

Date: February 8, 2012

To: Chairperson Wagle and members of the Senate Committee on Commerce

From: Chuck Reimer, Assistant Revisor

RE: Repealed statutes pursuant to SB 355

SB 355, as introduced, repeals the following current provisions of law. The short summaries provided below are only intended to be generally illustrative of the provisions and may not be exhaustive.

K.S.A. 2011 Supp. 44-601b

Provides the secretary of labor has active charge of supervision of laws regarding children in industry and gives the secretary jurisdiction and control of factory, workshop and mill and mine inspection.

44-603

Declares certain industries, public utilities and common carriers to be in the public interest and subject to supervision by the state as further provided in the act: the manufacture or preparation of food products and clothing, mining of substances used as fuels, transportation of food products, apparel, or fuel, and all public utilities and common carriers. Any person, firm or corporation engaged in such industry or employment, or in the operation of such public utility or common carrier, is subject to the provisions of the act.

2011 Supp. 44-607

The secretary of labor, on its own initiative, may intervene in labor disputes, investigate, and settle and adjust controversies regarding the industries specified for the public interest. Upon request by a party to a labor dispute involving those industries by the public, or by the AG, and if the parties are unable to resolve the dispute, the secretary of labor may also investigate and determine the controversy. After hearing and investigation, the secretary shall make findings stating terms and conditions upon which industry, employment, utility or common carrier should thereafter be conducted.

2011 Supp. 44-608

Senate Commerce Committee
Date: February 9, 2012

Attachment 2

Secretary to order changes as necessary in matters of the working conditions and reasonable minimum wage for the specified industries. Such terms, conditions and wages shall be just and reasonable. Procedure specified for appeal of the secretary's order.

2011 Supp. 44-609

Workers in any industries, employments, utilities or common carriers as referenced by act to receive fair wage and have healthful surroundings; capital invested to have fair rate of return. Right to choose employment and to make reasonable contracts of employment recognized. Employment contracts to be fair, just and reasonable and if found in any action or proceeding before secretary to be unfair, unjust or unreasonable may be modified by secretary.

2011 Supp. 44-610

Notice provisions for hearing or investigation.

2011 Supp. 44-611

Secretary of labor has power to issue summons and subpoenas; compel production of records.

2011 Supp. 44-612

Actions by secretary of labor regarding investigations and actions pursuant to K.S.A. 44-601 through 44-628 are subject to expedited review under the KJRA.

2011 Supp. 44-614

Unions to be recognized and may appear before Secretary in proceedings; right to bargain collectively recognized; collective bargains and agreements subject to provisions of K.S.A. 44-609.

2011 Supp. 44-615

Unlawful for a business to retaliate against an employee for testimony before the secretary or for bringing a controversy to the secretary's attention; unlawful to injure any person or business by boycott, picketing, or other means because of any action taken by such person or corporation under any order of the secretary, or the institution of any action before the secretary.

2011 Supp. 44-621

Controversies between employers and employees regarding wages or conditions of employment, in any industry not previously specified in act, may, by mutual agreement between the parties, be investigated and determined by secretary.

2011 Supp. 44-623

Orders by secretary regarding minimum wage or standard of wages deemed prima facie reasonable; employers and workers entitled to recover difference between wages paid and wages found reasonable by court back to date of service of summons or publication of notice instituting secretary's investigation.

2011 Supp. 44-624

Secretary, with consent of governor, authorized to investigate or inquire into industrial conditions and relations as necessary for purpose of becoming familiar with industrial problems.

44-625

Rights and remedies under act are cumulative to all other laws in force relating to same matters.

2011 Supp. 44-626

Provisions of act and grants of power and jurisdiction to secretary to be liberally construed; incidental powers granted to secretary.

44-628

If any section of act found invalid; act as a whole shall not be declared invalid.

2011 Supp. 44-631

Secretary given full jurisdiction over factory, workshop and mill inspection, and mine inspection.

2011 Supp. 44-616

Unlawful for business, utility, or a common carrier engaged in referenced industries to limit or cease operations for purposes of limiting production, transportation or to affect prices, for purpose of avoiding any of the provisions of this act; application may be made to secretary for authority to limit or cease operations. Secretary may, upon application, regulate seasonal industries and industries affected by changes in market conditions or other reasons inherent in the nature of the business for the public interest.

44-617

Unlawful to perform any act, or to refuse to perform any act pursuant to statutory provisions, or to so conspire, or to intimidate for purpose or with intent to hinder operation of referenced businesses or employments, or to delay production or transportation of products of such industries. Individual employees may quit employment, but unlawful to conspire with others to quit employment for purpose of hindering operation of business governed by act, or engage in picketing, or intimidate with intent to induce persons to quit employment or accepting employment.

2011 Supp. 44-618

Willful violation of provisions of act, or order of secretary, is misdemeanor punishable by fine not to exceed \$1000 or imprisonment up to one year, or both.

2011 Supp. 44-619

Officer of any corporation engaged in industries regulated by secretary, or officer of any union, who willfully uses position to intentionally influence or compel any other person to violate any provisions of act or order of secretary, deemed guilty of felony.

2011 Supp. 44-620

In case of suspension, limitation or cessation of operation of industries affected by act, contrary to act or orders of secretary, and secretary determines this may endanger public peace or public health, secretary authorized to engage in court proceedings to take over such industry during such emergency. Fair return and compensation to be paid to owners and fair wage paid to workers during period of secretary's control.