

House Judiciary Committee Meeting
Friday, March 1, 1963

The House Judiciary Committee met Friday, March 1, 1963, in Room 523 at 8:50 A.M. with Chairman Clyde Hill presiding. Sixteen members were present. Members Arthur, Briggs, Gardner and Williams were absent. Present for a hearing concerning House Bill No. 239 were Floyd Black, Kansas State Federation of Labor AFL-CIO; Merle Worman, Kansas State Federation of Labor AFL-CIO; W. L. Parker, Jr., Attorney; and Bill Haynes, Attorney. Present to speak concerning House Bill No. 341 was Paul Shanahan, Secretary of State.

Chairman Hill called the meeting to order.

Mr. Skoog introduced Bill Haynes and W. L. Parker, Jr. and told of the intent of House Bill No. 239, an act concerning labor relations, and making certain acts unlawful; conferring and imposing certain duties and authorities; providing for elections in certain cases, and making certain exceptions. He stated that this bill is a certification bill and is to fill a void in the state as far as a certification of labor unions in those areas where the state law does not apply. Its aim has been asked for many times by the state labor commissioner.

Mr. Haynes stated that Mr. Skoog covered the intent of the bill. He stated that if an employer's volume of business does not come in the jurisdictional yardstick, they will not assert jurisdiction. The states are clearly in a position to regulate labor matters and labor disputes. He stated that the present statute is void of employees rights. He stated that with this, any group would have the right to file a petition for an election. They would have the right after an investigation to conduct an election and certify the results thereof. They then would be required to sit down and bargain in good faith. He stated that the committee was probably wondering why an employer would be interested in this type of bill. He stated that some are not interested. He pointed out that the present state statute does not take care of recognitional or organizational pickets. He went on to give an example of a case in which the court dismissed the case on the grounds that it was not covered in the statute. He stated that the employer's volume of business dropped drastically but that there still was no way in which to get the picket off. He stated that this proposed law takes care of that. He went on to explain the bill in detail and point out its merits. He also pointed out just what would be in violation of this bill. He stated that this is almost verbatim to the present 8B7 with a few minor changes. He said this would let the union have a right to come in and organize the employees if the employees want it. It would let the employees have a right to secret vote to indicate whether they want this union. It would let the employer and employees be protected from any further attempts for at least one year. It requires that the employer, if he reopens a contract or modifies a labor contract, to notify the state labor commissioner. The purpose of this is to let the labor commissioner know and be aware of this and be in touch with the parties so that if they voluntarily want his assistance, he will be available. He stated that this too is similar to federal law and is

House Judiciary Committee Meeting
Friday, March 1, 1963
Page two

worthwhile to have in the bill. He then asked if there were any questions.

Mr. Krug asked if section 3 C is the same as in the federal act. Mr. Haynes said that it is.

Mr. Liebert asked if there is something in the bill concerning mediators. Mr. Haynes stated that there isn't. Mr. Liebert then went on to ask if anything would have to be amended in the present law. Mr. Haynes stated that there is one portion which will have to be stricken, but that it doesn't mean a thing presently.

Mr. Euler asked if he has any objection to the contents of this bill. Mr. Haynes stated that he has no objection at all, but that there is one correction on page 5, line 81. It should read "grievances" instead of "agreements".

Mr. Parker stated that if he believed that this bill worked exactly as Mr. Haynes related it to the committee, he would be in favor of it as it is. He stated that in his opinion, if they worked as Mr. Haynes said, it would be fine. We have restrictions upon the labor unions, but not on the employer. It does not have with it the same protection for the union and employees that it does for the employer. This bill carries with it no protection for employees whom are threatened with the loss of their job by the employer. He went on to state that in section 3, line 3, the language "or use any other forms of publicity or inducement" has been added. He stated that it is his personal opinion that this section of the law might even be unconstitutional. It would prohibit the use of informational material. He pointed out that section 3 C, lines 18, 19 and 20, doesn't say 12 days, but says "within a reasonable period of time not to exceed twelve (12) days from the commencement of such picketing." He stated that this places an unreasonable burden on a union. He pointed out that line 30 is in some respect similar to our federal law, but that language has been inserted. He stated that this language restricts informational material. "Nothing in this section shall be construed to prohibit any picketing or other publicity for the purpose of truthfully advising the public (including consumers) that an employer does not employ members of, or have a contract with, a labor organization, except wherein there has been a valid election conducted within the preceding twelve (12) months;" lines 25, 26, 27, 28, 29, 30 and 31 of section 3 C, would be interpreted not only to picketing and so forth, but to informational material. He went on to state that lines 39, 40, 41, 42 and 43 of section 1, "The duties imposed upon employers, employees and labor organizations by this section shall become inapplicable if the labor organization is no longer the representative of employees and the contract has been in effect for one (1) year or more.", are an invitation to labor strikes. He said that it is possible that this

