

SENATE BILL No. 212

By Committee on Assessment and Taxation

2-12

1 AN ACT concerning employees; relating to certain employee
2 organizations; certain deductions from wages; amending K.S.A. 2014
3 Supp. 75-4338 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 75-4338 is hereby amended to read as
7 follows: 75-4338. (a) It shall be a prohibited practice for any professional
8 employees' organization, as defined in K.S.A. 72-5413, and amendments
9 thereto, or public employee organization, as defined in K.S.A. 75-4322,
10 and amendments thereto, to use ~~any union dues, fees, money or other~~
11 ~~assessments deducted from a member's paycheck~~ for the purpose of
12 engaging in partisan or political purposes as defined in subsection (d). A
13 professional employees' organization or public employee organization may
14 not require any contribution to a candidate, personal campaign committee,
15 political action committee, registered political party, or political fund as a
16 condition of membership or participation in the professional employees'
17 organization or public employee organization.

18 (b) (1) A professional employees' organization or a public employee
19 organization wishing to make expenditures for partisan or political
20 purposes shall establish a political fund.

21 (2) Each professional employees' organization or public employee
22 organization that establishes a political fund shall:

23 (A) Maintain the political fund as a separate, segregated account apart
24 from any account containing money received by a professional employees'
25 organization or a public employee organization as union dues;

26 (B) ensure that each contribution to the political fund is voluntary;
27 and

28 (C) establish the political fund as a political action committee.

29 (3) (A) A professional employees' organization or a public employee
30 organization may only make expenditures for partisan or political purposes
31 from a political fund established in accordance with this section.

32 (B) A professional employees' organization or a public employee
33 organization may not expend union dues for partisan or political purposes
34 or transfer union dues to a political fund.

35 (c) (1) Nothing in this section precludes a professional employees'
36 organization or a public employee organization from making expenditures

1 of union dues to communicate directly with its own members about
2 political candidates or political issues.

3 (2) Nothing in this section precludes a professional employees'
4 organization or public employee organization from making expenditures of
5 union dues either for the establishment of a political fund or to solicit
6 contributions from its members to a political fund.

7 (d) *The use by a board of education, as defined in K.S.A. 72-5413,*
8 *and amendments thereto, of public school resources to assist a*
9 *professional employees' organization, as defined in K.S.A. 72-5413, and*
10 *amendments thereto, in collecting union dues from wages of professional*
11 *employees, as defined in K.S.A. 72-5413, and amendments thereto, is*
12 *prohibited.*

13 (e) *The use by a public agency or public employer, as defined in*
14 *K.S.A. 75-4322, and amendments thereto, of the public agency or public*
15 *employer's resources to assist an employee organization, as defined in*
16 *K.S.A. 75-4322, and amendments thereto, in collecting union dues from*
17 *wages of public employees, supervisory employees or confidential*
18 *employees, as such employees are defined in K.S.A. 75-4322, and*
19 *amendments thereto, is prohibited.*

20 (f) (1) "Partisan or political purposes" means an act done with the
21 intent or in a way to influence or tend to influence, directly or indirectly,
22 any person to refrain from voting or to vote for or against any candidate
23 for public office at any caucus, political convention, primary, or election.

24 (2) "Political fund" means a separate segregated fund established by a
25 professional employees' organization or a public employee organization
26 for partisan and political purposes that meets the requirements of this
27 section.

28 (3) "Union dues" means dues, fees, money, or other assessments
29 required as a condition of membership or participation in a professional
30 employees' organization or a public employee organization.

31 (e) (g) This section as it relates to public employee organizations
32 shall be supplemental to the provisions of K.S.A. 75-4333, and
33 amendments thereto, and shall be enforced pursuant to the provisions of
34 K.S.A. 75-4334, and amendments thereto.

35 (f) (h) This section as it relates to professional employees'
36 organizations shall be supplemental to the provisions of K.S.A. 72-5430,
37 and amendments thereto, and shall be enforced pursuant to the provisions
38 of K.S.A. 72-5430a, and amendments thereto.

39 Sec. 2. K.S.A. 2014 Supp. 75-4338 is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its
41 publication in the statute book.