
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 AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 6, 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 employes 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 employes 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~~ AUTHORIZING CERTAIN EMPLOYEE <—
28 ORGANIZATIONS TO FILE COPIES OF THEIR CONSTITUTIONS AND
29 BYLAWS WITH THE SECRETARY OF LABOR AND INDUSTRY; IMPOSING
30 PENALTIES FOR FAILING TO FILE CERTAIN INFORMATION; PROVIDING

FOR AGENCY SHOP AGREEMENTS; AND MAKING REPEALS.

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

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

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

~~(b) A claim must be filed not later than one year after the~~
~~occurrence of the crime upon which the claim is based, or not~~
~~later than one year after the death of the victim or intervenor:~~
~~Provided, however, That for good cause the board may extend the~~
~~time for filing for a period not exceeding two years after such~~
~~occurrence. Where a claim for compensation involves bodily~~
~~injury suffered by a child under eighteen years of age caused by~~
~~the wrongful act, or neglect, or unlawful violence, or~~
~~negligence of the child's parents or by a person responsible for~~
~~the child's welfare, or any individual residing in the same home~~
~~as the child, or a paramour of the child's parent, the period of~~
~~minority shall not be deemed a portion of the time period within~~
~~which the claim must be commenced, but rather the person shall~~
~~have the same time for filing a claim after attaining majority~~
~~as is allowed to others by the provisions of this subsection.~~

~~* * *~~

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

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

~~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:~~

1 SECTION 408.2. FAIR SHARE FEE; PAYROLL DEDUCTION.--(A) AS
2 USED IN THIS SECTION:

3 "BONAFIDE RELIGIOUS GROUNDS." THE TENETS OR TEACHINGS OF A
4 BONAFIDE CHURCH OR RELIGIOUS BODY OF WHICH THE OBJECTING FEE
5 PAYER IS A MEMBER, AND WHICH FORM THE BASIS FOR REFUSAL TO
6 ASSOCIATE.

7 "EXCLUSIVE REPRESENTATIVE." THE EMPLOYE ORGANIZATION
8 SELECTED BY THE EMPLOYES OF A SCHOOL ENTITY TO REPRESENT THEM
9 FOR PURPOSES OF COLLECTIVE BARGAINING PURSUANT TO THE ACT OF
10 JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE "PUBLIC EMPLOYE
11 RELATIONS ACT."

12 "FAIR SHARE FEE." THE REGULAR MEMBERSHIP DUES REQUIRED OF
13 MEMBERS OF THE EXCLUSIVE REPRESENTATIVE LESS THE COST FOR THE
14 PREVIOUS FISCAL YEAR OF ITS ACTIVITIES OR UNDERTAKINGS WHICH
15 WERE NOT REASONABLY EMPLOYED TO IMPLEMENT OR EFFECTUATE THE
16 DUTIES OF THE EMPLOYE ORGANIZATION AS EXCLUSIVE REPRESENTATIVE.

17 "SCHOOL ENTITY." ANY SCHOOL DISTRICT, INTERMEDIATE UNIT, OR
18 VOCATIONAL-TECHNICAL SCHOOL REGULATED BY THE STATE BOARD OF
19 EDUCATION.

20 (B) WHEN THE EXCLUSIVE REPRESENTATIVE OF A SCHOOL ENTITY'S
21 EMPLOYES WHO ARE SUBJECT TO THE REGULATIONS OF THE STATE BOARD
22 OF EDUCATION NOTIFIES THE SCHOOL ENTITY AS TO THE AMOUNT OF THE
23 FAIR SHARE FEE, THE SCHOOL ENTITY MAY DEDUCT FROM THE SALARIES
24 OR WAGES OF NON-MEMBERS OF THE EXCLUSIVE REPRESENTATIVE THE FAIR
25 SHARE FEE AND SHALL TRANSMIT SAID FEE TO THE EXCLUSIVE
26 REPRESENTATIVE. PAYROLL DEDUCTION AND TRANSMITTAL OF THE FEE
27 SHALL BE IN ACCORDANCE WITH A SCHEDULE AGREED TO BY THE SCHOOL
28 ENTITY AND THE EXCLUSIVE REPRESENTATIVE.

