

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 180

Session of
1985

INTRODUCED BY GREENLEAF, O'CONNELL, FISHER, SHUMAKER, HOWARD,
KRATZER, SALVATORE, WENGER, HELFRICK, ANDREZESKI, HOPPER,
PECORA, REIBMAN, O'PAKE AND ROCKS, JANUARY 22, 1985

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 15, 1986

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employees in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employees of certain departments, boards and
20 commissions shall be determined," ADDING AND CHANGING
21 DEFINITIONS RELATING TO CRIME VICTIMS' COMPENSATION; FURTHER
22 PROVIDING FOR ELIGIBILITY FOR CRIME VICTIMS' COMPENSATION AND
23 FOR AWARDS; PROVIDING FOR THE RESPONSIBILITIES OF PROVIDERS
24 OF SERVICE TO CRIME VICTIMS; FURTHER PROVIDING FOR THE
25 ALLOCATION OF CERTAIN FUNDS; extending the limitations period
26 for the filing of claims for crimes' victims compensation by
27 child victims; REQUIRING CERTAIN EMPLOYEE ORGANIZATIONS TO
28 FILE COPIES OF THEIR CONSTITUTIONS AND BYLAWS WITH THE
29 SECRETARY OF LABOR AND INDUSTRY; IMPOSING PENALTIES FOR
30 FAILING TO FILE CERTAIN INFORMATION; PROVIDING FOR AGENCY
31 SHOP AGREEMENTS; AND MAKING REPEALS.

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1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 ~~Section 1. Section 477.4(b) of the act of April 9, 1929~~ <—
4 ~~(P.L.177, No.175), known as The Administrative Code of 1929,~~
5 ~~added July 9, 1976 (P.L.574, No.139), is amended to read:~~

6 ~~Section 477.4. Filing of Claims for Compensation. * * *~~

7 ~~(b) A claim must be filed not later than one year after the~~
8 ~~occurrence of the crime upon which the claim is based, or not~~
9 ~~later than one year after the death of the victim or intervenor:~~

10 ~~Provided, however, That for good cause the board may extend the~~
11 ~~time for filing for a period not exceeding two years after such~~
12 ~~occurrence. Where a claim for compensation involves bodily~~
13 ~~injury suffered by a child under eighteen years of age caused by~~
14 ~~the wrongful act, or neglect, or unlawful violence, or~~
15 ~~negligence of the child's parents or by a person responsible for~~
16 ~~the child's welfare, or any individual residing in the same home~~
17 ~~as the child, or a paramour of the child's parent, the period of~~
18 ~~minority shall not be deemed a portion of the time period within~~
19 ~~which the claim must be commenced, but rather the person shall~~
20 ~~have the same time for filing a claim after attaining majority~~
21 ~~as is allowed to others by the provisions of this subsection.~~

22 ~~* * *~~

23 ~~Section 2. This act shall take effect immediately.~~

24 SECTION 1. SECTION 477 OF THE ACT OF APRIL 9, 1929 (P.L.177, <—
25 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, AMENDED JUNE
26 30, 1984 (P.L.458, NO.96), IS AMENDED TO READ:

27 SECTION 477. DEFINITIONS.--SO FAR AS IT RELATES TO THE CRIME
28 VICTIM'S COMPENSATION PROVISIONS, THE FOLLOWING TERMS SHALL BE
29 DEFINED AS:

30 "BOARD" MEANS THE CRIME VICTIM'S COMPENSATION BOARD.

1 "CLAIMANT" MEANS THE PERSON FILING A CLAIM PURSUANT TO THIS
2 ACT.

