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HOUSE BILL 341

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

INTRODUCED BY

Benjamin B. Rios

AN ACT

RELATING TO EMPLOYER-EMPLOYEE RELATIONS; ENACTING THE  
AGRICULTURAL EMPLOYEE BARGAINING ACT; GRANTING CERTAIN RIGHTS  
IN CERTAIN CIRCUMSTANCES; PROVIDING RIGHTS, RESPONSIBILITIES  
AND PROCEDURES IN THE EMPLOYMENT RELATIONSHIP BETWEEN  
AGRICULTURAL EMPLOYERS AND AGRICULTURAL EMPLOYEES; MAKING AN  
APPROPRIATION.

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

Section 1. SHORT TITLE. -- This act may be cited as the  
"Agricultural Employee Bargaining Act".

Section 2. PURPOSE. -- The purpose of the Agricultural  
Employee Bargaining Act is to allow agricultural employees to  
organize and bargain collectively with their employers, to  
promote harmonious and cooperative relationships between  
employers and employees and to protect the public interest.

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1           Section 3.   DEFINITIONS. -- As used in the Agricultural  
2 Employee Bargaining Act:

3           A.   "appropriate bargaining unit" means a group of  
4 agricultural employees petitioning to the board for the  
5 purpose of collective bargaining;

6           B.   "board" means the agricultural employee  
7 bargaining board;

8           C.   "certification" means recognition by the board  
9 that an employee organization is the exclusive representative  
10 for all employees in an appropriate bargaining unit for the  
11 purposes of collective bargaining, fulfilling the employee  
12 organization's role in the administration of a collective  
13 bargaining agreement and, subject to the provisions of Section  
14 11 of the Agricultural Employee Bargaining Act, the handling  
15 of impasses and disputes, until the employee organization is  
16 replaced by another employee organization, decertified,  
17 dissolved or ceases to function as the exclusive  
18 representative of an appropriate bargaining unit;

19           D.   "collective bargaining" means the performance  
20 of the mutual obligations of the employer, acting solely or  
21 through the employer's designee and the exclusive  
22 representative:

- 23                           (1) to meet at reasonable times;
- 24                           (2) to confer and negotiate in good faith;

25           and

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1 (3) to execute a written agreement with  
2 respect to the wages, hours, terms and other conditions of  
3 employment not in conflict with federal or state laws;

4 E. "dispute" means a disagreement between an  
5 employer and an exclusive representative concerning the  
6 interpretation or application of a collective bargaining  
7 agreement;

8 F. "employee" means any person employed by an  
9 agricultural employer;

10 G. "employee organization" means any organization  
11 in which agricultural employees participate and that, subject  
12 to the provisions of the Agricultural Employee Bargaining Act,  
13 deals with agricultural employers concerning hours and wages,  
14 impasses, disputes, personnel policies and practices or other  
15 matters affecting the terms and conditions of employment;

16 H. "employer" means any person, corporation,  
17 association, partnership or other business entity engaged in  
18 any agricultural, horticultural or livestock-raising  
19 enterprise and includes farming in all its branches and among  
20 other things includes the cultivation and tillage of the soil,  
21 dairying, the production, cultivation, growing and harvesting  
22 of any agricultural or horticultural commodity, the raising of  
23 livestock, bees, fur-bearing animals or poultry and any  
24 practice performed by a farmer or on a farm as an incident to  
25 or in conjunction with such farming operations, including

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1 preparation for market and delivery to storage, to market or  
2 to carriers for transportation to market;

3 I. "exclusive representative" means the  
4 agricultural employee organization that as a result of  
5 certification by the board has the right and duty, subject to  
6 the provisions of Section 11 of the Agricultural Employee  
7 Bargaining Act, to represent all employees in an appropriate  
8 bargaining unit;

9 J. "impasse" means failure of an employer and an  
10 exclusive representative, after good faith bargaining, to  
11 reach agreement in the course of negotiating a collective  
12 bargaining agreement;

13 K. "prohibited practice" means a practice listed  
14 in Section 16 or 17 of the Agricultural Employee Bargaining  
15 Act; and

16 L. "supervisor" or "foreman" means a person  
17 employed by an employer, acting in the interest of the  
18 employer, whose duties include one or more of the following:  
19 hiring, transferring, directing, suspending, laying off,  
20 recalling, promoting, discharging, assigning, rewarding or  
21 disciplining other employees; adjusting their disputes and  
22 grievances; or effectively recommending any of the foregoing  
23 actions.

