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HOUSE BILL 327

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Terry Marquardt

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
employee representation committee of any kind that exists for

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

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

9 Section 5. ORGANIZATION APPROVAL PROHIBITED. -- An
10 employer shall not require a person to be recommended or
11 approved by, or to be cleared through, a labor organization as
12 a condition of employment or continuation of 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 CHECKOFF. -- An employer shall not
18 deduct from the wages, earnings or compensation of an employee
19 any union dues, fees, assessments or other charges to be held
20 for or paid to a labor organization, unless the employer has
21 first received a written authorization for the deduction
22 signed by the employee, which authorization may be revoked by
23 the 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

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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 any
13 provision of Sections 4 through 7 of the Right to Work Act is
14 guilty of a misdemeanor and upon conviction shall be punished
15 by a fine 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 agreement
20 between an employer and a labor organization in force on the
21 effective date of that act but shall apply to a renewal or
22 extension of the contract or agreement, or to a new contract
23 or agreement entered into after the effective date of that
24 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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