3 "CRIME" MEANS AN ACT COMMITTED IN PENNSYLVANIA WHICH, IF
4 COMMITTED BY A MENTALLY COMPETENT, CRIMINALLY RESPONSIBLE ADULT,
5 WHO HAD NO LEGAL EXEMPTION OR DEFENSE, WOULD CONSTITUTE A CRIME
6 AS DEFINED IN AND PROSCRIBED BY TITLE 18 OF THE "PENNSYLVANIA
7 CONSOLIDATED STATUTES," (RELATING TO CRIMES AND OFFENSES) OR
8 ENUMERATED IN THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN
9 AS "THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT" OR
10 SUCH AS WOULD CONSTITUTE A CRIME AS DEFINED IN AND PRESCRIBED BY
11 75 PA.C.S. § 3731(A)(1) (RELATING TO DRIVING UNDER INFLUENCE OF
12 ALCOHOL OR CONTROLLED SUBSTANCE): PROVIDED, HOWEVER, THAT NO ACT
13 INVOLVING THE OPERATION OF A MOTOR VEHICLE WHICH RESULTS IN
14 INJURY SHALL CONSTITUTE A CRIME FOR THE PURPOSE OF THIS ACT
15 UNLESS SUCH INJURY WAS INTENTIONALLY INFLICTED THROUGH THE USE
16 OF A MOTOR VEHICLE OR UNLESS THE INJURY OR DEATH WAS A RESULT OF
17 AN ACCIDENT INVOLVING A LEGALLY INTOXICATED OPERATOR OF A MOTOR
18 VEHICLE.

19 "FAMILY," WHEN USED IN REFERENCE TO A PERSON, SHALL MEAN (I)
20 ANYONE RELATED TO SUCH PERSON WITHIN THE THIRD DEGREE OF
21 CONSANGUINITY OR AFFINITY, (II) ANYONE MAINTAINING A COMMON-LAW
22 RELATIONSHIP WITH SUCH PERSON, OR (III) ANYONE RESIDING IN THE
23 SAME HOUSEHOLD WITH SUCH PERSON.

24 "INJURY" SHALL INCLUDE PHYSICAL OR MENTAL DAMAGES AND
25 AGGRAVATION OF EXISTING INJURIES IF ADDITIONAL LOSSES CAN BE
26 ATTRIBUTED TO THE RESULT OF THE CRIME.

27 "INTERVENOR" SHALL MEAN A PERSON WHO GOES TO THE AID OF
28 ANOTHER AND SUFFERS BODILY INJURY OR DEATH AS A DIRECT RESULT OF
29 ACTING NOT RECKLESSLY TO PREVENT THE COMMISSION OF A CRIME, OR
30 TO LAWFULLY APPREHEND A PERSON REASONABLY SUSPECTED OF HAVING

1 COMMITTED SUCH CRIME, OR TO AID THE VICTIM OF SUCH CRIME.

2 "LOCAL LAW ENFORCEMENT AGENCY" MEANS A POLICE DEPARTMENT OF A
3 CITY, BOROUGH, INCORPORATED TOWN OR TOWNSHIP.

4 "LOSS OF EARNINGS," IN ADDITION TO ITS ORDINARY MEANING,
5 SHALL MEAN THE LOSS OF THE CASH EQUIVALENT OF A SOCIAL SECURITY
6 [PAYMENT WHERE SOCIAL SECURITY], RAILROAD RETIREMENT, OR SUPPORT
7 PAYMENT, WHERE SAID PAYMENT IS THE PRIMARY SOURCE OF THE
8 VICTIM'S OR CLAIMANT'S INCOME AND WHERE THE VICTIM IS DEPRIVED
9 OF THE MONEY AS A DIRECT RESULT OF A CRIME; OR THE LOSS OF
10 EARNING POWER RESULTING FROM THE INJURY AS HEREIN DEFINED, TO
11 THE VICTIM OR CLAIMANT.

12 "OUT-OF-POCKET LOSS" MEANS THE UNREIMBURSED AND
13 UNREIMBURSABLE EXPENSES OR INDEBTEDNESS INCURRED FOR MEDICAL
14 CARE, NONMEDICAL REMEDIAL CARE AND TREATMENT RENDERED IN
15 ACCORDANCE WITH A RELIGIOUS METHOD OF HEALING AS APPROVED BY THE
16 BOARD, OR OTHER SERVICES, INCLUDING PSYCHOLOGICAL COUNSELING,
17 REASONABLY NECESSARY AS A RESULT OF THE INJURY UPON WHICH THE
18 CLAIM IS BASED AND FOR WHICH THE CLAIMANT, PERSONS ELIGIBLE
19 UNDER SECTION 477.3, EITHER HAS PAID OR IS LIABLE, TO INCLUDE
20 EXPENSES FOR PHYSICAL EXAMINATIONS AND MATERIALS USED TO OBTAIN
21 EVIDENCE. IN NO CASE SHALL PROPERTY DAMAGES OR COMPENSATION FOR
22 PAIN AND SUFFERING BE INCLUDED.

