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FISCAL IMPACT REPORT

SPONSOR:	Mohorovic	DATE TYPED:	02/03/00	HB	HJR 13
SHORT TITLE:	Conditions of Employment			SB	
				ANALYST:	Burch

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring	Fund
FY00	FY01	FY00	FY01	or Non-Rec	Affected
			\$ 17.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Relates to SJR 17, SB49 and SB178

SOURCES OF INFORMATION

LFC files

Attorney General

State Personnel Office

Labor Department

SUMMARY

Synopsis of Bill

The legislation proposes to add a new section to Article 2 of the New Mexico Constitution to prohibit the following as a condition of employment:

- the requirement of membership or nonmembership in any social, political, labor or religious organization, or
- payment of any kind to such an organization.

Significant Issues

According to the agency analyses, this legislation is basically a "right-to-work" bill and could have an impact on the development of labor unions in New Mexico. The proposal, however, does not ban collective bargaining.

FISCAL IMPLICATIONS

The Secretary of State reports that it costs approximately \$17.0 to place an item on the ballot. The next general election is in November 2000.

ADMINISTRATIVE IMPLICATIONS

The Secretary of State would be required to perform the necessary steps to place a constitutional

amendment on the ballot.

DUPLICATION/RELATIONSHIP

The bill duplicates SJR 17 and relates to SB 49 and SB 178, which are collective bargaining bills for public employees.

OTHER SUBSTANTIVE ISSUES

According to the Attorney General analysis, the prohibition would require an employer to hire a person who belonged to an organization, even if the employer thought the organization was illegal, immoral or repugnant. In effect, the proposed amendment adds membership in a particular organization to the constitutional and statutory categories of people that private employers are already prohibited from discriminating against, such as race, national origin, gender, age and disability. Public employers probably are already prohibited by the First Amendment from making employment decisions based on organization membership.

DKB/njw