**2751 AMS SHOR S5466.1 - NOT FOR FLOOR USE**

**HB 2751** - S AMD TO LBRC COMM AMD (S-5321.1/18) **781**

By Senator Short

**OUT OF ORDER 02/28/2018**

On page 8, after line 30 of the amendment, insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 41.58 RCW to read as follows:

(1) No exclusive bargaining representative may receive dues or fees unless the exclusive bargaining representative submits a report to the commission containing the following:

(a) The name of the employee organization, its mailing address, and any other address at which it maintains its principal office or at which it keeps records;

(b) The name and title of each of its officers; and

(c) Detailed statements regarding the provisions made and procedures followed with respect to each of the following:

(i) Qualifications for, or restrictions on, membership;

(ii) Levying of assessments;

(iii) Participating in insurance or other benefit plans;

(iv) Authorization for disbursement of funds of the employee organization;

(v) Audit of financial transactions of the employee organization;

(vi) The calling of regular and special meetings;

(vii) The selection of officers and agents;

(viii) Discipline or removal of officers or agents;

(ix) Fines, suspensions, and expulsions of members, including the grounds for such actions and any provision made for notice, hearing, judgment, and appeal;

(x) Authorization for bargaining demands; and

(xi) Ratification of contract terms.

(2) Any change in the information required by subsection (1) of this section must be reported to the commission at the time the employee organization files with the commission the annual financial report required in subsection (3) of this section.

(3) No exclusive bargaining representative representing one hundred or more employees may collect dues for fees unless it annually files with the commission a financial report signed by its president or 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:

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

(b) Receipts of any kind and the sources thereof;

(c) Salary, allowances, and other direct or indirect disbursements including reimbursed expenses, to each officer and also to each employee who, during such fiscal year, received more than ten thousand dollars in the aggregate from such labor organization and any other labor organization affiliated with it or with which it is affiliated, or which is affiliated with the same national or international labor organization;

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

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

(f) Other disbursements made by it including the purposes thereof, all in such categories as the commission may prescribe.

(4) The commission may adopt rules to ensure that the reports required under subsections (1) and (3) of this section are consistent with the reporting requirements established by the labor management reporting and disclosure act of 1959 and the regulations adopted under that act.

(5) The employee organization must make copies of reports or other documents filed under subsections (1) and (3) of this section available to every employee in the bargaining unit, and must annually notify every employee in the bargaining unit that the reports are available on the web site maintained by the commission.

(6) The commission shall preserve the statements or reports filed under subsections (1) and (3) of this section for a minimum of ten years. The contents of the reports and documents filed with the commission under subsections (1) and (3) of this section are public information and must be made available to the public in the following manner: By ninety days after the effective date of this section, the commission must operate a web site or contract for the operation of a web site that allows public access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under subsections (1) and (3) of this section.

(7) The commission may determine whether a violation of this section has occurred. The commission may issue and enforce an order subject to the following:

(a) If the commission finds that an employee organization has violated this section by failing or refusing to prepare the reports as required in subsections (1) and (3) of this section or by preparing an incomplete or inaccurate report, the commission must issue an order compelling compliance and assess a fifty dollar fine for each day each report is overdue; and

(b) The commission may make determinations and issue and enforce orders at its own discretion or as a response to a petition filed by the employer, any employee in the bargaining unit, or any member of the general public. The commission may refer matters of compliance to the state attorney general or other enforcement agency.

(8) Any person who willfully violates this section must be fined an amount not exceeding ten thousand dollars.

(9) Any person who knowingly makes a false statement or representation of a material fact or who knowingly fails to disclose a material fact, in any document, report, or other information required under this section must be fined an amount not exceeding ten thousand dollars.

(10) Any person who willfully makes a false entry in or willfully conceals, withholds, or destroys any books, records, reports, or statements required to be kept by this section must be fined not more than ten thousand dollars.

(11) Each individual required to sign reports under subsections (1) and (3) of this section is personally responsible for the filing of those reports and for any false statement that the individual knows is false contained in the reports.

(12) An employee organization may satisfy the reporting requirements under subsections (1) and (3) of this section by filing with the commission copies of the reports required to be filed with the United States department of labor under the labor management reporting and disclosure act."

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On page 8, line 32 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160; adding a new section to chapter 41.58 RCW; and prescribing penalties."

EFFECT: Prohibits an exclusive bargaining representative from collecting dues or fees unless it files a report containing contact and procedural information to the Public Employment Relations Commission (PERC). Prohibits exclusive bargaining representatives representing one hundred or more employees from collecting dues or fees unless they file an annual financial report with PERC.