

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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 16, 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; authorizing certain STATEWIDE employee
28 organizations to file ~~copies of their constitutions and~~
29 ~~bylaws~~ SUBMIT REPORTS with the Secretary of Labor and
30 Industry; imposing penalties for failing to file certain
31 information; providing for ~~agency shop agreements~~ FAIR SHARE

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FEE AGREEMENTS FOR CERTAIN COMMONWEALTH AND SCHOOL EMPLOYEES;
and making repeals.

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

~~Section 1. The act of April 9, 1929 (P.L.177, No.175), known~~ <—
~~as The Administrative Code of 1929, is amended by adding a~~
~~section to read:~~

~~Section 408.2. Fair Share Fee; Payroll Deduction. (a) As~~
~~used in this section:~~

~~"Bonafide religious grounds." The tenets or teachings of a~~
~~bonafide church or religious body of which the objecting fee~~
~~payer is a member, and which form the basis for refusal to~~
~~associate.~~

~~"Exclusive representative." The employe organization~~
~~selected by the employes of a school entity to represent them~~
~~for purposes of collective bargaining pursuant to the act of~~
~~July 23, 1970 (P.L.563, No.195), known as the "Public Employe~~
~~Relations Act."~~

~~"Fair share fee." The regular membership dues required of~~
~~members of the exclusive representative less the cost for the~~
~~previous fiscal year of its activities or undertakings which~~
~~were not reasonably employed to implement or effectuate the~~
~~duties of the employe organization as exclusive representative.~~

~~"School entity." Any school district, intermediate unit, or~~
~~vocational technical school regulated by the State Board of~~
~~Education.~~

~~(b) When the exclusive representative of a school entity's~~
~~employes who are subject to the regulations of the State Board~~
~~of Education notifies the school entity as to the amount of the~~
~~fair share fee, the school entity may deduct from the salaries~~

~~or wages of non members of the exclusive representative the fair share fee and shall transmit said fee to the exclusive representative. Payroll deduction and transmittal of the fee shall be in accordance with a schedule agreed to by the school entity and the exclusive representative.~~

~~(c) As soon as the information is verified by an independent auditor, the exclusive representative shall provide the school entity and non members with a list of the major categories of expenses during the previous fiscal year together with a statement of the fair share fee and an explanation as to how it was calculated. At the same time, the exclusive representative shall notify the non members that they may challenge the fee within thirty days from receipt of notification either with respect to its calculation or on bonafide religious grounds before an impartial arbitrator, paid for equally by the non member and the exclusive representative, and selected by both from a list supplied by the American Arbitration Association, pursuant to the Voluntary Rules of the Association.~~

~~(d) The decision of the impartial arbitrator shall be final and binding and shall be appealable only on the grounds available for the appeal of arbitration awards under the common law of this Commonwealth.~~

~~(e) The exclusive representative shall place each fair share fee into an escrow account until such time as the non member's challenge is resolved or until the thirty day post notification period has passed without challenge.~~

~~(f) Should an arbitrator decide that a non member's objection is based on bonafide religious grounds, the non member shall be required to transmit an amount equal to the fair share fee to a non religious charity agreed upon by the non member and~~

1 ~~the exclusive representative.~~

2 Section 2 1. Section 477 of the act OF APRIL 9, 1929 <—
3 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929,
4 amended June 30, 1984 (P.L.458, No.96), is amended to read:

5 Section 477. Definitions.--So far as it relates to the crime
6 victim's compensation provisions, the following terms shall be
7 defined as:

8 "Board" means the Crime Victim's Compensation Board.

9 "Claimant" means the person filing a claim pursuant to this
10 act.

11 "Crime" means an act committed in Pennsylvania which, if
12 committed by a mentally competent, criminally responsible adult,
13 who had no legal exemption or defense, would constitute a crime
14 as defined in and proscribed by Title 18 of the "Pennsylvania
15 Consolidated Statutes," (relating to crimes and offenses) or
16 enumerated in the act of April 14, 1972 (P.L.233, No.64), known
17 as "The Controlled Substance, Drug, Device and Cosmetic Act" or
18 such as would constitute a crime as defined in and prescribed by
19 75 Pa.C.S. § 3731 (relating to driving under influence of
20 alcohol or controlled substance): Provided, however, That no act
21 involving the operation of a motor vehicle which results in
22 injury shall constitute a crime for the purpose of this act
23 unless such injury was intentionally inflicted through the use
24 of a motor vehicle or unless the injury or death was a result of
25 an accident involving a legally intoxicated operator of a motor
26 vehicle.

