HB37

173353-4

By Representatives Mooney, Wingo, Tuggle, Johnson (R), Hill (J), Fridy, Lee, Ledbetter, Wilcox, Sanderford, Clouse, Holmes (M), Boothe, Baker, Greer, McCutcheon, Millican, Martin, Beckman, Garrett, Pettus, Chesteen, Carns, Poole, Shedd, Hubbard and Faulkner (Constitutional Amendment)

RFD: Constitution, Campaigns and Elections

First Read: 02-FEB-16

PFD: 01/21/2016
ENROLLED, An Act,

Proposing an amendment to the Constitution of Alabama of 1901, as amended; to declare that it is the public policy of Alabama that the right of persons to work may not be denied or abridged on account of membership or nonmembership in a labor union or labor organization; to prohibit an agreement to deny the right to work, or condition of prospective employment, on account of membership or nonmembership in a labor union or labor organization; to prohibit an employer from requiring its employee to abstain from union membership as a condition of employment; and to provide that an employer may not require a person, as a condition of employment or continuation of employment, to pay dues, fees, or other charges of any kind to any labor union or labor organization.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT
(a) It is hereby declared to be the public policy of Alabama that the right of persons to work may not be denied or abridged on account of membership or nonmembership in a labor union or labor organization.

(b) An agreement or combination between an employer and labor union or labor organization which provides that a person who is not a member of the union or organization shall be denied the right to work for the employer, or where membership in the union or organization is made a condition of employment or continuation of employment by the employer, or where the union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against public policy and an illegal combination or conspiracy.

(c) No person shall be required by an employer to become or remain a member of any labor union or labor organization as a condition of employment or continuation of employment.

(d) A person may not be required by an employer to abstain or refrain from membership in any labor union or labor organization as a condition of employment or continuation of his or her employment.

(e) An employer may not require a person, as a condition of employment or continuation of employment, to pay dues, fees, or other charges of any kind to any labor union or labor organization.
(f) This amendment shall not apply to any lawful contract in force on or prior to the date of the ratification of this amendment but it shall apply in all respects to contracts entered into after the date of the ratification of this amendment, and to any renewal or extension of an existing contract.

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, now appearing as Sections 284 and 285 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and the election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 1901, to declare that it is the public policy of Alabama that the right of persons to work may not be denied or abridged on account of membership or nonmembership in a labor union or labor organization; to prohibit an agreement to deny the right to work, or place conditions on prospective employment, on account of membership or nonmembership in a labor union or labor organization; to prohibit an employer
from requiring its employees to abstain from union membership
as a condition of employment; and to provide that an employer
may not require a person, as a condition of employment or
continuation of employment, to pay dues, fees, or other
charges of any kind to any labor union or labor organization.

"Proposed by Act ________." 

This description shall be followed by the following
language:

"Yes ( ) No ( )."
Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 17-FEB-16, as amended.

Jeff Woodard
Clerk

Senate 17-MAR-16 Passed