

SESSION OF 2011

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2130

As Recommended by House Committee on
Commerce and Economic Development

Brief*

HB 2130 would prohibit labor organizations, professional employees' organizations, and public employee 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. Members of labor or professional employee organizations would be permitted to donate by a personal payment noted to that effect. Political donations would be held in an account separate from the operational account.

If the prohibition were to be violated, or if funds were to be co-mingled, a public employer would be prohibited for two years from collecting deductions for any purpose. 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.

*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>

Background

Proponents of the bill included the Kansas Chamber, Americans for Prosperity, and Representative Gene Suellentrop. Proponents stated the legislation would remove governments from the process of funding political campaigns.

Opponents included the Council of Fire Fighters, the Kansas Organization of State Employees, the Kansas AFL-CIO, and Kansas NEA. 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 Secretary of State's Office and the Governmental Ethics Commission, the bill would have not fiscal effect on state revenues or expenditures.