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

1 ENTITY 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 DAYS FROM RECEIPT OF NOTIFICATION EITHER WITH
7 RESPECT TO ITS CALCULATION OR ON BONAFAIDE 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 (D) 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 (E) 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 (F) SHOULD AN ARBITRATOR DECIDE THAT A NON-MEMBER'S
21 OBJECTION IS BASED ON BONAFAIDE RELIGIOUS GROUNDS, THE NON-MEMBER
22 SHALL BE REQUIRED TO TRANSMIT AN AMOUNT EQUAL TO THE FAIR SHARE
23 FEE TO A NON-RELIGIOUS CHARITY AGREED UPON BY THE NON-MEMBER AND
24 THE EXCLUSIVE REPRESENTATIVE.

25 SECTION 2. SECTION 477 OF THE ACT, AMENDED JUNE 30, 1984
26 (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]** PHYSICAL OR MENTAL INJURY OR DEATH <—
29 AS A DIRECT RESULT OF ACTING NOT RECKLESSLY TO PREVENT THE
30 COMMISSION OF A CRIME, OR TO LAWFULLY APPREHEND A PERSON

1 REASONABLY SUSPECTED OF HAVING COMMITTED SUCH CRIME, OR TO AID
2 THE VICTIM OF SUCH CRIME.

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

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

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

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

30 SECTION ~~2~~ 3. SECTION 477.3(C) AND (D) OF THE ACT, AMENDED <—

1 JUNE 30, 1984 (P.L.458, NO.96), ARE AMENDED TO READ:

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

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

9 (D) IF THE VICTIM'S STATE OF RESIDENCE PROVIDES PAYMENTS TO
10 ITS RESIDENTS INJURED IN PENNSYLVANIA, PRIMARY RESPONSIBILITY
11 FOR PAYMENT TO THE VICTIM SHALL REST WITH THE VICTIM'S STATE OF
12 RESIDENCE.] ~~ELIGIBILITY OF A CLAIMANT SHALL BE DETERMINED~~ <—
13 ~~WITHOUT REGARD TO RESIDENCY OF THE CLAIMANT OR VICTIM. A PERSON~~ <—
14 ~~WHO IS A RESIDENT OF THE UNITED STATES, INCLUDING THE DISTRICT~~
15 ~~OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO AND ALL TERRITORIES~~
16 ~~AND POSSESSIONS OF THE UNITED STATES, SHALL BE ELIGIBLE FOR~~
17 ~~COMPENSATION.~~

18 ~~(D) WHERE A CRIME RESULTS IN DEATH, INDIVIDUALS RELATED TO~~ <—
19 ~~THE VICTIM WITHIN THE THIRD DEGREE OF CONSANGUINITY OR AFFINITY~~
20 ~~SHALL BE ELIGIBLE FOR COMPENSATION FOR PSYCHOLOGICAL COUNSELING.~~

21 SECTION 3 4. SECTION 477.4(B) OF THE ACT, ADDED JULY 9, 1976 <—
22 (P.L.574, NO.139), IS AMENDED TO READ:

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

24 (B) A CLAIM MUST BE FILED NOT LATER THAN ONE YEAR AFTER THE
25 OCCURRENCE OF THE CRIME UPON WHICH THE CLAIM IS BASED, OR NOT
26 LATER THAN ONE YEAR AFTER THE DEATH OF THE VICTIM OR INTERVENOR:
27 PROVIDED, HOWEVER, THAT FOR GOOD CAUSE THE BOARD MAY EXTEND THE
28 TIME FOR FILING FOR A PERIOD NOT EXCEEDING TWO YEARS AFTER SUCH
29 OCCURRENCE. WHERE A VICTIM IS UNDER THE AGE OF EIGHTEEN AT THE
30 TIME OF THE OCCURRENCE OF THE CRIME AND THE ALLEGED OFFENDER IS

