

SENATE BILL No. 559

By Committee on Federal and State Affairs

4-1

1 AN ACT concerning the legislature; relating to legislation on child labor;
2 providing for a review process and evaluation criteria for the legislature
3 when considering bills proposing that child labor protections be
4 reduced or eliminated; requiring the secretary of labor to provide a
5 report to the legislature to assist the legislature's consideration of such
6 proposals and authorizing the secretary to provide such report
7 independently; amending K.S.A. 2023 Supp. 77-436 and repealing the
8 existing section.
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 New Section 1. (a) The legislature finds that the general welfare and
12 the welfare of the children of Kansas shall be promoted by establishing
13 guidelines for legislative consideration of proposals for decreasing child
14 labor protections or the ability of parents and guardians to balance the
15 education, employment, quality of life and future opportunities of their
16 children. The legislature further finds that the general welfare will be
17 promoted by providing information for the benefit of the legislature when
18 considering such proposals.

19 (b) The purpose of this act is to provide a structure, a process and
20 sufficient information when the legislature considers proposals to decrease
21 child labor protections to further the legislature's intent that all Kansas
22 children be protected from unsafe working conditions, labor exploitation
23 and excessive hours of labor to the detriment of their education and quality
24 of life.

25 New Sec. 2. As used in sections 1 through 4, and amendments
26 thereto:

27 (a) "General welfare" means the concern of the state for the health,
28 peace, morality and safety of its residents, including its children; and

29 (b) "child labor protections" means statutory or regulatory provisions,
30 whether federal or state, that protect children in the workplace against
31 unsafe working conditions, hazardous work, labor exploitation and
32 excessive hours of labor to the detriment of their education and quality of
33 life, including, but not limited to, harm, endangerment or the reduction of
34 welfare to children physically, psychologically, educationally,
35 developmentally or socially and that permit parents or guardians to guide
36 and balance the education, employment, family life and future

1 opportunities of their children.

2 New Sec. 3. (a) To achieve the intent of the legislature set forth in
3 section 1, and amendments thereto, all bills introduced in the legislature
4 relating to child labor and proposing to amend or repeal child labor
5 protections by reducing the age upon which a child may engage in labor,
6 increasing the number of hours a child may work, extending the time in
7 the evening when a child may work, altering workplace regulations or
8 restrictions designed to protect children from harm in the workplace,
9 permitting children to work in occupations or in jobs or perform
10 assignments or duties within an occupation or job that are restricted under
11 law, inherently hazardous or deemed hazardous under state or federal law,
12 eliminating or limiting meal or rest breaks, reducing or eliminating
13 requirements for work permits or in any other manner potentially affecting
14 the safety, conditions of work or hours of work of children shall be
15 reviewed by the legislature according to the following criteria. A law or
16 rule and regulation governing child labor shall not be amended or repealed
17 unless the legislature determines that:

18 (1) Any reduction or elimination in child labor protections proposed
19 by the bill would not harm, endanger or reduce the welfare of children and
20 any potential for harm, endangerment or reduction of welfare to children
21 because of the reduction or elimination of child labor protections proposed
22 by the bill is either not recognizable or significant or is addressed by other
23 new or increased child labor protections or safeguards;

24 (2) children and their families can reasonably be expected to benefit
25 significantly from the changes to child labor protections proposed by the
26 bill, such benefit is not solely economic as a result of additional work
27 hours, reduced age limitations or expanded duties or occupations and such
28 benefit is the result of a cost-benefit analysis conducted independently of
29 any economic benefit to business or industry due to increased child labor
30 or decreased child labor protections. Such benefits to children and their
31 families may include, but not be limited to, increased opportunity for
32 apprenticeships or mentoring in a skilled trade or professional career field
33 not hazardous to children or deemed hazardous to children pursuant to
34 federal or state law, increased exposure to science, technology, engineering
35 or mathematics skills and career opportunities, increased application of
36 classroom to workplace learning or other career learning opportunities for
37 Kansas children that are likely to increase their quality of life in the short,
38 medium and long term. Such benefits shall be reviewed thoroughly to
39 ensure they are genuine, substantive and measurable and are not merely a
40 rationale for the increased use of children as inexpensive labor; and

41 (3) the proposed bill does not eliminate or reduce the consent
42 required by parents or guardians for the employment of their children or
43 the conditions, hours or schedule of such employment. The ability of

1 parents and guardians to balance the education, employment, quality of
2 life and future opportunities of their children shall be preserved.

3 (b) After evaluating the criteria in subsection (a) and considering
4 costs and benefits with respect to Kansas children, if the legislature
5 determines that the state has a strong interest in changing the child labor
6 law or rule and regulation, the change that is safest and most beneficial for
7 the welfare of children shall be implemented.

8 New Sec. 4. (a) During each regular and special session of the
9 legislature, the joint committee on administrative rules and regulations
10 shall review bills introduced in the legislature that pertain to child labor
11 protections. It shall not be required that bills be referred to the joint
12 committee for such review. The joint committee shall have authority to
13 consider and make such determinations and communicate with regulatory
14 bodies on behalf of the legislature as provided in this act.

15 (b) (1) Upon review as provided by subsection (a), if the joint
16 committee on administrative rules and regulations determines that a bill
17 proposes a reduction or elimination of statutory or regulatory child labor
18 protections in any manner, the joint committee shall notify the department
19 of labor and any other relevant state agency, board or commission of such
20 bill introduction. The secretary of labor, in cooperation with any other
21 relevant regulatory body or bodies as determined by the committee or by
22 the secretary of labor, shall, within 10 business days after such notification
23 by the joint committee, prepare and submit a report on the bill as provided
24 by this subsection.

25 (2) The secretary of labor may proceed without such notification to
26 prepare such a report based on the secretary's independent determination
27 of whether a bill introduced in the legislature proposes a reduction or
28 elimination of statutory or regulatory child labor protections. If the
29 secretary of labor determines to independently prepare a report, the
30 secretary shall notify the chairperson, vice chairperson and ranking
31 minority member of the joint committee and shall prepare and submit the
32 report as provided by this subsection within 15 business days after such
33 notification. Such deadline shall apply whether or not the joint committee
34 subsequently notifies the secretary pursuant to paragraph (1).

35 (c) Every state agency, board and commission shall cooperate with
36 the secretary of labor in preparation of a report pursuant to subsection (b)
37 (1) or (2) when, and to the extent, requested by the secretary of labor. The
38 report shall be provided by the secretary of labor in electronic format to
39 the chairperson, vice chairperson and ranking minority member of the joint
40 committee on administrative rules and regulations, the chairperson, vice
41 chairperson and ranking minority member of the standing committee to
42 which the bill under consideration has been assigned, the speaker of the
43 house, minority leader of the house, president of the senate and minority

1 leader of the senate. The report shall contain the following information:

2 (1) A description of the industry, profession or occupation affected by
3 the proposed reduction or elimination of child labor protections, including
4 the nature and number of business entities that would be affected to the
5 extent that such information is available, and the names and addresses of
6 associations, organizations and other groups representing such business
7 entities;

8 (2) the nature and extent of potential harm to children if the child
9 labor protections are reduced or eliminated for the industry, profession or
10 occupation as proposed in the bill, the extent to which there is a threat to
11 the welfare of children and production of evidence of potential harm,
12 including, but not limited to, a description of any complaints or concerns
13 pertaining to child labor issues or protections made to or filed with state
14 law enforcement authorities, courts, departmental agencies, professional or
15 occupational boards and business, professional or occupational
16 associations concerning the industry, profession or occupation to which the
17 reduction or elimination of child labor protections would apply within the
18 past five years. Notwithstanding the provisions of any other law to the
19 contrary, such information requested by the secretary of state shall be
20 provided to the secretary of state for inclusion in the report even if the
21 information is considered a closed record or otherwise confidential, except
22 that the entity providing the information shall redact from such
23 information the names of individuals and other personally identifiable
24 information, the names of businesses and information that would
25 specifically identify such businesses, information that would make an
26 individual or business identifiable when combined with other publicly
27 available information and any information confidential under federal law;

28 (3) a description of the current relevant state and federal statutory or
29 regulatory protections for children applicable to the industry, profession or
30 occupation at issue in the proposed bill and an explanation of the reason
31 and basis for such child labor protections;

32 (4) (A) A description, explanation and cost analysis, to the extent
33 possible, of the potential harm to children as a result of the proposed
34 reduction or elimination of child labor protections proposed by the bill,
35 including, but not limited to, potential harm, endangerment or reduction of
36 welfare to children physically, psychologically, educationally,
37 developmentally or socially, future long-term earning potential or quality
38 of life in the short, medium and long term. Such analysis shall include any
39 lost opportunity costs;

40 (B) an analysis of the potential costs to the families of children as a
41 result of the reduction or elimination of the child labor protections,
42 including costs relating to injuries, illnesses, uniforms, tools or other
43 occupational requirements, increased parental time necessary for

1 household work, childcare, transportation costs or other costs;

2 (C) a description, explanation and analysis of the potential benefits to
3 children and the families of children due to the reduction or elimination of
4 the child labor protections. Any potential direct economic benefit shall be
5 determined and reported separately. Potential benefits may include, but not
6 be limited to, increased opportunity for apprenticeships or mentoring in a
7 skilled trade or professional career field not hazardous or considered
8 hazardous to children pursuant to state or federal law, increased exposure
9 to science, technology, engineering or mathematics skills and career
10 opportunities, increased application of classroom to workplace learning or
11 other career learning opportunities for Kansas children that are likely to
12 enhance their quality of life in the short, medium and long term; and

13 (D) a cost-benefit analysis of the proposed bill based on the factors as
14 provided in subparagraphs (A), (B) and (C);

15 (5) an explanation and estimation of the economic benefit or
16 competitive advantage, including, but not limited to, potential labor cost
17 reductions, to the proponents of the bill or the industry or businesses that
18 support the bill or if unknown, that stand to benefit if the bill would be
19 enacted, in reducing or eliminating the child labor protections proposed by
20 the bill and an analysis of why such child labor protections were selected
21 by the proponents or supporters for reduction or elimination. The
22 explanation shall include any economic or competitive effect on any
23 Kansas competitors of such proponents, supporters or likely beneficiaries;

24 (6) the extent to which possible remedies to any alleged issue raised
25 by the proponents or supporters of the proposed bill not involving a
26 reduction or elimination of child labor protections may be available;

27 (7) the adequacy of alternative protections proposed in the bill or
28 availability and adequacy of protections that the legislature may consider
29 to prevent or redress the kinds of harm potentially resulting from the
30 reduction or elimination of child labor protections proposed in the bill;

31 (8) a list of other states that provide child labor protections or have
32 reduced or eliminated child labor protections in a similar manner as
33 proposed in the bill for the industry, profession or occupation at issue, a
34 description of such child labor protection, copies of other states' laws and
35 available evidence from those states of the effect of any reduction or
36 elimination of child labor protections on the welfare of children and
37 families in terms of a before-and-after analysis;

38 (9) the details of any previous efforts in this state to reduce or
39 eliminate the child labor protections at issue in the proposed bill;

40 (10) whether the proposed reductions or elimination of child labor
41 protections conflict with or are inconsistent with federal child safety
42 protections or national safety or work condition standards for the industry,
43 profession or occupation at issue; and

1 (11) the method proposed in the bill, if any, or any potential method
2 that should be considered to alleviate the harm or reduce or provide
3 compensation for costs to children and families that may arise as a result
4 of the reduced or eliminated child labor protections proposed by the bill
5 and financial data pertaining to whether such remedies can be reasonably
6 financed by the businesses or industry standing to benefit economically
7 from the proposed reduction or elimination of child labor protections.

8 Sec. 5. K.S.A. 2023 Supp. 77-436 is hereby amended to read as
9 follows: 77-436. (a) There is hereby established a joint committee on
10 administrative rules and regulations consisting of five senators and seven
11 members of the house of representatives. The five senator members shall
12 be appointed as follows: Three by the committee on organization, calendar
13 and rules and two by the minority leader of the senate. The seven
14 representative members shall be appointed as follows: Four by the speaker
15 of the house of representatives and three by the minority leader of the
16 house of representatives. The committee on organization, calendar and
17 rules shall designate a senator member to be chairperson or ~~vice-~~
18 ~~chairperson~~ *vice chairperson* of the joint committee as provided in this
19 section. The speaker of the house of representatives shall designate a
20 representative member to be chairperson or ~~vice-chairperson~~ *vice*
21 *chairperson* of the joint committee as provided in this section. The
22 minority leader of the senate shall designate a senator member to be the
23 ranking minority member of the joint committee as provided in this
24 section. The minority leader of the house of representatives shall designate
25 a representative member to be the ranking minority member of the joint
26 committee as provided in this section.

27 (b) A quorum of the joint committee on administrative rules and
28 regulations shall be seven. All actions of the committee may be taken by a
29 majority of those present when there is a quorum. In odd-numbered years
30 the chairperson and the ranking minority member of the joint committee
31 shall be the designated members of the house of representatives from the
32 convening of the regular session in that year until the convening of the
33 regular session in the next ensuing year. In even-numbered years the
34 chairperson and the ranking minority member of the joint committee shall
35 be the designated members of the senate from the convening of the regular
36 session of that year until the convening of the regular session of the next
37 ensuing year. The ~~vice-chairperson~~ *vice chairperson* shall exercise all of
38 the powers of the chairperson in the absence of the chairperson.

39 (c) Except for rules and regulations revoked pursuant to K.S.A. 77-
40 426(d), and amendments thereto, all proposed rules and regulations shall
41 be reviewed by the joint committee on administrative rules and regulations
42 during the public comment period required by K.S.A. 77-421, and
43 amendments thereto. The committee may introduce such legislation as it

1 deems necessary in performing its functions of reviewing administrative
2 rules and regulations.

3 (d) The committee shall issue a report to the legislature following
4 each meeting making comments and recommendations and indicating
5 concerns about any proposed rule and regulation. Such report shall be
6 made available to each agency that had proposed rules and regulations
7 reviewed at such meeting during the agency's public comment period for
8 such proposed rules and regulations required by K.S.A. 77-421, and
9 amendments thereto. If having a final report completed by the public
10 hearing required by K.S.A. 77-421, and amendments thereto, is
11 impractical, a preliminary report shall be made available to the agency
12 containing the committee's comments. The preliminary report shall be
13 incorporated into the final report and made available to each agency.

14 (e) Except for rules and regulations revoked pursuant to K.S.A. 77-
15 426(d), and amendments thereto, all rules and regulations filed each year
16 in the office of secretary of state shall be subject to review by the joint
17 committee. The committee may introduce such legislation as it deems
18 necessary in performing its functions of reviewing administrative rules and
19 regulations.

20 (f) The joint committee shall meet on call of the chairperson as
21 authorized by the legislative coordinating council. All such meetings shall
22 be held in Topeka, unless authorized to be held in a different place by the
23 legislative coordinating council. Members of the joint committee shall
24 receive compensation, travel expenses and subsistence expenses or
25 allowances as provided in K.S.A. 75-3212, and amendments thereto, when
26 attending meetings of such committee authorized by the legislative
27 coordinating council.

28 (g) *The joint committee shall review bills pertaining to child labor*
29 *laws or rules and regulations introduced in the legislature during regular*
30 *and special sessions of the legislature, make determinations and cause*
31 *reports on such bills to be prepared as provided by sections 1 through 4,*
32 *and amendments thereto. The joint committee is authorized to contact*
33 *executive agencies as provided by sections 1 through 4, and amendments*
34 *thereto.*

35 (h) Amounts paid under authority of this section shall be paid from
36 appropriations for legislative expense and vouchers therefor shall be
37 prepared by the director of legislative administrative services and
38 approved by the chairperson or ~~vice chairperson~~ *vice chairperson* of the
39 legislative coordinating council.

40 Sec. 6. K.S.A. 2023 Supp. 77-436 is hereby repealed.

41 Sec. 7. This act shall take effect and be in force from and after its
42 publication in the statute book.