

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 45, Page 1, Section title, Lines 4-5,

2 striking said lines and inserting in lieu thereof the
3 following: "public employees"; and

4 Further amend said bill and page, section A, line 4, by
5 inserting after all of said line the following:

6 "105.506. 1. This section shall be known as the
7 "Public Employee Janus Rights Act".

8 2. Pursuant to federal law enunciated by the United
9 States Supreme Court in *Janus v. American Federation of*
10 *State, County and Municipal Employees, Council 31, 138 S.Ct.*
11 2448 (2018), no sum shall be withheld from the earnings of
12 any public employee for the purpose of paying any portion of
13 dues, agency shop fees, or any other fees paid by members of
14 a labor organization or public employees who are nonmembers
15 except upon the annual informed written or electronic
16 authorization of the member or nonmember received by the
17 public body. The public body shall require clear and
18 compelling evidence that such authorization has been freely
19 given by a public employee. Submission of the form
20 described in subsection 3 of this section shall constitute
21 clear and compelling evidence that authorization has been
22 freely given.

23 3. The authorization referred to in subsection 2 of
24 this section shall be made on the following form, the sole
25 purpose of which is the documentation of such
26 authorization. The form's title shall read, in at least

27 twenty-four point bold type, "Consent for Withholding Union
28 Dues/Fees", and shall state in at least fourteen-point bold
29 type, the following specific text:

30 "I (print name), member of (bargaining
31 unit) authorize the amount of \$..... to
32 be withheld from my monthly earnings and
33 allocated to ... (union) as a portion of my
34 succeeding dues, agency shop fees, or other fee
35 payments. I understand that under federal and
36 state law I am not obligated to sign this
37 authorization. I understand that my signature
38 below is completely voluntary and cannot in any
39 way affect my employment. I understand that as
40 a public employee, I have a First Amendment
41 right to refrain from joining or paying dues or
42 fees to a labor union. I understand that by
43 signing this form I am hereby waiving my right
44 to refrain from membership and dues payment to
45 ... (union). I understand that I may revoke
46 this authorization at any time by providing
47 notice to ... (public body)."

48 4. No labor organization shall use or obtain any
49 portion of dues, agency shop fees, or any other fees paid by
50 members of the labor organization or public employees who
51 are nonmembers to make contributions, as defined in section
52 130.011, or expenditures, as defined in section 130.011,
53 except with the informed written or electronic authorization
54 of such member or nonmember received within the previous
55 twelve months by the public body. The public body, pursuant
56 to federal law enunciated by the United States Supreme Court
57 in *Janus v. American Federation of State, County and*
58 *Municipal Employees, Council 31*, 138 S.Ct. 2448 (2018),
59 shall require clear and compelling evidence that such

60 authorization has been freely given by a public employee.
 61 Submission of the form described in subsection 5 of this
 62 section shall constitute clear and compelling evidence that
 63 authorization has been freely given.

64 5. The authorization referred to in subsection 4 of
 65 this section shall be made on the following form, the sole
 66 purpose of which is the documentation of such
 67 authorization. The form's title shall read, in at least
 68 twenty-four point bold type, "Consent for Political Use of
 69 Dues/Fees", and shall state in at least fourteen-point bold
 70 type, the following specific text:

71 "I (print name), member of ... (bargaining
 72 unit), authorize ... (union) to use the
 73 following amounts of each of my dues or agency
 74 shop fee payments for the following political
 75 purposes:

- 76 The amount of \$..... from each of my
 77 dues or agency shop fee payments as a
 78 political contribution or expenditure.
- 79 The amount of \$..... from each of my
 80 dues or agency shop fee payments as a
 81 political contribution to a continuing
 82 committee formed by (union).

83 Check applicable box.

84 I understand that under federal and state law I
 85 am not obligated to sign this authorization. I
 86 understand that my signature below is completely
 87 voluntary and cannot in any way affect my
 88 employment. I understand that under federal and
 89 state law as a public employee, I have a First
 90 Amendment right, enunciated by the United States
 91 Supreme Court in *Janus v. American Federation of*
 92 *State, County and Municipal Employees, Council*

93 31, 138 S. Ct. 2448 (2018), to refrain from
94 supporting a union. I understand that by
95 signing this form I am hereby waiving my right
96 to refrain from supporting the political
97 activities of ... (union). I understand that I
98 may revoke this authorization at any time by
99 providing notice to ... (public body)."

100 6. Public employees who do not authorize contributions
101 or expenditures under this section shall not have their
102 dues, agency shop fees, or other fees increased in lieu of
103 payments for contributions or expenditures.

104 7. The requirements of this section shall not be
105 waived by any member or nonmember of a labor organization,
106 and waiver of the requirements shall not be made a condition
107 of employment or continued employment.

108 8. Signing or refraining from signing any
109 authorization under this section shall not be made a
110 condition of employment or continued employment.

111 9. Any authorization submitted under this section by a
112 public employee may be revoked by such public employee at
113 any time, with such revocation to take effect at the
114 beginning of any succeeding pay period.

115 10. The department shall assess a fine of no more than
116 five hundred dollars per violation to any public body that
117 fails to comply with the provisions of this section."; and

118 Further amend the title and enacting clause accordingly.