~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 27, 2010

**H. 3736**

Introduced by Reps. Rice, Cato, Hiott, Owens and Wylie

S. Printed 1/27/10--H.

Read the first time March 24, 2009.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3736) to amend Section 41‑7‑40, as amended, Code of Laws of South Carolina, 1976, relating to the authorized deductions of labor organization membership dues from wages, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, Section 41‑7‑40(A), SECTION 1, page 2, lines 4 and 6, after /written/ by inserting / or electronic /.

When amended subsection (A) reads:

/ (A) It shall be unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received a signed written or electronic authorization for the deductions, which authorization may be revoked by the employee at any time by giving written or electronic notice of the revocation to the employer. /

Amend further by striking subsection (B) in its entirety.

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER for Committee.

**A** **BILL**

TO AMEND SECTION 41‑7‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED DEDUCTIONS OF LABOR ORGANIZATION MEMBERSHIP DUES FROM WAGES, SO AS TO REVISE THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE DEDUCTIONS MAY BE MADE AND FOR CERTAIN PROHIBITED DEDUCTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 41‑7‑40 of the 1976 Code, as last amended by Act 357 of 2002, is further amended to read:

“Section 41‑7‑40. ~~Nothing in this chapter precludes an employer from deducting from the wages of the employees and paying over to a labor organization, or its authorized representative, membership dues in a labor organization; however, the employer must have received from each employee, on whose account the deductions are made, a written assignment which must not be irrevocable for a period of more than one year or until the termination date of any applicable collective agreement or assignment, whichever occurs sooner. After one year, the employee has the absolute right to revoke the written assignment allowing for deduction of membership dues in a labor union.~~

(A) It shall be unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received a signed written authorization for the deductions, which authorization may be revoked by the employee at any time by giving written notice of the revocation to the employer.

(B) Deductions for political activities or contributions shall not be deducted from the wages, earnings, or compensation of an employee.

(C) Nothing in this chapter shall prohibit an employee from personally making political contributions as defined in Chapter 13, Title 8, provided the contributions are not otherwise prohibited by law.”

SECTION 2. This act takes effect upon approval by the Governor.

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