24 Section 4. RIGHTS OF EMPLOYEES. -- Employees have the  
25 right to form, join or assist and to refrain from forming or

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1 joining an agricultural employee organization for the purpose  
2 of collective bargaining through representatives freely chosen  
3 by employees without interference, restraint or coercion;  
4 provided that a collective bargaining agreement may require  
5 membership in a particular organization as a condition of  
6 employment.

7 Section 5. RIGHTS OF EMPLOYERS. -- Subject to existing  
8 law, an employer has the right to:

9 A. direct the work of, hire or promote its  
10 employees and, for just cause, demote, suspend, discharge,  
11 assign, transfer or terminate its employees;

12 B. determine qualifications for employment;

13 C. maintain the efficiency of its operations;

14 D. take actions, not otherwise permissible  
15 pursuant to the Agricultural Employee Bargaining Act, as may  
16 be necessary to carry on the agricultural enterprise of the  
17 employer during a period of war, declared or undeclared, or  
18 civil insurrection. These actions must cease as soon as  
19 possible after the circumstance prompting the actions is  
20 abated; and

21 E. manage, and exercise judgment on, all matters  
22 not covered by the Agricultural Employee Bargaining Act or by  
23 a collective bargaining agreement then in effect between the  
24 employer and an exclusive representative.

25 Section 6. AGRICULTURAL EMPLOYEE BARGAINING BOARD. --

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1           A. The "agricultural employee bargaining board" is  
2 created, consisting of three members appointed by the governor  
3 with the consent of the senate.

4           B. One board member shall have a minimum of five  
5 years' experience in representing organized labor. One board  
6 member shall have a minimum of five years' experience in  
7 representing management. The third board member, who shall be  
8 board chairman and the executive director of the board, shall  
9 be a person in labor relations who has not represented  
10 organized labor or management.

11           C. The initial term of one board member expires on  
12 July 1, 2001; of the second board member on July 1, 2003; and  
13 of the board chairman on July 1, 2005. Subsequent terms are  
14 for six years or less, so that the term of one member expires  
15 on June 30 of each odd-numbered year.

16           D. No board member may be removed from his  
17 position by the governor except for incompetency, neglect of  
18 duty or malfeasance in office.

19           E. The board chairman or director shall be paid a  
20 salary of sixty thousand dollars (\$60,000) a year.

21           F. Each board member shall be paid per diem and  
22 mileage in accordance with the provisions of the Per Diem and  
23 Mileage Act.

24           Section 7. BOARD POWERS AND DUTIES. --The board shall:

25           A. perform the functions of the board pursuant to

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- 1 the Agricultural Employee Bargaining Act;
- 2           B. hire personnel as is reasonably necessary to
- 3 carry out its functions and duties pursuant to the
- 4 Agricultural Employee Bargaining Act;
- 5           C. prepare budget requests for its operations;
- 6           D. make an annual report to the governor at the
- 7 end of each fiscal year;
- 8           E. represent the public interest in the
- 9 improvement of employer-employee relations in agricultural
- 10 enterprises;
- 11           F. establish procedures for the designation of
- 12 appropriate bargaining units;
- 13           G. establish procedures for the selection,
- 14 certification and decertification of exclusive
- 15 representatives;
- 16           H. establish procedures for the filing of, hearing
- 17 on and the disposition of complaints of prohibited practices.
- 18 The procedures shall:
- 19           (1) provide that complaints be filed within
- 20 six months of the date of the alleged prohibited practice;
- 21           (2) provide for both complaints and defenses
- 22 thereto being amply and fairly presented;
- 23           (3) require the board to make findings of
- 24 fact and conclusions of law and issue an order disposing of
- 25 the complaint. The burden of proof shall be proof by the

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1 preponderance of the evidence;

2 (4) list the remedies available to persons  
3 who establish that a prohibited practice has been committed.  
4 The remedies may include cease-and-desist orders,  
5 reinstatement and restoration with or without back pay and  
6 employee benefit from time of discharge of an employee. The  
7 remedies shall not include monetary fines or anything  
8 otherwise prohibited by law; and

9 (5) require a record of all hearings to be  
10 made;

11 I. hold hearings and make inquiries necessary to  
12 carry out the board's functions and responsibilities;

13 J. prepare annually, after reviewing nominations  
14 submitted by employers and employee organizations, lists of  
15 qualified persons, broadly representative of the public, to  
16 serve as mediators, fact-finders or arbitrators; and

17 K. conduct studies on problems pertaining to  
18 employee-employer relations and request the information and  
19 data from employers and employee organizations necessary to  
20 carry out the board's functions and responsibilities.