23 "VICTIM" SHALL MEAN A PERSON AGAINST WHOM A CRIME HAS BEEN
24 COMMITTED, OTHER THAN THE ALLEGED OFFENDER, WHO SUFFERS [BODILY]
25 PHYSICAL OR MENTAL INJURY, DEATH OR THE LOSS OF [THE PROCEEDS OF
26 A SOCIAL SECURITY PAYMENT WHICH IS THE PRIMARY INCOME OF THE
27 RECIPIENT AS A DIRECT RESULT OF A CRIME] EARNINGS AS HEREIN
28 DEFINED.

29 SECTION 2. SECTION 477.3(C) AND (D) OF THE ACT, AMENDED JUNE
30 30, 1984 (P.L.458, NO.96), ARE AMENDED TO READ:

1 SECTION 477.3. PERSONS ELIGIBLE FOR COMPENSATION.--* * *

2 (C) [A PERSON WHO IS NOT A RESIDENT OF PENNSYLVANIA AT THE
3 TIME OF OCCURRENCE OF THE CRIME UPON WHICH THE CLAIM IS BASED,
4 SHALL BE ELIGIBLE FOR COMPENSATION ONLY IF THE LAW OF THE STATE
5 OF WHICH HE IS A RESIDENT AT THE TIME OF OCCURRENCE OF THE CRIME
6 UPON WHICH THE CLAIM IS BASED PROVIDES FOR COMPENSATION TO
7 PENNSYLVANIA RESIDENTS WHO ARE VICTIMS OF CRIME IN SUCH STATE.

8 (D) IF THE VICTIM'S STATE OF RESIDENCE PROVIDES PAYMENTS TO
9 ITS RESIDENTS INJURED IN PENNSYLVANIA, PRIMARY RESPONSIBILITY
10 FOR PAYMENT TO THE VICTIM SHALL REST WITH THE VICTIM'S STATE OF
11 RESIDENCE.] ELIGIBILITY OF A CLAIMANT SHALL BE DETERMINED
12 WITHOUT REGARD TO RESIDENCY OF THE CLAIMANT OR VICTIM.

13 SECTION 3. SECTION 477.4(B) OF THE ACT, ADDED JULY 9, 1976
14 (P.L.574, NO.139), IS AMENDED TO READ:

15 SECTION 477.4. FILING OF CLAIMS FOR COMPENSATION.--* * *

16 (B) A CLAIM MUST BE FILED NOT LATER THAN ONE YEAR AFTER THE
17 OCCURRENCE OF THE CRIME UPON WHICH THE CLAIM IS BASED, OR NOT
18 LATER THAN ONE YEAR AFTER THE DEATH OF THE VICTIM OR INTERVENOR:
19 PROVIDED, HOWEVER, THAT FOR GOOD CAUSE THE BOARD MAY EXTEND THE
20 TIME FOR FILING FOR A PERIOD NOT EXCEEDING TWO YEARS AFTER SUCH
21 OCCURRENCE. WHERE A VICTIM IS UNDER THE AGE OF EIGHTEEN AT THE
22 TIME OF THE OCCURRENCE OF THE CRIME AND THE ALLEGED OFFENDER IS
23 THE VICTIM'S PARENT OR A PERSON RESPONSIBLE FOR THE VICTIM'S
24 WELFARE, OR ANY INDIVIDUAL RESIDING IN THE SAME HOME AS THE
25 VICTIM, OR A PARAMOUR OF THE VICTIM'S PARENT, THE BOARD MAY, FOR
26 GOOD CAUSE, EXTEND THE TIME FOR FILING FOR A PERIOD NOT
27 EXCEEDING FIVE YEARS AFTER SUCH OCCURRENCE.

28 * * *

29 SECTION 4. SECTION 477.5 OF THE ACT IS REPEALED.

30 SECTION 5. SECTION 477.9 OF THE ACT IS AMENDED BY ADDING

1 SUBSECTIONS TO READ:

2 SECTION 477.9. AWARDS.--* * *

3 (C.1) WHERE AN ORDER OF RESTITUTION HAS BEEN ENTERED ON
4 BEHALF OF THE VICTIM, THOSE AMOUNTS ACTUALLY COLLECTED SHALL
5 FIRST BE APPLIED TO PROPERTY LOSSES INCIDENT TO THE CRIME AND
6 SECONDLY TO PERSONAL INJURY LOSSES AS SET FORTH IN SUBSECTION
7 (F) OF THIS SECTION.

