

**SENATE BILL No. 13**

By Committee on Government Efficiency

1-16

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

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

***Section 1. K.S.A. 44-807 is hereby amended to read as follows: 44-807. The secretary of state shall prepare and keep a register or proper record showing the date of filing of the application provided for in K.S.A. 44-804, and amendments thereto, the name names of the licensee, and of the labor organization for whom he such licensee will act as agent, and shall receive, file and properly index the documents provided for in K.S.A. 44-805 and 44-806. TheSuch records provided for herein shall be made available by the secretary of state to all persons for examination and taking of copies.***

~~Section 1.~~ ***Sec. 2.*** K.S.A. 44-809 is hereby amended to read as follows: 44-809. It shall be unlawful for any person:

(1) To interfere with or prevent the right of franchise of any member of a labor organization. The right of franchise shall include the right of an employee to make a complaint, file charges, give information or testimony concerning the violations of this act, or the petitioning to such employee's union regarding any grievance *that* such employee may have concerning such employee's membership or employment, or the making known facts

1 concerning such grievance or violations of law to any person, including  
2 public officials or the employer; and such employee's right of free petition,  
3 lawful assemblage and free speech.

4 (2) To prohibit or prevent any election of the officers of any labor  
5 organization.

6 (3) ~~On and after July 1, 1955,~~ To participate in any strike, walk-out,  
7 or cessation of work or continuation thereof against an employer when any  
8 of such employer's employees are organized into a collective bargaining  
9 unit without the same being authorized by a majority vote of the  
10 employees in such collective bargaining unit at an election, by secret  
11 ballot, held, conducted and canvassed in accordance with rules and  
12 regulations ~~which~~ *that* shall be adopted by the secretary of labor. ~~The~~  
13 ~~provisions of~~ This section shall not prohibit any person from terminating  
14 such person's employment on such person's own volition.

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

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

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

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

27 ~~(8)—To act as a business agent without having obtained and without~~  
28 ~~possessing a valid and subsisting license.~~

29 (8) To solicit membership for or to act as a representative of an  
30 existing labor organization without authority of such labor organization to  
31 do so.

32 ~~(9)(8)(9)~~ To make any false statement in an application for a license.

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

36 ~~(11)(9)(10)~~ For any person to seize or occupy property unlawfully  
37 during the existence of a labor dispute.

38 ~~(12)(10)(11)~~ To coerce or intimidate any employee in the enjoyment  
39 of such employee's legal rights, including those guaranteed in K.S.A. 44-  
40 803, and amendments thereto, or to intimidate such employee's family,  
41 picket such employee's domicile or injure the person or property of such  
42 employee or such employee's family or to in any way discriminate against  
43 any employee, member of a labor organization or other person by reason

1 of such employee's exercise of any right guaranteed to such employee by  
2 ~~the provisions of this act.~~

3 ~~(13)(11)(12)~~ To picket beyond the area of the industry within which a  
4 labor dispute arises.

5 ~~(14)(12)(13)~~ To engage in picketing by force and violence, ~~or~~ to  
6 picket in such a manner as to prevent ingress and egress to and from any  
7 premises; or to picket other than in a peaceable manner.

8 ~~(15)(13)(14)~~ To violate the terms of a collective bargaining  
9 agreement.

10 ~~(16)(14)(15)~~ To enter into a closed shop agreement.

11 Sec. ~~2~~. 3. K.S.A. 44-810 is hereby amended to read as follows: 44-  
12 810. An action shall be commenced by the attorney general or the county  
13 attorney of any county of the state on complaint of any interested party, ~~for~~  
14 ~~the suspension or revocation of the license of~~ *against* any business agent  
15 for the violation of ~~any of the provisions of this act.~~ *Said* Such action may  
16 be commenced in the district court of the county of residence of such  
17 business agent or of the county in which such violations occurred. Such  
18 action shall be heard by the court without a jury, and the code of civil  
19 procedure shall apply in such proceedings. ~~The court may suspend such~~  
20 ~~license for such time as in its judgment is deemed best, or may revoke~~  
21 ~~such license.~~

22 Sec. ~~3~~. 4. K.S.A. 44-823 is hereby amended to read as follows: 44-  
23 823. (a) Agricultural employers shall recognize certified employee  
24 organizations for the purpose of representing their members as to  
25 grievances and conditions of employment. Employee organizations may  
26 establish reasonable provisions for an individual's admission to or  
27 dismissal from membership.

