

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 280

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

INTRODUCED BY

Leonard Lee Rawson

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

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = del ete

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

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 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

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

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.

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25