

# 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.