27 "Family," when used in reference to a person, shall mean (i)
28 anyone related to such person within the third degree of
29 consanguinity or affinity, (ii) anyone maintaining a common-law
30 relationship with such person, or (iii) anyone residing in the

1 same household with such person.

2 "Injury" shall include physical or mental damages and
3 aggravation of existing injuries if additional losses can be
4 attributed to the result of the crime.

5 "Intervenor" shall mean a person who goes to the aid of
6 another and suffers [bodily] physical or mental injury or death
7 as a direct result of acting not recklessly to prevent the
8 commission of a crime, or to lawfully apprehend a person
9 reasonably suspected of having committed such crime, or to aid
10 the victim of such crime.

11 "Local law enforcement agency" means a police department of a
12 city, borough, incorporated town or township.

13 "Loss of earnings," in addition to its ordinary meaning,
14 shall mean the loss of the cash equivalent of a social security
15 [payment where social security], railroad retirement, or support
16 payment, where said payment is the primary source of the
17 victim's or claimant's income and where the victim is deprived
18 of the money as a direct result of a crime; or the loss of
19 earning power resulting from the injury as herein defined, to
20 the victim or claimant.

21 "Out-of-pocket loss" means the unreimbursed and
22 unreimbursable expenses or indebtedness incurred for medical
23 care, nonmedical remedial care and treatment rendered in
24 accordance with a religious method of healing as approved by the
25 board, or other services, including psychological counseling,
26 reasonably necessary as a result of the injury upon which the
27 claim is based and for which the claimant either has paid or is
28 liable, to include expenses for physical examinations and
29 materials used to obtain evidence. In no case shall property
30 damages or compensation for pain and suffering be included.

1 "Victim" shall mean a person against whom a crime has been
2 committed, other than the alleged offender, who suffers [bodily]
3 physical or mental injury, death or the loss of [the proceeds of
4 a social security payment which is the primary income of the
5 recipient as a direct result of a crime] earnings as herein
6 defined.

7 Section ~~3~~ 2. Section 477.3(c) and (d) of the act, amended <—
8 June 30, 1984 (P.L.458, No.96), are amended to read:

9 Section 477.3. Persons Eligible for Compensation.--* * *

10 (c) [A person who is not a resident of Pennsylvania at the
11 time of occurrence of the crime upon which the claim is based,
12 shall be eligible for compensation only if the law of the state
13 of which he is a resident at the time of occurrence of the crime
14 upon which the claim is based provides for compensation to
15 Pennsylvania residents who are victims of crime in such state.

16 (d) If the victim's state of residence provides payments to
17 its residents injured in Pennsylvania, primary responsibility
18 for payment to the victim shall rest with the victim's state of
19 residence.] A person who is a resident of the United States,
20 including the District of Columbia, the Commonwealth of Puerto
21 Rico and all territories and possessions of the United States,
22 shall be eligible for compensation.

23 (d) Where a crime results in death, individuals related to
24 the victim within the third degree of consanguinity or affinity
25 shall be eligible for compensation for psychological counseling.

26 Section ~~4~~ 3. Section 477.4(b) of the act, added July 9, 1976 <—
27 (P.L.574, No.139), is amended to read:

28 Section 477.4. Filing of Claims for Compensation.--* * *

29 (b) A claim must be filed not later than one year after the
30 occurrence of the crime upon which the claim is based, or not

1 later than one year after the death of the victim or intervenor:
2 Provided, however, That for good cause the board may extend the
3 time for filing for a period not exceeding two years after such
4 occurrence. Where a victim is under the age of eighteen at the
5 time of the occurrence of the crime and the alleged offender is
6 the victim's parent or a person responsible for the victim's
7 welfare, or any individual residing in the same home as the
8 victim, or a paramour of the victim's parent, the board may, for
9 good cause, extend the time for filing for a period not
10 exceeding five years after such occurrence.

