

CONTINUATION SHEET

Minutes of the Senate Committee on Judiciary February 19, 1979

SB 297 continued -

Against Discrimination. He stated that one out of every four Americans will contact cancer in their lifetime; one-third of those will die of cancer and two-thirds will survive. Committee discussion with him followed.

Mike Bailey stated that the Kansas Commission on Civil Rights is already dealing with physical disability provisions of the act, and the commission is concerned about listing specific diseases. Committee discussion followed, including the suggestion of rewording the physical disability provisions of the present law. The commission was requested to provide the committee with further information.

The chairman reminded the committee that ^{this is} the last day for requesting committee bills to be drafted. Senator Parrish moved to introduce a committee bill dealing with the funding of the Unified Court System and the participation by counties in the funding; Senator Mulich seconded the motion, and the motion carried.

The meeting adjourned.

These minutes were read and approved
by the committee on 4-25-79.

2-19-79
A.M.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Frank P. Ross	535 Kansas	K.C.C.R.
Gary Jackson	" "	" " "
Michael Bailey	535 Kansas	KCC R
Keith Saylor	520 First National Bldg	KAC + I
John E. White		West Human Resources
Don Bruner	610 W 10th	Dept " "
Bryce Moore	535 Kansas	Div of Work Cas Comp
Mary Mittelstadt	100 SW 13th	WASW
Jack Swartz	500 1st Natl. Tower	KACI
Mike Heywood	Topeka	KSLK
Bill Gough	Topeka	KHCI

MEMORANDUM

I am Charles K. Sayler appearing on behalf of the Kansas Association of Commerce and Industry to comment on Senate Bill No. 256 as follows:

1. At present there is an extensive Workmen's Compensation bill being considered by the House Labor and Industries Committee which was the product of labor and industry over a period of time and agreed upon to be recommended to the legislature.

2. Those recommendations and statute changes in that recommendation do not provide for those changes contemplated in Senate Bill No. 256 and specifically K.S.A. 44-536 (a) (i).

3. There are many different issues in a Workmen's Compensation case such as whether or not there was an accident, was there an injury, did it arise out of and in the course of the employment, was the employee an actual employee or statutory employee, what was the wage rate, what is the nature and extent of disability, is the Workmen's Compensation Fund involved, etc. To put the employer on danger of having to pay the additional costs of attorney fees for the claimant would be an additional burden on the employer and prevent his right to be heard in some cases because of the expense risk.

4. At present all of the court reporter bills in almost every case are assessed against the employer win or lose. These bills are substantial and it is not unusual for court reporter bills for a case to be tried will run \$600 or \$700 or more.

5. The employer has to pay for its attorney and for the doctors' testimony and this coupled with the court reporter bill results in a situation where the employers do not indiscriminately try compensation cases unless there is ordinarily some serious question or merit to their position.

6. The Advisory Council's recommendation of labor and industry to the legislature contains substantial increases in benefits for employees and injured workmen. To add an additional burden to the employer at this point could well result in an unbearable burden to an employer.

Workmen's Compensation premiums are directly related to experience ratings no matter what company the employer subsequently insures with.

7. The interpretation of what would be "just cause" could vary so widely from Examiner to Examiner and District Court to District Court that all employers could be in a quandary about taking the additional expense risk to defend any case on which as frequently happens there are no clear-cut answers and the case could go either way.

Respectfully submitted,

Charles K. Sayler