

MINUTES OF THE HOUSE COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE

The meeting was called to order by Chairperson Anthony R. Brown, at 1:34 p.m. on February 15, 2011, in Room 785 of the Docking State Office Building.

All members were present except:  
Representative Frownfelter  
Representative Schwab

Committee staff present:  
Renae Jefferies, Office of the Revisor of Statutes  
Ken Wilke, Office of the Revisor of Statutes  
Reed Holwegner, Kansas Legislative Research Department  
Raney Gilliland, Kansas Legislative Research Department  
Joyce Bishop, Committee Assistant

Conferees appearing before the Committee:  
Jeff Glendening, Vice President Political Affairs, Kansas Chamber of Commerce  
Derrick Sontag, Kansas State Director, Americans for Prosperity  
Jane Carter, Executive Director, Kansas Organization of State Employees  
Robert S. Wing, President, Kansas State Council of Fire Fighters  
Andy Sanchez, Executive Secretary –Treasurer, Kansas AFL-CIO  
David Schauner, General Counsel, Kansas NEA

Others attending:  
See attached list.

Chairperson Brown opened the hearing on **HB 2130, Labor organizations; political activity.**

Renae Jefferies presented the Revisor's overview (Attachment 1).

Chairperson Brown asked for testimony from proponents.

Jeff Glendening, Vice President Political Affairs, Kansas Chamber of Commerce (Attachment 2).

Committee member, Representative Gene Suellentrop appeared without written testimony.

Derrick Sontag, Kansas State Director, Americans for Prosperity, provided written testimony only (Attachment 3).

Chairperson Brown asked for testimony from opponents.

Jane Carter, Executive Director, Kansas Organization of State Employees (Attachment 4).

Robert S. Wing, President, Kansas State Council of Fire Fighters (Attachment 5).

Andy Sanchez, Executive Secretary –Treasurer, Kansas AFL-CIO (Attachment 6).

David Schauner, General Counsel, Kansas NEA (Attachment 7).

Chairperson Brown closed the hearing on the bill.

Chairperson Brown postponed the hearing on **HB 2222, Labor organizations; persons prohibited from unionizing.** until tomorrow, Wednesday, February 16<sup>th</sup>.

The meeting adjourned at 3:10pm.

# HOUSE COMMERCE & ECONOMIC DEVELOPMENT COMMITTEE

1:30pm,  
Room 785, Docking State Office Building

## GUEST LIST

DATE: February 15<sup>th</sup>, 2011

NAME	REPRESENTING
MARK DEBETTI	KNETT
Chad Manspeaker	Laborers 1290
Brent Hall	BCTGM #218
Bob Storer	BMWED-IBT
Fernando Harms	Teamsters 696
Eric Stafford	Kansas Chamber
Kathy Outan	KSNA
KATHY ELKINS	IAFF
Mindy Brissay	AFT - Kansas
Bob Widen	Ks St Council of Firefighters
Jerry Marlatt	Ks St. Council of Firefighters
Dennis Phillips	KSCFF
Ed Redmon	KSCFF
DAN PORTER	IF
Justin McFarland	KDOL
KIRK MILLER	Union Plumber of Local 441
Lisa Ochs	ROSE / AFT-Kansas
Alexandra Townsend	AFSCME Council 72



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300 S.W. 10<sup>th</sup> Avenue  
Suite 010-E, Statehouse  
Topeka, Kansas 66612-1592  
Telephone (785) 296 -2321 FAX (785) 296-6668

MEMORANDUM

To: House Committee on Commerce and Economic Development  
From: Renae Jefferies, Assistant Revisor  
Date: February 10, 2011  
Subject: HB 2130

HB 2130 prevents labor organizations, professional employee organizations and public employee organizations from using members dues, fees, assessments and any other periodic payments to such organization from using such dues, fees, assessments and any other periodic payments for the purpose of the organization engaging in political activities. The definition of political activities is in each section of the bill.

Members of a labor organization or a professional employee organization may give a donation by personal check to such organization for the purpose of engaging in political activities. The check must note that it is for political activities of such organization and kept in a separate fund of the organization for political activities. Members of a public employee organization are prohibited from making such personal payments to the public employee organization to engage in political activities.

Should the bill be passed, it would become effective upon publication in the statute book.

**Testimony before the House Commerce and Economic Development Committee  
HB 2130 – Paycheck Protection  
Jeff Glendening, Vice President of Political Affairs**

**February 15th, 2011**

Thank you Mr. Chairman and members of the committee for the opportunity to provide testimony on behalf of the Kansas Chamber in support of HB 2130 enacting paycheck protection. Paycheck protection prohibits public employee labor organizations from using public employee dues or fees deducted from a paycheck to fund political activities and thus removes government from the process of funding political campaigns.

