

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 88

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCDANIEL.

6536H.011

D. ADAM CRUMBLISS, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, by adopting one new section relating to labor organizations.

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*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, 2018, 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. Article I, Constitution of Missouri, is amended by adding one new section, to be known as section 55, to read as follows:

**Section 55. 1. (1) No person shall be denied employment because of membership in or affiliation with or resignation from a labor organization, or because of refusal to join or affiliate with a labor organization.**

**(2) No corporation, individual, or association of any kind shall enter into any contract, written or oral, to exclude from employment members of a labor organization, persons who refuse to join a labor organization, or persons who resign from a labor organization.**

**(3) No person shall be compelled against his or her will to pay dues to any labor organization as a prerequisite to or condition of employment.**

**2. Any agreement, understanding, or practice, written or oral, implied or express, between any labor organization and employer that violates the rights of employees as guaranteed under this section is unlawful, null and void, and of no legal effect.**

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.

13           **3. This section shall not apply:**  
14           **(1) To employers and employees covered by the federal Railway Labor Act;**  
15           **(2) To federal employers and employees;**  
16           **(3) To employers and employees on exclusive federal enclaves;**  
17           **(4) Where this section conflicts with or is preempted by federal law; or**  
18           **(5) To any collective bargaining agreement or any other type of agreement between**  
19 **an employer and a labor organization entered into before the effective date of this section,**  
20 **but shall apply to any new agreement or renewal or extension of any existing collective**  
21 **bargaining agreement.**

22           **4. As used in this section, the following terms shall mean:**  
23           **(1) "Employer", any individual, organization, partnership, state agency, political**  
24 **subdivision, corporation, or other legal entity that employs or has employed one or more**  
25 **individuals performing services for the entity within this state;**  
26           **(2) "Labor organization", any organization of any kind, agency, employee**  
27 **representation committee, or union that exists for the purpose, in whole or in part, of**  
28 **dealing with employers concerning wages, rates of pay, hours of work, other conditions of**  
29 **employment, or other forms of compensation.**

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