

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2023

As Recommended by House Committee on
Commerce, Labor and Economic Development

Brief*

HB 2023 would prohibit professional employees' organizations from using paycheck deductions for political activities. KSA 72-5413 defines a "professional employees' organization" as a group of certified employees that negotiates with boards of education regarding the terms and conditions of professional services.

The bill would define "political activities" in terms of influencing state or local government elections, including public questions. Professional employees would be permitted to donate to their organizations' political activities by a personal payment noted to that effect. Political donations would be held in an account separate from the operational account.

The term "political activities," as defined above, also would be included in the list of prohibitive practices for public employee organizations. Under current law, public employee organizations shall not endorse candidates or spend any of their income, directly or indirectly, on the elections of candidates for any public office.

A public employer would be prohibited for two years from collecting deductions for any purpose of the organization if it:

- Used as political funds any of the funds deducted by a public employer; or

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Commingled political funds with other deducted funds.

An employee that had a wrongful deduction would have standing to sue. In addition to other remedies that the law may provide, an employee would be able to recover damages from the employer and the organization. Damages from the employer could be equal to the deducted amount, and the damages from the organization could be twice that amount which the organization received. The bill would authorize the reimbursement of attorneys' fees.

The bill's severable provisions would be in effect upon publication in the *Kansas Register*.

Background

Before the House Committee on Commerce and Economic Development, proponents of the bill included the Kansas Association of American Educators, the Kansas Chamber, the National Federation of Independent Businesses, Americans for Prosperity, and Senator Greg Smith. Proponents stated the legislation would remove governments from the process of funding political campaigns and would reduce the potential for teachers to be coerced to donate to political causes with which they may not agree.

Opponents included the Kansas NEA, the American Federation of Teachers-Kansas, the Kansas Organization of State Employees, the Kansas AFL-CIO, several local unions, teachers and private citizens. Opponents stated that automatic paycheck deductions currently must be authorized separately, and political funds are held separately. The legislation could restrict some persons' participation in the political process and infringe upon constitutional rights.

According to the fiscal note prepared by the Division of the Budget, in consultation with the Department of Labor and the Governmental Ethics Commission, the bill would have no fiscal effect on state revenues or expenditures.