

1 SENATE BILL NO. 253

2 INTRODUCED BY J. TAYLOR

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LABOR ORGANIZATIONS REPRESENTING PUBLIC
5 EMPLOYEES TO FILE ANNUAL REPORTS WITH THE BOARD OF PERSONNEL APPEALS; REQUIRING
6 LABOR ORGANIZATIONS REPRESENTING PUBLIC EMPLOYEES TO BE CERTIFIED AS THE EMPLOYEES'
7 REPRESENTATIVE EVERY 5 YEARS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 NEW SECTION. **Section 1. Annual reports -- alternative filing of federal reports -- violations.** (1)

12 (a) Every labor organization representing public employees operating in this state shall file an annual report with
13 the board on or before April 15 showing the condition of the labor organization on December 31 preceding the
14 date of filing or at the close of business on the last day of the labor organization's fiscal year preceding the date
15 of filing. The board may upon showing of reasonable cause grant an extension of time for filing.

16 (b) The annual report must be in the form the board prescribes and must include the following:

17 (i) the name of the labor organization;

18 (ii) the location and mailing address of its office;

19 (iii) the name and title of each of its officers and registered business agents, together with the mailing
20 address and the salaries, wages, bonuses, and other remuneration paid to each of its officers and registered
21 business agents;

22 (iv) the date of the regular election of officers of the labor organization;

23 (v) the rate of its initiation fees, dues, assessments, and any other charges against its members; and

24 (vi) an audited statement of the income, expenditures, assets, and liabilities of the labor organization.

25 (2) In lieu of filing an annual report as provided in subsection (1), a labor organization may file copies
26 of the reports required to be filed with the United States department of labor by the Labor-Management Reporting
27 and Disclosure Act of 1959, 29 U.S.C. 401, et seq., as follows:

28 (a) by having on file with the board a copy of the labor organization information report that is currently
29 on file with the United States department of labor; and

30 (b) by filing annually a copy of the labor organization annual report that is filed with the United States

1 department of labor and covers a reporting period specified in subsection (1)(a).

2 (3) All reports and materials filed with the board pursuant to this section are public records, and the board
3 shall make the reports and materials available for public inspection.

4 (4) Upon the written request of any member of a certified labor organization for an audit of the labor
5 organization and upon a finding by the board of the necessity for an audit, the board may require the labor
6 organization to provide a certified audit of its financial records.

7 (5) The board may withhold certification of a labor organization that willfully refuses to register or file an
8 annual report or that willfully refuses to comply with other provisions of this section. The board may revoke a
9 certification of a labor organization for willfully failing to comply with this section. The board may enforce the
10 prohibitions contained in this section by petitioning the district court of Lewis and Clark County or the county in
11 which the violation occurs for an injunction. A person complaining of a violation of this section shall file the
12 complaint with the board.

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14 **NEW SECTION. Section 2. Periodic certification of labor organizations -- scope.** (1) The provisions
15 of this section apply to all labor organizations representing public employees in this state.

16 (2) Beginning January 1, 2014, and every 5 years thereafter, the board shall conduct an election to certify
17 each labor organization acting as an exclusive representative of every collective bargaining unit in this state that
18 represents public employees. The board shall certify any labor organization that receives at least 51% of the
19 votes cast. If a labor organization does not receive at least 51% of the votes, the board shall decertify the labor
20 organization at the expiration of the collective bargaining agreement and the public employees will be
21 unrepresented. If a labor organization is decertified, the affected public employees may not be included in a
22 substantially similar collective bargaining unit for 12 months from the date of decertification.

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24 **NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified
25 as an integral part of Title 39, chapter 31, and the provisions of Title 39, chapter 31, apply to [sections 1 and 2].

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27 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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