

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 78, Page 2, Section 36.221, Line 9, by inserting after all of said section
2 and line the following:

3
4 "105.506. 1. This section shall be known as the "Public Employee Janus Rights Act".

5 2. Pursuant to federal law enunciated by the United States Supreme Court in *Janus v.*
6 *American Federation of State, County and Municipal Employees, Council 31*, 138 S.Ct. 2448
7 (2018), no sum shall be withheld from the earnings of any public employee for the purpose of
8 paying any portion of dues, agency shop fees, or any other fees paid by members of a labor
9 organization or public employees who are nonmembers except upon the annual informed written or
10 electronic authorization of the member or nonmember received by the public body. The public body
11 shall require clear and compelling evidence that such authorization has been freely given by a public
12 employee. Submission of the form described in subsection 3 of this section shall constitute clear
13 and compelling evidence that authorization has been freely given.

14 3. The authorization referred to in subsection 2 of this section shall be made on the
15 following form, the sole purpose of which is the documentation of such authorization. The form's
16 title shall read, in at least twenty-four point bold type, "Consent for Withholding Union Dues/Fees",
17 and shall state in at least fourteen-point bold type the following specific text:

18 "I, _____ (print name), member of _____ (bargaining unit), authorize the
19 amount of \$ _____ to be withheld from my monthly earnings and allocated to
20 (union) as a portion of my succeeding dues, agency shop fees, or other fee payments. I
21 understand that under federal and state law I am not obligated to sign this authorization. I
22 understand that my signature below is completely voluntary and cannot in any way affect my
23 employment. I understand that as a public employee, I have a First Amendment right to
24 refrain from joining or paying dues or fees to a labor union. I understand that by signing this
25 form I am hereby waiving my right to refrain from membership and dues payment to
26 _____ (union). I understand that I may revoke this authorization at any time by
27 providing notice to _____ (public body)."

28 4. No labor organization shall use or obtain any portion of dues, agency shop fees, or any
29 other fees paid by members of the labor organization or public employees who are nonmembers to
30 make contributions, as defined in section 130.011, or expenditures, as defined in section 130.011,
31 except with the informed written or electronic authorization of such member or nonmember
32 received within the previous twelve months by the public body. The public body, pursuant to
33 federal law enunciated by the United States Supreme Court in *Janus v. American Federation of*
34 *State, County and Municipal Employees, Council 31*, 138 S.Ct. 2448 (2018), shall require clear and
35 compelling evidence that such authorization has been freely given by a public employee.
36 Submission of the form described in subsection 5 of this section shall constitute clear and

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1 compelling evidence that authorization has been freely given.

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

6 "I, _____ (print name), member of _____ (bargaining unit), authorize
 7 _____ (union) to use the following amounts of each of my dues or agency shop
 8 fee payments for the following political purposes:

☐ The amount of \$ _____ from each of my dues or agency shop fee
payments as a political contribution or expenditure.

☐ The amount of \$ _____ from each of my dues or agency shop fee
payments as a political contribution to a continuing committee
formed by _____ (union).

Check applicable box.

9
 10 I understand that under federal and state law I am not obligated to sign this
 11 authorization. I understand that my signature below is completely voluntary and
 12 cannot in any way affect my employment. I understand that under federal and state
 13 law as a public employee, I have a First Amendment right, enunciated by the United
 14 States Supreme Court in *Janus v. American Federation of State, County and*
 15 *Municipal Employees, Council 31*, 138 S. Ct. 2448 (2018), to refrain from supporting
 16 a union. I understand that by signing this form I am hereby waiving my right to
 17 refrain from supporting the political activities of _____ (union). I understand
 18 that I may revoke this authorization at any time by providing notice to
 19 (public body)."

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

23 7. The requirements of this section shall not be waived by any member or nonmember of a
 24 labor organization, and waiver of the requirements shall not be made a condition of employment or
 25 continued employment.

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

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

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

33
 34 Further amend said bill by amending the title, enacting clause, and intersectional references
 35 accordingly.