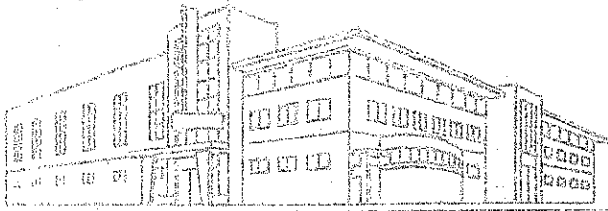


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Testimony In Opposition to House Bill 2023
Shannon Weber, Political Director
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January 23, 2013

Chairman Kleeb and members of the Committee. Thank you for the opportunity to submit this testimony in opposition to House Bill 2023. The bill before you today would have a substantial impact on the way labor organizations are able to function within the State of Kansas. But even more important is that passing this bill would dramatically affect the ability of Kansas workers to be able to express their views in the political arena.

Currently, it is standard practice in Kansas and elsewhere for employees who are represented by unions to have a small portion of their wages deducted. Those deductions are always made under the terms of a collective bargaining agreement that has been negotiated between employers and labor organizations. The deductions are used to fund the operations of a union. The deductions are also used to support training programs, industry advancement programs and to support political candidates and political causes which share the priorities of organized labor.

House Commerce & Economic
Development Committee

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Attachment #: 17

House Bill 2023 would bar public employers from making deductions from an employee's wages to support the political activities of the employee's union. This complete ban on any use of deductions for political contributions would substantially affect the ability of organized labor to participate in the political process.

When small wage deductions made from individual employees are combined, those funds can have a dramatic impact on a labor group's ability to assist candidates who support the cause of organized labor. Cutting off a traditional avenue for supporting labor issues in the political realm impedes the ability of union supporters to effectively engage in the political process. And the United States Supreme Court has long said that spending money to influence elections is a form of constitutionally protected speech. So it's certainly a question whether placing this type of impediment on the ability of unions to raise money for political purposes would be subject to challenge on First Amendment or Equal Protection grounds.

When contributions are used to support candidates who recognize the importance of organized labor to the continued survival of America's middle class, it's much less likely that laws will be passed that will dilute the ability of individuals to join together to fight for better workplace conditions. Being able to pool their resources together to bring attention to labor issues gives employees a voice in the workplace. Passage of this bill would ensure that workers would have a much harder time being a part of the political discourse and getting their message heard. And while an effective means for workers to collectively gather funds is completely eliminated, corporations, on the other hand, remain free to spend millions to

promote their anti-labor message. Passing this bill would create an uneven playing field in the political arena.

And it's only unions that are being singled-out. Employees represented by unions only have their wages deducted when employees give their authorization and the deductions have been agreed to in negotiations between labor and unions under collective bargaining agreements. Those collective bargaining agreements don't take effect unless they are approved by the members. This bill would prevent members from voting to do what they want with their money and have their wages deducted. But members of other organizations would still be permitted to vote on how they want their money collected and spent.

The proposed legislation makes one wonder, just who are the bill's sponsors trying to protect here? Remember, union membership is completely voluntary. Kansas is already a Right-to-Work state. Kansas workers cannot be required to join a union as a condition of employment. And individuals are not required to sign authorizations having a portion of their wages deducted for union purposes. What we're talking about here is banning activities that are completely voluntary.

If a worker voluntarily elects to have 5 cents of his or her hourly wage paid to a political action committee of his choosing, why should the State of Kansas want to erect barriers to make that as difficult as possible? Workers can already make up their own minds, they don't need the State of Kansas making decisions for them like some sort of patriarchal overseer. And Kansas taxpayers don't need legislation like this that is designed to advance

the agenda of special interest groups to cause them to foot the bill for defending against a constitutional challenge.

This type of legislation has already been attempted in a handful of other states. There are a few states where so-called "paycheck protection" laws have been passed. Michigan, Wyoming, Utah and Washington State have such laws.

There was an attempt to pass a paycheck protection law in Ohio in 1995 that called for a ban on the use of general union dues funds for political purposes and allowed private employees to have wage deductions, but not public employees. In 1998, a state court struck down the law as an unconstitutional infringement of free speech. The Ohio legislature tried to re-work the law and in 2005 enacted a new version that continued to include a ban on using general union dues for political purposes. But the paycheck protection provision of that law was enjoined by a court and never took effect. So Ohio lawmakers spent 10 years fighting to try and get something like this on the books – and who knows how much that effort cost the state. Does Kansas really want to subject its taxpayers to a similar type of protracted expenditure of time and money?

And for the states where these laws have survived, what's on the books in those states is very different from what's being proposed here in House Bill 2023. The laws that are in effect in other states mandate that employees who have a portion of their wages deducted for political purposes are required to give their express authorization for the funds to be deducted from their paychecks. There is an authorization requirement, but wage deductions can still be used for political purposes. None of those states did what Kansas is trying to do –

and that's placing an outright ban on the use of wage deductions for political purposes, whether an employee wants to give consent for that deduction or not. By significantly overreaching and imposing an outright ban, this bill becomes an even bigger target for a legal challenge.

And there is simply no need. In 1988, the United States Supreme Court said that workers cannot be forced to donate to political causes and that they are entitled to a refund of the portion of their dues that are spent on politics. The mechanism and legal authority for providing workers the option is already in place. If the true intent here is to protect workers and their wages, those protections are already in place.

Let's not mince words here. This bill is a direct attack on labor unions and their ability to raise political funds. By stanching the flow of political contributions to labor organizations, proponents of this legislation would effectively be able to silence their critics and any dissenting voice against an anti-worker agenda. It is frankly startling to see legislation introduced that is so obviously designed to codify viewpoint-based discrimination into the Kansas Statutes.

We ask that you think carefully before you decide whether you want to lend your name to a bill that seems to have no other purpose but to advance the agenda of those who wish to weaken the effectiveness of labor organizations. And remember that we're talking about imposing bans on activities that are completely voluntary in the first place. Finally, consider whether a law of this type could withstand judicial scrutiny or whether passing this

bill would simply open the State of Kansas up to a legal challenge that would likely result in this state law being overturned on federal grounds.

You don't have to agree with our ideology to see that this bill is both conceptually and procedurally flawed. We encourage you to consider these issues and "Vote No" on House Bill 2023.