

Approved Arthur Douville 3-30-88
Date

MINUTES OF THE House COMMITTEE ON Labor and Industry

The meeting was called to order by Representative Arthur Douville at
Chairperson

9:06 a.m./~~p.m.~~ on March 17, 1988 in room 526-S of the Capitol.

All members were present except:

Representatives Hensley - Excused
R.D. Miller - Excused

Committee staff present:

Jerry Ann Donaldson, Kansas Department of Legislative Research
Jim Wilson, Revisor of Statutes' Office
Juel Bennewitz, Secretary to the Committee

Conferees appearing before the committee:

re: S.B. 564

Representative Patrick offered an amendment to page 14 of the bill - if the pumper was employed anytime in a six months period prior to the time he started work for the employer, this exemption would not apply. The intent was to declare a time period.

Representative Acheson asked if this would permit limiting this to a specific employer with whom the employee was working. He stated it would seem restrictive in the event the employee wanted to establish his own business and all the contracts he might have were limited. Representative Patrick stated appreciation for the point being made but declared personal knowledge of situations where an employee is "let go" and encouraged to become an independent contractor allowing the employer to avoid paying benefits.

Representative Green opposed the idea on the basis if the company were to reorganize, the pumper should be given first opportunity to be a contract pumper if he so desired. This amendment would prohibit that opportunity.

No action was taken on the proposed amendment.

Representative Bideau moved to report S.B. 564 favorably for passage, seconded by Representative Buehler.

Representative Webb supported Representative Patrick's effort stating this bill will permit the oil companies to avoid paying workers compensation and other benefits. He cited 18% of the working force as medically indigent and claimed it would be abusing the poorest class of workers in the oil business.

The chairman said he felt everyone probably had concern that employees could be laid off to avoid paying benefits. He declared conflicting emotions knowing 5,000 out of 15,000 pumpers or other oil industry workers have been let go indicating a serious problem in the oil industry. Considering that point, it is hoped this bill will help the oil industry. Conversely, it may eliminate some employees from certain types of benefits, although he did not feel it would cut their benefits as much as may be anticipated since there are statutory employee situations. Additionally, taking away the protection of the workers compensation law, then common law liability can be invoked and the chairman felt operators would understand such. He added his support to the proposal of an interim study regarding independent contractors.

The motion carried. Representative Patrick requested to be recorded as voting present.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Labor and Industry,
room 526-S, Statehouse, at 9:06 a.m./~~p.m.~~ on March 17, 1988.

re: S.B. 342

Representative Buehler made a motion, seconded by Representative Acheson, to report the bill favorably for passage. Representative Green expressed hope that the written rules and regulations would clarify the time periods regarding length of time in school and out of school to qualify or to be disqualified for benefits. The motion carried on a unanimous voice vote.

There being no objections, the minutes of the February 24, February 25, March 1 and March 2, 1988, meetings stand approved as presented.

The meeting adjourned at 9:18 a.m. The next meeting of the committee will be at the call of the chairman, 9:00 a.m., Room 526-S.