8 (C.2) PROVISIONS OF OR AWARDS MADE PURSUANT TO THIS OR ANY
9 OTHER ACT COMPENSATING OR BENEFITING A VICTIM OR CLAIMANT AS
10 DEFINED BY THIS ACT SHALL IN NO WAY AFFECT THE CLAIMANT OR
11 VICTIM'S ELIGIBILITY UNDER PUBLIC ASSISTANCE OR ANY OTHER STATE
12 OR FEDERALLY CREATED SOCIAL BENEFIT OR ASSISTANCE PROGRAM.

13 * * *

14 SECTION 6. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

15 SECTION 477.19. RESPONSIBILITIES OF SERVICE PROVIDERS AND
16 INSURANCE COMPANIES.--(A) PROVIDERS OF SERVICES, INCLUDING, BUT
17 NOT LIMITED TO, DOCTORS, HOSPITALS, COUNSELORS AND INSURANCE
18 COMPANIES PROVIDING REIMBURSEMENT TO VICTIMS OR CLAIMANTS, SHALL
19 RESPOND, IN WRITING TO THE BOARD'S REQUEST FOR CONFIRMATION
20 UNDER THIS ACT WITHIN THIRTY DAYS OF RECEIPT OF THE BOARD'S
21 REQUEST.

22 (B) ANY PROVIDER WHO FAILS TO RESPOND WITHIN THIRTY DAYS OF
23 RECEIPT OF THE REQUEST SHALL BE SUBJECT TO CIVIL PENALTY OF NOT
24 MORE THAN TEN DOLLARS (\$10) PER DAY UP TO, AND INCLUDING THE
25 DATE OF COMPLIANCE.

26 (C) THE OFFICE OF DISTRICT ATTORNEY OF THE COUNTY IN WHICH
27 THE PROVIDER IS LOCATED OR THE ATTORNEY GENERAL SHALL BE CHARGED
28 WITH ENFORCEMENT OF THIS SECTION.

29 SECTION 7. SECTION 479.5 IS AMENDED BY ADDING A SUBSECTION
30 TO READ:

SECTION 479.5. GRANT PROGRAM FOR SERVICES.--* * *

(F) IN THE ALLOCATION OF FUNDS FOR SERVICES UNDER SECTION 479.4, THE COMMISSION SHALL CONSIDER THE REVENUE COLLECTED BY POTENTIAL GRANT RECIPIENTS UNDER THE PENALTY ASSESSMENTS AUTHORIZED IN SECTION 477.15 OF THIS ACT AND SECTION 1203 OF THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE "PUBLIC WELFARE CODE," PERTAINING TO DOMESTIC VIOLENCE AND RAPE CRISIS SERVICES.

SECTION 8. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 2215. EMPLOYE ORGANIZATIONS TO FILE COPY OF CONSTITUTION AND BYLAWS WITH THE DEPARTMENT; AGENCY SHOP AGREEMENTS.--(A) EVERY STATE EMPLOYE ORGANIZATION HAVING AN AGENCY SHOP AGREEMENT SHALL ADOPT A CONSTITUTION AND BYLAWS AND SHALL FILE A COPY THEREOF WITH THE SECRETARY OF LABOR AND INDUSTRY, TOGETHER WITH A REPORT, SIGNED BY ITS PRESIDENT AND SECRETARY OR CORRESPONDING PRINCIPAL OFFICERS, CONTAINING THE FOLLOWING INFORMATION:

(1) THE NAME OF THE EMPLOYE ORGANIZATION, ITS MAILING ADDRESS AND ANY OTHER ADDRESS AT WHICH IT MAINTAINS ITS PRINCIPAL OFFICE OR AT WHICH IT KEEPS THE RECORDS REFERRED TO IN THIS SECTION;

(2) THE NAME AND TITLE OF EACH OF ITS OFFICERS;

(3) THE INITIATION FEE OR FEES REQUIRED FROM A NEW OR TRANSFERRED MEMBER AND FEES FOR WORK PERMITS REQUIRED BY THE REPORTING EMPLOYE ORGANIZATION;

(4) THE REGULAR DUES OR FEES OR OTHER PERIODIC PAYMENTS REQUIRED TO REMAIN A MEMBER OF THE REPORTING EMPLOYE ORGANIZATION;

