

Approved: As distributed
February ^{date} 27, 1998

MINUTES OF THE SENATE COMMITTEE ON COMMERCE.

The meeting was called to order by Chairperson Alicia Salisbury at 8:00 a.m. on February 24, 1998 in Room 123-S of the Capitol.

Members present: Senators Salisbury, Barone, Brownlee, Donovan, Feleciano, Gooch, Jordan, Ranson, Steffes, Steineger and Umbarger.

Committee staff present: Lynne Holt, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Bob Nugent, Revisor of Statutes
Betty Bomar, Committee Secretary

Conferees appearing before the committee:
Philip W. Harness, Director, Workers Compensation Division
Steven W. Rarrick, Deputy Attorney General, Consumer Protection Division

Others attending: See attached list

SB 555 - Worker Compensation; procedural changes

Philip W. Harness, Director, Workers Compensation Division, submitted a Memorandum addressing concerns with the written claim requirement and the lengthening of the statute of limitation as submitted by the Wichita Employers Workers Compensation Task Force. (Attachment 1)

Mr. Harness recommended changing the word "civil" to "administrative" on Page 23, line 21. The W. C. Advisory Council's recommendation to delete the written claim requirement on Page 11 is because the requirement is considered to be antiquated.

Senator Feleciano moved, seconded by Senator Steineger, that SB 555 be amended on Page 23, line 21 by striking the word "civil" and inserting the word "administrative"; line 42, by striking "C" and insert "A"; Page 24, line 24, by striking the words ", concealing or failing to disclose a material fact" and inserting in lieu thereof: "or concealing a material fact"; and on line 27, by inserting "(3)". The motion was approved on a voice vote.

Senator Feleciano moved, seconded by Senator Barone, that SB 555 be recommended favorable for passage as amended. Senator Ranson made a substitute motion, seconded by Senator Gooch, to reinsert the stricken language on Page 11; and to maintain the current statute of limitation language on Pages 12 and 17. The substitute motion was withdrawn. The vote on the original motion failed by a recorded vote of Yes - 5; No - 6.

The hearing on **SB 555** was concluded.

SB 573 - Consumer protection; telephone solicitation.

Senator Ranson moved, seconded by Senator Brownlee that the action taken by the Committee February 23, striking "New Section 1, subsection (C) and New Section 2, subsection (b)" be reconsidered and language in **Substitute for SB 573** be amended in "New Section 1, subsection (2)(C) following the word "relationship" by inserting "if the solicitor is not an employee or a contract employee of a provider of telecommunication services.; and in New Section 2, subsection (b) following the word "establishment" by inserting "and is not a provider of telecommunication services"; New Section 1, subsection (2)(C) following the word "solicitor", by inserting "or the solicitor's successor interest"; and that **Substitute for SB 573** be passed as amended. The motion was approved on a recorded vote of Yes - 10; Abstention - 1.

The meeting was adjourned at 9:00 a.m.

The next meeting is scheduled for Wednesday, March 4, 1998.

SENATE COMMERCE COMMITTEE GUEST LIST

DATE: February 24, 1998

NAME	REPRESENTING
Rud Grant	KCCJ
Pat Bush	Western Resources
Dave Holthaus	" "
Lave Burr	ENVISION
Michael Brington	Envision
Rick Norris	Envision
Janeen York	Envision
Warren York	Envision
Uyima Star	ATET
Mark Banellina	KDOCTH
Gail Bright	A.G.
Teresa Salts	A.G.
DET Brown	Mid. Am. Unionsmen 7th
Bernie Koch	Wichita Chamber
George Barbee	Barbee & Assoc's
Trudy ARON	Am Inst of Architects
David Shufelt	KDHR - Work. Comp Division
Harry Boser	DPS Dept of Admin
Phil Harbers	KDHR - Div. of Work. Comp.

MEMORANDUM

TO: ALICIA L. SALISBURY, CHAIRPERSON, SENATE COMMERCE COMMITTEE
MEMBERS OF SENATE COMMERCE COMMITTEE

FROM: PHILIP S. HARNESS, DIRECTOR OF WORKERS COMPENSATION

DATE: FEBRUARY 24, 1998

RE: ADDRESSING MEMORANDUM OF FEBRUARY 20, 1998, FROM WICHITA
EMPLOYERS WORKERS COMPENSATION TASK FORCE

The Wichita group has addressed essentially three items:

1. The proposed deletion of the current requirement for a written claim to be filed within 200 days.
2. A proposed change in the fraud and abuse statutes concerning concurrent actions.
3. A proposed change to the fraud and abuse statutes to include, as a fraudulent or abusive practice, working while drawing total disability benefits.

I will attempt to address these in reverse order:

- a. The lack of "permanent partial disability" in Section 12, Page 23, (Line 37) is intentional as employment while being totally disabled (either temporarily or permanently) is the conduct sought to be prohibited; it is still permissible in the state of Kansas to work while drawing permanent partial disability as the person is, by definition, only partially disabled from doing work.
- b. In Section 11, Page 23, Subsection (m), (Lines 19-22), it was considered by the advisory council that concurrent sanctions in the workers compensation case in chief should not be precluded. The Wichita group raises a meritorious question as to the word "civil" in Line 21, Page 23, and it is suggested that that be changed to "administrative."
- c. The advisory council's recommendation for deletion of the written claim requirement was made as the requirement seems to be antiquated.

Senate Commerce Committee

Date 2-24-98

Attachment # 1