

SENATE BILL No. 13

By Committee on Government Efficiency

1-16

1 AN ACT concerning the secretary of state; relating to the filing of public
2 records with the secretary of state; eliminating the requirement for
3 labor organizations to file such organization's constitution, bylaws and
4 annual reports and fees associated with such filings; eliminating the
5 requirement that business agents of labor organizations register and the
6 fees and filings associated with such registration; eliminating
7 requirements for the board of regents to file reciprocal agreements for
8 use of educational facilities; eliminating the requirement for the
9 secretary of revenue to file an annual report and lists of tax
10 indebtedness and liabilities; eliminating the requirement that river bank
11 easements be filed; eliminating requirements for warehousemen to be
12 licensed by the secretary of state and for filing any associated records;
13 amending K.S.A. 44-809, 44-810, 44-823, 74-3220, 74-3221, 75-5501,
14 79-6a14, 79-3233g, 82-165 and 82-169 and K.S.A. 2024 Supp. 79-
15 3233b and 82a-220 and repealing the existing sections; also repealing
16 K.S.A. 44-804, 44-805, 44-806, 44-806a, 44-807, 44-812, 75-4336, 75-
17 4337, 82-163, 82-164 and 82-167.

18

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

20 Section 1. K.S.A. 44-809 is hereby amended to read as follows: 44-
21 809. It shall be unlawful for any person:

22 (1) To interfere with or prevent the right of franchise of any member
23 of a labor organization. The right of franchise shall include the right of an
24 employee to make a complaint, file charges, give information or testimony
25 concerning the violations of this act, or the petitioning to such employee's
26 union regarding any grievance *that* such employee may have concerning
27 such employee's membership or employment, or the making known facts
28 concerning such grievance or violations of law to any person, including
29 public officials or the employer; and such employee's right of free petition,
30 lawful assemblage and free speech.

31 (2) To prohibit or prevent any election of the officers of any labor
32 organization.

33 (3) ~~On and after July 1, 1955,~~ To participate in any strike, walk-out,
34 or cessation of work or continuation thereof against an employer when any
35 of such employer's employees are organized into a collective bargaining
36 unit without the same being authorized by a majority vote of the

1 employees in such collective bargaining unit at an election, by secret
2 ballot, held, conducted and canvassed in accordance with rules and
3 regulations ~~which~~ that shall be adopted by the secretary of labor. ~~The~~
4 ~~provisions of~~ This section shall not prohibit any person from terminating
5 such person's employment on such person's own volition.

6 (4) To enter into an all-union agreement as a representative of
7 employees in a collective bargaining unit unless ~~the~~ such employees to be
8 governed ~~thereby~~ have, by a majority vote of such employees by secret
9 ballot, authorized such agreement.

10 (5) To conduct any election referred to in subsections (3) and (4) ~~of~~
11 ~~this section~~ without a secret ballot.

12 (6) To charge, receive, or retain any dues, assessments, or other
13 charges in excess of, or not authorized by, the constitution or bylaws of
14 any labor organization ~~on file as provided in K.S.A. 44-806, and~~
15 ~~amendments thereto.~~

16 (7) ~~To act as a business agent without having obtained and possessing~~
17 ~~a valid and subsisting license.~~

18 (8) ~~To solicit membership for or to act as a representative of an~~
19 ~~existing labor organization without authority of such labor organization to~~
20 ~~do so.~~

21 (9)(8) To make any false statement in an application for a license.

22 (10) ~~To act as a business agent or representative of any labor~~
23 ~~organization which does not have on file, with the secretary of state, its~~
24 ~~constitution and bylaws.~~

25 (11)(9) For any person to seize or occupy property unlawfully during
26 the existence of a labor dispute.

