

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 40

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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JOINT RESOLUTION

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

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

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2018, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article I of the Constitution of the state of Missouri:

Section A. Article I, Constitution of Missouri, is amended by adding
2 thereto one new section, to be known as section 36, to read as follows:

**Section 36. 1. No person shall be required as a condition or
2 continuation of employment to:**

3 **(1) Become, remain, or refrain from becoming a member of a
4 labor organization;**

5 **(2) Pay any dues, fees, assessments, or other similar charges,
6 however denominated, of any kind or amount to a labor organization;
7 or**

8 **(3) In lieu of the payments listed under subdivision (2) of this
9 subsection, pay to any charity or other third party any amount
10 equivalent to, or on a pro rata basis, any dues, fees, assessments, or
11 other charges required of members of a labor organization.**

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

16 **3. (1) Any person injured as a result of any violation or**
17 **threatened violation of this section shall be entitled to injunctive relief**
18 **against any and all violators or persons threatening violations.**

19 **(2) Any person injured as a result of any violation or threatened**
20 **violation of this section may recover any and all damages of any**
21 **character resulting from such violation or threatened violation,**
22 **including costs and reasonable attorney's fees. Such remedies shall be**
23 **independent of and in addition to the other penalties and remedies**
24 **prescribed under this section.**

25 **4. The prosecuting attorney or circuit attorney with jurisdiction**
26 **over the location where a violation or threatened violation of this**
27 **section occurs or the attorney general of this state shall investigate**
28 **complaints of violation or threatened violation of this section,**
29 **prosecute any person violating this section, and use all means at his or**
30 **her command to ensure the effective enforcement of this section.**

31 **5. This section shall not apply:**

32 **(1) To employers and employees covered by the federal Railway**
33 **Labor Act;**

34 **(2) To federal employers and employees;**

35 **(3) To employers and employees on exclusive federal enclaves;**

36 **(4) Where this section conflicts with or is preempted by federal**
37 **law; or**

38 **(5) To any agreement between an employer and a labor**
39 **organization entered into before the effective date of this section, but**
40 **shall apply to any such agreement upon its renewal, extension,**
41 **amendment, or modification in any respect after the effective date of**
42 **this section.**

43 **6. As used in this section, the following terms shall mean:**

44 **(1) "Employer", any individual, organization, partnership, state**
45 **agency, political subdivision, corporation, or other legal entity that**
46 **employs or has employed one or more individuals performing services**
47 **for the entity within this state;**

48 **(2) "Labor organization", any organization of any kind, agency,**
49 **employee representation committee, or union that exists for the**
50 **purpose, in whole or in part, of dealing with employers concerning**
51 **wages, rates of pay, hours of work, other conditions of employment, or**
52 **other forms of compensation.**

Section B. Pursuant to chapter 116, and other applicable constitutional
2 provisions and laws of this state allowing the general assembly to adopt ballot
3 language for the submission of this joint resolution to the voters of this state, the
4 official summary statement of this resolution shall be as follows:

5 "Shall the Missouri Constitution be amended to provide that every
6 employee shall have the freedom to work without being forced to
7 pay any fees to a union (labor organization) or join a union in order
8 to gain or keep a job? State and local government entities estimate
9 no costs or savings from this proposal."

Unofficial ✓

Bill

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