

1 HB37  
2 173042-1  
3 By Representatives Mooney, Wingo, Tuggle, Johnson (R),  
4 Hill (J), Fridy, Lee, Ledbetter, Wilcox, Sanderford, Clouse,  
5 Holmes (M), Boothe, Baker, Greer, McCutcheon, Millican,  
6 Martin, Beckman, Garrett, Pettus, Chesteen, Carns, Poole,  
7 Shedd, Hubbard and Faulkner (Constitutional Amendment)  
8 RFD: Constitution, Campaigns and Elections  
9 First Read: 02-FEB-16  
10 PFD: 01/21/2016

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8 SYNOPSIS: This bill proposes an amendment to the  
9 Constitution of Alabama of 1901, relating to the  
10 right to work.

11 This proposed amendment would declare that  
12 it is the public policy of Alabama that the right  
13 of persons to work may not be denied or abridged on  
14 account of membership or nonmembership in a labor  
15 union or labor organization.

16 This proposed amendment would prohibit an  
17 agreement to deny the right to work, or condition  
18 of prospective employment, on account of membership  
19 or nonmembership in a labor union or labor  
20 organization.

21 This proposed amendment would prohibit an  
22 employer from requiring its employees to abstain  
23 from union membership as a condition of employment.

24 This proposed amendment would provide that  
25 an employer may not require a person, as a  
26 condition of employment or continuation of

1 employment, to pay dues, fees, or other charges of  
2 any kind to any labor union or labor organization.

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

7  
8 Proposing an amendment to the Constitution of  
9 Alabama of 1901, as amended; to declare that it is the public  
10 policy of Alabama that the right of persons to work may not be  
11 denied or abridged on account of membership or nonmembership  
12 in a labor union or labor organization; to prohibit an  
13 agreement to deny the right to work, or condition of  
14 prospective employment, on account of membership or  
15 nonmembership in a labor union or labor organization; to  
16 prohibit an employer from requiring its employee to abstain  
17 from union membership as a condition of employment; and to  
18 provide that an employer may not require a person, as a  
19 condition of employment or continuation of employment, to pay  
20 dues, fees, or other charges of any kind to any labor union or  
21 labor organization.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. The following amendment to the  
24 Constitution of Alabama of 1901, as amended, is proposed and  
25 shall become valid as a part thereof when approved by a  
26 majority of the qualified electors voting thereon and in

1 accordance with Sections 284, 285, and 287 of the Constitution  
2 of Alabama of 1901, as amended:

3 PROPOSED AMENDMENT

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

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

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

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

25 (e) An employer may not require a person, as a  
26 condition of employment or continuation of employment, to pay

1 dues, fees, or other charges of any kind to any labor union or  
2 labor organization.

3 (f) This amendment shall not apply to any lawful  
4 contract in force on or prior to the date of the ratification  
5 of this amendment but it shall apply in all respects to  
6 contracts entered into after the date of the ratification of  
7 this amendment, and to any renewal or extension of an existing  
8 contract.

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

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

20 "Proposing an amendment to the Constitution of  
21 Alabama of 1901, to declare that it is the public policy of  
22 Alabama that the right of persons to work may not be denied or  
23 abridged on account of membership or nonmembership in a labor  
24 union or labor organization; to prohibit an agreement to deny  
25 the right to work, or place conditions on prospective  
26 employment, on account of membership or nonmembership in a  
27 labor union or labor organization; to prohibit an employer

1 from requiring its employees to abstain from union membership  
2 as a condition of employment; to provide that an employer may  
3 not require a person, as a condition of employment or  
4 continuation of employment, to pay dues, fees, or other  
5 charges of any kind to any labor union or labor organization;  
6 and to provide a cause of action to an individual for damages  
7 for denial of employment in violation of this proposed  
8 amendment.

9 "Proposed by Act \_\_\_\_\_."

10 This description shall be followed by the following  
11 language:

12 "Yes ( ) No ( )."