27 (12)(10) To coerce or intimidate any employee in the enjoyment of
28 such employee's legal rights, including those guaranteed in K.S.A. 44-803,
29 and amendments thereto, or to intimidate such employee's family, picket
30 such employee's domicile or injure the person or property of such
31 employee or such employee's family or to in any way discriminate against
32 any employee, member of a labor organization or other person by reason
33 of such employee's exercise of any right guaranteed to such employee by
34 ~~the provisions of this act.~~

35 (13)(11) To picket beyond the area of the industry within which a
36 labor dispute arises.

37 (14)(12) To engage in picketing by force and violence, ~~or~~ to picket in
38 such a manner as to prevent ingress and egress to and from any premises;
39 or to picket other than in a peaceable manner.

40 (15)(13) To violate the terms of a collective bargaining agreement.

41 (16)(14) To enter into a closed shop agreement.

42 Sec. 2. K.S.A. 44-810 is hereby amended to read as follows: 44-810.

43 An action shall be commenced by the attorney general or the county

1 attorney of any county of the state on complaint of any interested party, ~~for~~
2 ~~the suspension or revocation of the license of~~ *against* any business agent
3 for the violation of ~~any of the provisions of this act.~~ ~~Said~~ *Such* action may
4 be commenced in the district court of the county of residence of such
5 business agent or of the county in which such violations occurred. Such
6 action shall be heard by the court without a jury, and the code of civil
7 procedure shall apply in such proceedings. ~~The court may suspend such~~
8 ~~license for such time as in its judgment is deemed best, or may revoke~~
9 ~~such license.~~

10 Sec. 3. K.S.A. 44-823 is hereby amended to read as follows: 44-823.

11 (a) Agricultural employers shall recognize certified employee
12 organizations for the purpose of representing their members as to
13 grievances and conditions of employment. Employee organizations may
14 establish reasonable provisions for an individual's admission to or
15 dismissal from membership.

16 (b) ~~Where~~*If* an employee organization has been certified by the board
17 as representing a majority of the employees in an appropriate unit, the
18 appropriate agricultural employer shall meet and confer in good faith with
19 such employee organization in the determination of conditions of
20 employment of the agricultural employees as provided in this act; and may
21 enter into a memorandum of agreement with such recognized employee
22 organization.

23 (c) A recognized employee organization shall represent not less than a
24 majority of the employees of an appropriate unit. When a question
25 concerning the designation of an appropriate unit is raised by an
26 agricultural employer or an employee organization, the board, at the
27 request of any of the parties, shall investigate such question and, after a
28 hearing conducted in accordance with ~~the provisions of~~ the Kansas
29 administrative procedure act, rule on the definition of the appropriate unit
30 in accordance with subsection ~~(e) of this section~~ (f).

31 (d) Following determination of the appropriate unit of employees, the
32 board, at the request of the agricultural employer or on petition of
33 employees, shall investigate questions and certify to the parties in writing,
34 the names of the representatives that have been designated for an
35 appropriate unit. The filing of a petition for the investigation or
36 certification of a representative of employees shall show the names of not
37 less than 30% of the employees within an appropriate unit. In any such
38 investigation, the board may provide for an appropriate hearing in
39 accordance with ~~the provisions of~~ the Kansas administrative procedure act,
40 shall determine voting eligibility and ~~shall~~ take a secret ballot of
41 employees in the appropriate unit involved to ascertain such
42 representatives for the purpose of formal recognition. Recognition shall be
43 granted only to an employee organization that has been selected in a secret

1 ballot election by a majority of the eligible employees in an appropriate
2 unit who vote in such election. Each employee eligible to vote shall be
3 provided the opportunity to choose the employee organization *that* such
4 employee wishes to represent such employee, from among those on the
5 ballot, or to choose "no representation." The board is authorized to hold
6 elections to determine whether:

7 (1) An employee organization should be recognized as the formal
8 representative of employees in a unit;

9 (2) an employee organization should replace another employee
10 organization as the formal representative of employees in a unit; and

11 (3) a recognized employee organization should be decertified. If the
12 board has certified a formally recognized representative in an appropriate
13 unit, it shall not be required to consider the matter again for a period of
14 one year, unless the board determines that sufficient reason exists.

