

HOUSE BILL No. 2325

By Committee on Commerce, Labor and Economic Development

2-12

1 AN ACT relating to public and professional employee organizations;
2 concerning collective bargaining; enacting the public employee
3 bargaining transparency act.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. This act shall be known and may be cited as the public
7 employee bargaining transparency act.

8 Sec. 2. The legislature finds and declares that:

9 (a) Labor negotiations between government and government
10 employees are an extension of the people's business;

11 (b) since those negotiations deal with the public employer and public
12 employees, taxpayers have a vested interest in the proceedings;

13 (c) taxpayers deserve to observe, monitor and even participate in the
14 processes by which public contracts are negotiated and awarded;

15 (d) all levels of government should conduct deliberations openly and
16 take action openly;

17 (e) increased transparency in labor negotiation meetings and
18 document serves to provide all parties to the negotiations with an incentive
19 to avoid any hint of corruption;

20 (f) open sessions and increased oversight help ensure that government
21 is using taxpayer money effectively; and

22 (g) the people insist on remaining informed so that they may retain
23 control of the instruments they have created.

24 Sec. 3. For the purposes of this act:

25 (a) "Person" means one or more individuals, labor organizations, or
26 public agencies.

27 (b) "Public employer" or "public agency" means any state or local
28 government, government agency, government instrumentality, special
29 district, joint powers authority, school board or special purpose
30 organization that employs one or more persons in any capacity.

31 (c) "Employee" means any individual employed by a public
32 employer.

33 (d) "Labor organization" means any association or organization of
34 employees, and any public agency, employee representation committee, or
35 plan in which employees participate that exists, in whole or in part, to
36 advocate on behalf of employees about grievances, labor disputes, wages,

1 rates of pay, hours of employment or conditions of work.

2 (e) "Collective bargaining" means the performance of the mutual
3 obligation of the representatives of the public employer and the labor
4 organization designated as an exclusive bargaining representative to meet
5 and bargain in good faith in an effort to reach a written agreement with
6 respect to wages, hours and terms and conditions of employment.

7 Sec. 4. (a) Collective bargaining sessions between a public employer
8 or its agent and a labor organization or its agent pursuant to K.S.A. 72-
9 5414 or 75-4324, and amendments thereto, are public meetings subject to
10 the provisions of the Kansas open meetings act. This section shall not
11 apply to grievance, mediation, or arbitration proceedings with labor
12 organizations, or that portion of a meeting during which a public employer
13 is planning or adopting the strategy or position to be taken during the
14 course of any collective bargaining, grievance, mediation, arbitration
15 proceedings, or meetings, conferences, consultations and discussions held
16 by the secretary of labor exempted from the Kansas open meetings law
17 pursuant to the provisions of K.S.A. 72-5423, and amendments thereto.

18 (b) The public shall be given notice of any collective bargaining
19 session at least 24-hours before the time of such meeting as specified in
20 the notice, through the manner prescribed by the Kansas open meetings
21 act.

22 (c) The representatives or agents of the employer shall be subject to
23 liability for violations of this act under K.S.A. 75-4320, and amendments
24 thereto.

25 Sec. 5. Any documents which are created or presented by the public
26 employer during collective bargaining sessions, or which are received
27 from the labor organization by the public employer in the course of
28 collective bargaining, are public records subject to the Kansas open
29 records act, except that such documents shall not be open for inspection by
30 any person until the public employer or its agent and the labor organization
31 or its agent agree to the terms of a written collective bargaining agreement.
32 However, tentative collective bargaining agreements shall be open for
33 inspection pursuant to the Kansas open records act.

34 Sec. 6. The public employer shall operate a web site or contract for
35 the operation of a web site that allows public access to all tentative and
36 finalized collective bargaining agreements pursuant to K.S.A. 72-5414 or
37 75-4324, and amendments thereto.

38 Sec. 7. The provisions of this act are severable. If any provision of
39 this act or its application to any person or circumstance is held invalid, that
40 invalidity shall not affect any other provision or application of this act
41 which can be given effect without the invalid provision or application. If
42 any provision of this act is held to be in conflict with federal law that
43 provision shall remain in full force and effect to the maximum extent

1 permitted by federal law. For purposes of this section, "provision" shall
2 mean any section, subdivision, sentence, phrase or word.

3 Sec. 8. This act shall be liberally construed to accomplish its
4 purposes.

5 Sec. 9. This act shall take effect and be in force from and after its
6 publication in the statute book.