



Dear Chairwoman Erickson and Members of the Committee:

I thank you for this opportunity to testify in support of SB 511, a bill that would ensure Kansas public employees are able to exercise their constitutional rights to refrain from paying fees to a union as a condition of employment and to end these optional payments at any time.

In June 2018, the U.S. Supreme Court ruled in *Janus v. AFSCME* that agency-shop agreements violate the First Amendment rights of nonmembers by forcing them to “subsidize private speech on matters of substantial public concern.”<sup>1</sup> The Court further clarified that “extraction of agency fees from nonconsenting public sector employees violates the First Amendment”<sup>2</sup> and that “neither an agency fee nor any other payment to the union may be deducted from a nonmember’s wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to pay. By agreeing to pay, nonmembers are waiving their First Amendment rights, and such a waiver cannot be presumed.”<sup>3</sup>

AFP activists in Kansas support SB 511 because this legislation would ensure our state’s public employees are fully aware of their First Amendment *Janus* rights to join or refrain from joining a union and that this right can be exercised at any time. SB 511 would require that new public employees, and existing employees, annually sign an affirmative consent form acknowledging their desire to pay fully voluntary dues to a union.

Additionally, SB 511 ensures that our public employees are able to end union dues deductions directly through their government employers rather than through government union leaders. This is a critically important feature in the legislation because many public servants nationally have faced union non-compliance in honoring the requests of employees trying to leave union membership.

SB 511 would help ensure that the State of Kansas is in full compliance with the First Amendment constitutional rights of its public employees. For this reason, I am asking you today to support SB 511 and ensure our hardworking public employees can exercise these rights now and into the future.

Sincerely,

Elizabeth Patton  
State Director  
Americans for Prosperity-KS

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<sup>1</sup> *Janus v. AFSCME*, 585 U.S. \_\_\_ (2018) (Alito, S.)

<sup>2</sup> *Janus v. AFSCME*, 585 U.S. \_\_\_ (2018) (Alito, S.)

<sup>3</sup> *Janus v. AFSCME*, 585 U.S. \_\_\_ (2018) (Alito, S.)