1 THE VICTIM'S PARENT OR A PERSON RESPONSIBLE FOR THE VICTIM'S
2 WELFARE, OR ANY INDIVIDUAL RESIDING IN THE SAME HOME AS THE
3 VICTIM, OR A PARAMOUR OF THE VICTIM'S PARENT, THE BOARD MAY, FOR
4 GOOD CAUSE, EXTEND THE TIME FOR FILING FOR A PERIOD NOT
5 EXCEEDING FIVE YEARS AFTER SUCH OCCURRENCE.

6 * * *

7 SECTION ~~4~~ 5. SECTION 477.5 OF THE ACT IS REPEALED. <—

8 SECTION ~~5~~ 6. SECTION 477.9 OF THE ACT IS AMENDED BY ADDING <—
9 SUBSECTIONS TO READ:

10 SECTION 477.9. AWARDS.--* * *

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

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

21 * * *

22 SECTION ~~6~~ 7. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

23 SECTION 477.19. RESPONSIBILITIES OF SERVICE PROVIDERS AND
24 INSURANCE COMPANIES.--(A) PROVIDERS OF SERVICES, INCLUDING, BUT
25 NOT LIMITED TO, DOCTORS, HOSPITALS, COUNSELORS AND INSURANCE
26 COMPANIES PROVIDING REIMBURSEMENT TO VICTIMS OR CLAIMANTS, SHALL
27 RESPOND, IN WRITING, TO THE BOARD'S REQUEST FOR CONFIRMATION
28 UNDER THIS ACT WITHIN THIRTY DAYS OF RECEIPT OF THE BOARD'S
29 REQUEST.

30 (B) ANY PROVIDER WHO FAILS TO RESPOND WITHIN THIRTY DAYS OF

1 RECEIPT OF THE REQUEST SHALL BE SUBJECT TO CIVIL PENALTY OF NOT
2 MORE THAN TEN DOLLARS (\$10) PER DAY UP TO, AND INCLUDING THE
3 DATE OF COMPLIANCE.

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

7 SECTION 7 8. SECTION 479.5 OF THE ACT IS AMENDED BY ADDING A <—
8 SUBSECTION TO READ:

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

10 (F) IN THE ALLOCATION OF FUNDS FOR SERVICES UNDER SECTION
11 479.4, THE COMMISSION SHALL CONSIDER THE REVENUE COLLECTED BY
12 POTENTIAL GRANT RECIPIENTS UNDER THE PENALTY ASSESSMENTS
13 AUTHORIZED IN SECTION 477.15 OF THIS ACT AND SECTION 1203 OF THE
14 ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE "PUBLIC
15 WELFARE CODE," PERTAINING TO DOMESTIC VIOLENCE AND RAPE CRISIS
16 SERVICES.

17 SECTION 8 9. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

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

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

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

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

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

7 (5) DETAILED STATEMENTS, OR REFERENCES TO SPECIFIC
8 PROVISIONS OF DOCUMENTS FILED UNDER THIS SUBSECTION WHICH
9 CONTAIN SUCH STATEMENTS, SHOWING THE PROVISION MADE AND
10 PROCEDURES FOLLOWED WITH RESPECT TO EACH OF THE FOLLOWING:

11 (I) QUALIFICATIONS FOR OR RESTRICTIONS ON MEMBERSHIP;

12 (II) LEVYING OF ASSESSMENTS;

13 (III) PARTICIPATION IN INSURANCE OF OTHER BENEFIT PLANS;

14 (IV) AUTHORIZATION FOR DISBURSEMENT OF FUNDS OF THE EMPLOYE
15 ORGANIZATION;

16 (V) AUDIT OF FINANCIAL TRANSACTIONS OF THE EMPLOYE
17 ORGANIZATION;

18 (VI) THE CALLING OF REGULAR AND SPECIAL MEETINGS;