(5) DETAILED STATEMENTS, OR REFERENCES TO SPECIFIC PROVISIONS OF DOCUMENTS FILED UNDER THIS SUBSECTION WHICH

1 CONTAIN SUCH STATEMENTS, SHOWING THE PROVISION MADE AND
2 PROCEDURES FOLLOWED WITH RESPECT TO EACH OF THE FOLLOWING:
3 (I) QUALIFICATIONS FOR OR RESTRICTIONS ON MEMBERSHIP;
4 (II) LEVYING OF ASSESSMENTS;
5 (III) PARTICIPATION IN INSURANCE OF OTHER BENEFIT PLANS;
6 (IV) AUTHORIZATION FOR DISBURSEMENT OF FUNDS OF THE EMPLOYE
7 ORGANIZATION;
8 (V) AUDIT OF FINANCIAL TRANSACTIONS OF THE EMPLOYE
9 ORGANIZATION;
10 (VI) THE CALLING OF REGULAR AND SPECIAL MEETINGS;
11 (VII) THE SELECTION OF OFFICERS AND STEWARDS AND OF ANY
12 REPRESENTATIVES TO OTHER BODIES COMPOSED OF EMPLOYE
13 ORGANIZATIONS' REPRESENTATIVES, WITH A SPECIFIC STATEMENT OF THE
14 MANNER IN WHICH EACH OFFICER WAS ELECTED, APPOINTED OR OTHERWISE
15 SELECTED;
16 (VIII) DISCIPLINE OR REMOVAL OF OFFICERS OR AGENTS FOR
17 BREACHES OF THEIR TRUST;
18 (IX) IMPOSITION OF FINES, SUSPENSIONS AND EXPULSIONS OF
19 MEMBERS, INCLUDING THE GROUNDS FOR SUCH ACTION AND ANY PROVISION
20 MADE FOR NOTICE, HEARING, JUDGMENT ON THE EVIDENCE AND APPEAL
21 PROCEDURES;
22 (X) AUTHORIZATION FOR BARGAINING DEMANDS;
23 (XI) RATIFICATION OF CONTRACT TERMS;
24 (XII) AUTHORIZATION FOR STRIKES; AND
25 (XIII) ISSUANCE OF WORK PERMITS.
26 ANY CHANGE IN THE INFORMATION REQUIRED BY THIS SUBSECTION
27 SHALL BE REPORTED TO THE SECRETARY OF LABOR AND INDUSTRY AT THE
28 TIME THE REPORTING EMPLOYE ORGANIZATION FILES WITH THE SECRETARY
29 OF LABOR AND INDUSTRY THE ANNUAL FINANCIAL REPORT REQUIRED BY
30 SUBSECTION (B).

1 (B) EVERY STATE EMPLOYE ORGANIZATION HAVING AN AGENCY SHOP
2 AGREEMENT SHALL FILE ANNUALLY ON OR BEFORE JULY 15 WITH THE
3 SECRETARY OF LABOR AND INDUSTRY A FINANCIAL REPORT SIGNED BY ITS
4 PRESIDENT AND TREASURER OR CORRESPONDING PRINCIPAL OFFICERS
5 CONTAINING THE FOLLOWING INFORMATION IN SUCH DETAIL AS MAY BE
6 NECESSARY TO ACCURATELY DISCLOSE ITS FINANCIAL CONDITION AND
7 OPERATIONS FOR ITS PRECEDING FISCAL YEAR:

8 (1) ASSETS AND LIABILITIES AT THE BEGINNING AND END OF THE
9 FISCAL YEAR;

10 (2) RECEIPTS OF ANY KIND AND THE SOURCES THEREOF.