Kansas would not be alone in enacting such legislation. Washington, Idaho, Wyoming, Utah, Michigan, Ohio and Colorado have already enacted similar legislation and several other states are expected to provide this protection in the near future. Such legislation also has solid constitutional footing as the United States Supreme Court has upheld paycheck protection. The Mackinac Center for Public Policy noted “The justices reasoned that since states have the power to prevent public sector unions from charging agency fees to non-members altogether, states clearly have the power to place a condition on the unions’ use of such fees.”

The Kansas Chamber opposes the use of state and local government’s ability to collect funds and fees for political activities as it is not a critical practice or essential function of government. **We urge the Committee to support paycheck protection for the public employees of Kansas.** Thank you for your consideration.

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*The Kansas Chamber, with headquarters in Topeka, Kansas, is the leading statewide pro-business advocacy group moving Kansas towards becoming the best state in America to live and work. The Chamber represents small, medium, and large employers all across Kansas. Please contact me directly if you have any questions regarding this testimony.*



835 SW Topeka Blvd. Topeka, KS 66612 785.357.6321

House Commerce & Economic  
Development Committee  
Date: 02/15/2011  
Attachment #: 2-1





AMERICANS FOR PROSPERITY  
K A N S A S

February 15, 2011

**Testimony in Support of House Bill 2130**  
House Commerce and Economic Development Committee

Mr. Chairman and members of the committee,

I am proud to provide testimony today, representing the more than 40,000 members of Americans for Prosperity-Kansas.

AFP Kansas supports HB 2130 relating to political activities within labor organizations. The legislation commonly referred to as “paycheck protection,” simply gives union members a choice, a choice to fund or not fund the non-bargaining and administration aspects of their union while still retaining their membership.

According to the James Madison Institute, labor reform experts believe that as much as 80 percent of union dues are spent on non-collective bargaining related activity. Some members of a union may not choose to support all union political activity. For example, Washington was the first state to enact paycheck protection laws. Once the law was implemented the number of teachers that contributed to the Washington Education Association’s Political Action Committee dropped to 6.1 percent in 2004, compared to 81.7 percent a decade earlier.

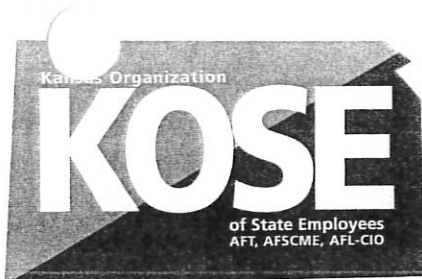
Some opponents of paycheck protection have argued the legislation will mute the voice of public sector unions. But what is often lost in that argument is that if a member is truly supportive of a union’s political agenda then they will more than likely want to financially support the political action committee. The legislation will also compel labor organizations to clearly articulate its political agenda in an attempt to garner financial support from its membership, another positive for the worker.

Paycheck protection laws reflect the defense of liberty, perhaps best articulated by Thomas Jefferson when he said: “To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical.”

Thank you for the opportunity to provide testimony in support of HB 2130.

Derrick Sontag  
Kansas State Director  
Americans For Prosperity  
[dsontag@afphq.org](mailto:dsontag@afphq.org)  
785.354.4237

House Commerce & Economic  
Development Committee  
Date: 02/15/2011  
Attachment #: 3-1\*



## A NEW DAY... A BETTER WAY... FOR STATE EMPLOYEES

Testimony before the  
House Commerce and Economic Development Committee  
On  
HB 2130  
By  
Jane Carter, Executive Director  
Kansas Organization of State Employees

Mr. Chairman and Members of the Committee:

My name is Jane Carter, and I am the Executive Director of the Kansas Organization of State Employees (KOSE), which represents 11,000 working men and women who are executive branch employees and on whose behalf I am privileged to appear today. I thank you for the opportunity to speak with you about HB 2130. KOSE opposes HB 2130 because it is an unnecessary, unfair and unconstitutional scheme to undermine union democracy and the institutional integrity of unions themselves, and to silence working families and the unions who stand up for them in political and legislative affairs.

### I. Introduction

HB 2130 prohibits virtually all labor unions in Kansas, not just those who represent public service workers, from using membership dues and similar payments to engage in broadly defined "political activity." For public employee organizations – that is, for KOSE<sup>1</sup> – HB 2130 includes a variation on the anti-union ruse misleadingly called "paycheck protection" by its proponents. Proponents of this ruse speak with high-minded fervor of the need to protect the rights of individual union members and other workers to be free of the compulsion to pay for speech with which they disagree. But, paycheck protection is disfavored by union members and is not a workers' rights cause. It is a strategy of retaliation against working families and their unions for opposing corporate and anti-worker agendas.

