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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2140

02/08/2012 Authored by Drazkowski, Lohmer, Downey, Holberg, Quam and others
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act
1.2 proposing an amendment to the Minnesota Constitution, article I, by adding a
1.3 section; establishing a freedom of employment.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.

1.6 An amendment to the Minnesota Constitution is proposed to the people. If the
1.7 amendment is adopted, a section shall be added to article I, to read:

1.8 Sec. 18. No person shall be required as a condition of obtaining or continuing
1.9 public sector or private sector employment to: (1) resign or refrain from membership
1.10 in, voluntary affiliation with, or voluntary financial support of a labor organization; (2)
1.11 become or remain a member of a labor organization; (3) pay any dues, fees, assessments,
1.12 or other charges of any kind or amount, or provide anything else of value, to a labor
1.13 organization; or (4) pay to any charity or other third party an amount equivalent to,
1.14 or a portion of, dues, fees, assessments, or other charges required of members of a
1.15 labor organization. An agreement, contract, understanding, or practice between a labor
1.16 organization and an employer that takes force or is extended or renewed after adoption of
1.17 this section and that violates this section is unlawful and unenforceable. A person who
1.18 suffers an injury or a threatened injury under this section may bring a civil action for
1.19 damages, injunctive relief, or both. In addition, a court shall award a prevailing plaintiff
1.20 costs and reasonable attorney fees. As used in this section, "labor organization" means any
1.21 agency, union, employee representation committee, or organization of any kind that exists
1.22 for the purpose, in whole or in part, of dealing with employers concerning wages, rates
1.23 of pay, hours of work, other conditions of employment, or other forms of compensation.
1.24 If any part of this section is found to be in conflict with the United States Constitution

2.1 or federal law, the section shall be implemented to the maximum extent that the United
 2.2 States Constitution and federal law permit. Any provision held invalid or inoperative is
 2.3 severable from the remaining portions of this section.

2.4 Sec. 2. **SUBMISSION TO VOTERS.**

2.5 The proposed amendment must be submitted to the people at the 2012 general
 2.6 election. The question submitted must be:

2.7 "Shall the Minnesota Constitution be amended to guarantee all citizens the
 2.8 individual freedom to decide to join or not join a labor union, and to pay or not pay dues to
 2.9 a labor union?

2.10 Yes

2.11 No "