

HB 2079 - H AMD 193

By Representative Rodne

FAILED 3/9/2007

1 On page 1, line 10, after "(2)" strike all material through
2 "immediately." on page 2, line 1, and insert "An agency shop fee
3 paying nonmember of a labor organization has a cause of action in
4 superior court against the labor organization for wrongful use of
5 agency shop fees if the labor organization violates subsection (1)
6 of this section.

7 (3) Upon finding that there is a violation of subsection (1) of
8 this section, the court shall award the plaintiff damages and the
9 costs of the suit, including investigative costs and reasonable
10 attorneys' fees and costs. The court may impose a civil penalty not
11 exceeding twenty-five thousand dollars for each violation and may
12 grant temporary and permanent injunctions on such terms as it deems
13 reasonable to prevent or restrain further violations.

14 (4) Labor organizations that have been found to be in violation
15 of subsection (1) of this section may not enforce a union security
16 clause in any collective bargaining agreement for five years."

17 Correct the title.

EFFECT: Provides nonmembers a with a legal cause of action if a labor organization spends his or her agency shop fees in violation of the affirmative authorization requirement of this statute; in the event of a judgment against the labor organization, the court may impose a \$25,000 civil penalty; prohibits labor organizations from enforcing a union security agreement if it has been found in violation of the statute; removes language defining when an agency does not use agency shop fees; removes the emergency clause.