As I will discuss, labor unions are representative democracies governed by their members, who join voluntarily. Union members overwhelmingly support labor's political advocacy. They recognize that labor's political and legislative advocacy is strongly correlated with the economic interests of working families, and that the removal of labor unions from the political playing field would leave the field to be dominated by the same corporate groups that have forced a race to the bottom for workers – outsourcing jobs, slashing wages and eliminating benefits and retirement security. This is precisely why backers of HB 2130 and similar measures have singled out unions and do not even purport to apply such restrictions to corporations and other membership organizations, and it is precisely why we oppose it.

<sup>1</sup> The Kansas Public Employer Employee Relations Act ("PEERA") as it exists today prohibits KOSE from "spend[ing] any of its income, directly or indirectly, for partisan or political purposes or engage[ing] in any kind of activity advocating or opposing the election of candidates for any public office." See K.S.A. 75-4333(d). Although KOSE fully complies with this prohibition, it opposes HB 2130's amended and expanded version of the prohibition and it opposes the enactment of any law that would similarly prohibit any other union, whether in public or private sectors, from engaging in political activity.

## II. Labor Unions Are Representative Democracies

Unions are America's most vibrant private mass democratic institution, empowering the millions of workers who combine together to govern them. The decisions unions make to support or oppose legislation or candidates for public office, and the decisions unions make to expend resources in support of these decisions, reflect the views of the majority of union members.

Unions are the result of a democratic decision-making process. Under the National Labor Relations Act ("NLRA"), in order for a labor organization to represent a bargaining unit for the purpose of collective bargaining, a majority of the employees in that bargaining unit must designate or select the labor organization as the unit's representative for that purpose.<sup>2</sup> Typically, a secret ballot election is held to test that support, and a union that loses the support of a majority of the employees can be decertified.<sup>3</sup> PEERA sets forth a similar procedure (also requiring a majority vote in a secret ballot election) for recognition (or decertification) of a union as the recognized employee organization.<sup>4</sup>

After their voluntary formation, unions are required by law to operate democratically. The Labor-Management Reporting and Disclosure Act ("LMRDA") of 1959<sup>5</sup> requires that local union officers must be elected at least every three years by secret ballot, and national union officers must be elected every five years by secret ballot or at a convention of delegates who are themselves chosen by secret ballot; that member dues may be increased only by these same methods; and, that all union members have an equal right to nominate candidates to run for union office, vote in union elections without fear, favor or discrimination, and exercise the freedoms of speech and association within their unions. Similarly, PEERA requires every recognized employee organization to maintain "democratic procedures and practices, including periodic elections by secret ballot and the fair and equal treatment of all members."<sup>6</sup> Thus, decisions in unions are made by either the membership as a whole or by individuals who are both democratically elected by and accountable to that membership.

## III. Union Membership is Entirely Voluntary

Union membership is entirely voluntary. No one can be forced against their will to join a union. A person who does join the union is afforded full membership rights, including the right to vote and to participate in the governance of the union.

In Kansas, a so-called "right-to-work" state, employees in a represented bargaining unit may choose not to join the union and may refuse to pay anything to support the union. Even if they do not join the union, it is the union's duty, as exclusive representative, to adhere to a duty of fair representation of them.

Unions, like political parties and other voluntary associations, operate on the principle that it is the majority's right to decide the duties of membership, and that those who desire to enjoy the privileges of membership, such as electing union leadership participating in union decision-making, are required to become members of the organization and accept the responsibilities that come with membership. Union members typically cannot refuse to pay their dues, in whole or in part, because members choose to join the union in the first place and they exercise all participatory rights as members. Union members' rights are like those of members of any democratic organization: they choose their leaders in elections, speak

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<sup>2</sup> 29 U.S.C. § 159(a).

<sup>3</sup> 29 U.S.C. § 159(c).

<sup>4</sup> K.S.A. § 75-4327.

<sup>5</sup> 29 U.S.C. § 401 *et seq.*

<sup>6</sup> K.S.A. § 75-4327(h).



out and vote on policy decisions, and participate in meetings and other events – and they abide by the basic democratic principle of majority rule.

But, a union member who is so dissatisfied with the decisions of the majority – concerning political or legislative action, collective bargaining or anything else – can take the step of resigning from membership. In Kansas, this means an employee is entitled the benefits and prerogatives of union representation in the workplace without paying any dues or representation fee, shifting a greater burden of paying for representational costs to their fellow workers who remain members.

Union-represented workers are offered more financial choices in their union than they enjoy in society at large. A taxpayer, like a union member, has full political rights in society and can't reduce his or her taxes in order not to pay for a particular disfavored government program. But a union member, unlike a taxpayer, can take the extra step of relinquishing political rights within the union in order to cease dues support for the union or for programs that extend beyond basic workplace representation. Of course, every member who takes that step weakens the union – the chief reason why the National Right to Work Committee, the Chamber of Commerce and other groups that oppose unions favor the spread of so-called “right-to-work” laws that encourage full free-riding by non-members.

