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HOUSE BILL 978

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

ANNA MARIE CROOK

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 any organization, agency or employee
representation committee of any kind that exists for the

1 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. -- No
5 person shall be required, as a condition of employment, to
6 become or remain a member of any 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. -- No employer
10 shall require any person to be recommended or approved by, or to
11 be cleared through, any labor organization as a condition of
12 employment or continuation of employment.

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

17 Section 7. VOLUNTARY CHECKOFF. -- No employer shall deduct
18 from the wages, earnings or compensation of an employee any
19 union 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 the
22 employee, which authorization may be revoked by the employee at
23 any time by giving written notice of such revocation to the
24 employer.

25 Section 8. INVESTIGATION. -- It shall be the duty of the

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

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

12 Section 10. PENALTY. -- Any person who violates any
13 provision of the Right-to-Work Act is guilty of a misdemeanor
14 and upon conviction shall be subject to a fine not to exceed one
15 thousand dollars (\$1,000) or imprisonment for not more than
16 ninety days, or both.

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

23 Section 12. SEVERABILITY. -- If any part or application of
24 the Right-to-Work Act is held invalid, the remainder or its
25 application to other situations or persons shall not be

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