11 * * *

12 Section ~~5~~ 4. Section 477.5 of the act is repealed. <—

13 Section ~~6~~ 5. Section 477.9 of the act is amended by adding <—
14 subsections to read:

15 Section 477.9. Awards.--* * *

16 (c.1) Where an order of restitution has been entered on
17 behalf of the victim, those amounts actually collected shall
18 first be applied to property losses incident to the crime and
19 secondly to personal injury losses as set forth in subsection
20 (f) of this section.

21 (c.2) Provisions of or awards made pursuant to this or any
22 other act compensating or benefiting a victim or claimant as
23 defined by this act shall in no way affect the claimant or
24 victim's eligibility under public assistance or any other State
25 or federally created social benefit or assistance program.

26 * * *

27 Section ~~7~~ 6. The act is amended by adding a section to read: <—

28 Section 477.19. Responsibilities of Service Providers and
29 Insurance Companies.--(a) Providers of services, including, but
30 not limited to, doctors, hospitals, counselors and insurance

1 companies providing reimbursement to victims or claimants, shall
2 respond, in writing, to the board's request for confirmation
3 under this act within thirty (30) days of receipt of the board's
4 request.

5 (b) Any provider who fails to respond within thirty (30)
6 days of receipt of the request shall be subject to civil penalty
7 of not more than ten dollars (\$10) per day up to, and including
8 the date of compliance.

9 (c) The office of district attorney of the county in which
10 the provider is located or the Attorney General shall be charged
11 with enforcement of this section.

12 Section 8 7. Section 479.5 of the act is amended by adding a <—
13 subsection to read:

14 Section 479.5. Grant Program for Services.--* * *

15 (f) In the allocation of funds for services under section
16 479.4, the commission shall consider the revenue collected by
17 potential grant recipients under the penalty assessments
18 authorized in section 477.15 of this act and section 1203 of the
19 act of June 13, 1967 (P.L.31, No.21), known as the "Public
20 Welfare Code," pertaining to domestic violence and rape crisis
21 services.

22 ~~Section 9. The act is amended by adding a section to read:~~ <—

23 ~~Section 2215. Employe Organizations to File Copy of~~
24 ~~Constitution and Bylaws with the Department; Agency Shop~~
25 ~~Agreements. (a) Every State employe organization having an~~
26 ~~agency shop agreement shall adopt a constitution and bylaws and~~
27 ~~shall file a copy thereof with the Secretary of Labor and~~
28 ~~Industry, together with a report, signed by its president and~~
29 ~~secretary or corresponding principal officers, containing the~~
30 ~~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 contain such statements, showing the provision made and procedures followed with respect to each of the following:~~

~~(i) qualifications for or restrictions on membership;~~

~~(ii) levying of assessments;~~

~~(iii) participation in insurance of other benefit plans;~~

~~(iv) authorization for disbursement of funds of the employe organization;~~

~~(v) audit of financial transactions of the employe organization;~~

~~(vi) the calling of regular and special meetings;~~

~~(vii) the selection of officers and stewards and of any representatives to other bodies composed of employe organizations' representatives, with a specific statement of the manner in which each officer was elected, appointed or otherwise selected;~~

~~(viii) discipline or removal of officers or agents for breaches of their trust;~~

~~(ix) imposition of fines, suspensions and expulsions of members, including the grounds for such action and any provision made for notice, hearing, judgment on the evidence and appeal procedures;~~

~~(x) authorization for bargaining demands;~~

~~(xi) ratification of contract terms;~~

~~(xii) authorization for strikes; and~~

~~(xiii) issuance of work permits.~~

~~Any change in the information provided under this subsection shall be reported to the Secretary of Labor and Industry at the time the reporting employe organization files with the Secretary of Labor and Industry the annual financial report required by subsection (b).~~

~~(b) Every State employe organization having an agency shop agreement shall file annually on or before July 15 with the Secretary of Labor and Industry a financial report signed by its president and treasurer or corresponding principal officers containing the following information in such detail as may be necessary to accurately disclose its financial condition and operations for its preceding fiscal year:~~

~~(1) Assets and liabilities at the beginning and end of the fiscal year;~~

~~(2) Receipts of any kind and the sources thereof;~~

~~(3) Salary, allowances and other direct or indirect disbursements, including reimbursed expenses, to each officer and to each employe who, during such fiscal year, received more than ten thousand dollars (\$10,000) in the aggregate from such employe organization and any other employe organization affiliated with it or with which it is affiliated, or which is affiliated with the same national or international employe~~