This bill, HB 2130, would – aside from prohibiting unions from engaging in political activity - take the additional extraordinary step of permitting a member of a public employee organization - that is, an individual who has voluntarily joined the union and voluntarily agreed to pay membership dues with full knowledge that the union operates on the democratic principle of majority rule – to bring a court action against the union for using membership dues and similar receipts to fund political activity in which the union engages on behalf of all of its members. The very idea is anathema to the principle of representative democracy according to which unions and other democratic institutions, like the United States and the State of Kansas, operate. Not only would it undermine union democracy, but it is entirely unnecessary; every dissenting union member may resign his or her membership in the union and cease paying dues at any time.

Apart from the issue of union membership, no employee is required to have money automatically deducted from his or her paycheck to finance *any* of the union's activities. Unions and employers may negotiate payroll deduction authorization clauses, pursuant to which employees – as a matter of their own convenience – *may* authorize their employer to deduct dues or fees from their paychecks and remit them directly to the union, rather than having the employees make the payments personally.<sup>7</sup> Without the employee's express authorization, however, such deduction from represented employees who decline to authorize a payroll deduction for membership dues or agency fee payments (which are prohibited in Kansas), may fulfill his or her financial obligation by other means of payment, such as mailing a check or paying at a monthly membership meeting.

#### **IV. Union Members Strongly Support Union Political Advocacy**

Union members have consistently and overwhelmingly opposed ballot measures and legislation to enact paycheck protection or schemes such as HB 2130 that deny unions the same access to the political arena that other membership organizations and corporations enjoy. And while union members have opposed these restrictive measures, they solidly support union political and legislative involvement. Three-quarters of all union members – regardless of party affiliation – approve of investing time and money in politics and legislation to counter the influence that corporations and special interests have. Jobs, health

<sup>7</sup> KOSE and the State of Kansas have negotiated such a clause in their Memorandum of Agreement. State of Kansas for the full cost of administering the check-off.

care, retirement security, taxes, fair trade, workplace safety and environmental protection are critically important to workers. Unions help make working families' voices heard on all of these issues.

The agenda of unions reflects the agenda of their members. On Election Day 2010, 53% of AFL-CIO members said their top voting issues were the economy and jobs, 36% said health care, 22% said government spending/the deficit, 19 percent said Social Security, 17 percent said taxes, 12% said terrorism/national security and 11 % said social issues.

Additionally, 90% of AFL-CIO members favor action by Congress to pass a major new job creation tax credit for business that create jobs here in the United States in the next two years. Eighty-six percent favor creating jobs by investing to rebuild roads, bridges, schools and energy systems; 80% favor investing in jobs to maintain U.S. competitiveness with China, India and Germany; 75% favor continuing federal unemployment insurance benefits for those who have lost their jobs and are unable to find new ones.

By contrast, 68% oppose cutting taxes for people who make more than \$250,000 a year; 73% oppose raising the Social Security retirement age; 87% oppose allowing insurance companies to deny coverage to people with pre-existing medical conditions; and 84% oppose reducing or eliminating the minimum wage. As this demonstrates, claims that union members do not support the agenda of union leaders are blatantly false.

The relationship between union political and legislative activity and worker economic interests is something that virtually every union-represented worker knows. Our members know that their unions work to advance their interests through political and legislative action. They know this when they vote for union representation; when they elect their leaders; when they vote to approve collective bargaining agreements; when they vote on the level of dues they are willing to pay; and when they vote to authorize union programs and activities. Workers make these decision with their eyes wide open about how their unions participate in the political and legislative spheres. Certainly, no one contends that the labor movement makes a secret of these activities.

#### **V. HB 2130 Is Intended to Favor Business Interests at the Expense of Working Families**

Unions and working families have no less stake in public affairs than other institutions and citizens. As Justice Felix Frankfurter explained, "It is not true in life that political protection is irrelevant to, and insulated from, economic interests. It is not true for industry or finance. Neither is it true for labor."<sup>8</sup> Despite the fact that business and corporate interests are, under Kansas law, able to fully and freely engage in political activity, HB 2130 unfairly and unconstitutionally singles out the First Amendment activities of working families and their unions, and takes special aim at public service workers that the unions that represent them.

The purpose of H.R. 2130 is to force unions and their members to abandon the political playing field which already heavily – and increasingly – favors corporations and the wealthy. In 1994, corporate interests spent almost \$500 million on national elections – 10 times more than unions spent. In 2010, corporate spending increased to over \$1 billion – 19 times more than unions spent.<sup>9</sup>

According to the Kansas Governmental Ethics Commission, of the 20 Kansas PACs who contributed the most to candidates in 2008 (the most recent year for which data is readily available), only one was a

<sup>8</sup> *International Ass'n. of Machinists v. Street*, 367 U.S. 740, 814-15 (1961) (dissenting opinion).

