

1 HB37  
2 173353-3  
3 By Representatives Mooney, Wingo, Tuggle, Johnson (R), Hill  
4 (J), Fridy, Lee, Ledbetter, Wilcox, Sanderford, Clouse, Holmes  
5 (M), Boothe, Baker, Greer, McCutcheon, Millican, Martin,  
6 Beckman, Garrett, Pettus, Chesteen, Carns, Poole, Shedd,  
7 Hubbard and Faulkner (Constitutional Amendment)  
8 RFD: Constitution, Campaigns and Elections  
9 First Read: 02-FEB-16  
10 PFD: 01/21/2016

1                                    ENGROSSED

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4                                    A BILL

5                                    TO BE ENTITLED

6                                    AN ACT

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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; and to provide that an employer  
3 may 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 "Proposed by Act \_\_\_\_\_."

7 This description shall be followed by the following  
8 language:

9 "Yes ( ) No ( )."

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Constitution,  
Campaigns and Elections..... . . . . . 02-FEB-16

Read for the second time and placed  
on the calendar with 1 substitute  
and..... . . . . . 03-FEB-16

Read for the third time and passed  
as amended..... . . . . . 17-FEB-16  
Yeas 69, Nays 33, Abstains 0

Jeff Woodard  
Clerk