15 (e) No election shall be directed in any appropriate unit or
16 subdivision thereof where there is in force and effect a valid memorandum
17 of agreement ~~which~~ *that* was not prematurely extended and ~~which~~ is of a
18 fixed duration not exceeding three years; except *that* the board shall
19 reconsider any certification upon receipt of a voluntary petition of 70% or
20 more of the employees of any appropriate unit; *that is* seeking
21 decertification. The board may promulgate such rules and regulations as
22 may be appropriate to carry out ~~the provisions of~~ this section.

23 (e)(f) Any group of agricultural employees considering the formation
24 of an employee organization for formal recognition and the board, in
25 investigating questions at the request of the parties as specified in this
26 section, shall establish an appropriate unit to include the largest number of
27 eligible employees consistent with:

28 (1) The principles of efficient administration of the business;

29 (2) the existence of a community of interest among employees;

30 (3) the history of employee organization;

31 (4) geographical location;

32 (5) the effects of overfragmentation and the splintering of a work
33 organization;

34 (6) ~~the provisions of~~ K.S.A. 44-822, and amendments thereto; and

35 (7) the recommendations of the parties involved.

36 (f)(g) Supervisory, confidential, clerical, domestic, technical,
37 executive and professional employees and guard shall be excluded from an
38 agricultural employee appropriate unit.

39 (g)(h) As a condition precedent to certification, an employee
40 organization shall ~~file with the secretary of state a copy of its~~ *have* articles,
41 bylaws or governing rules ~~which~~ *that* shall provide that the employee
42 organizations:

43 (1) Will establish and maintain standards of conduct providing for the

1 maintenance of democratic procedures and practices, including the fair and
2 equal treatment of all members;

3 (2) will disclose fully to members in advance the purpose of all
4 assessments and collections;

5 (3) will have a secret ballot election of all officers not less frequently
6 than every four years; ~~(4) will submit to the secretary of state annually a~~
7 ~~list of the names and addresses of its officers and a designation of its~~
8 ~~principal office within the state of Kansas, and will notify the secretary of~~
9 ~~state of any changes in such information within 30 days after the making~~
10 ~~of such change; (5) will submit to the secretary of state an annual financial~~
11 ~~report in the manner and form and containing information required under~~
12 ~~the provisions of K.S.A. 44-806 and amendments thereto; and (6) and~~

13 (4) will prohibit all business and financial interests by officers ~~which~~
14 ~~that~~ conflict with ~~their~~ *such officers'* fiduciary responsibilities.

15 Sec. 4. K.S.A. 74-3220 is hereby amended to read as follows: 74-
16 3220. Any agreement entered into pursuant to ~~the provisions of~~ this section
17 shall be approved by the attorney general ~~and a copy filed in the office of~~
18 ~~the secretary of state.~~

19 Sec. 5. K.S.A. 74-3221 is hereby amended to read as follows: 74-
20 3221. (a) The state board of regents may make reciprocal agreements with
21 the authorized officials having control and supervision of one or more
22 universities or colleges located in other states, territories or countries. Any
23 such agreement shall provide that residents of the state of Kansas will be
24 admitted to one or more specified universities or colleges located in such
25 other state, territory or country for the purpose of pursuing courses of
26 collegiate, graduate or professional study; and that residents of such other
27 state, territory or country will be admitted to one or more specified
28 institutions under the state board of regents for the same purpose. Any
29 such agreement may provide that residents of the state of Kansas will be
30 admitted to such university or college in such other state, territory or
31 country upon payment of tuition and fees applicable to residents of such
32 other state, territory or country on the condition that like privileges will be
33 granted to residents of such other state, territory or country upon
34 admission to such institution under control of the state board of regents.
35 Any such agreement may limit the maximum number of students to be
36 admitted under such agreement to any one or more specified universities
37 or colleges or institutions in specific periods of time. Any such agreement
38 may contain such additional provisions as may be necessary or appropriate
39 to carry out the intention of this act.

