

Rep. Abramson, Rock. 37  
Rep. Binford, Graf. 15  
Rep. Love, Rock. 6  
June 1, 2021  
2021-1835h  
04/04

Floor Amendment to SB 61

1 Amend the bill by replacing all after the enacting clause with the following:

2  
3 1 Name of Act. It is the intent of the general court that this act be known as "The New  
4 Hampshire Right to Work Act."

5 2 New Chapter; Right to Work. Amend RSA by inserting after chapter 273-C the following new  
6 chapter:

7 CHAPTER 273-D

8 RIGHT TO WORK

9 273-D:1 Short Title. This chapter may be cited as "right to work."

10 273-D:2 Declaration of Public Policy. It is hereby declared to be the public policy of this state in  
11 order to maximize individual freedom of choice in the pursuit of employment and to encourage an  
12 employment climate conducive to economic growth, that all persons shall have, and shall be  
13 protected in the exercise of, the right freely, and without fear of penalty or reprisal, to form, join, or  
14 assist labor organizations, or to refrain from any such activity, and that no worker should lose their  
15 job, pension, or benefits for not paying an agency fee to a union.

16 273-D:3 Definitions. In this chapter:

17 I. "Employer" means any individual, corporation, association, organization, or entity that  
18 employs one or more persons. The term includes, but is not limited to, the state of New Hampshire  
19 and its agencies, every district, board, commission, instrumentality, or other unit whose governing  
20 body exercises similar governmental powers. The term "employer" includes, but is not limited to,  
21 employers of agricultural labor.

22 II. "Labor organization" means any organization of any kind, or agency or employee  
23 representation committee or plan, which exists for the purpose, in whole or in part, of dealing with  
24 employers concerning grievances, labor disputes, wages, rates of pay, hours of work, or other  
25 conditions of employment.

26 273-D:4 Freedom of Choice Guaranteed; Discrimination Prohibited. No person shall be  
27 required, as a condition of employment or continuation of employment:

28 I. To resign or refrain from voluntary membership in, voluntary affiliation with, or  
29 voluntary financial support of a labor organization;

30 II. To become or remain a member of a labor organization;

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1           III. To pay any dues, fees, assessments, or other charges of any kind or amount to a labor  
2 organization;

3           IV. To pay any charity or other third party, in lieu of such payments, any amount equivalent  
4 to or a pro-rata portion of dues, fees, assessments, or other charges of a labor organization.

5           273-D:5 Voluntary Deductions Protected. It shall be unlawful for any employer to deduct from  
6 the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges,  
7 to be held for, transferred to, or paid over to a labor organization, unless the employee has first given  
8 authorization of such deductions, which authorization may be revoked by the employee at any time  
9 by giving notice of such revocation 30 days in advance of its effective date.

10          273-D:6 Agreements in Violation, and Actions to Induce Such Agreements, Declared Illegal.  
11 Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor  
12 organization and employer which violates the rights of employees as guaranteed by the provisions of  
13 this chapter is hereby declared to be unlawful, null and void, and of no legal effect.

14          273-D:7 Penalties. Any person, employer, labor organization, agent, or representative of an  
15 employer or labor organization, who directly or indirectly imposes upon any person any requirement  
16 prohibited by this chapter shall be guilty of a misdemeanor, and, notwithstanding RSA 651:2, shall  
17 be subject for each offense to a fine not exceeding \$1,000.

18          273-D:8 Civil Remedies. Any person harmed as a result of any violation or threatened violation  
19 of the provisions of this chapter shall be entitled to injunctive relief against any and all violators or  
20 persons threatening violation, and may also recover any or all damages of any character, including  
21 costs and reasonable attorney fees, resulting from such violation or threatened violation, cognizable  
22 at common law. Such remedies shall be independent of, and in addition to, the penalties and  
23 remedies prescribed in other provisions of this chapter.

24          273-D:9 Existing Contracts. The provisions of this chapter shall apply to all contracts entered  
25 into on or after the effective date of this chapter. This chapter shall not apply to contracts which  
26 expire after the effective date of this chapter, but shall apply to any renewal or extensions of such  
27 existing contracts.

28          273-D:10 Exceptions. The provisions of this chapter shall not apply:

29           I. To employers and employees covered by the federal Railway Labor Act.

30           II. To federal employers and employees.

31           III. To employers and employees on exclusive federal enclaves.

32           IV. Where they would otherwise conflict with or be preempted by federal law.

33          273-D:11 Severability. If any provision of this chapter or the application thereof to any person  
34 or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the  
35 chapter which can be given effect without the invalid provisions or applications, and to this end the  
36 provisions of this chapter are severable.

37          3 Effective Date. This act shall take effect January 1, 2022.