House Judiciary Committee Meeting
Friday, March 1, 1963
Page three

language might work alright, but that he feels that it would open the door to strikes. He pointed out lines 65, 66 and 67 of section 2, "Employees engaged in an economic strike who are not entitled to reinstatement shall not be eligible to vote." He said that every striker, no matter what his intentions, would be made an economical striker. He then would immediately be replaced by his employer.

Mr. Skoog asked if it would help if line 5 of section 3 read "a primary object" instead of "an object". Mr. Parker stated that he thought the language, "or use any other forms of publicity or inducement", lines 3 and 4, should be deleted.

Mr. Haynes gave the background for section 3, lines 4 and 5. He stated that it all depends upon how we are going to interpret this law. He said it is impossible to propose a bill and pass a bill and know exactly how it is going to be interpreted. Mr. Skoog asked what the significance of this is and if it is a change from the federal law. Mr. Haynes said that it is. He said the purpose, in his belief, is that in 8B7 there was some problem of interpreting it by the federal board.

Mr. Haynes went on to say that he takes exception to the remarks concerning "economic striker."

Chairman Hill stated that the main problem seems to be in reaching an agreement upon definitions and asked if it would help if these things were defined in a section of definitions.

Mr. Liebert asked if the amount is \$50,000. Mr. Haynes stated that this is one of the yardsticks.

Mr. Parker gave a brief explanation concerning some of the yardsticks used.

The gentlemen will meet with the sponsors of the bill and try to decide on some definitions.

Chairman Hill thanked the gentlemen for appearing. He then introduced Paul Shanahan, Secretary of State, who spoke briefly concerning House Bill No. 341. He explained just what the problem is and why it is so difficult to keep a qualified attorney with the present salary. The highest starting salary is \$505.00 per month. He explained just what the duties of the attorney are.

Chairman Hill asked what the starting salary would be in the unclassified service. Mr. Shanahan didn't have the schedule with him and didn't know off hand. Chairman Hill asked if the members of the committee had any questions concerning the work which is

House Judiciary Committee Meeting
Friday, March 1, 1963
Page four

performed by the attorney. Mr. Krug asked if the work requires a practicing attorney. Mr. Shanahan explained the duties more thoroughly and stated that it is necessary to have an attorney.

Chairman Hill thanked Mr. Shanahan for appearing before the committee. He then stated that the language in section 1 needs some work.

The members of the committee then voted to introduce a number of committee bills and have them referred back to the committee for further consideration. The bills to be introduced are as follows:

An act repealing sections 21-955 and 21-956 of the General Statutes of 1949, relating to sales on Sunday.

An act repealing section 20-907 of the General Statutes of 1949, relating to compensation of stenographers in certain judicial districts and to the taxation of costs.

An act relating to allocations to counties from the state highway fund and providing for certain limitations thereon, amending section 79-3096 of the General Statutes Supplement of 1961, and repealing said original section.

An act relating to taxation, and pertaining to reports by persons having no property, amending section 79-311 of the General Statutes of 1949, and repealing said original section.

An act relating to school levy tax limitations in cities having a population of over one hundred twenty-six thousand, amending section 79-1954f of the General Statutes Supplement of 1961, and repealing said original section.

An act relating to assessment of stocks of banks and trust companies and providing for certain deductions, amending section 79-1101 of the General Statutes Supplement of 1961, and repealing said original section.

An act repealing sections 74-528 and 74-529 of the General Statutes of 1949, relating to registry of livestock.

An act repealing section 59-2286 of the General Statutes Supplement of 1961, relating to termination of life estates and estates in joint tenancy.

House Judiciary Committee Meeting
Friday, March 1, 1963
Page five

The meeting adjourned at 10:00 A.M. The next regular meeting
will be announced.

Respectfully submitted,
Clyde Hill, Chairman

Minutes approved: