

1 SB41  
2 144937-2  
3 By Senators Dial, Whatley, Taylor, McGill, Fielding,  
4 Brewbaker, Scofield, Reed, Marsh, Waggoner, Orr and Allen  
5 (Constitutional Amendment)  
6 RFD: Business and Labor  
7 First Read: 05-FEB-13  
8 PFD: 01/09/2013

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



1 organization as a condition of employment or continuation of  
2 his or her employment.

3 (e) An employer may not require a person, as a  
4 condition of employment or continuation of employment, to pay  
5 dues, fees, or other charges of any kind to any labor union or  
6 labor organization.

7 (f) Any person who may be denied employment or be  
8 deprived of continuation of his or her employment in violation  
9 of this amendment shall be entitled to recover from the  
10 employer, and any other person, firm, corporation, or  
11 association acting in concert with the employer by appropriate  
12 action in the courts of this state, any damages as he or she  
13 may have sustained by reason of the denial or deprivation of  
14 employment.

15 (g) This amendment shall not apply to any lawful  
16 contract in force on or prior to the date of the ratification  
17 of this amendment but it shall apply in all respects to  
18 contracts entered into after the date of the ratification of  
19 this amendment, and to any renewal or extension of an existing  
20 contract.

21 Section 2. An election upon the proposed amendment  
22 shall be held in accordance with Sections 284 and 285 of the  
23 Constitution of Alabama of 1901, now appearing as Sections 284  
24 and 285 of the Official Recompilation of the Constitution of  
25 Alabama of 1901, as amended, and the election laws of this  
26 state.

1           Section 3. The appropriate election official shall  
2 assign a ballot number for the proposed constitutional  
3 amendment on the election ballot and shall set forth the  
4 following description of the substance or subject matter of  
5 the proposed constitutional amendment:

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

22           "Proposed by Act \_\_\_\_\_."

23           This description shall be followed by the following  
24 language:

25           "Yes ( ) No ( )."

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Senate

Read for the first time and referred to the Senate  
committee on Business and Labor..... 0.5-FEB-13

Read for the second time and placed on the calen-  
dar 1 amendment..... 0.7-FEB-13

Read for the third time and passed as amended .... 0.7-MAR-13

Yeas 21  
Nays 10

Patrick Harris  
Secretary