~~organization;~~

~~(4) Direct and indirect loans made to any officer, employee or member, which aggregated more than two hundred fifty dollars (\$250) during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayments;~~

~~(5) Direct and indirect loans to any business enterprise together with a statement of the purpose, security, if any, and arrangements for repayment; and~~

~~(6) Other disbursements made by it including the purposes thereof.~~

~~The information submitted under this subsection shall be in such categories as the Secretary of Labor and Industry may prescribe.~~

~~(c) Every employe organization which submits a report under this section shall make available the information required to be contained in such report to all of its members, and every such employe organization and its officers shall be under a duty enforceable at the suit of any member of such organization in the court of common pleas of the county in which such employe organization maintains its principal office, to permit such member for just cause to examine any books, records and accounts necessary to verify such report. The court in such action may, in its discretion, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant and costs of the action.~~

~~(d) Every employe organization and every person filing any report under this section shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Secretary of Labor and Industry may be~~

~~verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.~~

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

SECTION 2215. FAIR SHARE FEE; PAYROLL DEDUCTION.--(A) AS USED IN THIS SECTION:

"BONA FIDE RELIGIOUS GROUNDS." THE TENETS OR TEACHINGS OF A BONA FIDE CHURCH OR RELIGIOUS BODY OF WHICH THE OBJECTING FEE PAYER IS A MEMBER, AND WHICH FORM THE BASIS FOR REFUSAL TO ASSOCIATE.

"COMMONWEALTH." THE COMMONWEALTH OF PENNSYLVANIA, INCLUDING ANY BOARD, COMMISSION, DEPARTMENT, AGENCY OR INSTRUMENTALITY OF THE COMMONWEALTH.

"EMPLOYEE ORGANIZATION." AN ORGANIZATION OF ANY KIND OR ANY AGENCY OR EMPLOYEE REPRESENTATION COMMITTEE OR PLAN IN WHICH MEMBERSHIP INCLUDES PUBLIC EMPLOYEES, AND WHICH EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF DEALING WITH EMPLOYERS CONCERNING GRIEVANCES, EMPLOYEE-EMPLOYER DISPUTES, WAGES, RATES OF PAY, HOURS OF EMPLOYMENT OR CONDITIONS OF WORK BUT SHALL NOT INCLUDE ANY ORGANIZATION WHICH PRACTICES DISCRIMINATION IN MEMBERSHIP BECAUSE OF RACE, GENDER, COLOR, CREED, NATIONAL ORIGIN OR POLITICAL AFFILIATION.

"EXCLUSIVE REPRESENTATIVE." THE EMPLOYEE REPRESENTATIVE SELECTED BY THE EMPLOYEES OF A PUBLIC EMPLOYER TO REPRESENT THEM FOR PURPOSES OF COLLECTIVE BARGAINING PURSUANT TO THE ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE "PUBLIC EMPLOYEE RELATIONS ACT."

1 "FAIR SHARE FEE." THE REGULAR MEMBERSHIP DUES REQUIRED OF
2 MEMBERS OF THE EXCLUSIVE REPRESENTATIVE LESS THE COST FOR THE
3 PREVIOUS FISCAL YEAR OF ITS ACTIVITIES OR UNDERTAKINGS WHICH
4 WERE NOT REASONABLY EMPLOYED TO IMPLEMENT OR EFFECTUATE THE
5 DUTIES OF THE EMPLOYE ORGANIZATION AS EXCLUSIVE REPRESENTATIVE.

6 "PUBLIC EMPLOYER." THE COMMONWEALTH OR A SCHOOL ENTITY.

7 "SCHOOL ENTITY." ANY SCHOOL DISTRICT, INTERMEDIATE UNIT, OR
8 VOCATIONAL-TECHNICAL SCHOOL REGULATED BY THE STATE BOARD OF
9 EDUCATION.

