

## 1 SENATE BILL NO. 89

2 INTRODUCED BY K. REGIER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO UNION MEMBERSHIP DUES;  
 5 PROVIDING FOR FREE ASSOCIATION BY PUBLIC EMPLOYEES WITH A PUBLIC LABOR  
 6 ORGANIZATION; REVISING LAWS RELATING TO AUTOMATIC COLLECTION OF UNION DUES;  
 7 AMENDING SECTIONS 39-31-101, 39-31-203, 39-31-401, AND 39-31-402, MCA; AND REPEALING  
 8 SECTION 39-31-204, MCA."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 NEW SECTION. **Section 1. Public employee choice -- labor organization fee or charge to**  
 13 **nonmember prohibited.** (1) A public employee may not be required to become or remain a member of a labor  
 14 organization or obtain or retain public employment.

15 (2) A labor organization:

16 (a) may not collect any dues, fees, assessments, or other charges from a nonmember public  
 17 employee; and

18 (b) shall allow, at any time, a member public employee to disassociate with the labor organization.

19 (3) A public employer may not collect any dues, fees, assessments, or other charges from a  
 20 nonmember employee on behalf of a labor organization.

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22 **Section 2.** Section 39-31-101, MCA, is amended to read:

23 ~~"39-31-101. Policy. In order to promote public business by removing certain recognized sources of~~  
 24 ~~strife and unrest, it~~ It is the policy of the state of Montana to encourage the practice and procedure of collective  
 25 ~~bargaining to arrive at friendly adjustment of all disputes between public employers and their employees~~  
 26 recognize that the relationship of a public collective bargaining unit and a public employee is a voluntary  
 27 choice."

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1           **Section 3.** Section 39-31-203, MCA, is amended to read:

2           "**39-31-203. ~~Deduction~~ Prohibition on deduction of dues from employee's pay.** ~~Upon written~~  
3 ~~authorization of any public employee within a bargaining unit, the~~ The public employer shall may not deduct  
4 from the pay of the public employee the monthly amount of dues as certified by the secretary of the exclusive  
5 representative and shall deliver the dues to the treasurer of the exclusive representative."

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7           **Section 4.** Section 39-31-401, MCA, is amended to read:

8           "**39-31-401. Unfair labor practices of public employer.** It is an unfair labor practice for a public  
9 employer to:

10           (1) interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in [section 1]  
11 and 39-31-201;

12           (2) dominate, interfere, or assist in the formation or administration of any labor organization. However,  
13 subject to rules adopted by the board under 39-31-104, an employer is not prohibited from permitting  
14 employees to confer with the employer during working hours without loss of time or pay.

15           (3) discriminate in regard to hire or tenure of employment or any term or condition of employment in  
16 order to encourage or discourage membership in any labor organization; ~~However, nothing in this chapter or in~~  
17 ~~any other statute of this state precludes a public employer from making an agreement with an exclusive~~  
18 ~~representative to require, as a condition of employment, that an employee who is not or does not become a~~  
19 ~~union member must have an amount equal to the union initiation fee and monthly dues deducted from the~~  
20 ~~employee's wages in the same manner as checkoff of union dues.~~

21           (4) discharge or otherwise discriminate against an employee because the employee has signed or  
22 filed an affidavit, petition, or complaint or given any information or testimony under this chapter; or

23           (5) refuse to bargain collectively in good faith with an exclusive representative."  
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26           **Section 5.** Section 39-31-402, MCA, is amended to read:

27           "**39-31-402. Unfair labor practices of labor organization.** It is an unfair labor practice for a labor  
28 organization or its agents to:

(1) restrain or coerce:

- 1 (a) employees in the exercise of the right guaranteed in [section 1] or 39-31-201; or
- 2 (b) a public employer in the selection of a representative for the purpose of collective bargaining or
- 3 the adjustment of grievances;
- 4 (2) refuse to bargain collectively in good faith with a public employer if ~~it~~ the labor organization has
- 5 been designated as the exclusive representative of its member employees;
- 6 (3) use agency shop fees for contributions to political candidates or parties at state or local levels."

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8 **NEW SECTION. Section 6. Repealer.** The following section of the Montana Code Annotated is  
9 repealed:

10 39-31-204. Right of nonassociation with labor organization on religious grounds -- requirements and  
11 procedure for assertion of right.

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13 **NEW SECTION. Section 7. Codification instruction.** [Section 1] is intended to be codified as an  
14 integral part of Title 39, chapter 31, part 1, and the provisions of Title 39, chapter 31, part 1, apply to [section 1].

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