11 (3) SALARY, ALLOWANCES AND OTHER DIRECT OR INDIRECT
12 DISBURSEMENTS, INCLUDING REIMBURSED EXPENSES, TO EACH OFFICER
13 AND TO EACH EMPLOYE WHO, DURING SUCH FISCAL YEAR, RECEIVED MORE
14 THAN TEN THOUSAND DOLLARS (\$10,000) IN THE AGGREGATE FROM SUCH
15 EMPLOYE ORGANIZATION AND ANY OTHER EMPLOYE ORGANIZATION
16 AFFILIATED WITH IT OR WITH WHICH IT IS AFFILIATED, OR WHICH IS
17 AFFILIATED WITH THE SAME NATIONAL OR INTERNATIONAL EMPLOYE
18 ORGANIZATION;

19 (4) DIRECT AND INDIRECT LOANS MADE TO ANY OFFICER, EMPLOYE
20 OR MEMBER, WHICH AGGREGATED MORE THAN TWO HUNDRED FIFTY DOLLARS
21 (\$250) DURING THE FISCAL YEAR, TOGETHER WITH A STATEMENT OF THE
22 PURPOSE, SECURITY, IF ANY, AND ARRANGEMENTS FOR REPAYMENTS;

23 (5) DIRECT AND INDIRECT LOANS TO ANY BUSINESS ENTERPRISE
24 TOGETHER WITH A STATEMENT OF THE PURPOSE, SECURITY, IF ANY, AND
25 ARRANGEMENTS FOR REPAYMENT; AND

26 (6) OTHER DISBURSEMENTS MADE BY IT INCLUDING THE PURPOSES
27 THEREOF.

28 THE INFORMATION REQUIRED BY THIS SUBSECTION SHALL BE IN SUCH
29 CATEGORIES AS THE SECRETARY OF LABOR AND INDUSTRY MAY PRESCRIBE.

30 (C) EVERY EMPLOYE ORGANIZATION REQUIRED TO SUBMIT A REPORT

1 UNDER THIS SECTION SHALL MAKE AVAILABLE THE INFORMATION REQUIRED
2 TO BE CONTAINED IN SUCH REPORT TO ALL OF ITS MEMBERS, AND EVERY
3 SUCH EMPLOYE ORGANIZATION AND ITS OFFICERS SHALL BE UNDER A DUTY
4 ENFORCEABLE AT THE SUIT OF ANY MEMBER OF SUCH ORGANIZATION IN
5 THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH SUCH EMPLOYE
6 ORGANIZATION MAINTAINS ITS PRINCIPAL OFFICE, TO PERMIT SUCH
7 MEMBER FOR JUST CAUSE TO EXAMINE ANY BOOKS, RECORDS AND ACCOUNTS
8 NECESSARY TO VERIFY SUCH REPORT. THE COURT IN SUCH ACTION MAY,
9 IN ITS DISCRETION, IN ADDITION TO ANY JUDGMENT AWARDED TO THE
10 PLAINTIFF OR PLAINTIFFS, ALLOW A REASONABLE ATTORNEY'S FEE TO BE
11 PAID BY THE DEFENDANT AND COSTS OF THE ACTION.

12 (D) EVERY EMPLOYE ORGANIZATION AND EVERY PERSON REQUIRED TO
13 FILE ANY REPORT UNDER THIS SECTION SHALL MAINTAIN RECORDS ON THE
14 MATTERS REQUIRED TO BE REPORTED WHICH WILL PROVIDE IN SUFFICIENT
15 DETAIL THE NECESSARY BASIC INFORMATION AND DATA FROM WHICH THE
16 DOCUMENTS FILED WITH THE SECRETARY OF LABOR AND INDUSTRY MAY BE
17 VERIFIED, EXPLAINED OR CLARIFIED, AND CHECKED FOR ACCURACY AND
18 COMPLETENESS, AND SHALL INCLUDE VOUCHERS, WORKSHEETS, RECEIPTS
19 AND APPLICABLE RESOLUTIONS, AND SHALL KEEP SUCH RECORDS
20 AVAILABLE FOR EXAMINATION FOR A PERIOD OF NOT LESS THAN FIVE
21 YEARS AFTER THE FILING OF THE DOCUMENTS BASED ON THE INFORMATION
22 WHICH THEY CONTAIN.

23 (E) ALL MATERIALS AND REPORTS FILED PURSUANT TO THIS SECTION
24 SHALL BE DEEMED TO BE PUBLIC RECORDS AND SHALL BE AVAILABLE FOR
25 PUBLIC INSPECTION AT THE OFFICE OF THE SECRETARY OF LABOR AND
26 INDUSTRY DURING THE USUAL BUSINESS HOURS OF THE DEPARTMENT OF
27 LABOR AND INDUSTRY.

