

## HOUSE BILL No. 2573

By Committee on Appropriations

3-8

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9 AN ACT concerning the public employer-employee relations law; relat-  
10 ing to election to be bound by resolution of city or county voters;  
11 amending K.S.A. 75-4321 and repealing the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 75-4321 is hereby amended to read as follows: 75-  
15 4321. (a) The legislature hereby finds and declares that:

16 (1) The people of this state have a fundamental interest in the de-  
17 velopment of harmonious and cooperative relationships between govern-  
18 ment and its employees;

19 (2) the denial by some public employers of the right of public em-  
20 ployees to organize and the refusal by some to accept the principle and  
21 procedure of full communication between public employers and public  
22 employee organizations can lead to various forms of strife and unrest;

23 (3) the state has a basic obligation to protect the public by assuring,  
24 at all times, the orderly and uninterrupted operations and functions of  
25 government;

26 (4) there neither is, nor can be, an analogy of statuses between public  
27 employees and private employees, in fact or law, because of inherent  
28 differences in the employment relationship arising out of the unique fact  
29 that the public employer was established by and is run for the benefit of  
30 all the people and its authority derives not from contract nor the profit  
31 motive inherent in the principle of free private enterprise, but from the  
32 constitution, statutes, civil service rules, regulations and resolutions; and  
33 (5) the difference between public and private employment is further  
34 reflected in the constraints that bar any abdication or bargaining away by  
35 public employers of their continuing legislative discretion and in the fact  
36 that constitutional provisions as to contract, property, and due process do  
37 not apply to the public employer and employee relationship.

38 (b) Subject to the provisions of ~~subsection~~ *subsections (c) or (d)*, it is  
39 the purpose of this act to obligate public agencies, public employees and  
40 their representatives to enter into discussions with affirmative willingness  
41 to resolve grievances and disputes relating to conditions of employment,  
42 acting within the framework of law. It is also the purpose of this act to  
43 promote the improvement of employer-employee relations within the

1 various public agencies of the state and its political subdivisions by pro-  
2 viding a uniform basis for recognizing the right of public employees to  
3 join organizations of their own choice, or to refrain from joining, and be  
4 represented by such organizations in their employment relations and  
5 dealings with public agencies.

6 (c) The governing body of any public employer, other than the state  
7 and its agencies, by a majority vote of all the members may elect to bring  
8 such public employer under the provisions of this act, and upon such  
9 election the public employer and its employees shall be bound by its  
10 provisions from the date of such election. Once an election has been made  
11 to bring the public employer under the provisions of this act it continues  
12 in effect unless rescinded by a majority vote of all members of the gov-  
13 erning body. No vote to rescind shall take effect until the termination of  
14 the next complete budget year following such vote.

15 (d) (1) *A city or county may be brought under the provisions of the*  
16 *public employer-employee relations law by the approval of a resolution*  
17 *by a majority of the qualified and registered voters of such city or county*  
18 *voting in an election called and held in the manner provided by the gen-*  
19 *eral bond law. Such a resolution shall be placed on a ballot upon the filing*  
20 *of a verified petition signed by 5% of the qualified and registered voters*  
21 *of such city or county with the clerk of such city or county.*

22 (2) *A city or county shall be bound by the provisions of the public*  
23 *employer-employee relations law as of the effective date of a resolution*  
24 *approved pursuant to paragraph (1) by the voters of such city or county,*  
25 *and shall remain bound unless and until such a resolution is rescinded by*  
26 *the ballot process described in paragraph (1), but in no event shall any*  
27 *vote to rescind take effect until the termination of the next complete budget*  
28 *year following the original vote bringing the city or county under the*  
29 *provisions of the public employer-employee relations law.*

30 Sec. 2. K.S.A. 75-4321 is hereby repealed.

31 Sec. 3. This act shall take effect and be in force from and after its  
32 publication in the statute book.