



TESTIMONY

February 22, 2017

HOUSE BILL 251, "PAYCHECK PROTECTION"

By Patrick Ishmael

Testimony Before the Missouri Senate General Laws Committee

TO THE HONORABLE MEMBERS OF THIS COMMITTEE:

My name is Patrick Ishmael and I am the director of government accountability at the Show-Me Institute, a nonprofit, nonpartisan Missouri-based think tank that supports free-market solutions for state policy. The ideas presented here are my own. This testimony and its attachment are intended to reiterate contemporaneous research I have conducted regarding paycheck protection laws generally and the nexus such laws have with the legislation before you today, HB 251.

Paycheck protection represents a common-sense reform that treats an employee's money as presumptively theirs: money that requires regular, renewed consent for it to go anywhere other than their own pocket. This presumption is especially important as it pertains to money that could directly or indirectly go toward political ends contrary to the intent of the employee. As Supreme Court

justice Samuel Alito wrote in *Knox v. SEIU*, when speech rights are in question, the law should simply not defer to the side "whose constitutional rights are not at stake." Paycheck protection's opt-in provisions help to ensure that those speech rights are not trod upon, but protected; the reforms in HB 251 effectuate that same end through the same mechanisms.

Testimony that I delivered four years ago, and have attached here, reiterates this analysis and explores the *Knox* decision, noted above, at greater length. I hope it is useful as you consider this proposal. Thank you for your time. I am happy to answer any questions you may have regarding that issue or any other issue dealt with by the proposal.

*Patrick Ishmael is director of
government accountability at the
Show-Me Institute.*

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