28 (F) ANY EMPLOYE ORGANIZATION WHICH VIOLATES THE PROVISIONS
29 OF THIS SECTION OR FAILS TO FILE ANY REQUIRED REPORT OR
30 AFFIDAVIT OR FILES A FALSE REPORT OR AFFIDAVIT SHALL BE SUBJECT

1 TO A FINE OF NOT MORE THAN TWO THOUSAND DOLLARS (\$2,000).

2 (G) ANY PERSON WHO WILFULLY VIOLATES THIS SECTION, OR WHO
3 MAKES A FALSE STATEMENT KNOWING IT TO BE FALSE, OR WHO KNOWINGLY
4 FAILS TO DISCLOSE A MATERIAL FACT SHALL BE FINED NOT MORE THAN
5 ONE THOUSAND DOLLARS (\$1,000) OR UNDERGO IMPRISONMENT FOR NOT
6 MORE THAN THIRTY (30) DAYS OR BOTH. EACH INDIVIDUAL REQUIRED TO
7 SIGN AFFIDAVITS OR REPORTS UNDER THIS SECTION SHALL BE
8 PERSONALLY RESPONSIBLE FOR FILING SUCH REPORT OR AFFIDAVIT AND
9 FOR ANY STATEMENT CONTAINED THEREIN HE KNOWS TO BE FALSE.

10 (H) THE COMMONWEALTH OF PENNSYLVANIA, ANY BOARD, COMMISSION,
11 DEPARTMENT, AGENCY OR INSTRUMENTALITY OF THE COMMONWEALTH AS A
12 PUBLIC EMPLOYER, SHALL MAKE AN AGENCY SHOP AGREEMENT WITH AN
13 EMPLOYE ORGANIZATION WHICH IS QUALIFIED WHICH WOULD REQUIRE THAT
14 EACH EMPLOYE IN AN APPROPRIATE COLLECTIVE BARGAINING UNIT WHO IS
15 NOT A MEMBER OF THE EMPLOYE ORGANIZATION SHALL BE REQUIRED,
16 EXCEPT AS PROVIDED HEREIN, AS A CONDITION OF CONTINUED
17 EMPLOYMENT, TO PAY TO SUCH ORGANIZATION FOR THE PERIOD THAT IT
18 IS THE EXCLUSIVE REPRESENTATIVE, AN AMOUNT EQUAL TO THE DUES
19 THAT A MEMBER IS CHARGED; HOWEVER, AN EMPLOYE WHO IS A MEMBER OF
20 AND ADHERES TO ESTABLISHED AND TRADITIONAL TENENTS OR TEACHINGS
21 OF A BONA FIDE RELIGION, BODY OR SECT WHICH HAD TRADITIONALLY
22 HELD CONSCIENTIOUS OBJECTIONS TO FINANCIALLY SUPPORTING LABOR
23 ORGANIZATIONS SHALL NOT BE REQUIRED TO MAKE ANY AGENCY SHOP
24 PAYMENT AS A CONDITION OF CONTINUED EMPLOYMENT, BUT SUCH EMPLOYE
25 MAY BE REQUIRED, IN LIEU OF SUCH PAYMENT, TO PAY EQUIVALENT SUMS
26 TO A NONRELIGIOUS CHARITABLE FUND OR ORGANIZATION MUTUALLY
27 AGREED UPON BY THE EMPLOYE AND THE EMPLOYE ORGANIZATION WHICH IS
28 THE EXCLUSIVE REPRESENTATIVE, OR, IF AGREEMENT IS NOT REACHED ON
29 THIS MATTER, TO ANY SUCH FUND OR ORGANIZATION CHOSEN BY THE
30 EMPLOYE. AN EMPLOYE ORGANIZATION IS QUALIFIED FOR AGENCY SHOP IF

1 IT HAS ESTABLISHED A PROCEDURE PROVIDING FOR THE REFUND TO ANY
2 EMPLOYEE SO DEMANDING OF ANY PART OF AN AGENCY SHOP PAYMENT THAT
3 REPRESENTS THE EMPLOYEE'S PRO RATA SHARE OF EXPENDITURES BY THE
4 ORGANIZATION FOR ACTIVITIES OR CAUSES OF A POLITICAL OR
5 IDEOLOGICAL NATURE UNRELATED TO COLLECTIVE BARGAINING OR TERMS
6 AND CONDITIONS OF EMPLOYMENT.

7 SECTION 9. ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar
8 AS THEY ARE INCONSISTENT WITH THIS ACT.

9 SECTION 10. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.