

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR

SENATE BILL 490

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING FORCED LABOR VICTIMS OF THE GERMAN AND JAPANESE
GOVERNMENTS DURING WORLD WAR II WITH A CAUSE OF ACTION FOR
COMPENSATION AGAINST THOSE ENTITIES THAT BENEFITED FROM THE
FORCED LABOR; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. CAUSE OF ACTION--FORCED LABOR VICTIMS OF
WORLD WAR II--LIMITATION OF ACTIONS.--

A. As used in this section:

(1) "compensation" means the present value
of reasonable wages and benefits that forced labor victims
should have been paid and damages for injuries sustained in
connection with labor performed. The present value shall be
calculated on the basis of the market value of the services
performed at the time they were performed, plus interest from

.132191.1

underscored material = new
~~[bracketed material]~~ = delete

1 the time the services were performed, compounded annually
2 without diminution for wartime or postwar currency
3 devaluation; and

4 (2) "forced labor victim" means a person
5 who, at any time between 1929 and 1946, was:

6 (a) taken from a concentration camp,
7 home, ghetto or prisoner-of-war camp or diverted from
8 transportation to a concentration camp, ghetto or prisoner-
9 of-war camp;

10 (b) taken by the German or Japanese
11 government or any ally or sympathizer of that government or
12 by any entity transacting business in an area occupied by or
13 under control of the German or Japanese government or any
14 ally or sympathizer of that government; and

15 (c) forced to perform labor without
16 pay.

17 B. A forced labor victim, or the heir or estate of
18 a forced labor victim, may bring an action to recover
19 compensation for labor performed against the person or
20 successor in interest of the person for whom the labor was
21 performed, either directly or indirectly through a subsidiary
22 or affiliate. Each district court shall have original
23 jurisdiction for a claim brought pursuant to the provisions
24 of this subsection.

25 C. No action shall be brought pursuant to the
provisions of this section after December 31, 2010. To the
extent that a statute of limitations applicable to any claim

1 for compensation is extended by the provisions of this
2 section, that extension of the limitations period is intended
3 to be applied retroactively, irrespective of whether the
4 claim was otherwise barred prior to the enactment of this
5 section.

6 Section 2. EMERGENCY.--It is necessary for the public
7 peace, health and safety that this act take effect
8 immediately.

underscoring material = new
~~[bracketed material] = delete~~