21 Section 8. AGRICULTURAL EMPLOYEE BARGAINING BOARD  
22 RULES. --

23 A. The board shall promulgate rules necessary to  
24 carry out the purposes of the Agricultural Employee Bargaining  
25 Act. Prior to the adoption, amendment or repeal of any rule,

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1 the board shall at least thirty days prior to its proposed  
2 action:

3 (1) publish notice of the proposed action in  
4 newspapers to give reasonable notice to interested persons or  
5 groups; and

6 (2) mail a copy of notices of proposed  
7 actions to any person or group filing a written request  
8 therefor, the request to be renewed yearly, and paying a  
9 reasonable fee fixed by the board. The fees are appropriated  
10 to the board.

11 B. All notices of proposed actions shall:

12 (1) give the time and place of any public  
13 hearing or state the manner in which data, views or arguments  
14 may be submitted to the board by any interested person or  
15 group;

16 (2) either state the express terms or fully  
17 describe the substance of the proposed action or fully set  
18 forth the subjects and issues involved; and

19 (3) state where a copy of the proposed rule  
20 may be obtained.

21 C. The board shall, at the hearing, afford all  
22 interested persons or groups reasonable opportunity to submit  
23 data, views or arguments orally or in writing. The board  
24 shall consider fully all written and oral submissions  
25 respecting the proposed action.

1           Section 9.   APPROPRIATE BARGAINING UNITS. --

2           A.   The board shall, upon receipt of a petition for  
3 a representation election filed by an employee organization  
4 pursuant to the provisions of Subsection A of Section 10 of  
5 the Agricultural Employee Bargaining Act, designate  
6 appropriate bargaining units for collective bargaining.  
7 Appropriate bargaining units will be established on a basis  
8 that will assure a clear and identifiable interest in  
9 employment terms and conditions and related matters among the  
10 employees involved, whether the employees involved are a  
11 branch of the agricultural industry or are co-workers in a  
12 single agricultural enterprise. Essential factors in  
13 determining appropriate bargaining units include the history  
14 of collective bargaining and the assurance to employees of the  
15 fullest freedom in exercising the rights guaranteed by the  
16 Agricultural Employee Bargaining Act.

17           B.   In the event of a disagreement between the  
18 employer and employee organization or employee organizations  
19 concerning composition of an appropriate bargaining unit, the  
20 board shall hold a public hearing before designating an  
21 appropriate bargaining unit.

22           Section 10.   ELECTIONS. --

23           A.   Whenever, in accordance with rules prescribed  
24 by the board, a petition is filed by an employee organization,  
25 showing written proof of at least thirty percent

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1 representation of the employees in an appropriate bargaining  
2 unit, the board shall conduct a secret ballot representation  
3 election to determine whether and by which employee  
4 organization the employees desire to be represented for the  
5 purpose of collective bargaining. The ballot also shall  
6 contain the names of any other employee organizations showing  
7 written proof of at least ten percent representation of the  
8 employees within the appropriate bargaining unit.

9 B. In any valid election in which none of the  
10 choices on the ballot receives a majority of the valid votes  
11 cast, a runoff election between the two choices receiving the  
12 largest number of valid votes cast in the initial election  
13 shall be conducted. The board shall certify the results of  
14 the election, and where an employee organization receives a  
15 majority of the valid votes cast, the board shall certify the  
16 employee organization as the exclusive representative of all  
17 employees in the appropriate bargaining unit for the purpose  
18 of collective bargaining.

19 C. No representation election shall be conducted  
20 for an appropriate bargaining unit if a valid election,  
21 including all necessary runoff elections, has been conducted  
22 in the twelve-month period preceding the proposed  
23 representation election.

