

Approved May 1, 1992
Date

MINUTES OF THE House COMMITTEE ON Labor and Industry

The meeting was called to order by Representative Anthony Hensley
Chairperson

12:22 a.m./p.m. on March 31, 1992 in room 526-S of the Capitol

All members were present except:

Committee staff present:

Jim Wilson, Revisor
Jerry Donaldson, Principal Analyst
Barbara Dudney, Committee Secretary

Conferees appearing before the committee:

Bill Morrissey, acting Director, Division of Workers' Compensation

The meeting was called to order at 12:22 p.m., by the chairman, Rep. Anthony Hensley.

Chairman Hensley opened the floor for discussion on and possible amendments to section 9 of Substitute for House Bill No. 3039. He explained that section 9 is K.S.A. 44-514, prohibiting the assignment of workers' compensation benefits to any garnishment, or any other remedy for collection of debt. He pointed out that the subcommittee recommendation was to amend K.S.A. 44-514, to include the provisions of House Bill No. 3058, an act providing for the assignment of workers' compensation benefits to child support payments. He reminded the members that this bill had been heard by the committee at the request of the Office of Judicial Administration.

In section 9, Rep. Tim Carmody moved to amend the bill on page 45, beginning on line 26, by adding a new subsection to read as follows, "(5) Any such voluntary or involuntary assignment of a portion of compensation shall be subject to any lien arising under K.S.A. 44-536 and amendments thereto or any other state or federal law making an employer liable to pay compensation for injuries arising out of and in the course of employment." The motion was seconded by Rep. Al Lane. Motion carried.

Rep. Don Smith moved to amend the bill on page 44, line 3, by deleting, "(a) Except as provided in subsection (b)," and by striking subsection (b), on page 44, lines 9-35, and on page 45, lines 1-25. The motion was seconded by Rep. Arthur Douville. Motion failed.

Rep. Jan Pauls moved to amend the bill on page 45, line 19, by deleting, "or for maintenance of a spouse or ex-spouse." The motion was seconded by Rep. Bob Grant. Motion carried.

Rep. George Gomez moved to amend the bill on page 45, line 3, by deleting "may", and inserting in lieu thereof, "shall." The motion was seconded by Rep. Eloise Lynch. Motion carried.

Chairman Hensley commented that section 10 of the bill is new law intended to give the director of workers' compensation the authority to collect data and conduct studies to evaluate the workers' compensation system in Kansas, including evaluating the benefits structure and the costs incurred by employers. He noted that the language contained in section 10 is similar to the New Mexico statute. He asked Bill Morrissey, acting Director, Kansas Division of Workers' Compensation to explain the subcommittee's recommendation in this section.

Mr. Morrissey explained that this section will authorize him to evaluate insurance industry data pertaining to workers' compensation claims and payments, as well as other information the he believes to be relevant to evaluating the effectiveness of the system. He said the key phrase in this section is, "To this end, the director shall establish baseline data against which to assess the changes in the workers' compensation act."

In section 10, Rep. Pauls moved to amend the bill on page 46, line 3, by inserting after the word "from", the words, "insurance carriers." The motion was seconded by Rep. Darrel Webb. Motion carried.

Rep. Jack Sluiter moved to amend the bill on page 45, line 26, by deleting "shall", and inserting in lieu thereof, "may." Rep. Lane seconded the motion. Motion failed.

The chairman explained that section 11 of the bill contained a technical amendment. He commented that section 12 is K.S.A. 75-5708, prescribing the term of office of the workers' compensation director. He explained that the subcommittee recommended that this statute be amended to provide that the director's term of office shall end on the last day of the current term of the person serving as Governor when the director is appointed. The subcommittee's recommendation in section 12 is adopted without amendments.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Labor and Industry

room 526-S, Statehouse, at 12:22 ~~am~~/p.m. on March 31, 1992

The chairman commented that section 13 of the bill contained a technical amendment, section 14 is a repealer clause, and section 15 provides that Substitute for House Bill No. 3039 will be effective after its publication in the statute book.

The chairman noted that the committee would take up the subcommittee's recommendation on safety in the workplace at its next meeting. The committee then discussed several issues that the subcommittee had not addressed. These issues included: limits on attorney fees, preexisting condition, work disability, state competitive fund, and the creation of an appeals panel.

Chairman Hensley announced that the committee would meet again tomorrow at 12:00 noon, or on first adjournment of the House.

The meeting was adjourned at 1:15 p.m.

