

**Testimony before the Kansas House Senate Committee on Commerce  
on HB 2673**

**Chairperson Susan Wagle**

**Testimony presented by: Secretary Dennis Taylor,  
Kansas Department of Administration**

**March 14, 2012**

Madam Chairperson: It is a privilege and an honor to address the Committee on Commerce today regarding HB 2673. HB 2673 is the result of Governor Brownback's initiative to repeal outmoded, unreasonable, duplicative, onerous or unduly burdensome statutes and regulations. HB 2673 encompasses statutes that fall within the category of being outmoded.

K.S.A. 44-611 allows the Secretary of Labor the power and authority to issue summons and subpoenas; K.S.A. 44-621 allows the Secretary of Labor to proceed in investigations and issues orders in employer/employee disagreements in the areas of wages, hours of employment, or working or living conditions; while K.S.A. 44-624 allows "[w]ith the consent of the governor, the secretary of labor is hereby authorized and empowered to make, or cause to be made . . . such investigations and inquiries as to industrial conditions and relations . . ."

These statutes are duplicative because of federal preemption. Federal preemption is a rule of law. In instances where Congress has enacted legislation on a subject matter, the federally enacted legislation shall be controlling over state laws in certain instances. With regard to K.S.A. 44-611, K.S.A. 44-621 and K.S.A. 44-624, federal preemptions applies as follows:

- K.S.A. 44-611 is preempted by the Occupational Safety and Health Administration Act (29 U.S.C. § 651 et seq.).
- K.S.A. 44-621 has been preempted by the National Labor Relations Act (29 U.S.C. §§ 151-169).
- K.S.A. 44-624 is preempted by both the National Labor Relations Act and the Occupational Safety and Health Administration Act.

The Office of the Repealer urges favorable consideration of HB 2673.

I will stand for any questions that the committee has for me regarding HB 2673.

Senate Commerce Committee  
Date: March 14, 2012

Attachment 1