24 D. If an employee organization requests, an  
25 employer may recognize, and the board may certify, an employee

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1 organization as the exclusive representative of an appropriate  
2 bargaining unit, after a reasonable notice period and without  
3 a secret ballot representation election, if:

4 (1) a neutral third party has verified the  
5 signatures on authorization cards designating the requesting  
6 employee organization to represent the employees of the  
7 appropriate bargaining unit for the purpose of collective  
8 bargaining;

9 (2) the board is satisfied that the employee  
10 organization represents a majority of the employees in the  
11 appropriate bargaining unit; and

12 (3) no other employee organizations file  
13 written proof of at least ten percent representation of the  
14 employees in the appropriate bargaining unit.

15 E. Despite any other provision of this section,  
16 the board may certify an employee organization as the  
17 exclusive representative of all employees in the appropriate  
18 bargaining unit for the purpose of collective bargaining if  
19 the board determines that a free election was not or cannot be  
20 conducted due to the commission of one or more prohibited  
21 practices by the employer.

22 Section 11. EXCLUSIVE REPRESENTATIVE. --

23 A. The employee organization that has been  
24 certified by the board as representing the employees in an  
25 appropriate bargaining unit shall be the exclusive

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1 representative of all employees in the appropriate bargaining  
2 unit for the purposes of collective bargaining, the  
3 administration of any collective bargaining agreement and,  
4 subject to the provisions of Subsection B of this section, the  
5 handling of impasses and disputes.

6 B. This section does not prevent an employee,  
7 acting individually, from presenting a grievance without the  
8 intervention of the exclusive representative, provided that  
9 the employee is not represented by an employee organization  
10 other than the exclusive representative. At any hearing on a  
11 grievance brought by an employee individually, the exclusive  
12 representative shall be afforded the opportunity to be  
13 present. Any adjustment made shall not be inconsistent with,  
14 or in violation of, the collective bargaining agreement then  
15 in effect between the employer and the exclusive  
16 representative.

17 Section 12. DECERTIFICATION OF EXCLUSIVE  
18 REPRESENTATIVE. --

19 A. Employees or employee organizations may  
20 initiate decertification of an employee organization as the  
21 exclusive representative if thirty percent of the employees in  
22 the appropriate bargaining unit make a written request to the  
23 board for a decertification election.

24 B. When there is a collective bargaining agreement  
25 in effect, a request for a decertification election must be

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1 made to the board no earlier than ninety days and no later  
2 than sixty days before the expiration of the collective  
3 bargaining agreement. A collective bargaining agreement for a  
4 period longer than five years shall not be a bar to a  
5 representation or decertification election after the fifth  
6 year of such agreement. Requests for decertification on  
7 contracts that extend beyond five years may be made at any  
8 time after the completion of the fifth year but shall be made  
9 within sixty to ninety days before the anniversary date of the  
10 contract.

11 C. When an exclusive representative has been  
12 certified but no collective bargaining agreement is in effect,  
13 the board shall not accept a request for a decertification  
14 election earlier than twelve months subsequent to a  
15 certification of an employee organization as an exclusive  
16 representative.

17 Section 13. SCOPE OF BARGAINING. -- Employers and  
18 exclusive representatives have the duty to bargain in good  
19 faith on wages, hours, terms and other conditions of  
20 employment and to execute in writing any agreement reached.  
21 However, neither the employer nor the exclusive representative  
22 shall be required to agree to a proposal or to make a  
23 concession.

24 Section 14. IMPASSE RESOLUTION. --

25 A. An employer has the power to enter into a

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1 written agreement with the exclusive representative setting  
2 forth an impasse resolution procedure. The procedure may  
3 culminate with a final and binding decision-making method.

4 B. A collective bargaining agreement may include a  
5 dispute and impasse resolution procedure. The procedure may  
6 culminate with a final and binding decision-making method.

7 C. If there are no procedures established pursuant  
8 to Subsection A or B of this section, the employer or  
9 exclusive representative may request the assistance of the  
10 board by submitting to the board and to the other party to the  
11 impasse a clear, concise statement of each issue on which an  
12 impasse exists together with a certificate as to its good  
13 faith belief in the contents of the statement. The board,  
14 after such request, may determine that an impasse exists on  
15 any issue. If the board determines that an impasse exists and  
16 desires to render assistance in resolving the impasse, the  
17 board shall notify the employer and exclusive representative  
18 of its intent to render assistance. The board shall render  
19 assistance to resolve the impasse according to the schedule in  
20 Paragraphs (1), (2) and (3) of this subsection.

