section shall apply only**  
42 **in any county that adopts the provisions of this section as provided in subsection 10 of this**  
43 **section.**

44           **10. (1) The governing body of each county may, by order or ordinance, adopt the**  
45 **provisions of this section. No such order or ordinance adopted under this section shall**  
46 **become effective unless the governing body of the county submits to the voters residing**  
47 **within the county a proposal to authorize the governing body to adopt the provisions of this**  
48 **section. Such proposal shall be submitted to the voters on the next date available to the**  
49 **county for public elections under chapter 115 after the adoption of the order or ordinance**  
50 **by the governing body. If a majority of the votes cast on the proposal by the qualified**  
51 **voters voting thereon are in favor of the proposal, then the order or ordinance shall**  
52 **become effective. If a majority of the votes cast on the proposal by the qualified voters**

53 voting thereon are opposed to the proposal, then the order or ordinance shall not become  
54 effective unless and until the proposal is resubmitted under this section to the qualified  
55 voters and such proposal is approved by a majority of the qualified voters voting on the  
56 proposal.

57 (2) If the governing body of any county receives a petition, signed by a number of  
58 registered voters of the county equal to at least ten percent of the number of registered  
59 voters of the county voting in the last gubernatorial election, calling for an election to adopt  
60 the provisions of this section, the governing body shall submit to the voters a proposal to  
61 adopt the provisions of this section. If a majority of the votes cast on the proposal by the  
62 qualified voters voting thereon are in favor of the proposal, the provisions of this section  
63 shall become effective on December thirty-first of the calendar year in which such proposal  
64 was approved by the voters. If a majority of the votes cast on the proposal by the qualified  
65 voters voting thereon are opposed to the adoption of the provisions of this section, then the  
66 provisions of this section shall not become effective unless and until the proposal is  
67 resubmitted under this section to the qualified voters and such proposal is approved by a  
68 majority of the qualified voters voting on the proposal.

69 11. (1) If fifty percent of the counties in the state, and one additional county, adopt  
70 the provisions of this section as provided in subsection 10 of this section, the provisions of  
71 this section shall become effective throughout the state, even in those counties that have not  
72 adopted the provisions of this section, on January first of the calendar year immediately  
73 following the calendar year in which such threshold was met.

74 (2) For purposes of this subsection, the threshold described in this subsection shall  
75 not be met until fifty percent of the counties in the state, and one additional county, have  
76 adopted the provisions of this section as provided in subsection 10 of this section and such  
77 adoption has become effective in those counties as described in subsection 10 of this section.

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