<sup>9</sup> Opensecrets.org

union PAC. Of the 20 PACs with the most income that year, only one was a union PAC. Of the top 20 PACs in terms of spending in 2008, only one was a union PAC.<sup>10</sup>

While HB 2130 makes every attempt to squelch the voices of working families and their unions, it makes no attempt to similarly restrict corporate interests. That is likely because the proponents of HB 2130 and other such proposals are part of a concerted effort by corporate groups who have been forcing a race to the bottom that includes outsourcing jobs, slashing wages and eliminating benefits and retirement security – all efforts vigorously opposed by unions and their members. Backers of these efforts to silence the political voice of unions include the U.S. Chamber of Commerce, which, in 2010 spent over \$100 million on lobbying and political activities to support a pro-corporate, anti-worker agenda; the National Right to Work Committee and the National Right to Work Legal Defense Foundation, whose single purpose is to undermine working families and their unions; Americans for Tax Reform, which has consistently promoted anti-worker ballot initiatives and legislation, and, among others, the American Legislation Exchange Council (ALEC), which claims to be a nonpartisan, individual membership association of state legislators, but 45 percent of its members represent private industry, nonprofits and public policy organization, including Walmart, PhRMA, Verizon and BlueCross BlueShield. ALEC is at the forefront of the effort to introduce state legislation and initiatives to silence working families and their unions.

The perniciousness and inequity of HB 2130 and like measures are underscored by the fact unions alone are unfairly and unconstitutionally singled out, despite the fact that unions are operated in a far more democratic manner than corporations. Unlike union members, corporate shareholders do not have equal votes; *money* determines voting power in a corporation. Shareholders are typically not even informed of the corporation's political activities. It is quite possible that a *majority* of corporate shareholders would stop or change the corporation's political activities if they had equal votes and a real opportunity to participate in the decisions of the corporation, just as union members do in their unions.

Under Kansas law, employees who object to a union's political activities can refrain from paying dues to the union, while continuing to enjoy the benefits derived from the union's performance of its duties as the exclusive bargaining representative for labor-management issues. Corporate shareholders are not afforded similar rights. As a result, *the funds available for a union's political activities more accurately reflect members' support for the organization's political views than does a corporate treasury*. It is unfair and unconstitutional to single out unions for spending their funds on constitutionally protected speech, and any such proposal to restrict the constitutional rights of unions and their members should likewise prohibit corporations from using shareholder assets without authorization of individual shareholders.

This Committee is likely familiar with the many other membership organizations whose diverse programs and activities include political, legislative and other advocacy: the Chamber of Commerce, the National Rifle Association, the Christian Coalition, and the Kansas Contractors Association to name a few. It is undeniable that none of these organizations operates through the democratic procedures that unions follow, and that no law commands that they do so. There is no proposal, of which we are aware, that would prohibit these groups from using their membership dues, fees and assessments for political activity. Yet, if there is a problem of compelled political speech among private institutions, the appropriate solution is to confer the same rights upon shareholders and members of other membership organizations that union members enjoy. And, if the government intends to prohibit unions from using their funds for political activity, corporations and other membership organizations should be equally subject to such a restriction.

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<sup>10</sup> Kansas.gov/ethics

I note that, although HB 2130 affects all labor unions, its aim is especially directed at unions representing public service workers. It may be suggested that this bill restricting the use of funds collected, in part, through the government's payroll system as a result of paycheck deductions affirmatively authorized by some government employees. But, the bill only restricts the use of union dues payments. It does not prohibit corporations from using health care or insurance premiums or various other payments they collect from government employees through paycheck deduction. Plainly, HB 2130 is unfairly targeted at working families and the unions who represent them.

## VI. Conclusion

Again, the motivation behind HB 2130 is to remove from public policy debates the view of working families – as expressed through their unions – and leave the playing field to be dominated almost exclusively by corporations and other business interests. But the democratic principles on which our legislative and political processes are based support free access by all to the public debate, and government decision-making that accommodates competing interests. Kansas – and our nation – needs a more level playing field for working people and their unions in politics, not one that is more skewed in favor of corporations and other influential organizations lacking democratic accountability. KOSE opposes HB 2130 as an unconstitutional attempt to punish unions for having the temerity to stand up for the working families we are privileged to represent. We respectfully request that you will protect the rights of our members to participate on a full and equal basis in public decisions by opposing this bill.

*The Kansas Organization of State Employees (KOSE) is the largest certified, organization for state employees in the executive branch, representing n employees.*

House Commerce & Economic  
Development Committee  
Date: 2/15/2011  
Attachment #: 4-6





"PROGRESS THROUGH UNITY"

# KANSAS STATE COUNCIL OF FIRE FIGHTERS



Affiliated With

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS • KANSAS AFL-CIO • CENTRAL LABOR BODIES

**BEFORE THE COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT  
TESTIMONY OF ROBERT S. WING, PRESIDENT  
KANSAS STATE COUNCIL OF FIRE FIGHTERS**

My name is Robert S. Wing and I am President of the Kansas State Council of Fire Fighters and Business Manager of International Association of Fire Fighters Local 64 in Kansas City, Kansas. I am also an active Fire Captain in Kansas City, Kansas.

