HOUSE JOINT RESOLUTION NO. 78

97TH GENERAL ASSEMBLY

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
2 following the first Monday in November, 2014, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to article I of the Constitution of the state of
5 Missouri:

Section A.   Section 29, article I, Constitution of Missouri, is repealed and one new
2 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
2 **individual to work shall not be denied or abridged on account of membership or lack of**
3 **membership in any labor organization or labor union.**
4   **2.   No person shall be required as a condition of employment or continuance of**
5 **employment to become or remain a member of a labor organization or labor union or to**
6 **resign from or to refrain from membership in a labor organization or labor union.**
7   **3.   No person shall be compelled to pay dues or any other monetary consideration**
8 **to any labor organization or labor union as a prerequisite to, condition of, or continuance**
9 **of employment unless, on an annual basis, he or she voluntarily shall consent in writing to**
10 **do so.   No employer or labor organization or labor union shall obtain contributions for**
11 **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.**

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

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

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

<div align="center">✓</div>