

**Amendment - 1st Reading-white - Requested by: Keith Regier - (S) Business, Labor, and Economic Affairs**

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

SB0140.001.001

1 SENATE BILL NO. 140

2 INTRODUCED BY K. REGIER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING UNION MEMBERSHIP LAWS; REQUIRING AN  
5 EMPLOYEE OF A NONPROFIT TO CONSENT TO AGENCY FEES AND OTHER PAYMENTS; DECLARING  
6 THE COLLECTION WITHOUT CONSENT OF AGENCY FEES OR OTHER PAYMENTS FROM NURSES TO  
7 BE AN UNFAIR LABOR PRACTICE; AND AMENDING SECTION 39-32-109, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Consent required for agency fees or other deductions from**  
12 **nonprofit employees.** An agency fee or any other payment to a union may not be deducted from the wages of  
13 an employee of a nonprofit organization, nor may any other attempt be made to collect a similar payment,  
14 unless the employee affirmatively consents to pay.

15

16 **Section 2.** Section 39-32-109, MCA, is amended to read:

17 **"39-32-109. Unfair labor practices.** (1) It is an unfair labor practice for a health care facility to do one  
18 or more of the following:

19 (a) interfere with or restrain or coerce employees in any manner in the exercise of their right of  
20 self-organization;

21 (b) initiate, create, dominate, contribute to, or interfere with the formation or administration of any  
22 employee organization that has collective bargaining as one of its principal functions;

23 (c) discriminate in regard to hire terms or conditions of employment when a purpose is to  
24 discourage membership in an employee organization that has collective bargaining as one of its principal  
25 functions;

26 (d) refuse to meet and bargain in good faith with the designated representatives of an appropriate  
27 bargaining unit of its employees. For the purpose of this subsection (1)(d), it is a requirement of bargaining in

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1 good faith that the parties be willing to reduce to writing and have their representative sign any agreement  
2 arrived at through negotiations and discussion.

3 (e) unilaterally exclude from work or prevent from working or discharge any one or more  
4 employees when the purpose of the action is in whole or in part to interfere with or coerce or intimidate an  
5 employee in the exercise of rights ensured in this law; or

6 (f) terminate or take other action against an employee because the employee declines to consent  
7 to the deduction of agency fees or other payments from the employee's wages.

8 (2) It is an unfair labor practice for a labor organization or its agents to:

9 (a) restrain or coerce employees in the exercise of the right to:

10 (i) form, join, or assist any labor organization;

11 (ii) bargain collectively through representatives of their own choosing; or

12 (iii) engage in other concerted activities for the purpose of collective bargaining or other mutual aid  
13 or protection;

14 (b) restrain or coerce an employer in the selection of a representative for the purpose of collective  
15 bargaining or the adjustment of grievances;

16 (c) refuse to bargain collectively in good faith with an employer if it has been designated as the  
17 exclusive representative of employees;

18 (d) use agency shop fees for contributions to political candidates or parties; or

19 (e) collect agency fees or other payments from an employee's wages unless the employee  
20 affirmatively consents to pay."

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22 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
23 integral part of Title 39, and the provisions of Title 39 apply to [section 1].

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- END -