19 (VII) THE SELECTION OF OFFICERS AND STEWARDS AND OF ANY
20 REPRESENTATIVES TO OTHER BODIES COMPOSED OF EMPLOYE
21 ORGANIZATIONS' REPRESENTATIVES, WITH A SPECIFIC STATEMENT OF THE
22 MANNER IN WHICH EACH OFFICER WAS ELECTED, APPOINTED OR OTHERWISE
23 SELECTED;

24 (VIII) DISCIPLINE OR REMOVAL OF OFFICERS OR AGENTS FOR
25 BREACHES OF THEIR TRUST;

26 (IX) IMPOSITION OF FINES, SUSPENSIONS AND EXPULSIONS OF
27 MEMBERS, INCLUDING THE GROUNDS FOR SUCH ACTION AND ANY PROVISION
28 MADE FOR NOTICE, HEARING, JUDGMENT ON THE EVIDENCE AND APPEAL
29 PROCEDURES;

30 (X) AUTHORIZATION FOR BARGAINING DEMANDS;

1 (XI) RATIFICATION OF CONTRACT TERMS;

2 (XII) AUTHORIZATION FOR STRIKES; AND

3 (XIII) ISSUANCE OF WORK PERMITS.

4 ANY CHANGE IN THE INFORMATION ~~REQUIRED BY~~ PROVIDED UNDER THIS <—
5 SUBSECTION SHALL BE REPORTED TO THE SECRETARY OF LABOR AND
6 INDUSTRY AT THE TIME THE REPORTING EMPLOYE ORGANIZATION FILES
7 WITH THE SECRETARY OF LABOR AND INDUSTRY THE ANNUAL FINANCIAL
8 REPORT REQUIRED BY SUBSECTION (B).

9 (B) EVERY STATE EMPLOYE ORGANIZATION HAVING AN AGENCY SHOP
10 AGREEMENT ~~SHALL MAY~~ SHALL FILE ANNUALLY ON OR BEFORE JULY 15 <—
11 WITH THE SECRETARY OF LABOR AND INDUSTRY A FINANCIAL REPORT
12 SIGNED BY ITS PRESIDENT AND TREASURER OR CORRESPONDING PRINCIPAL
13 OFFICERS CONTAINING THE FOLLOWING INFORMATION IN SUCH DETAIL AS
14 MAY BE NECESSARY TO ACCURATELY DISCLOSE ITS FINANCIAL CONDITION
15 AND OPERATIONS FOR ITS PRECEDING FISCAL YEAR:

16 (1) ASSETS AND LIABILITIES AT THE BEGINNING AND END OF THE
17 FISCAL YEAR;

18 (2) RECEIPTS OF ANY KIND AND THE SOURCES THEREOF;

19 (3) SALARY, ALLOWANCES AND OTHER DIRECT OR INDIRECT
20 DISBURSEMENTS, INCLUDING REIMBURSED EXPENSES, TO EACH OFFICER
21 AND TO EACH EMPLOYE WHO, DURING SUCH FISCAL YEAR, RECEIVED MORE
22 THAN TEN THOUSAND DOLLARS (\$10,000) IN THE AGGREGATE FROM SUCH
23 EMPLOYE ORGANIZATION AND ANY OTHER EMPLOYE ORGANIZATION
24 AFFILIATED WITH IT OR WITH WHICH IT IS AFFILIATED, OR WHICH IS
25 AFFILIATED WITH THE SAME NATIONAL OR INTERNATIONAL EMPLOYE
26 ORGANIZATION;

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

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

4 (6) OTHER DISBURSEMENTS MADE BY IT INCLUDING THE PURPOSES
5 THEREOF.

6 THE INFORMATION REQUIRED BY SUBMITTED UNDER THIS SUBSECTION <—
7 SHALL BE IN SUCH CATEGORIES AS THE SECRETARY OF LABOR AND
8 INDUSTRY MAY PRESCRIBE.