28 (b) ~~Where~~*If* an employee organization has been certified by the board  
29 as representing a majority of the employees in an appropriate unit, the  
30 appropriate agricultural employer shall meet and confer in good faith with  
31 such employee organization in the determination of conditions of  
32 employment of the agricultural employees as provided in this act; and may  
33 enter into a memorandum of agreement with such recognized employee  
34 organization.

35 (c) A recognized employee organization shall represent not less than a  
36 majority of the employees of an appropriate unit. When a question  
37 concerning the designation of an appropriate unit is raised by an  
38 agricultural employer or an employee organization, the board, at the  
39 request of any of the parties, shall investigate such question and, after a  
40 hearing conducted in accordance with ~~the provisions of~~ the Kansas  
41 administrative procedure act, rule on the definition of the appropriate unit  
42 in accordance with subsection ~~(e) of this section~~ (f).

43 (d) Following determination of the appropriate unit of employees, the

1 board, at the request of the agricultural employer or on petition of  
2 employees, shall investigate questions and certify to the parties in writing,  
3 the names of the representatives that have been designated for an  
4 appropriate unit. The filing of a petition for the investigation or  
5 certification of a representative of employees shall show the names of not  
6 less than 30% of the employees within an appropriate unit. In any such  
7 investigation, the board may provide for an appropriate hearing in  
8 accordance with the provisions of the Kansas administrative procedure act,  
9 shall determine voting eligibility and ~~shall~~ take a secret ballot of  
10 employees in the appropriate unit involved to ascertain such  
11 representatives for the purpose of formal recognition. Recognition shall be  
12 granted only to an employee organization that has been selected in a secret  
13 ballot election by a majority of the eligible employees in an appropriate  
14 unit who vote in such election. Each employee eligible to vote shall be  
15 provided the opportunity to choose the employee organization *that* such  
16 employee wishes to represent such employee, from among those on the  
17 ballot, or to choose "no representation." The board is authorized to hold  
18 elections to determine whether:

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

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

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

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

35 ~~(e)~~(f) Any group of agricultural employees considering the formation  
36 of an employee organization for formal recognition and the board, in  
37 investigating questions at the request of the parties as specified in this  
38 section, shall establish an appropriate unit to include the largest number of  
39 eligible employees consistent with:

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

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

42 (3) the history of employee organization;

43 (4) geographical location;

1 (5) the effects of overfragmentation and the splintering of a work  
2 organization;

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

4 (7) the recommendations of the parties involved.

5 ~~(f)~~(g) Supervisory, confidential, clerical, domestic, technical,  
6 executive and professional employees and guard shall be excluded from an  
7 agricultural employee appropriate unit.

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

12 (1) Will establish and maintain standards of conduct providing for the  
13 maintenance of democratic procedures and practices, including the fair and  
14 equal treatment of all members;

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

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

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

27 ~~Sec. 4.~~ 5. K.S.A. 74-3220 is hereby amended to read as follows: 74-  
28 3220. Any agreement entered into pursuant to ~~the provisions of~~ this section  
29 shall be approved by the attorney general ~~and a copy filed in the office of~~  
30 ~~the secretary of state.~~

31 ~~Sec. 5.~~ 6. K.S.A. 74-3221 is hereby amended to read as follows: 74-  
32 3221. (a) The state board of regents may make reciprocal agreements with  
33 the authorized officials having control and supervision of one or more  
34 universities or colleges located in other states, territories or countries. Any  
35 such agreement shall provide that residents of the state of Kansas will be  
36 admitted to one or more specified universities or colleges located in such  
37 other state, territory or country for the purpose of pursuing courses of  
38 collegiate, graduate or professional study; and that residents of such other  
39 state, territory or country will be admitted to one or more specified  
40 institutions under the state board of regents for the same purpose. Any  
41 such agreement may provide that residents of the state of Kansas will be  
42 admitted to such university or college in such other state, territory or  
43 country upon payment of tuition and fees applicable to residents of such

1 other state, territory or country on the condition that like privileges will be  
2 granted to residents of such other state, territory or country upon  
3 admission to such institution under control of the state board of regents.  
4 Any such agreement may limit the maximum number of students to be  
5 admitted under such agreement to any one or more specified universities  
6 or colleges or institutions in specific periods of time. Any such agreement  
7 may contain such additional provisions as may be necessary or appropriate  
8 to carry out the intention of this act.

