

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE JOINT
RESOLUTION HJR1048

By: Graves

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new section to Article XXIII to be designated as Section 1.1; prohibiting certain actions based on membership or nonmembership in a labor organization; defining terms; prohibiting certain actions by employers; requiring certain written authorizations; requiring certain notice; prohibiting application of act prior to effective date; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 47TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article XXIII of the Constitution of the State of Oklahoma by adding a new Section 1.1 to read as follows:

It is hereby declared to be the public policy of the state of Oklahoma that all persons shall have, and shall be protected in the exercise of, the right, freely and without fear or penalty or reprisal, to form, join, or assist labor organizations, or to refrain from any such activity.

A. As used in this section "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor

disputes, wages, rates of pay, hours of work, or other conditions of employment.

"Employer" means any individual, corporation, association, organization, or entity that employs one or more persons in any capacity. Said term shall include the state of Oklahoma and its agencies, every governmental subdivision, county, city, town, school district, special district, board, commission, instrumentality or other unit whose governing body exercises similar governmental powers. The term "employer" includes employers of agricultural labor.

B. No employer shall require any person, as a condition of employment or continuation of employment, to become or remain a member of any labor organization, or to pay dues, fees, assessments, or other sums of money of any kind to a labor organization.

No employer shall require any person to be referred, recommended, or approved by any labor organization as a condition of employment or continuation of employment.

C. It shall be unlawful for any employer to deduct from the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges, to be held for or paid over to a labor organization, unless the employer has first received a written authorization for such deduction, signed by the employee. Such authorization shall be revocable by the employee at any time by giving the employer written notice of such revocation thirty (30) days in advance of its effective date. Every employer who receives such an authorization from an employee shall have a duty to promptly notify that employee in writing that he may revoke his authorization at any time by giving the employer thirty (30) days' written notice.

D. The provisions of this section shall not apply to any agreement, understanding, or practice, written or oral, between an employer and a labor organization, existing on the effective date of this act.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It adds a new Section 1.1 to Article 23. It relates to joining or not joining a labor organization. It states that a person may not be denied a job because of being a member or not being a member of a labor organization. It declares public policy. It defines terms. It requires written authorization from the employee of certain deductions. It requires the employer to give certain notice to the employee. This act will not affect agreements entered into prior to the effective date.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

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