10 "STATEWIDE EMPLOYE ORGANIZATION." AN EMPLOYE ORGANIZATION
11 WHICH IS THE STATEWIDE AFFILIATED PARENT ORGANIZATION OF AN
12 EXCLUSIVE REPRESENTATIVE, OR AN EXCLUSIVE REPRESENTATIVE
13 REPRESENTING EMPLOYES STATEWIDE, AND WHICH IS RECEIVING NON-
14 MEMBER FAIR SHARE FEE PAYMENTS UNDER A FAIR SHARE FEE AGREEMENT.

15 (B) A PUBLIC EMPLOYER MAY ENTER INTO A FAIR SHARE FEE
16 AGREEMENT WITH AN EXCLUSIVE REPRESENTATIVE WHICH WOULD REQUIRE
17 THAT EACH NON-MEMBER OF A COLLECTIVE BARGAINING UNIT SHALL BE
18 REQUIRED TO PAY, AS A CONDITION OF CONTINUED EMPLOYMENT, A FAIR
19 SHARE FEE, EXCEPT AS PROVIDED FOR IN THIS SECTION.

20 (C) WHEN THE EXCLUSIVE REPRESENTATIVE OF EMPLOYES OF A
21 PUBLIC EMPLOYER NOTIFIES THE PUBLIC EMPLOYER AS TO THE AMOUNT OF
22 THE FAIR SHARE FEE LEVIED PURSUANT TO SUBSECTION (B), THE
23 EMPLOYER SHALL DEDUCT FROM THE SALARIES OR WAGES OF NON-MEMBERS
24 OF THE EXCLUSIVE REPRESENTATIVE THE FAIR SHARE FEE AND SHALL
25 TRANSMIT SAID FEE TO THE EXCLUSIVE REPRESENTATIVE. PAYROLL
26 DEDUCTION AND TRANSMITTAL OF THE FEE SHALL BE IN ACCORDANCE WITH
27 A SCHEDULE AGREED TO BY THE PUBLIC EMPLOYER AND THE EXCLUSIVE
28 REPRESENTATIVE.

29 (D) AS SOON AS THE INFORMATION IS VERIFIED BY AN INDEPENDENT
30 AUDITOR, THE EXCLUSIVE REPRESENTATIVE SHALL PROVIDE THE PUBLIC

1 EMPLOYER AND NON-MEMBERS WITH A LIST OF THE MAJOR CATEGORIES OF
2 EXPENSES DURING THE PREVIOUS FISCAL YEAR TOGETHER WITH A
3 STATEMENT OF THE FAIR SHARE FEE AND AN EXPLANATION AS TO HOW IT
4 WAS CALCULATED. AT THE SAME TIME, THE EXCLUSIVE REPRESENTATIVE
5 SHALL NOTIFY THE NON-MEMBERS THAT THEY MAY CHALLENGE THE FEE
6 WITHIN THIRTY (30) DAYS FROM RECEIPT OF NOTIFICATION EITHER WITH
7 RESPECT TO ITS CALCULATION OR ON BONA FIDE RELIGIOUS GROUNDS
8 BEFORE AN IMPARTIAL ARBITRATOR, PAID FOR EQUALLY BY THE NON-
9 MEMBER AND THE EXCLUSIVE REPRESENTATIVE, AND SELECTED BY BOTH
10 FROM A LIST SUPPLIED BY THE AMERICAN ARBITRATION ASSOCIATION,
11 PURSUANT TO THE VOLUNTARY RULES OF THE ASSOCIATION.

12 (E) THE DECISION OF THE IMPARTIAL ARBITRATOR SHALL BE FINAL
13 AND BINDING AND SHALL BE APPEALABLE ONLY ON THE GROUNDS
14 AVAILABLE FOR THE APPEAL OF ARBITRATION AWARDS UNDER THE COMMON
15 LAW OF THIS COMMONWEALTH.

16 (F) THE EXCLUSIVE REPRESENTATIVE SHALL PLACE EACH FAIR SHARE
17 FEE INTO AN ESCROW ACCOUNT UNTIL SUCH TIME AS THE NON-MEMBER'S
18 CHALLENGE IS RESOLVED OR UNTIL THE THIRTY DAY POST-NOTIFICATION
19 PERIOD HAS PASSED WITHOUT CHALLENGE.

