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HOUSE BILL 266

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

John A. Sanchez

AN ACT

**RELATING TO EMPLOYMENT; ENACTING THE RIGHT TO WORK ACT;
PROHIBITING CERTAIN ACTS; PROVIDING FOR INVESTIGATION AND
ENFORCEMENT; PROVIDING A PENALTY.**

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

**Section 1. SHORT TITLE.--This act may be cited as the
"Right to Work Act".**

**Section 2. PUBLIC POLICY.--It is the public policy of
New Mexico that all persons shall have and shall be protected
in the exercise of the right, freely and without fear of
penalty or reprisal, to form, join or assist labor
organizations or to refrain from any such activities.**

**Section 3. DEFINITION.--As used in the Right to Work
Act, "labor organization" means an organization, agency or
committee of any kind that exists for the purpose, in whole or**

underscored material = new
[bracketed material] = delete

1 in part, of dealing with employers concerning wages, rates of
2 pay, hours of work or other conditions of employment.

3 Section 4. MANDATORY MEMBERSHIP AND FEES PROHIBITED. -- A
4 person shall not be required, as a condition of employment, to
5 become or remain a member of a labor organization or to pay
6 any dues, fees, assessments or other charges of any kind to a
7 labor organization.

8 Section 5. LABOR ORGANIZATION APPROVAL REQUIREMENT
9 PROHIBITED. -- An employer shall not require a person to be
10 recommended or approved by, or to be cleared through, a labor
11 organization as a condition of employment or continuation of
12 employment.

13 Section 6. CERTAIN AGREEMENTS ILLEGAL. -- An agreement,
14 understanding or practice, written or oral, implied or
15 expressed, between an employer and a labor organization that
16 is in violation of the Right to Work Act is unlawful.

17 Section 7. VOLUNTARY DEDUCTIONS. -- An employer shall not
18 deduct from the wages, earnings or compensation of an employee
19 dues, fees, assessments or other charges to be held for or
20 paid to a labor organization, unless the employer has first
21 received a written authorization for the deduction signed by
22 the employee, which authorization may be revoked by the
23 employee at any time by giving written notice of the
24 revocation to the employer.

25 Section 8. INVESTIGATION. -- It is the duty of the

underscored material = new
[bracketed material] = delete

1 attorney general and of every district attorney to investigate
2 complaints of violations of the Right to Work Act and to
3 prosecute a person suspected of violating that act.

4 Section 9. ENFORCEMENT.--If, as a result of
5 investigation, the attorney general or a district attorney has
6 good cause to believe that a person is violating or will
7 violate a provision of the Right to Work Act, the attorney
8 general or district attorney may bring an action for
9 injunctive or other appropriate relief in the district court
10 for the county in which the violation is occurring or will
11 occur or in the district court for Santa Fe county.

12 Section 10. PENALTY.--A person who violates a provision
13 of Sections 4 through 7 of the Right to Work Act is guilty of
14 a misdemeanor and upon conviction shall be punished by a fine
15 of not more than one thousand dollars (\$1,000) or by
16 imprisonment for a definite term not to exceed ninety days or
17 both.

18 Section 11. APPLICATION OF ACT.--The provisions of the
19 Right to Work Act shall not apply to any contract or other
20 agreement between an employer and a labor organization in
21 force on the effective date of that act but shall apply to a
22 renewal or extension of the contract or other agreement, or to
23 a new contract or other agreement entered into after the
24 effective date of that act.

25 Section 12. SEVERABILITY.--If any part or application of

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1 the Right to Work Act is held invalid, the remainder or its
2 application to other situations or persons shall not be
3 affected.

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