

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairperson Julia Lynn at 8:30 am on Wednesday, March 09, 2016, 548-S of the Capitol.

All members were present except:  
Senator Susan Wagle – Excused

Committee staff present:  
Debbie Bartuccio, Kansas Legislative Committee Assistant  
Reed Holwegner, Legislative Research Department  
Edward Penner, Legislative Research Department  
Chuck Reimer, Office of Revisor of Statutes

Conferees appearing before the Committee:  
Dave Trabert, President, Kansas Policy Institute  
Rodger Woods, Deputy State Director, Americans for Prosperity - Kansas  
Garry Sigle, Executive Director, Kansas Association of American Educators

Others in attendance:  
[See Attached List](#)

*Senator Longbine moved, seconded by Senator Melcher, to approve the minutes for February 18, 2016. The motion passed.*

**Hearing on: SB469 — Recertification of professional employees' organizations under the professional negotiations act.**

Chairperson Lynn opened the hearing on **SB 469** and requested Revisor Chuck Reimer to provide an overview of the bill.

Senator Baumgardner asked if community colleges are included in the bill. Revisor Reimer stated he would research the question and provide an answer to the Committee.

Senator Faust-Goudeau inquired if it was Revisor Reimer's opinion that **SB 469** would violate the equal protection clause of the 14th Amendment. Revisor Reimer responded he would need to research the question before providing an answer.

Chairperson Lynn recognized the following conferees:

Dave Trabert, President, Kansas Policy Institute, provided testimony in support of the bill. Mr. Trabert proposed a potential amendment to the bill which would change the date range for the elections to be from January 1 to April 1, instead of from August 1 to December 1, each year. ([Attachment 1](#))

## CONTINUATION SHEET

MINUTES of the Committee on Commerce at 8:30 am on Wednesday, March 09, 2016 in Room 548-S of the Capitol.

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Rodger Woods, Deputy State Director, Americans for Prosperity, provided testimony in support of the bill. ([Attachment 2](#))

Garry Sigle, Executive Director, Kansas Association of American Educators, provided testimony in support of the bill. ([Attachment 3](#))

Written only testimony in support of the bill was provided by:

Sam Williams, Private Citizen, Wichita, Kansas ([Attachment 4](#))

Senator Holland asked Mr. Trabert to explain why the current decertification process is not adequate to address teachers' needs. Mr. Trabert responded teachers and other bargaining unit members do not have the right to periodically vote to determine who represents them. Rather, they must sign a public petition, which can sometimes involve intimidation toward the member signing the petition. This bill would give members the right to a secret ballot to express their opinions on who should represent them.

Senator Baumgardner inquired as to the necessity of an annual vote. Mr. Trabert replied he would not object to the vote being every two or three years, but he would not tie the timing of the vote to the life of the negotiated agreement, since some agreements could be as long as fifteen years.

Mr. Sigle addressed questions from Chairperson Lynn concerning situations involving intimidation factors concerning representation, and why there would be resistance to having the option of periodically voting on this representation. Mr. Sigle stated he has rarely found a school district that has more than fifty percent union membership. He has discovered teachers are often astonished to learn there is a decertification option.

Senator Holland inquired since a process already exists for decertification, why is another process needed. Mr. Sigle responded there are many teachers who do not understand the decertification process currently available for making changes. Senator Holland also questioned whether, taking into account the services provided by the Kansas Association of American Educators (KANAAE), if there was a conflict of interest in Mr. Sigle providing testimony concerning the bill. Mr. Sigle replied the KANAAE is a non-union professional association, which makes every effort possible to inform educators of their options.

Senator Faust-Goudeau requested staff to confirm the accuracy of the projected expense listed in the fiscal note.

Chairperson Lynn questioned Mr. Sigle as to the reason why teachers are not aware of the current decertification process. He responded he could not answer the question, but stated he learned of the option by doing his own research.

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Chairperson Lynn stated the hearing on **SB 469** would be continued on March 10, 2016. She said it was her intention to take final action on the bill as soon as possible after the close of the hearing.

The meeting was adjourned at 9:23 a.m. The next meeting is scheduled for March 10, 2016.

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