21 (1) The board shall appoint a mediator from  
22 the list of mediators maintained by the board within three  
23 calendar days after the date of impasse. The date of impasse  
24 is the day on which the board determines that an impasse  
25 exists.

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1 (2) If the impasse continues ten calendar  
2 days after the date of impasse, the board shall appoint a  
3 fact-finder from the list of fact-finders maintained by the  
4 board within thirteen calendar days after the date of impasse.  
5 The fact-finder has, in addition to powers delegated to him by  
6 the board, the power to make recommendations for the  
7 resolution of the impasse. The fact-finder shall transmit his  
8 findings of fact and any recommendations for the resolution of  
9 the impasse to the employer and exclusive representative  
10 within twenty-three calendar days after the date of impasse.  
11 If the impasse remains unresolved twenty-eight calendar days  
12 after the date of impasse, the board shall make public the  
13 fact-finder's findings of fact and any recommendations if the  
14 impasse is not referred to arbitration by agreement of the  
15 employer and exclusive representative.

16 (3) If the impasse continues twenty-eight  
17 calendar days after the date of impasse, the employer and  
18 exclusive representative shall submit the remaining  
19 differences to arbitration. The arbitration shall result in a  
20 final decision binding on the employer and exclusive  
21 representative. The arbitrator shall be selected by agreement  
22 of the employer and exclusive representative. If the employer  
23 and exclusive representative fail to agree on an arbitrator or  
24 for any reason there is a delay in the naming of the  
25 arbitrator agreed upon, the employer and exclusive

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1 representative shall jointly request the federal mediation and  
2 conciliation service or the American arbitration association  
3 to appoint the arbitrator. If the impasse remains unresolved  
4 forty calendar days after the date of impasse, the arbitrator  
5 shall transmit his findings and his final and binding decision  
6 on resolution of the impasse to the employer and exclusive  
7 representative. The employer and exclusive representative  
8 shall enter into a collective bargaining agreement or take  
9 whatever action is necessary to carry out the decision of the  
10 arbitrator.

11 D. The costs of mediation, fact-finding and  
12 arbitration undertaken pursuant to Subsection C of this  
13 section shall be borne equally by the employer and the  
14 exclusive representative.

15 Section 15. DISPUTE RESOLUTION. --A collective bargaining  
16 agreement may include a dispute resolution procedure. The  
17 procedure may culminate with a final and binding decision-  
18 making method.

19 Section 16. PROHIBITED PRACTICES BY EMPLOYERS. --It is a  
20 prohibited practice for an employer or its representatives to:

21 A. discriminate against an employee with regard to  
22 the terms and conditions of employment because of race, color,  
23 religion, creed, age, sex, national origin or political  
24 affiliation;

25 B. interfere with, restrain or coerce any employee

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1 in the exercise of any right guaranteed pursuant to the  
2 Agricultural Employee Bargaining Act;

3 C. dominate or interfere in the formation,  
4 existence or administration of any employee organization  
5 except as authorized by the terms of a collective bargaining  
6 agreement;

7 D. discriminate in regard to hiring, tenure or any  
8 term or condition of employment in order to encourage or  
9 discourage membership in any employee organization;

10 E. discharge or otherwise discriminate against an  
11 employee because he has signed or filed an affidavit, petition  
12 or complaint or given any information or testimony pursuant to  
13 the provisions of the Agricultural Employee Bargaining Act or  
14 because an employee has formed, joined or chosen to be  
15 represented by an employee organization;

16 F. refused to bargain collectively in good faith  
17 with the exclusive representative; or

18 G. refuse or fail to comply with any provision of  
19 the Agricultural Employee Bargaining Act or rule of the board.

20 Section 17. PROHIBITED PRACTICES BY EMPLOYEE

21 ORGANIZATIONS.--It is a prohibited practice for an employee  
22 organization or its representative to:

23 A. discriminate against an employee with regard to  
24 employee organization membership because of race, color,  
25 religion, creed, age, sex, national origin or political

