

HB 238-FN - AS INTRODUCED

2025 SESSION

25-0310

06/09

HOUSE BILL **238-FN**

AN ACT prohibiting collective bargaining agreements from requiring employees join or contribute to a labor union.

SPONSORS: Rep. Popovici-Muller, Rock. 17; Rep. Polozov, Merr. 10; Rep. McFarlane, Graf. 18; Rep. Osborne, Rock. 2; Rep. Bernardy, Rock. 36; Rep. Turcotte, Straf. 4; Rep. Warden, Hills. 39; Rep. Mooney, Hills. 12; Rep. Tim Mannion, Hills. 1; Rep. Daniels, Hills. 43; Sen. Innis, Dist 7; Sen. Murphy, Dist 16; Sen. Sullivan, Dist 18

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill prohibits collective bargaining agreements that require employees to join or contribute to a labor union.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT prohibiting collective bargaining agreements from requiring employees join or contribute to a labor union.

Be it Enacted by the Senate and House of Representatives in General Court convened:

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

3 2 New Chapter; Right to Work. Amend RSA by inserting after chapter 273-D the following new
4 chapter:

5 CHAPTER 273-E

6 RIGHT TO WORK

7 273-E:1 Short Title. This chapter may be cited as "right to work."

8 273-E:2 Declaration of Public Policy. It is hereby declared to be the public policy of this state in
9 order to maximize individual freedom of choice in the pursuit of employment and to encourage an
10 employment climate conducive to economic growth, that all persons shall have, and shall be
11 protected in the exercise of, the right freely, and without fear of penalty or reprisal, to join or assist
12 labor organizations, or to refrain from any such activity.

13 273-E:3 Definitions. Unless the context clearly requires otherwise, the following terms shall
14 have the following meanings:

15 I. "Employer" means any individual, corporation, association, organization, or entity that
16 employs one or more persons. The term includes, but is not limited to, all persons, firms,
17 associations, corporations, public employers, public school employers, public colleges, universities,
18 institutions, education agencies, employers of agricultural labor, the state of New Hampshire and its
19 agencies, every district, board, commission, instrumentality, or other unit whose governing body
20 exercises similar governmental powers.

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

25 273-E:4 Right to Refrain. No person shall be required, as a condition of employment or
26 continuation of employment, to:

27 I. Become or remain a member of a labor organization;

28 II. Pay any dues, fees, assessments, or other similar charges, however denominated, of any
29 kind or amount to a labor organization; or

1 III. Pay any charity or other third party, in lieu of such payments, any amount equivalent to
2 or pro-rata portion of dues, fees, assessments, or other charges required of members of a labor
3 organization.

4 273-E:5 Prohibited Agreements.

5 I. Any agreement, understanding, or practice, written or oral, implied or expressed, between
6 any labor organization and employer which violates the rights of employees as guaranteed by
7 provisions of this chapter shall be prohibited.

8 II. Any term or provision of any agreement or understanding between any employee and any
9 labor organization or employer that restricts the rights of employees as established by provisions of
10 this chapter, such as a term that requires employees who resign their membership in a labor
11 organization to continue to pay dues, fees, assessments, or other similar charges to that labor
12 organization, shall be prohibited.

13 273-E:6 Penalties. Any person, employer, labor organization, agent, or representative of an
14 employer or labor organization, who directly or indirectly imposes upon any person any requirement
15 prohibited by this chapter shall be guilty of a misdemeanor, and, notwithstanding RSA 651:2, shall
16 be subject for each offense to a fine not exceeding \$1,000, or to imprisonment not exceeding 90 days,
17 or both.

18 273-E:7 Injunctive Relief. Any person injured 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 violations.

21 273-E:8 Damages. Any person injured as a result of any violation or threatened violation of the
22 provisions of this chapter shall recover any and all damages, including costs and reasonable attorney
23 fees, of any character resulting from such violation or threatened violation. Such remedies shall be
24 independent of, and in addition to, the penalties and remedies proscribed in other provisions of this
25 chapter.

26 273-E:9 Duty to Investigate and Enforce. The attorney general, or his or her designee, shall
27 investigate any complaints of violation of this chapter, and shall prosecute all persons violating any
28 of its provisions, and use all means at their command to ensure effective enforcement of the
29 provisions of this chapter.

30 273-D:10 Exceptions. The provisions of this chapter shall not apply:

- 31 I. To employers and employees covered by the federal Railway Labor Act;
32 II. To federal employers and employees;
33 III. To employers and employees on exclusive federal enclaves;
34 IV. Where they would otherwise conflict with or be preempted by federal law; or
35 V. To any employment contract entered into before the effective date of this chapter.
36 However, the provisions of this chapter shall apply to any renewal or extension of any existing
37 contract.

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1 273-E:11 Severability Clause. If any provision of this chapter or the application thereof to any
2 person or circumstance is held invalid, the invalidity does not affect other provisions or applications
3 of the chapter which can be given effect without the invalid provisions or applications, and to this
4 end the provisions of this chapter are severable.

5 3 Effective Date. This act shall take effect upon its passage.

**HB 238-FN- FISCAL NOTE
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AN ACT prohibiting collective bargaining agreements from requiring employees join or contribute to a labor union.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill *Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

The bill also provides for civil remedies. There is no way to predict how many such actions would occur, but the Judicial Branch has provided average cost information for civil cases in the Superior Court:

NH Judicial Branch Average Civil Case Estimates

Judicial Branch Average Cost	FY 2025	FY 2026
Superior Court Complex Civil Case	\$1,430	\$1,473
Superior Court Routine Civil Case	\$535	\$552

Common Civil Case Fees

Superior Court Fees	As of 2/12/2020
Original Entry Fee	\$280
Third-Party Claim	\$280
Motion to Reopen	\$160

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association