

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 202, Page 2,
2 Section 130.028, Line 48 by inserting after all of said section and line the following:

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

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

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

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

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

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

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

20 5. (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 threatening
22 violations.

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

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

9 7. This section shall not apply:

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

11 (2) To federal employers and employees;

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

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

14 (5) To any collective bargaining agreement or any other type of agreement between an
15 employer and a labor organization entered into before the effective date of this section but shall
16 apply to any new agreement or renewal or extension of any existing collective bargaining
17 agreement.”; and

18
19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.