

SESSION OF 2012

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2673**

As Recommended by House Committee on  
Government Efficiency

**Brief\***

HB 2673 would repeal three statutes concerning the powers and duties of the Secretary of Labor (Secretary) which are unnecessary because of federal preemption. Congress enacted legislation on the subject matter contained in the statutes, and federal preemption makes the state laws moot. The statutes that would be repealed due to federal preemption are:

- KSA 2011 Supp. 44-611, which provides the Secretary the power to issue summons and subpoenas, to compel the production of documents, and to make all necessary investigations;
- KSA 2011 Supp. 44-621, which allows the Secretary to proceed with investigations and to issue orders in matters involving disagreements between employers and employees as to wages, hours of employment, and working or living conditions; and
- KSA 2011 Supp. 44-624, which allows the Secretary, with the consent of the Governor, to investigate industrial conditions and relations.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

## **Background**

The bill was introduced at the request of the Kansas Office of the Repealer. The Secretary of Administration and the Chief Counsel for the Department of Administration testified in favor of the bill before the House Committee on Government Efficiency. The Secretary indicated the statute is outdated and unnecessary because of federal preemption. The testimony of the Chief Counsel noted KSA 2011 Supp. 44-611 is preempted by the Occupational Safety and Health Administration Act (OSHA); KSA 2011 Supp. 44-621 is preempted by the National Labor Relations Act (NLRA); and KSA 2011 Supp. 44-624 is preempted by both the NLRA and OSHA. No opposing or neutral testimony was presented to the House Committee.

The fiscal note prepared by the Division of the Budget states the bill is of a technical nature; therefore, enactment of the bill would have no fiscal effect.