

Approved: April 5, 2012
Date

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairperson Susan Wagle at 8:30 a.m. on March 14, 2012, in Room 548-S of the Capitol.

All members were present except
Senator Jay Emler – excused

Committee staff present:

Ms. Margaret Cianciarulo, Committee Assistant
Mr. Reed Holwegner, Kansas Legislative Research Department
Mr. Jason Long, Office of the Revisor Statutes
Mr. Chuck Reimer, Office of the Revisor of Statutes

Conferees appearing before the Committee:

Secretary Dennis Taylor, Office of the Repealer, Kansas Department of Administration

Others attending:

See attached list.

Hearing on HB2673 – an act repealing K.S.A. 2011 Supp. 44-611, 44-621, and 44-425 concerning powers and duties of the secretary of the Department of Labor

Upon calling the meeting to order, Chairman Susan Wagle announced the Committee would be hearing testimony on HB 2673 and called on Mr. Chuck Reimer, Office of the Revisor of Statutes, to explain the bill which was requested by the Office of Repealer and repeals 3 statutes that this Committee has already decided to repeal in SB 355 including:

- 1.) KSA 2011 Sup. 44611, which provided the Secretary of Labor the power to issue summons and subpoenas, to compel the production of documents and make investigations.
- 2.) KSA 2011 Supp. 44-421, which provides that which is mutually agreed upon by parties that the Secretary may proceed with investigations and issue orders of matters involving controversies between employers and employees as to wages, hours of employment, and working or living conditions.
- 3.) KSA 2011 Supp. 44-624, which authorizes the Secretary, with the consent of the Governor, to investigate industrial conditions and relations.

The Chair thanked Mr. Reimer and asked him how many other statutes did the Committee repeal in SB 355 besides these three? (All total, 22 with a lot of the statutes dealing with the authority and powers of the Secretary of Labor to deal with labor relations and investigations with regards to the private sector as opposed to the public sector.) Senator Holland asked if the senate bill was redundant? (Yes, it would be, but it has not yet run on the floor yet.)

CONTINUATION SHEET

The minutes of the Senate Commerce Committee at 8:30 a.m. on March 14, 2012, in Room 548-S of the Capitol.

The Chair then called on Secretary Dennis Taylor, Office of the Repealer, Kansas Department of Administration, who stated these statutes are duplicative because of federal preemption, which is a rule of law. He went on to say, in instances where Congress has enacted legislation on a subject matter, the federally enacted legislation shall be controlling over state laws in certain instances. Finally he listed the Acts that the statutes are preempted by. A copy of his testimony is Attachment 1.

As there were no questions of Secretary Taylor, the Chair closed the hearing.

Approval of Minutes

The Minutes of January 25 and 26, and February 7, 8, 14, 15, and 22, 2012 were distributed to the members of the Committee March 7, 2012. As there were no changes, deletions, etc. received, the above mentioned Minutes stand as approved as of March 14, 2012.

Adjournment

As there was no further business, Chairperson Wagle announced the meeting was adjourned. The time was 9:30 a.m.

The next meeting is scheduled for March 16, 2012.