

As Further Amended by House Committee

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As Amended by Senate Committee

Session of 2012

SENATE BILL No. 438

By Committee on Federal and State Affairs

2-21

1 AN ACT concerning ~~the state directory of new hires; relating to~~  
2 ~~information submitted by employers~~ **employers, labor organizations**  
3 **and certain contractors**; amending K.S.A. 2011 Supp. 75-5743 and  
4 repealing the existing section.

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

7 Section 1. K.S.A. 2011 Supp. 75-5743 is hereby amended to read as  
8 follows: 75-5743. (a) All employers and labor organizations doing  
9 business in this state shall submit information concerning each new  
10 employee to the secretary of labor within 20 **business** days of the hiring,  
11 rehiring or return to work of the ~~new~~ **newly hired** employee or within 20  
12 **business** days from the date the ~~new~~ **newly hired** employee first receives  
13 wages or other compensation from the employer. The information shall  
14 include the ~~new~~ **newly hired** employee's name, address ~~and~~, social security  
15 number *and the date services for remuneration were first performed by the*  
16 ~~new~~ **newly hired** employee and the employer's name, address ~~and~~, federal  
17 tax identification number *and any other information as may be required*  
18 *by section 453A of the social security act (42 U.S.C. § 653a), and*  
19 *amendments thereto.*

20 (b) *For purposes of this section, the term "~~new~~ newly hired*  
21 *employee" means an employee who has not previously been employed by*  
22 *the employer, or was previously employed by the employer, but has been*  
23 *separated from such prior employment for at least 60 consecutive days.*

24 (b) (c) The department of social and rehabilitation services shall have  
25 access to such information to match the employee's social security number  
26 with title IV-D cases.

27 **New Sec. 2. Sections 2 through 6, and amendments thereto, shall**  
28 **be known and may be cited as the competitive bid protection act.**

29 **New Sec. 3. The purposes of this act are to: (a) Provide for the**  
30 **efficient procurement of goods and services by governmental entities;**

31 **(b) promote the economical, nondiscriminatory and efficient**  
32 **administration and completion of state and state-funded or state-**

1 assisted construction projects by governmental entities;

2 (c) provide for fair and open competition for construction  
3 contracts, awarded by governmental entities;

4 (d) prohibit requirements for certain terms in construction  
5 contracts awarded by governmental entities;

6 (e) prohibit the expenditure of public funds under certain  
7 conditions;

8 (f) prohibit certain terms in procurement documents by  
9 governmental entities for public facilities; and

10 (g) provide powers and duties for certain public officers,  
11 employees and contractors.

12 New Sec. 4. (a) Unless otherwise required by law, each  
13 governmental entity within this state that contracts for public works  
14 construction shall ensure that neither the awarding governmental  
15 entity or any agent responsible for procuring a contract directly  
16 between the governmental entity and a contractor shall not:

17 (1) Require any bidder, contractor, subcontractor or material  
18 supplier to enter into or agree to enter into any prehire agreement,  
19 project labor agreement, collective bargaining agreement or any other  
20 similar agreement with one or more labor organizations on the same  
21 or other related construction projects; or

22 (2) discriminate against or treat differently any bidder,  
23 contractor, subcontractor or material supplier for becoming, refusing  
24 to become or remaining signatories or otherwise to agree to enter into  
25 any prehire agreement, project labor agreement, collective bargaining  
26 agreement or any other similar agreement with one or more labor  
27 organizations on the same or other related construction projects.

28 (b) Nothing in this section shall prohibit:

29 (1) Any bidder, contractor, subcontractor, construction manager,  
30 design-builder or material supplier of any tier from voluntarily  
31 entering into agreements described in paragraph (1) of subsection (a);  
32 or

33 (2) prohibit any contractor, construction manager or design  
34 builder from requiring its subcontractors or material suppliers of any  
35 tier to enter into a collection bargaining agreement.

36 New Sec. 5. No provision of this act shall be construed to:

37 (a) Prohibit any employer or other party from entering into any  
38 agreement or engaging in any other activity protected by the national  
39 labor relations act, 29 U.S.C. §§ 151 through 169; and

40 (b) interfere with labor relations of any party that is protected  
41 under the national labor relations act, 29 U.S.C. §§ 151 through 169.

42 New Sec. 6. For the purposes of Sections 2 through 6:

43 (a) "Governmental entity" shall mean a state agency or a

1 **municipality as the context requires.**

2 **(b) "Municipality" shall have the meaning specified in K.S.A. 12-**  
3 **105a, and amendments thereto.**

4 **(c) "State agency" shall have the meaning specified in K.S.A 75-**  
5 **3728a, and amendments thereto.**

6 Sec. ~~2~~ 7. K.S.A. 2011 Supp. 75-5743 is hereby repealed.

7 Sec. ~~3~~ 8. This act shall take effect and be in force from and after its  
8 publication in the statute book.