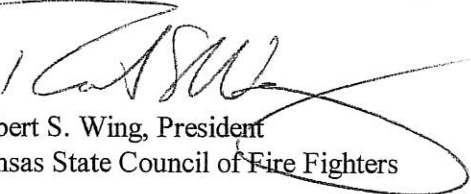
I appear before you to testify on H.B. 2130. Quite frankly, H.B. 2130 has confused me to the point that I need the following questions addressed in order to comment in an educated fashion.

1. Is H.B. 2130 attempting to address Labor Organizations that represent public employees covered by the Kansas Public Employer-Employee Relations Act?
2. Is H.B. 2130 attempting to address Labor Organizations that represent employees that are not covered by the Kansas Public Employer-Employee Relations Act?
3. Is H.B. 2130 attempting to address Labor Organizations that represent employees working in the private sector?

My belief is that once these issues are taken up and responded to by the committee, my organization can respond to the committee in testimony that would effectively explain our position on H.B. 2130.

I appreciate your time and would be glad to entertain any questions.

Thank you,

  
Robert S. Wing, President  
Kansas State Council of Fire Fighters





President  
**Steve Rooney**

Executive Secretary  
Treasurer  
**Andy Sanchez**

Executive Vice  
President  
**Bruce Tunnell**

Executive Board

*Jane Carter  
Kurt Chaffee  
Larry Horseman  
Jim Keele  
Larry Landwehr  
Mark Love  
Kevin McClain  
Roger Maack  
Mike Maloney  
Chad Manspeaker  
Lisa Ochs  
Emil Ramirez  
Clay Rodgers  
Deb Shepard  
Mark Shughart  
Richard Taylor  
Brian Threadgold  
Jason Vellmer*



**TESTIMONY**  
**On HB 2130 Before the**  
**House Commerce & Economic Development Committee**  
**February 15, 2011**

By Andy Sanchez, Executive Secretary-Treasurer  
Kansas AFL-CIO

Thank You Chairman Brown and members of the committee. I appreciate this opportunity to appear before you today and offer our opposition on HB 2130. HB 2130 actively seeks to restrict people from participating in the electoral process by effectively silencing the voice of working people. How could anyone support a bill that mutes the voice of a shrinking middle class?

It stands to reason when you think that we offer a different perspective to big corporate business. HB 2130 is really part of mounting nationwide coordinated campaign to limit working families and their unions in the political and legislative process. In 1994 corporations outspent unions by a ratio of 10:1, and in 2010 unions were outspent 19:1. The thought is that by creating new restrictions on unions the balance of power will tilt even further in favor of business. Anti-worker proposals such as this call for unnecessary tighter controls and burdensome regulations.

As it stands, union members have a choice. No worker can be forced to fund a union's political and legislative activities (see attachments). Union members choose whether to join a union, set their own dues, elect their own leaders and vote on where and how their money is spent. The minority of workers who disagree with union political activities can choose not to belong to the union. In states where they still pay a fee to cover the union's representation, they are not required to pay the amount that goes for political and legislative activities. Corporations, by contrast, don't give shareholders, employees or customers any say in their political activities.

The biggest problem with proposals such as this is that they don't apply to anyone else. The same is true for HB 2130 making the bill unbalanced because the bill does not restrict others from participating in the political process. It makes no attempt to deal with other dues collecting organizations and targets only Kansas workers.

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Date: 02/15/2011

Attachment #: 6-1

The bill clearly wants to put Kansas on pace to pursue a mission to quell dissent. The bill gets right at the heart of our principles of democracy because unions are made the exception and targeted. We should be alarmed by HB 2130. The bill sends a clear message that if you peacefully disagree with big business and offer a different perspective, you pay a price. We ask that you be weary of such proposals that use public policy to quiet dissenters.

HB 2130 discourages participation in the electoral process which continually suffers from a low turnout. This bill does exactly opposite of what we should be doing which is encourage Kansans to be involved politically and fulfill their civic duty for the betterment of their community. The Kansas AFL-CIO proudly stands in support of protecting the voice of working families. To repress that voice borders along the line of tyranny. We must preserve the founding principles of our country, promote community involvement and allow one another to share our diverse ideas.

We believe there is a mandate across the United States to stimulate the economy and affect job creation. The Kansas AFL-CIO stands ready to engage with every elected official at every level of government to debate and advance this mandate of the American people. We accept this challenge knowing full well that there will be varied opinions in the spectrum of American democracy on how we proceed. In light of the challenge of maintaining a middle class in this country, we are here, dealing with legislation that is aimed at killing dissent through eliminating the Constitutional Right to Freedom of Speech for workers in Kansas.

We ask that you vote no on advancing this bill out of committee. Thank you.