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1 affiliation;

2 B. interfere with, restrain or coerce any employee  
3 in the exercise of any right guaranteed by the provisions of  
4 the Agricultural Employee Bargaining Act;

5 C. refuse to bargain collectively in good faith  
6 with an employer, if an employee organization is the exclusive  
7 representative; or

8 D. refuse or fail to comply with any provision of  
9 the Agricultural Employee Bargaining Act or rule of the board.

10 Section 18. BOARD--ADDITIONAL POWERS AND DUTIES. --

11 A. For the purpose of carrying out the  
12 Agricultural Employee Bargaining Act, the board may, subject  
13 to the laws of privilege, require the furnishing of  
14 information, the attendance or deposition of witnesses and the  
15 production of books, records, papers or other objects  
16 necessary and proper for such purposes. The board may also  
17 delegate authority to require any of the foregoing to  
18 mediators, fact-finders and arbitrators.

19 B. In furtherance of the powers granted by  
20 Subsection A this section, the board and its delegates may  
21 issue subpoenas requiring, upon reasonable notice, the  
22 attendance and testimony of witnesses and the production of  
23 any evidence, including books, records, correspondence or  
24 documents, relating to any matter in question. The board and  
25 its delegates may administer oaths and affirmations, examine

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1 witnesses and receive evidence.

2 C. The board may prescribe the form of subpoena,  
3 but it shall adhere, insofar as practicable, to the form used  
4 in civil actions in the district court. Witnesses shall be  
5 paid the same fees for attendance and travel as in civil  
6 actions in the district court. Witness fees shall be paid by  
7 the person requesting the witnesses' attendance.

8 Section 19. ENFORCEMENT. --

9 A. All collective bargaining and other agreements  
10 between employers and exclusive representatives are valid and  
11 enforceable according to their terms when entered into in  
12 accordance with provisions of the Agricultural Employee  
13 Bargaining Act. Actions for violation of such agreements  
14 shall be brought in the district court for the county in which  
15 the agricultural enterprise is located.

16 B. In case of disobedience to a subpoena issued  
17 and served in accordance with Section 17 of the Agricultural  
18 Employee Bargaining Act, or of a lawful board order, decision  
19 or requirement for information or in case of the refusal of a  
20 person to testify to a matter regarding which the person may  
21 be interrogated lawfully in a hearing before a board or its  
22 delegate, the board may apply to the district court for the  
23 county in which the agricultural enterprise is located for an  
24 order to compel compliance with the subpoena, order, decision,  
25 furnishing of information or giving of testimony. Forthwith,

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1 the district court shall cite the respondent to appear and  
2 shall hear the matter as expeditiously as possible. If the  
3 disobedience or refusal is found to be unjustified, the  
4 district court shall enter an order requiring compliance in  
5 full or as modified. Disobedience of the court order shall be  
6 punished as contempt of the district court in the same manner  
7 and by the same procedure as provided for like conduct  
8 committed in the course of judicial proceedings.

9 Section 20. JUDICIAL REVIEW. --

10 A. A person affected by a final regulation, order  
11 or decision of the board may appeal to the district court for  
12 the county in which the agricultural enterprise is located for  
13 further relief. All appeals shall be upon the record made at  
14 the hearing. All appeals to the district court shall be taken  
15 within thirty days of the date of the final regulation, order  
16 or decision of the board and if not so taken, the regulation,  
17 order or decision is conclusive.

18 B. The procedure for perfecting an appeal to the  
19 district court consists of the timely filing of a notice of  
20 appeal with a copy attached of the regulation, order or  
21 decision from which appeal is taken. The appellant shall  
22 certify in the notice of appeal that arrangements have been  
23 made with the board for preparation of a sufficient number of  
24 transcripts of the record of the hearing on which the appeal  
25 depends to support his appeal to the court.

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1 C. Upon appeal, the district court shall set aside  
2 a regulation, order or decision of the board only if found to  
3 be:

- 4 (1) arbitrary, capricious or an abuse of  
5 discretion;
- 6 (2) not supported by substantial evidence; or
- 7 (3) otherwise not in accordance with law.

8 D. A decision of the district court rendered  
9 pursuant to Subsection C of this section may be appealed to  
10 the supreme court by a party to the appeal to the district  
11 court.

