

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 35

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MARSHALL.

1608L.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 29 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to work.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2016, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

Section A. Section 29, article I, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 35, to read as follows:

Section 35. 1. It shall be the public policy of this state that the right of an individual to work shall not be denied or abridged on account of membership or lack of membership in any labor organization or labor union.

2. No person shall be required as a condition of employment or continuance of employment to become or remain a member of a labor organization or labor union or to resign from or to refrain from membership in a labor organization or labor union.

3. No person shall be compelled to pay dues or any other monetary consideration to any labor organization or labor union as a prerequisite to, condition of, or continuance of employment unless, on an annual basis, he or she voluntarily shall consent in writing to do so. No employer or labor organization or labor union shall obtain contributions for political purposes from an employee or member on an automatic basis under a payroll

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.

12 deduction plan unless, on an annual basis, the employee or member affirmatively consents
13 to such contribution in writing.

14 4. Any person sustaining injury as a result of any act or thing done or threatened
15 to be done and declared to be unlawful or prohibited by this section may petition a court
16 in the county of the principal place of business in this state of the employer, other person,
17 firm, corporation, labor organization, or labor union for appropriate relief. The court may
18 grant and issue a restraining and other appropriate orders including an injunction
19 restraining and enjoining the performance, continuation, maintenance, or commission of
20 any act or thing done, and may determine and award, as justice may require, actual
21 damages, costs, and reasonable attorneys' fees sustained or incurred by a party to the
22 action, and in the discretion of the court, punitive damages in addition to actual damages.

23 5. Nothing contained in this section shall be construed to prevent or make illegal
24 the peaceful and orderly solicitation and persuasion by members of a labor organization,
25 labor union, or any other type of association to join such organization, union, or
26 association, as long as such solicitation and persuasion is not accompanied by any
27 intimidation, use or threat of use of force, reprisal, or threat of reprisal.

2 [Section 29. That employees shall have the right to organize and to
3 bargain collectively through representatives of their own choosing.]

2 Section B. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions
3 and laws of this state allowing the general assembly to adopt ballot language for the submission
4 of a joint resolution to the voters of this state, the official ballot title of the amendment proposed
5 in section A shall be as follows:

6 "Shall the Constitution of the State of Missouri be amended to guarantee the right to
7 employment without regard to membership in a labor organization and to prohibit payment of
8 labor organization dues or automatic payroll deductions for political contributions without an
9 employee's annual written consent?".

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