# Union Members and Politics

## Members solidly support union political and legislative involvement

### WHY UNIONS ARE INVOLVED IN POLITICS

■ **The concerns of working families are every bit as valid as those of corporate interests.**

Union members know that working families have the right to be heard in the American political process. Without their voice, there would be no employer-provided health care, no minimum wage, no overtime pay, no job safety protections and no retirement or job security.

■ **The work lives of America's workers are shaped by local, state and federal laws.** Congress and state legislatures can wipe out all protections and gains won by unions at the bargaining table. And whether legislation helps or hurts working families depends on the votes of our representatives.

■ **Union education about workers' concerns is essential.** When it comes to issues affecting the economic well-being of working families, unions educate not only their own members but also the public at large.

■ **As individuals, workers can't take on Big Business and their allies.** They can't effectively challenge the corporate interests that lobby for big tax breaks for the wealthy and deep cuts in health care, retirement benefits and job safety benefits. But through unions, workers have a say in the laws and policies that protect jobs, health care and education.

### SURVEYS OF UNION MEMBERS SHOW

■ An overwhelming majority of union members wants their union involved in the legislative and political process. Three-quarters of all union members—regardless of party affiliation—approve of unions investing “time and money in politics and legislation to counter the influence that corporations and special interests have.” Jobs, health care, retirement security, taxes, fair trade, workplace safety and environmental protection are critically important to workers. Today's unions help make working families' voices heard on all of these issues.

■ The AFL-CIO's agenda reflects AFL-CIO members' agenda. On Election Day 2010, when asked about their top one or two voting issues, 53 percent of AFL-CIO members said the economy and jobs, 36 percent said health care, 22 percent said government spending/the deficit, 19 percent said Social Security, 17 percent said taxes, 12 percent said terrorism/national security and 11 percent said social issues.

■ In addition:

- 90 percent of AFL-CIO members favor action by Congress to pass a major new job creation tax credit for businesses that create jobs here in the United States in the next two years;
- 86 percent favor creating jobs by investing to rebuild roads, bridges, schools and energy systems;
- 80 percent favor investing in jobs to maintain U.S. competitiveness with China, India and Germany; and
- 75 percent favor continuing federal unemployment insurance benefits for those who have lost their jobs and are unable to find new jobs.

■ By contrast:

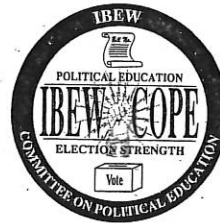
- 68 percent oppose cutting taxes for people who make more than \$250,000 a year;
- 73 percent oppose raising the Social Security retirement age;
- 87 percent oppose allowing insurance companies to deny coverage to people with pre-existing medical conditions; and
- 84 percent oppose reducing or eliminating the minimum wage.

■ Claims that union members do not support the agenda of union leaders are blatantly false.

SOURCE: Surveys conducted among union members by Peter D. Hart Research Associates.

House Commerce & Economic  
Development Committee  
Date: 02/15/2011  
Attachment #: 6-3

**IBEW-COPE**  
**Check-Off Authorization**




I hereby authorize the Company to deduct from my pay the sum of \$\_\_\_\_\_ for each pay period, month, week, or hour worked (circle one) and to forward that amount to the International Brotherhood of Electrical Workers Committee on Political Education. This authorization is signed voluntarily and not out of any fear of reprisal and on the understanding that IBEW-COPE is engaged in a joint fund raising effort with the AFL-CIO, will use the money contributed to that effort to make political contributions and expenditures in connection with federal and state elections, and that this voluntary authorization may be revoked at anytime by notifying the Company and IBEW-COPE in writing of a desire to do so. Contributions or gifts to IBEW-COPE are not deductible as charitable contributions for federal income tax purposes.

Date\_\_\_\_\_ Signature of Employee\_\_\_\_\_

Name (Print)\_\_\_\_\_ IBEW Local No.\_\_\_\_\_

Social Security or Employee ID No.\_\_\_\_\_

 437 C FORM 932

House Commerce & Economic  
Development Committee  
Date: 02/15/2011  
Attachment #: 6-4



### BLET-PAC Check-Off Authorization Card

This authorization is voluntarily made based on my specific understanding that:

The signing of this authorization card and the making of these voluntary contributions are not conditions of membership in the Union, nor of employment by my employer; I may contribute any amount, and will not be favored or disadvantaged by the Union for doing so; I may refuse to contribute without reprisal.

Contribution or gifts to BLET-PAC are not deductible as charitable contributions for federal income tax purposes.

### BLET-PAC Check-Off Authorization Card

This authorization is voluntarily made based on my specific understanding that:

The signing of this authorization card and the making of these voluntary contributions are not conditions of membership in the Union, nor of employment by my employer; I may contribute any amount, and will not be favored or disadvantaged by the Union for doing so; I may refuse to contribute without reprisal.

Contribution or gifts to BLET-PAC are not deductible as charitable contributions for federal income tax purposes.