9 (b) Any agreement made under ~~authority of~~ this act shall provide that  
10 such agreement may be cancelled effective not more than one year after  
11 notice in writing is given by the state board of regents to the proper  
12 authorities of the other party or parties to the agreement; or by notice  
13 under the same conditions from the officials of any other party to the  
14 agreement given to the state board of regents. Every agreement made  
15 under ~~the provisions of~~ this act shall be signed by the chairperson of the  
16 state board of regents and shall be approved by the governor. ~~Every such~~  
17 ~~agreement shall be filed in the office of the secretary of state.~~

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

43 (b) The director of accounts and reports shall provide, as a part of the

1 system of payroll accounting, a plan for the deduction from the salary or  
2 wages of an amount equal to regular membership dues for state officers  
3 and employees who are members of the Kansas troopers association or  
4 who are in any employee organization ~~which has filed an annual report~~  
5 ~~pursuant to K.S.A. 75-4337 or which has a business agent registered~~  
6 ~~pursuant to K.S.A. 75-4336~~. Such plan, in addition to such provisions as  
7 are negotiated by the director of accounts and reports and the employee  
8 organization, shall provide for:

9 (1) A written authorization-assignment by a state officer or employee  
10 prior to any dues deduction from the salary or wages of such officer or  
11 employee, ~~which~~. Such authorization-assignment shall remain effective for  
12 not less than 180 days and ~~shall~~ be terminated at any time thereafter upon  
13 30 days' prior notice by the state officer or employee of termination of the  
14 authorization-assignment;

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

17 (3) renewal of an authorization-assignment by an officer or employee  
18 after termination of a prior authorization-assignment upon 90 days' prior  
19 notice by the officer or employee who has terminated a membership dues  
20 deduction; and

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

25 Sec. ~~7~~ 8. K.S.A. 79-6a14 is hereby amended to read as follows: 79-  
26 6a14. (a) Whenever the director of property valuation shall determine that  
27 it is advisable to abate motor carrier ad valorem tax liabilities determined  
28 to be uncollectable accounts, the director shall file a petition with the state  
29 board of tax appeals setting forth:

30 (a)(1) The name of the debtor;  
31 (b)(2) the year ~~for~~ in which the tax is due;  
32 (c)(3) the amount of the obligation;  
33 (d)(4) a review or statement of actions taken to collect such taxes; and  
34 (e)(5) one or more of the grounds for abatement as ~~hereinafter set~~  
35 ~~forth~~ *prescribed by this section*.

36 (b) The state board of tax appeals, within 60 days after the petition is  
37 filed by the director of property valuation, may approve or disapprove of  
38 the abatement of any motor carrier ad valorem tax liability submitted by  
39 the director. The director shall prepare an order abating any tax liability,  
40 ~~the abatement of which has been~~ *as* approved by the state board of tax  
41 appeals, upon receiving notice of such approval. The director shall prepare  
42 an order abating any tax liability submitted to and not specifically  
43 disapproved by the state board of tax appeals within 60 days of the filing

1 of the petition to abate ~~said~~ *such* tax liability. A list of all tax liabilities  
2 abated under ~~the authority of~~ this section shall be ~~filed with the secretary~~  
3 ~~of state and thereafter preserved by the secretary~~ as a public record.

4 Sec. ~~8.~~ **9.** K.S.A. 2024 Supp. 79-3233b is hereby amended to read as  
5 follows: 79-3233b. (a) The secretary shall maintain a record of each  
6 abatement that reduces a final tax liability by \$5,000 or more. Such record  
7 shall contain:

8 (1) The name and address of the taxpayer, and the petitioner; if  
9 different;

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

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

13 (4) all staff recommendations, reports and audits;

14 (5) the reasons for, conditions to; and the amount of the abatement;  
15 and

16 (6) the payment made, if any.

17 (b) Such records shall be maintained by the department for nine  
18 years.