40 (b) Any agreement made under ~~authority of~~ this act shall provide that
41 such agreement may be cancelled effective not more than one year after
42 notice in writing is given by the state board of regents to the proper
43 authorities of the other party or parties to the agreement; or by notice

1 under the same conditions from the officials of any other party to the
2 agreement given to the state board of regents. Every agreement made
3 under ~~the provisions of~~ this act shall be signed by the chairperson of the
4 state board of regents and shall be approved by the governor. ~~Every such~~
5 ~~agreement shall be filed in the office of the secretary of state.~~

6 Sec. 6. K.S.A. 75-5501 is hereby amended to read as follows: 75-
7 5501. (a) The director of accounts and reports shall formulate a system of
8 payroll accounting, including timekeeping, payroll calculation and pay
9 distribution (~~or delivery~~) and labor cost distribution and analysis; and shall
10 install and operate such system of payroll accounting for all state agencies.
11 The system shall include provision for centralized records, ~~which that~~ shall
12 include payroll data for all individuals ~~which who~~ with the common law
13 employer-employee relationship is created by agencies of the state of
14 Kansas and ~~which~~ shall be coordinated with records maintained by the
15 division of personnel services and other state agencies. If biweekly payroll
16 periods are established under K.S.A. 75-5501a, *and amendments thereto*,
17 the system of payroll accounting shall be modified to implement such
18 biweekly payroll periods. State agencies shall utilize the system of payroll
19 accounting to the extent prescribed by the director of accounts and reports;
20 and ~~shall~~ submit such reports and statements as may be required by the
21 director in order to carry out ~~the provisions of~~ this act. The director of
22 accounts and reports shall design, revise and direct the use of records and
23 procedures and prescribe classifications of coding payroll data, methods of
24 funding labor cost through the central payroll account and a system of
25 prepayment and postpayment debit and credit transactions and entries on
26 the records created from payroll data and the necessary forms to be used
27 by all state agencies in connection with such system of payroll accounting.
28 ~~The~~Such payroll system ~~so designed~~ shall include generally accepted
29 accounting principles of internal check, ~~and which~~ may include
30 timekeeping for attendance and performance, as prescribed in this act.

31 (b) The director of accounts and reports shall provide, as a part of the
32 system of payroll accounting, a plan for the deduction from the salary or
33 wages of an amount equal to regular membership dues for state officers
34 and employees who are members of the Kansas troopers association or
35 who are in any employee organization ~~which has filed an annual report~~
36 ~~pursuant to K.S.A. 75-4337 or which has a business agent registered~~
37 ~~pursuant to K.S.A. 75-4336~~. Such plan, in addition to such provisions as
38 are negotiated by the director of accounts and reports and the employee
39 organization, shall provide for:

40 (1) A written authorization-assignment by a state officer or employee
41 prior to any dues deduction from the salary or wages of such officer or
42 employee, ~~which~~. Such authorization-assignment shall remain effective for
43 not less than 180 days and ~~shall~~ be terminated at any time thereafter upon

1 30 days' prior notice by the state officer or employee of termination of the
2 authorization-assignment;

3 (2) change in the amount of regular membership dues to be deducted;
4 ~~but not more often~~ than twice in any fiscal year;

5 (3) renewal of an authorization-assignment by an officer or employee
6 after termination of a prior authorization-assignment upon 90 days' prior
7 notice by the officer or employee who has terminated a membership dues
8 deduction; and

9 (4) payment of all moneys deducted *during* each payroll period
10 pursuant to this section to the employee organization less the amount of
11 actual direct expenses incurred by this state for the membership dues
12 deduction.

