

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1652

Coleman

AS INTRODUCED

An Act relating to labor; creating the Education Labor Organization Deductions Act; stating Legislative findings; providing definitions; prohibiting an education labor organization to expend money for certain political activities; authorizing the expenditure of certain funds for political activities; establishing conditions for contributions to the fund; making it unlawful to make contributions from money obtained in certain manner; making certain solicitations and contribution payments unlawful; establishing a penalty; requiring education labor organizations to register and file as a political action committee; allowing employees to agree to payroll deductions; requiring an employer to keep certain documents; providing for revocation or modification of deduction agreement; limiting types of deductions; limiting application of provisions; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 700.1 of Title 40, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Education Labor Organization Deductions Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 700.2 of Title 40, unless there is created a duplication in numbering, reads as follows:

The Legislature finds that:

1. Some unions spend nearly ninety percent (90%) of total dues income on political activities;

2. The United States Supreme Court decision in *Communications Workers of America v. Beck*, 487 U.S. 735 (1988) held that unions cannot use fees collected from nonunion employees, if the employee objects, on activities other than collective bargaining;

3. Few union members are aware of this right, and formal procedures for receiving refunds are not in place; and

4. As a result, unions should be prevented from collecting funds for political purposes unless members expressly give employers permission to deduct fees from their wages.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 700.3 of Title 40, unless there is created a duplication in numbering, reads as follows:

As used in the Education Labor Organization Deductions Act:

1. "Fund" means the separate segregated fund established by an education labor organization for political purposes according to the procedures and requirements of this act; and

2. "Education labor organization" means any association or organization of education employees, and any agency, education employee representation committee, or plan in which education employees participate that exists, in whole or in part, to advocate on behalf of education employees about grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. Education labor organization shall include both the National Education Association and American Federation of Teachers, and each local education association or affiliate of a national education association.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 700.4 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. Except as provided for in subsection B of this section, an education labor organization shall not expend money for lobbying, electoral, and political activities not bearing upon the

ratification or implementation of a collective bargaining agreement. This includes, but is not limited to, independent expenditures or contributions to any candidate, political party, voter registration campaign, or any other political cause.

B. An education labor organization may expend money for lobbying, electoral, and political activities not bearing upon the ratification or implementation of a collective bargaining agreement if the education labor organization establishes a fund as defined in Section 3 of this act to be used for political purposes.

C. An education labor organization shall ensure that:

1. Contributions to the fund are solicited independently from any other solicitations by the education labor organization;

2. Dues or other fees for membership in the education labor organization are not used for political purposes, transferred to the fund, or intermingled in any way with the fund monies; and

3. The cost of administering the fund is paid from the fund contributions and not from dues or other fees from membership in the education labor organization.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 700.5 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for an education labor organization to make a political contribution by using money or anything of value that is:

1. Secured by the use of or the threat of the use of physical force, job discrimination, membership discrimination, or financial reprisals;

2. From dues, fees, or other monies required as a condition of membership in an education labor organization or as condition of employment; or

3. Obtained in any commercial transaction.

B. At the time the education labor organization is soliciting money for the fund as defined in Section 3 of this act from an employee, it is unlawful for an education labor organization to fail to:

1. Inform an employee of the political purpose of the fund; or
2. Inform an employee of their right to refuse to contribute without fear of reprisal.

C. It shall be unlawful for an education labor organization to solicit monies for the fund from any person other than a member and immediate family of the member.

D. It shall be unlawful for an education labor organization to pay a member for a contribution to the fund by providing a bonus, expense account, rebate of dues or other membership fees, or any other form of direct or indirect compensation.

E. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail for not less than thirty (30) days nor more than one (1) year or shall be fined an amount not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 700.6 of Title 40, unless there is created a duplication in numbering, reads as follows:

Each fund, as defined in Section 3 of this act, established by an education labor organization under the Education Labor Organization Deductions Act shall:

1. Register as a political action committee as required by law; and
2. File the financial reports for political action committees as required by law.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 700.7 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. Except as provided for in subsection D of this section, an employee of any school district within the State of Oklahoma may sign and deliver to an employer a written instrument directing the employer to:

1. Deduct a specified sum from the monthly wages of the employee; and

2. Pay the deduction to an education labor organization or union or any other organization of employees as assignee.

B. An employer who receives a written instrument assigning a specified sum from the wages of an employee shall:

1. Keep the instrument on file;

2. Deduct the specified sum from the salary of the employee;

and

3. Pay the deducted amount to the organization or union designated by the employee.

C. The employer shall continue to make and pay the deduction as directed by the employee as provided for in this section until the employee revokes or modifies the deduction in writing.

D. Notwithstanding subsection A of this section, an employee may not direct an employer to deduct monies from the wages of the employee and pay them to:

1. A registered political action committee;

2. A political activities fund as defined in Section 3 of this act; or

3. Any intermediary that contributes to a regional political action committee or fund as defined in Section 3 of this act.

E. Nothing in this section shall prohibit an individual from making personal contributions to a registered political action committee or to a fund as defined in Section 3 of this act.

SECTION 8. This act shall become effective July 1, 2003.

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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