

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 88
101ST GENERAL ASSEMBLY

0727H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to the authorization of the deduction of moneys from the paychecks of public employees for the benefit of public labor organizations, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 105, RSMo, is amended by adding thereto one new section, to be
2 known as section 105.506, to read as follows:

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

49 **Check applicable box.**

50

51 **I understand that under federal and state law I am not obligated to sign this**
52 **authorization. I understand that my signature below is completely**
53 **voluntary and cannot in any way affect my employment. I understand that**
54 **under federal and state law as a public employee, I have a First Amendment**
55 **right, enunciated by the United States Supreme Court in *Janus v. American***
56 ***Federation of State, County and Municipal Employees, Council 31*, 138 S.Ct.**
57 **2448 (2018), to refrain from supporting a union. I understand that by**
58 **signing this form I am hereby waiving my right to refrain from supporting**
59 **the political activities of _____ (union). I understand that I may**
60 **revoke this authorization at any time by providing notice to _____**
61 **(public body)."**

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

65 **7. The requirements of this section shall not be waived by any member or**
66 **nonmember of a labor organization, and waiver of the requirements shall not be made a**
67 **condition of employment or continued employment.**

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

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

73 **10. The department shall assess a fine of no more than five hundred dollars per**
74 **violation to any public body that fails to comply with the provisions of this section.**

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