13 Sec. 7. K.S.A. 79-6a14 is hereby amended to read as follows: 79-
14 6a14. (a) Whenever the director of property valuation shall determine that
15 it is advisable to abate motor carrier ad valorem tax liabilities determined
16 to be uncollectable accounts, the director shall file a petition with the state
17 board of tax appeals setting forth:

18 ~~(a)~~(1) The name of the debtor;

19 ~~(b)~~(2) the year ~~for~~ *in* which the tax is due;

20 ~~(c)~~(3) the amount of the obligation;

21 ~~(d)~~(4) a review or statement of actions taken to collect such taxes; and

22 ~~(e)~~(5) one or more of the grounds for abatement as ~~hereinafter set~~
23 ~~forth~~ *prescribed by this section.*

24 (b) The state board of tax appeals, within 60 days after the petition is
25 filed by the director of property valuation, may approve or disapprove of
26 the abatement of any motor carrier ad valorem tax liability submitted by
27 the director. The director shall prepare an order abating any tax liability,
28 ~~the abatement of which has been~~ *as* approved by the state board of tax
29 appeals, upon receiving notice of such approval. The director shall prepare
30 an order abating any tax liability submitted to and not specifically
31 disapproved by the state board of tax appeals within 60 days of the filing
32 of the petition to abate ~~said~~ *such* tax liability. A list of all tax liabilities
33 abated under ~~the authority of~~ this section shall be ~~filed with the secretary~~
34 ~~of state and thereafter preserved by the secretary~~ as a public record.

35 Sec. 8. K.S.A. 2024 Supp. 79-3233b is hereby amended to read as
36 follows: 79-3233b. (a) The secretary shall maintain a record of each
37 abatement that reduces a final tax liability by \$5,000 or more. Such record
38 shall contain:

39 (1) The name and address of the taxpayer, and the petitioner; if
40 different;

41 (2) the disputed tax liability including penalty and interest;

42 (3) the taxpayer's grounds for contesting the liability together with all
43 supporting evidence;

- 1 (4) all staff recommendations, reports and audits;
 2 (5) the reasons for, conditions to; and the amount of the abatement;
 3 and
 4 (6) the payment made, if any.

5 (b) Such records shall be maintained by the department for nine
 6 years.

7 ~~(b)~~(c) The secretary shall make an annual report that identifies the
 8 taxpayer, summarizes the issues and the reasons for abatement; and states
 9 the amount of liability that was abated pursuant to this section for each
 10 abatement that reduced a final tax liability by \$5,000 or more. The
 11 secretary shall file the report with ~~the secretary of state and~~ the attorney
 12 general on or before September 30 of each year. Any other ~~provision of~~
 13 law notwithstanding, the secretary shall make the annual report available
 14 for public inspection upon written request.

15 Sec. 9. K.S.A. 79-3233g is hereby amended to read as follows: 79-
 16 3233g. (a) In all cases where the income tax liability exceeds the sum of
 17 \$100 including penalties and interest, the secretary shall petition the state
 18 board of tax appeals to abate such income tax liability ~~setting forth and~~
 19 *include* the name of the debtor, the year ~~for~~ *in* which the tax is due; and the
 20 grounds for abatement as ~~set forth~~ *prescribed* in K.S.A. 79-3233i, and
 21 amendments thereto.

22 (b) The state board of tax appeals may, within 60 days after the
 23 petition is filed by the secretary, approve or disapprove the requested
 24 abatement. The secretary shall prepare an order abating any tax
 25 indebtedness that has been approved by the board or ~~that~~ has been
 26 submitted to and not specifically disapproved by the board within 60 days
 27 of the filing of the petition. Notwithstanding any other contrary ~~provision~~
 28 ~~of~~ law, a list of all tax indebtedness abated under ~~the authority of~~ this
 29 section shall be ~~filed with the secretary of state and thereafter~~ preserved as
 30 a public record.