12 Section 21. EXISTING COLLECTIVE BARGAINING UNITS. --  
13 Nothing in the Agricultural Employee Bargaining Act requires  
14 that the composition of an existing collective bargaining unit  
15 be altered nor does it prohibit the continuation of any such  
16 bargaining unit.

17 Section 22. EXISTING COLLECTIVE BARGAINING AGREEMENTS. --  
18 Nothing in the Agricultural Employee Bargaining Act shall be  
19 construed to annul or modify a collective bargaining agreement  
20 entered into between an employer and an exclusive  
21 representative prior to the effective date of the Agricultural  
22 Employee Bargaining Act. A collective bargaining agreement  
23 entered into between an employer and an exclusive  
24 representative prior to the effective date of the Agricultural  
25 Employee Bargaining Act may, with the consent of the parties

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1 to such agreement, be renewed or continued.

2 Section 23. APPROPRIATION. --Two hundred thousand dollars  
3 (\$200,000) is appropriated from the general fund to the  
4 agricultural employee bargaining board for expenditure in  
5 fiscal year 2000 for the purpose of carrying out the  
6 provisions of the Agricultural Employee Bargaining Act. Any  
7 unexpended or unencumbered balance remaining at the end of  
8 fiscal year 2000 shall revert to the general fund.

9 Section 24. SEVERABILITY. --If any part or application of  
10 the Agricultural Employee Bargaining Act is held invalid, the  
11 remainder or its application to other situations or persons  
12 shall not be affected.

13 Section 25. EFFECTIVE DATE. --The effective date of the  
14 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
3  
4  
5

6 February 16, 1999  
7

8 Mr. Speaker:  
9

10 Your LABOR AND HUMAN RESOURCES COMMITTEE, to  
11 whom has been referred  
12

13 HOUSE BILL 341  
14

15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, amended as follows:

17 1. On page 3, strike lines 18 through 25 in their entirety,  
18 and insert in lieu thereof "providing crew labor for any  
19 agricultural enterprise,".  
20

21 2. On page 4, strike lines 1 and 2 in their entirety.,  
22

23 and thence referred to the JUDICIARY COMMITTEE.  
24  
25

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

3 HB-31

Page 25

Respectfully submitted,

Sheryl Williams Stapleton,  
Chairwoman

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 0 Against

Yes: 5

Excused: None

Absent: Foley, Roberts, Thompson, Tripp

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1 **FORTY- FOURTH LEGISLATURE**  
2 **FIRST SESSION, 1999**

3  
4 **February 22, 1999**

5  
6  
7 **Mr. Speaker:**

8  
9 **Your JUDICIARY COMMITTEE, to whom has been referred**

10 **HOUSE BILL 341, as amended**

11  
12 **has had it under consideration and reports same with**  
13 **recommmendation that it DO PASS, and thence referred to the**  
14 **APPROPRIATIONS AND FINANCE COMMITTEE.**

15  
16 **Respectfully submitted,**

17  
18  
19  
20 \_\_\_\_\_  
21 **R. David Pederson, Chairman**

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HJC/HB 341, aa

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 4 Against

Yes: 7

No: Godbey, Mallory, Taylor, T., Vaughn

Excused: Luna

Absent: None

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1 FORTY- FOURTH LEGISLATURE  
2 FIRST SESSION, 1999

3  
4 March 13, 1999

5  
6  
7 Mr. Speaker:

8  
9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
10 whom has been referred

11 HOUSE BILL 341, as amended

12  
13 has had it under consideration and reports same with  
14 recommendation that it DO PASS, amended as follows:

- 15
- 16 1. On page 1, lines 15 and 16, strike “; MAKING AN  
17 APPROPRIATION”.
  - 18 2. On page 23, strike Section 23 in its entirety.
  - 19 3. Renumber the succeeding sections accordingly.
- 20  
21  
22  
23  
24  
25

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

Page 29

Respectfully submitted,

\_\_\_\_\_  
Max Coll, Chairman

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 5 Against

Yes: 6

No: Buffett, Larrañaga, Parsons, Pearce, Townsend

Excused: Heaton, Marquardt, Picraux, Saavedra, Wallace, Watchman

Absent: None

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