9 (C) EVERY EMPLOYE ORGANIZATION REQUIRED TO SUBMIT WHICH <—
10 SUBMITS A REPORT UNDER THIS SECTION SHALL MAKE AVAILABLE THE
11 INFORMATION REQUIRED TO BE CONTAINED IN SUCH REPORT TO ALL OF
12 ITS MEMBERS, AND EVERY SUCH EMPLOYE ORGANIZATION AND ITS
13 OFFICERS SHALL BE UNDER A DUTY ENFORCEABLE AT THE SUIT OF ANY
14 MEMBER OF SUCH ORGANIZATION IN THE COURT OF COMMON PLEAS OF THE
15 COUNTY IN WHICH SUCH EMPLOYE ORGANIZATION MAINTAINS ITS
16 PRINCIPAL OFFICE, TO PERMIT SUCH MEMBER FOR JUST CAUSE TO
17 EXAMINE ANY BOOKS, RECORDS AND ACCOUNTS NECESSARY TO VERIFY SUCH
18 REPORT. THE COURT IN SUCH ACTION MAY, IN ITS DISCRETION, IN
19 ADDITION TO ANY JUDGMENT AWARDED TO THE PLAINTIFF OR PLAINTIFFS,
20 ALLOW A REASONABLE ATTORNEY'S FEE TO BE PAID BY THE DEFENDANT
21 AND COSTS OF THE ACTION.

22 (D) EVERY EMPLOYE ORGANIZATION AND EVERY PERSON REQUIRED TO <—
23 FILE FILING ANY REPORT UNDER THIS SECTION SHALL MAINTAIN RECORDS
24 ON THE MATTERS REQUIRED TO BE REPORTED WHICH WILL PROVIDE IN
25 SUFFICIENT DETAIL THE NECESSARY BASIC INFORMATION AND DATA FROM
26 WHICH THE DOCUMENTS FILED WITH THE SECRETARY OF LABOR AND
27 INDUSTRY MAY BE VERIFIED, EXPLAINED OR CLARIFIED, AND CHECKED
28 FOR ACCURACY AND COMPLETENESS, AND SHALL INCLUDE VOUCHERS,
29 WORKSHEETS, RECEIPTS AND APPLICABLE RESOLUTIONS, AND SHALL KEEP
30 SUCH RECORDS AVAILABLE FOR EXAMINATION FOR A PERIOD OF NOT LESS

1 THAN FIVE YEARS AFTER THE FILING OF THE DOCUMENTS BASED ON THE
2 INFORMATION WHICH THEY CONTAIN.

3 (E) ALL MATERIALS AND REPORTS FILED PURSUANT TO THIS SECTION
4 SHALL BE DEEMED TO BE PUBLIC RECORDS AND SHALL BE AVAILABLE FOR
5 PUBLIC INSPECTION AT THE OFFICE OF THE SECRETARY OF LABOR AND
6 INDUSTRY DURING THE USUAL BUSINESS HOURS OF THE DEPARTMENT OF
7 LABOR AND INDUSTRY.

8 (F) ANY EMPLOYE ORGANIZATION WHICH VIOLATES THE PROVISIONS
9 OF THIS SECTION OR FAILS TO FILE ANY REQUIRED REPORT OR
10 AFFIDAVIT OR FILES A FALSE REPORT OR AFFIDAVIT SHALL BE SUBJECT
11 TO A FINE OF NOT MORE THAN TWO THOUSAND DOLLARS (\$2,000).

12 (G) ANY PERSON WHO WILFULLY VIOLATES THIS SECTION, OR WHO
13 MAKES A FALSE STATEMENT KNOWING IT TO BE FALSE, OR WHO KNOWINGLY
14 FAILS TO DISCLOSE A MATERIAL FACT SHALL BE FINED NOT MORE THAN
15 ONE THOUSAND DOLLARS (\$1,000) OR UNDERGO IMPRISONMENT FOR NOT
16 MORE THAN THIRTY (30) DAYS, OR BOTH. EACH INDIVIDUAL REQUIRED TO
17 SIGN AFFIDAVITS OR REPORTS UNDER THIS SECTION SHALL BE
18 PERSONALLY RESPONSIBLE FOR FILING SUCH REPORT OR AFFIDAVIT AND
19 FOR ANY STATEMENT CONTAINED THEREIN HE KNOWS TO BE FALSE.