31 Sec. 10. K.S.A. 2024 Supp. 82a-220 is hereby amended to read as
 32 follows: 82a-220. (a) As used in this act:

33 (1) "Conservation project" means any project or activity that the
 34 director of the Kansas water office determines will assist in restoring,
 35 protecting, rehabilitating, improving, sustaining or maintaining the banks
 36 of the Arkansas, Kansas or Missouri rivers from the effects of erosion;

37 (2) "director" means the director of the Kansas water office; and

38 (3) "state property" means real property currently owned in full or in
 39 part by the state in the Arkansas, Kansas or Missouri rivers in Kansas, in
 40 and along the bed of the river to the ordinary high water mark on the banks
 41 of such rivers.

42 (b) (1) ~~The director is hereby authorized to~~ *may* negotiate and grant
 43 easements on state property for construction and maintenance of

1 conservation projects with cooperating landowners in such projects for the
2 expected life of the project and with such terms and conditions as the
3 director, after consultation with the Kansas department of agriculture, the
4 Kansas department of health and environment, the Kansas department of
5 wildlife and parks and the Kansas department of agriculture division of
6 conservation, may deem appropriate.

7 (2) Notice of the easement shall be given to the county or counties in
8 which the easement is proposed and to any municipality or other
9 governmental entity that, in the opinion of the director, holds a riparian
10 interest in the river and may have an interest in the project or results
11 thereof. Those persons or entities receiving notice shall have a period, not
12 to exceed 30 days, to provide comment on the proposed easement to the
13 director.

14 (3) In the event such an easement is proposed to be granted on state
15 property owned or managed by any other agency of the state, the director
16 shall give notice of the proposed easement and project to that agency and
17 shall jointly negotiate any *such* easement so granted.

18 (4) A copy of all easements so entered shall be filed by the director
19 with the office of the secretary of state and the office of the register of
20 deeds for the county or counties in which the easement is located.

21 (c) The director shall adopt rules and regulations necessary to carry
22 out the provisions of this act.

23 Sec. 11. K.S.A. 82-165 is hereby amended to read as follows: 82-165.
24 Every *bonded* warehouseman ~~applying for such license shall file with the~~
25 ~~secretary of state, before being issued such license, shall obtain~~ a good and
26 sufficient bond to the state of Kansas, ~~to be approved by the secretary of~~
27 ~~state,~~ with other than personal sureties, in the penal sum of not less than
28 \$5,000 ~~nor more than \$50,000, proportioned, in the discretion of the~~
29 ~~secretary of state, according to the capacity of the warehouse so operated.~~
30 The bond shall be conditioned for the faithful performance of ~~his or her~~
31 *such warehouseman's* duties as a warehouseman under the laws of this
32 state; and of such additional obligations as a warehouseman ~~which that~~
33 may be assumed by ~~him or her such warehouseman~~ under contract with
34 any owner depositing goods with ~~him or her such warehouseman~~ or with
35 any purchaser or holder of warehouse receipts issued by ~~him or her such~~
36 *warehouseman*.

37 Sec. 12. K.S.A. 82-169 is hereby amended to read as follows: 82-169.
38 It shall be unlawful for any person to advertise or do business as a "bonded
39 warehouseman" without complying with ~~the provisions of this act, and~~
40 ~~procuring and having a license as herein provided.~~

41 Sec. 13. K.S.A. 44-804, 44-805, 44-806, 44-806a, 44-807, 44-809,
42 44-810, 44-812, 44-823, 74-3220, 74-3221, 75-4336, 75-4337, 75-5501,
43 79-6a14, 79-3233g, 82-163, 82-164, 82-165, 82-167 and 82-169 and

- 1 K.S.A. 2024 Supp. 79-3233b and 82a-220 are hereby repealed.
- 2 Sec. 14. This act shall take effect and be in force from and after its
- 3 publication in the statute book.