

SENATE BILL No. 13

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 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. 44-805, 44-806, 44-806a, 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.~~ *Such* records provided for herein shall be made available by the secretary of state to all persons for examination and taking of copies.

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

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

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

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

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

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

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

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

(8) To solicit membership for or to act as a representative of an

existing labor organization without authority of such labor organization to do so.

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

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

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

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

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

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

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

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

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

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

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

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

(d) Following determination of the appropriate unit of employees, the board, at the request of the agricultural employer or on petition of employees, shall investigate questions and certify to the parties in writing, the names of the representatives that have been designated for

an appropriate unit. The filing of a petition for the investigation or certification of a representative of employees shall show the names of not less than 30% of the employees within an appropriate unit. In any such investigation, the board may provide for an appropriate hearing in accordance with ~~the provisions of~~ the Kansas administrative procedure act, shall determine voting eligibility and ~~shall~~ take a secret ballot of employees in the appropriate unit involved to ascertain such representatives for the purpose of formal recognition. Recognition shall be granted only to an employee organization that has been selected in a secret ballot election by a majority of the eligible employees in an appropriate unit who vote in such election. Each employee eligible to vote shall be provided the opportunity to choose the employee organization *that* such employee wishes to represent such employee, from among those on the ballot, or to choose "no representation." The board is authorized to hold elections to determine whether:

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

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

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

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

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

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

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

(3) the history of employee organization;

(4) geographical location;

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

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

(7) the recommendations of the parties involved.

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

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

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

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

(3) will have a secret ballot election of all officers not less

frequently than every four years; ~~(4) will submit to the secretary of state annually a list of the names and addresses of its officers and a designation of its principal office within the state of Kansas, and will notify the secretary of state of any changes in such information within 30 days after the making of such change; (5) will submit to the secretary of state an annual financial report in the manner and form and containing information required under the provisions of K.S.A. 44-806 and amendments thereto; and (6) and~~

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

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

Sec. 6. K.S.A. 74-3221 is hereby amended to read as follows: 74-3221. (a) The state board of regents may make reciprocal agreements with the authorized officials having control and supervision of one or more universities or colleges located in other states, territories or countries. Any such agreement shall provide that residents of the state of Kansas will be admitted to one or more specified universities or colleges located in such other state, territory or country for the purpose of pursuing courses of collegiate, graduate or professional study; and that residents of such other state, territory or country will be admitted to one or more specified institutions under the state board of regents for the same purpose. Any such agreement may provide that residents of the state of Kansas will be admitted to such university or college in such other state, territory or country upon payment of tuition and fees applicable to residents of such other state, territory or country on the condition that like privileges will be granted to residents of such other state, territory or country upon admission to such institution under control of the state board of regents. Any such agreement may limit the maximum number of students to be admitted under such agreement to any one or more specified universities or colleges or institutions in specific periods of time. Any such agreement may contain such additional provisions as may be necessary or appropriate to carry out the intention of this act.

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

Sec. 7. K.S.A. 75-5501 is hereby amended to read as follows: 75-5501. (a) The director of accounts and reports shall formulate a system of payroll accounting, including timekeeping, payroll calculation and pay distribution (~~or delivery~~) and labor cost distribution and analysis; and shall install and operate such system of payroll accounting for all state agencies. The system shall include provision for centralized records; ~~which that~~ shall include payroll data for all individuals ~~which who~~ with the common law employer-employee relationship is created by agencies of the state of Kansas and ~~which~~ shall be coordinated with records maintained by the division of personnel services and other state agencies. If biweekly payroll periods are established under K.S.A. 75-5501a, ~~and amendments thereto~~, the system of payroll accounting shall be modified to implement such biweekly payroll periods. State

agencies shall utilize the system of payroll accounting to the extent prescribed by the director of accounts and reports; and ~~shall~~ submit such reports and statements as may be required by the director in order to carry out ~~the provisions of~~ this act. The director of accounts and reports shall design, revise and direct the use of records and procedures and prescribe classifications of coding payroll data, methods of funding labor cost through the central payroll account and a system of prepayment and postpayment debit and credit transactions and entries on the records created from payroll data and the necessary forms to be used by all state agencies in connection with such system of payroll accounting. ~~The~~ *Such* payroll system ~~so designed~~ shall include generally accepted accounting principles of internal check, ~~and which~~ may include timekeeping for attendance and performance, as prescribed in this act.

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

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

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

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

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

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

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

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

appeals within 60 days of the filing of the petition to abate ~~said~~ *such* tax liability. A list of all tax liabilities abated under ~~the authority of this section shall be filed with the secretary of state and thereafter preserved by the secretary~~ as a public record.

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

- (1) The name and address of the taxpayer, and the petitioner; if different;
 - (2) the disputed tax liability including penalty and interest;
 - (3) the taxpayer's grounds for contesting the liability together with all supporting evidence;
 - (4) all staff recommendations, reports and audits;
 - (5) the reasons for, conditions to; and the amount of the abatement; and
 - (6) the payment made, if any.
- (b) Such records shall be maintained by the department for nine years.

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

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

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

Sec. 11. K.S.A. 2024 Supp. 82a-220 is hereby amended to read as follows: 82a-220. (a) As used in this act:

- (1) "Conservation project" means any project or activity that the director of the Kansas water office determines will assist in restoring, protecting, rehabilitating, improving, sustaining or maintaining the banks of the Arkansas, Kansas or Missouri rivers from the effects of erosion;
- (2) "director" means the director of the Kansas water office; and
- (3) "state property" means real property currently owned in full or in part by the state in the Arkansas, Kansas or Missouri rivers in Kansas, in and along the bed of the river to the ordinary high water mark on the banks of such rivers.

(b) (1) The director ~~is hereby authorized to~~ *may* negotiate and grant easements on state property for construction and maintenance of conservation projects with cooperating landowners in such projects for the expected life of the project and with such terms and conditions as

the director, after consultation with the Kansas department of agriculture, the Kansas department of health and environment, the Kansas department of wildlife and parks and the Kansas department of agriculture division of conservation, may deem appropriate.

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

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

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

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

Sec. 12. K.S.A. 82-165 is hereby amended to read as follows: 82-165. Every *bonded* warehouseman ~~applying for such license shall file with the secretary of state, before being issued such license, shall obtain~~ a good and sufficient bond to the state of Kansas, ~~to be approved by the secretary of state,~~ with other than personal sureties, in the penal sum of not less than \$5,000 nor more than \$50,000, ~~proportioned, in the discretion of the secretary of state, according to the capacity of the warehouse so operated.~~ The bond shall be conditioned for the faithful performance of ~~his or her~~ *such warehouseman's* duties as a warehouseman under the laws of this state; and of such additional obligations as a warehouseman ~~which~~ *that* may be assumed by ~~him or her~~ *such warehouseman* under contract with any owner depositing goods with ~~him or her~~ *such warehouseman* or with any purchaser or holder of warehouse receipts issued by ~~him or her~~ *such warehouseman*.

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

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

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.