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

27 Sec. ~~9.~~ **10.** K.S.A. 79-3233g is hereby amended to read as follows:  
28 79-3233g. (a) In all cases where the income tax liability exceeds the sum  
29 of \$100 including penalties and interest, the secretary shall petition the  
30 state board of tax appeals to abate such income tax liability ~~setting forth~~  
31 ~~and include~~ the name of the debtor, the year ~~for in~~ in which the tax is due;  
32 and the grounds for abatement as ~~set forth~~ *prescribed* in K.S.A. 79-3233i,  
33 and amendments thereto.

34 (b) The state board of tax appeals may, within 60 days after the  
35 petition is filed by the secretary, approve or disapprove the requested  
36 abatement. The secretary shall prepare an order abating any tax  
37 indebtedness that has been approved by the board or ~~that~~ has been  
38 submitted to and not specifically disapproved by the board within 60 days  
39 of the filing of the petition. Notwithstanding any other contrary ~~provision~~  
40 ~~of law, a list of all tax indebtedness abated under the authority of this~~  
41 ~~section shall be filed with the secretary of state and thereafter preserved as~~  
42 ~~a public record.~~

43 Sec. ~~10.~~ **11.** K.S.A. 2024 Supp. 82a-220 is hereby amended to read as



1 follows: 82a-220. (a) As used in this act:

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

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

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

11 (b) (1) ~~The director is hereby authorized to~~ may negotiate and grant  
12 easements on state property for construction and maintenance of  
13 conservation projects with cooperating landowners in such projects for the  
14 expected life of the project and with such terms and conditions as the  
15 director, after consultation with the Kansas department of agriculture, the  
16 Kansas department of health and environment, the Kansas department of  
17 wildlife and parks and the Kansas department of agriculture division of  
18 conservation, may deem appropriate.

19 (2) Notice of the easement shall be given to the county or counties in  
20 which the easement is proposed and to any municipality or other  
21 governmental entity that, in the opinion of the director, holds a riparian  
22 interest in the river and may have an interest in the project or results  
23 thereof. Those persons or entities receiving notice shall have a period, not  
24 to exceed 30 days, to provide comment on the proposed easement to the  
25 director.

26 (3) In the event such an easement is proposed to be granted on state  
27 property owned or managed by any other agency of the state, the director  
28 shall give notice of the proposed easement and project to that agency and  
29 ~~shall jointly negotiate any such easement so granted.~~

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

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

35 Sec. H. 12. K.S.A. 82-165 is hereby amended to read as follows: 82-  
36 165. Every *bonded* warehouseman ~~applying for such license shall file with~~  
37 ~~the secretary of state, before being issued such license, shall obtain~~ a good  
38 and sufficient bond to the state of Kansas, ~~to be approved by the secretary~~  
39 ~~of state,~~ with other than personal sureties, in the penal sum of not less than  
40 \$5,000 ~~nor more than \$50,000, proportioned, in the discretion of the~~  
41 ~~secretary of state, according to the capacity of the warehouse so operated.~~  
42 The bond shall be conditioned for the faithful performance of ~~his or her~~  
43 *such warehouseman's* duties as a warehouseman under the laws of this

1 state; and of such additional obligations as a warehouseman ~~which~~ *that*  
2 may be assumed by ~~him or her~~ *such warehouseman* under contract with  
3 any owner depositing goods with ~~him or her~~ *such warehouseman* or with  
4 any purchaser or holder of warehouse receipts issued by ~~him or her~~ *such*  
5 *warehouseman*.

6 Sec. ~~12~~. **13.** K.S.A. 82-169 is hereby amended to read as follows: 82-  
7 169. It shall be unlawful for any person to advertise or do business as a  
8 "bonded warehouseman" without complying with ~~the provisions of this~~  
9 ~~act, and procuring and having a license as herein provided.~~

10 Sec. ~~13~~. **14.** K.S.A. ~~44-804~~, 44-805, 44-806, 44-806a, 44-807, 44-  
11 809, 44-810, ~~44-812~~, 44-823, 74-3220, 74-3221, ~~75-4336~~, 75-4337, 75-  
12 5501, 79-6a14, 79-3233g, 82-163, 82-164, 82-165, 82-167 and 82-169 and  
13 K.S.A. 2024 Supp. 79-3233b and 82a-220 are hereby repealed.

14 Sec. ~~14~~. **15.** This act shall take effect and be in force from and after  
15 its publication in the statute book.