AN ACT concerning certain employee organizations; relating to political activities; amending K.S.A. 75-4333 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) It shall be unlawful for any professional employees' organization, as defined in K.S.A. 72-5413, and amendments thereto, to use any dues, fees, assessments or any periodic payments deducted from a member's paycheck for the purpose of engaging in political activities as defined in subsection (c).

(b) Should a member of a professional employees' organization want to donate money to such organization for the purpose of the professional employees' organization engaging in political activities, such member shall do so by a personal payment which notes that such payment is donated for the professional employees' organization's political activities. Moneys received by the professional employees' organization for political activities shall be deposited by such organization in a separate fund for political activities.

(c) For the purposes of this section, "political activities" means any activity carried out for the purpose of influencing, in whole or part, any election for a state, local government or board of education office, including activities or causes of a partisan political or ideological nature engaged in by a public employee organization for such purpose, and including contributions to a political committee, continuing political employee committee, or both, for the purpose of aiding or promoting the endorsement, nomination, election or defeat of a candidate for public office of the state or of a county, municipality or school district, or the passage or defeat of any public question.

(d) This section shall be part of and supplemental to chapter 72 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 2. (a) For a period of two years, no public employer shall collect, deduct, or assist in the collection or deduction of funds for any purpose for a person or organization if, in violation of subsection (d) of K.S.A. 75-4333, and amendments thereto, the person or organization has:

(1) Used as political funds any of the funds collected or deducted for it by any public employer; or

(2) commingled funds collected or deducted by any public employer
with political funds.

(b) Any employee whose wages have been deducted or used in violation of section 1 or subsection (d) of K.S.A. 75-4333, and amendments thereto, may bring suit in a court of competent jurisdiction to obtain injunctive relief against the violator or person or public employer threatening violation. Nothing in this section shall be considered nor otherwise construed to waive, or in any way abrogate state immunity. An employee whose wages have been deducted in violation of this article may bring suit in a court of competent jurisdiction to recover damages equal to:

(1) From a public employer violating the provisions of this article, or failing to take appropriate action when informed of the violation, any amounts actually deducted from the public employee's wages; and

(2) from any individual or organization acting separately or in league with a public employer to violate the provisions of this article, twice any amounts actually received by such individual or organization from the injured public employee.

(3) The remedies in subsections (b)(1) and (b)(2) above shall not preempt any other causes of action and damage awards which may be available to public employees injured as a result of violations of this act.

(c) In any judgment for the plaintiff intended to enforce section 1 or subsection (d) of K.S.A. 75-4333, and amendments thereto, the court may award reasonable attorney's fees as part of the court costs.

Sec. 3. K.S.A. 75-4333 is hereby amended to read as follows: 75-4333. (a) The commission of any prohibited practice, as defined in this section, among other actions, shall constitute evidence of bad faith in meet and confer proceedings.

(b) It shall be a prohibited practice for a public employer or its designated representative willfully to:

(1) Interfere, restrain or coerce public employees in the exercise of rights granted in K.S.A. 75-4324, and amendments thereto;

(2) Dominate, interfere or assist in the formation, existence, or administration of any employee organization;

(3) Encourage or discourage membership in any employee organization, committee, association or representation plan by discrimination in hiring, tenure or other conditions of employment, or by blacklisting;

(4) Discharge or discriminate against an employee because he or she such employee has filed any affidavit, petition or complaint or given any information or testimony under this act, or because he or she such employee has formed, joined or chosen to be represented by any employee organization;

(5) Refuse to meet and confer in good faith with representatives of recognized employee organizations as required in K.S.A. 75-4327, and
amendments thereto;

(6) Deny the rights accompanying certification or formal recognition granted in K.S.A. 75-4328, and amendments thereto;

(7) Deliberately and intentionally avoid mediation, fact-finding, and arbitration endeavors as provided in K.S.A. 75-4332, and amendments thereto; or

(8) Institute or attempt to institute a lockout.

(c) It shall be a prohibited practice for public employees or employee organizations willfully to:

(1) Interfere with, restrain or coerce public employees in the exercise of rights granted in K.S.A. 75-4324, and amendments thereto;

(2) Interfere with, restrain or coerce a public employer with respect to management rights granted in K.S.A. 75-4326, and amendments thereto, or with respect to selecting a representative for the purposes of meeting and conferring or the adjustment of grievances;

(3) Refuse to meet and confer in good faith with a public employer as required in K.S.A. 75-4327, and amendments thereto;

(4) Deliberately and intentionally avoid mediation, fact-finding and arbitration efforts as provided in K.S.A. 75-4332, and amendments thereto; or

(5) Engage in a strike.

(d) (1) It shall be a prohibited practice for a public employee organization to endorse candidates, or spend any of its income, directly or indirectly, for partisan or political purposes or engage in any kind of activity advocating or opposing the election of candidates for any public office, including any income in the form of or derived from any dues, fees, assessments or any other periodic payments, directly or indirectly, to engage in political activities as defined in paragraph (2).

(2) For the purposes of this section, "political activities" means any activity carried out for the purpose of influencing, in whole or part, any election for a state, local government or board of education office, including activities or causes of a partisan political or ideological nature engaged in by a public employee organization for such purpose, and including contributions to a political committee, continuing political employee committee, or both, for the purpose of aiding or promoting the endorsement, nomination, election or defeat of any candidate for public office of the state or of a county, municipality or school district, or the passage or defeat of any public question.

(e) In the application and construction of this section, fundamental distinctions between private and public employment shall be recognized, and no body of federal or state law applicable wholly or in part to private employment shall be regarded as binding or controlling precedent.

New Sec. 4. If any provision of this act, including any amendment
made by this act, or the application of any such provision to any person or
circumstance, is held invalid, the validity of any other provision of this act,
or the application of such provision to other persons and circumstances,
shall not be affected thereby.

Sec. 5. K.S.A. 75-4333 is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its
publication in the Kansas register.