20 (H) THE COMMONWEALTH OF PENNSYLVANIA, ANY BOARD, COMMISSION,
21 DEPARTMENT, AGENCY OR INSTRUMENTALITY OF THE COMMONWEALTH AS A
22 PUBLIC EMPLOYER, ~~SHALL~~ MAY MAKE AN AGENCY SHOP AGREEMENT WITH AN <—
23 EMPLOYE ORGANIZATION WHICH IS QUALIFIED WHICH WOULD REQUIRE THAT
24 EACH EMPLOYE IN AN APPROPRIATE COLLECTIVE BARGAINING UNIT WHO IS
25 NOT A MEMBER OF THE EMPLOYE ORGANIZATION SHALL BE REQUIRED,
26 EXCEPT AS PROVIDED HEREIN, AS A CONDITION OF CONTINUED
27 EMPLOYMENT, TO PAY TO SUCH ORGANIZATION FOR THE PERIOD THAT IT
28 IS THE EXCLUSIVE REPRESENTATIVE, AN AMOUNT EQUAL TO THE DUES
29 THAT A MEMBER IS CHARGED; HOWEVER, AN EMPLOYE WHO IS A MEMBER OF
30 AND ADHERES TO ESTABLISHED AND TRADITIONAL TENENTS OR TEACHINGS

1 OF A BONA FIDE RELIGION, BODY OR SECT WHICH HAD TRADITIONALLY
2 HELD CONSCIENTIOUS OBJECTIONS TO FINANCIALLY SUPPORTING LABOR
3 ORGANIZATIONS SHALL NOT BE REQUIRED TO MAKE ANY AGENCY SHOP
4 PAYMENT AS A CONDITION OF CONTINUED EMPLOYMENT, BUT SUCH EMPLOYE
5 MAY BE REQUIRED, IN LIEU OF SUCH PAYMENT, TO PAY EQUIVALENT SUMS
6 TO A NONRELIGIOUS CHARITABLE FUND OR ORGANIZATION MUTUALLY
7 AGREED UPON BY THE EMPLOYE AND THE EMPLOYE ORGANIZATION WHICH IS
8 THE EXCLUSIVE REPRESENTATIVE, OR, IF AGREEMENT IS NOT REACHED ON
9 THIS MATTER, TO ANY SUCH FUND OR ORGANIZATION CHOSEN BY THE
10 EMPLOYE. AN EMPLOYE ORGANIZATION IS QUALIFIED FOR AGENCY SHOP IF
11 IT HAS ESTABLISHED A PROCEDURE PROVIDING FOR THE REFUND TO ANY
12 EMPLOYE SO DEMANDING OF ANY PART OF AN AGENCY SHOP PAYMENT THAT
13 REPRESENTS THE EMPLOYE'S PRO RATA SHARE OF EXPENDITURES BY THE
14 ORGANIZATION FOR ACTIVITIES OR CAUSES OF A POLITICAL OR
15 IDEOLOGICAL NATURE UNRELATED TO COLLECTIVE BARGAINING OR TERMS
16 AND CONDITIONS OF EMPLOYMENT.

17 SECTION 9 10. ALL ACTS AND PARTS OF ACTS ARE REPEALED <—
18 INsofar AS THEY ARE INCONSISTENT WITH THIS ACT.

19 ~~SECTION 10. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.~~ <—

20 SECTION 11. (A) SECTION 1 OF THIS ACT SHALL TAKE EFFECT
21 JULY 1, 1986, OR IMMEDIATELY, WHICHEVER IS LATER.

22 (B) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.