I hereby authorize and direct my Division Secretary-Treasurer to have deducted from my paycheck the sum of (circle) **\$1** other \_\_\_\_\_ monthly and transmit that amount to BLET-PAC. This authorization shall remain in full force and effect until revoked in writing by me.

Are You Registered To Vote? Yes ☐ No ☐ Date \_\_\_\_\_

First Name \_\_\_\_\_ Initial \_\_\_\_\_ Last Name \_\_\_\_\_ Jr., Sr. \_\_\_\_\_

Division Number \_\_\_\_\_ Check One ☐ Active? or ☐ Retired?

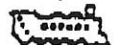
Home Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Signature \_\_\_\_\_

☐ Yes, I would like to receive e-mail alerts! Email Address: \_\_\_\_\_

Mail to: **Brotherhood of Locomotive Engineers & Trainmen-National Legislative Office**  
25 Louisiana Ave. NW, Washington, D.C. 20001



I hereby authorize and direct my Division Secretary-Treasurer to have deducted from my paycheck the sum of (circle) **\$1** other \_\_\_\_\_ monthly and transmit that amount to BLET-PAC. This authorization shall remain in full force and effect until revoked in writing by me.

Are You Registered To Vote? Yes ☐ No ☐ Date \_\_\_\_\_

First Name \_\_\_\_\_ Initial \_\_\_\_\_ Last Name \_\_\_\_\_ Jr., Sr. \_\_\_\_\_

Division Number \_\_\_\_\_ Check One ☐ Active? or ☐ Retired?

Home Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Signature \_\_\_\_\_

☐ Yes, I would like to receive e-mail alerts! Email Address: \_\_\_\_\_

Mail to: **Brotherhood of Locomotive Engineers & Trainmen-National Legislative Office**  
25 Louisiana Ave. NW, Washington, D.C. 20001



House Commerce & Economic  
Development Committee

Date: 02/15/2011

Attachment #: 6-5





Making public schools great for every child

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

David Schauner, testimony  
House Commerce & Economic Development Committee  
Feb 11, 2011  
**House Bill 2130**

Chairman Brown, members of the Committee, as General Counsel for the Kansas National Education Association, I thank you for the opportunity to present this testimony in opposition to **House Bill 2130**.

KNEA strongly opposes H.B. 2130.

On January 10, 2011, each of you, as members of this House, met for the first time for this session of the Kansas legislature. On that first day, each one of you took and subscribed to the following as your oath of office:

“We and each of us, do solemnly swear or affirm, that we will support the constitution of the United States and the constitution of the State of Kansas, so help us God.” (Journal of the House, First Day, January 10, 2011, p.8.)

You surely disregard your oath by voting to advance H.B. 2130, because H.B. 2130 violates the U.S. Constitution.

First, that portion of H.B. 2130 that limits KNEA’s (on behalf of its members) use of dues or PAC monies either for advocacy on a “public question” or for *independent* advocacy to support or oppose a candidate for office, plainly violates KNEA’s (on behalf of its members) First Amendment right to free speech under the U.S. Supreme Court’s recent decision in *Citizens*

*United v. FEC*, 130 S.Ct. 876 (2010). The constitutionality of this portion of H.B. 2130 is not saved by allowing members to contribute individually to a KNEA political action committee. This bill clearly denies KNEA's constitutional right to speak freely in a political forum. Nothing is more sacred than the right to participate equally in the election of representatives in our democracy. H.B. 2130 strikes at the heart of that guaranteed right.

H.B. 2130 is also is unconstitutional because it singles out labor organizations for certain disfavored treatment, while allowing all other entities—including corporations and all other voluntary membership associations (such as the National Rifle Association, the NAACP, and the Right to Work Committee)—to operate without similar constraints. H.B. 2130 is, therefore, a classic instance of viewpoint discrimination, which “is almost universally condemned and rarely passes constitutional scrutiny.” *Mesa v. White*, 197 F.3d 1041, 1047 (10th Cir. 1999). See also *First Nat'l Bank of Boston v. Bellotti*, 435 U.S. 765 (1978) (“Especially where ... the legislature's suppression of speech suggests an attempt to give one side of a debatable public question an advantage in expressing its views to the people, the First Amendment is plainly offended”)

Furthermore, Kansas is, by constitution, a right-to-work state. Members join and pay dues to KNEA, or any other union in Kansas, not because they are required to do so, but because they so choose. Likewise, KNEA's members voluntarily contribute money to be used for political advocacy by KNEA. Besides being the blatant attack on unions that H.B. 2130 is, it is also an attack on each of those Kansas citizens who makes the free choice to become a union member.

Because it is an unconstitutional infringement on all unions' First Amendment right to free speech, and for the other reasons discussed, I urge you to vote down **H.B. 2130**.

House Commerce & Economic  
Development Committee  
Date: 02/15/2011  
Attachment #: 7-2