



HOUSE BILL 819: Protect NC Right to Work Constitutional Amend.

2017-2018 General Assembly

Committee:	House Judiciary I. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 19, 2017
Introduced by:	Reps. Burr, Dixon, Presnell, Millis	Prepared by:	Jason Moran-Bates Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: *House Bill 819 would submit an amendment to the North Carolina Constitution to voters in the November 6, 2018, election. The proposed amendment would prohibit employers from requiring employees to join a labor organization, to refrain from joining a labor organization, or to pay dues to a labor organization as a condition of employment.*

[As introduced, this bill was identical to S632, as introduced by Sens. B. Jackson, Daniel, Edwards, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: G.S. 95-80 makes it illegal for an employer to require employees to become or remain members of any labor union or organization as a condition of employment. G.S. 95-81 makes it illegal for an employer to require employees to abstain or refrain from membership in any labor union or organization as a condition of employment. G.S. 95-82 makes it illegal for an employer to require employees to pay dues to any labor union or organization as a condition of employment. G.S. 95-83 allows employees to recover damages from employers who violate the provisions of G.S. 95-80, G.S. 95-81, or G.S. 95-82. *State v. Bishop*, 228 N.C. 371 (1947), held violation of G.S. 95-80, G.S. 95-81, or G.S. 95-82 was criminally punishable as a misdemeanor.

BILL ANALYSIS:

Section 1 of the bill would propose an amendment to the North Carolina Constitution that would establish the right to work as the public policy of North Carolina. The proposed amendment would prohibit employers from requiring employees to become or remain members in a labor organization, to abstain or refrain from becoming members in a labor organization, or to pay dues, fees, or charges to a labor organization as a condition of employment. The amendment would not apply to any contract in force on the effective date, but it would apply to any renewal or extension of a contract after the effective date.

Section 2 of the bill would place the question of whether voters are for or against a "Constitutional amendment to provide that the right to live includes the right to work and therefore the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor organization" on the November 6, 2018, ballot.

Section 3 would require, if a majority of votes are cast in favor of the amendment, the State Board of Elections to certify the amendment to the Secretary of State and would require the Secretary of State to enroll the amendment in the records of the Secretary's office.

Section 4 would make the amendment effective on certification.

EFFECTIVE DATE: This bill would be effective when it becomes law.

Karen Cochrane-Brown
Director



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Legislative Analysis
Division
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