20 (G) SHOULD AN ARBITRATOR DECIDE THAT A NON-MEMBER'S
21 OBJECTION IS BASED ON BONA FIDE RELIGIOUS GROUNDS, THE NON-
22 MEMBER SHALL BE REQUIRED TO TRANSMIT AN AMOUNT EQUAL TO THE FAIR
23 SHARE FEE TO A NON-RELIGIOUS CHARITY AGREED UPON BY THE NON-
24 MEMBER AND THE EXCLUSIVE REPRESENTATIVE.

25 (H) EVERY STATEWIDE EMPLOYE ORGANIZATION REQUIRED TO SUBMIT
26 A REPORT UNDER TITLE II OF THE LABOR-MANAGEMENT REPORTING AND
27 DISCLOSURE ACT OF 1959 (PUBLIC LAW 86-257, 29 U.S.C. § 154 ET
28 SEQ.) SHALL MAKE AVAILABLE A COPY OF SUCH REPORT TO THE
29 SECRETARY OF LABOR AND INDUSTRY.

30 ~~(e)~~ (I) All materials and reports filed pursuant to this

<—

section shall be deemed to be public records and shall be
available for public inspection at the Office of the Secretary
of Labor and Industry during the usual business hours of the
Department of Labor and Industry.

~~(f)~~ (J) Any employe organization which violates the <—
provisions of this section or fails to file any required report
or affidavit or files a false report or affidavit shall be
subject to a fine of not more than two thousand dollars
(\$2,000).

~~(g)~~ (K) Any person who wilfully violates this section, or <—
who makes a false statement knowing it to be false, or who
knowingly fails to disclose a material fact shall be fined not
more than one thousand dollars (\$1,000) or undergo imprisonment
for not more than thirty (30) days, or both. Each individual
required to sign affidavits or reports under this section shall
be personally responsible for filing such report or affidavit
and for any statement contained therein he knows to be false.

~~(h) The Commonwealth of Pennsylvania, any board, commission,~~ <—
~~department, agency or instrumentality of the Commonwealth as a~~
~~public employer, may make an agency shop agreement with an~~
~~employe organization which is qualified which would require that~~
~~each employe in an appropriate collective bargaining unit who is~~
~~not a member of the employe organization shall be required,~~
~~except as provided herein, as a condition of continued~~
~~employment, to pay to such organization for the period that it~~
~~is the exclusive representative, an amount equal to the dues~~
~~that a member is charged; however, an employe who is a member of~~
~~and adheres to established and traditional tenents or teachings~~
~~of a bona fide religion, body or sect which had traditionally~~
~~held conscientious objections to financially supporting labor~~

~~1 organizations shall not be required to make any agency shop
2 payment as a condition of continued employment, but such employe
3 may be required, in lieu of such payment, to pay equivalent sums
4 to a nonreligious charitable fund or organization mutually
5 agreed upon by the employe and the employe organization which is
6 the exclusive representative, or, if agreement is not reached on
7 this matter, to any such fund or organization chosen by the
8 employe. An employe organization is qualified for agency shop if
9 it has established a procedure providing for the refund to any
10 employe so demanding of any part of an agency shop payment that
11 represents the employe's pro rata share of expenditures by the
12 organization for activities or causes of a political or
13 ideological nature unrelated to collective bargaining or terms
14 and conditions of employment.~~

15 Section ~~10~~ 9. All acts and parts of acts are repealed <—
16 insofar as they are inconsistent with this act.

17 ~~SECTION 11. (A) EXCEPT AS PROVIDED IN SUBSECTION (B), THE~~ <—
18 ~~PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY PROVISION OF THIS~~
19 ~~ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD~~
20 ~~INVALID, THE INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR~~
21 ~~APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN EFFECT WITHOUT THE~~
22 ~~INVALID PROVISION OR APPLICATION.~~

23 ~~(B) NOTWITHSTANDING SUBSECTION (A) AND 1 PA.C.S. § 1925~~
24 ~~(RELATING TO CONSTITUTIONAL CONSTRUCTION OF STATUTES), THE~~
25 ~~PROVISIONS OF SECTIONS 408.2 AND 2215 JOINTLY ARE MADE EXPRESSLY~~
26 ~~NONSEVERABLE.~~

27 ~~Section 11 12. (a) Section 1 of this act shall take effect~~
28 ~~July 1, 1986, or immediately, whichever is later.~~

29 ~~(b) The remainder of this act shall take effect immediately.~~

30 SECTION 10. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <—