

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **HB 2666**, as amended by House Committee, on page 6, following line 28, by inserting:

"New Sec. 4. (a) As used in this section:

(1) "Construction services" means the construction, alteration, renovation, repair or maintenance of a building, structure, highway, road, bridge, water line, sewer line, oil line, gas line, appurtenance or other improvement to real property, including any moving, demolition or excavation.

(2) "Division of purchasing" means the division of purchasing of the department of administration.

(3) "Kansas worker" means any individual having a residence in Kansas as determined by the employment records of such individual held by the individual's employer.

(4) "State agency" means any state office or officer, department, board, commission, institution or bureau, or any agency, division or unit thereof.

(5) "State contract" means any agreement entered into on and after January 1, 2013, by a state agency for the procurement of services with an annual cost to the state agency of at least \$100,000, excluding lease agreements, lease-purchase agreements and agreements entered into solely for the acquisition of goods or commodities by the state agency.

(b) Any contractor entering into a state contract, including any subcontractors contracted by such contractor to perform work required by such state contract, shall employ a sufficient number of Kansas workers such that at least 70% of the employees assigned by such contractor to perform work under the state contract shall be Kansas workers. An employee shall be considered assigned to perform

work under the state contract if the employee performs any work that is directly related to fulfilling the contractor's obligations under the state contract regardless of the proportion of such work to the employee's regular employment duties.

(c) All state agencies shall provide a copy of any state contract to the division of purchasing for verification that the contractor is in compliance with this section. A contractor subject to the requirements of this section shall provide any personnel information to the division of purchasing as required by the secretary of administration. The division of purchasing shall determine if the contractor's employees are Kansas workers and verify whether the contractor is in compliance with this section. The division of purchasing shall submit a report to the state agency contracting with the contractor stating whether the contractor is in compliance with this section.

(d) A determination by the division of purchasing that a contractor is not in compliance with this section is subject to review pursuant to the Kansas administrative procedure act upon request by the contractor. Any contractor aggrieved by the final decision under the Kansas administrative procedure act may seek review of such decision under the Kansas judicial review act.

(e) An employee who performs work under a state contract and is not a Kansas worker may be exempt from the requirements of this section if such employee provides expertise in a field necessary to fulfillment of the contractor's contractual obligations, and such expertise cannot reasonably be provided by a Kansas worker. A contractor may submit an application to the division of purchasing for an exemption from this section for such employees classified as experts. Such application shall include the name, residence, position and job description of the employee, a detailed explanation as to why such employee is an expert, a detailed explanation as to why such expertise cannot reasonably be provided by a Kansas worker, and such other information as required by the secretary of administration. The division of purchasing shall determine whether such employee shall be exempt from this section and shall include such determination in its report to the state agency pursuant

to subsection (c).

(f) The provisions of this section shall not apply to a state contract for construction services if the contractor entering into such state contract maintains an apprenticeship program registered with the Kansas apprenticeship council pursuant to K.S.A. 44-662, and amendments thereto.

(g) The secretary of administration shall adopt such rules and regulations the secretary deems necessary to implement and enforce the provisions of this section.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "contractors; relating to"; also in line 1, after "experience" by inserting "and employment"

_____ District.