

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE.

The meeting was called to order by Chairman Donald Dahl at 9:00 a.m. on February 25, 2003 in Room 243-N of the Capitol.

All members were present except: Representative Tom Holland, Excused
Representative Doug Patterson, Excused

Committee staff present: Jerry Ann Donaldson, Kansas Legislative Research Department
Renae Jefferies, Revisor of Statutes
Mitchell Rice, Revisor of Statutes
June Evans, Secretary

Conferees appearing before the committee: Representative Annie Kuether

Others attending: See attached sheet

The Chairman opened the hearing on **HB 2352 - Sexual harassment and discrimination in the workplace, secretary of administration required to implement a program.**

Staff gave a briefing on **HB 2352** stating the Secretary of Administration shall implement and enforce a proactive program to address issues of sexual harassment and discrimination in the workplace. The Secretary of Administration shall have the authority to issue directives and to adopt and promulgate rules and regulations as may be necessary to carry out the provisions. The Secretary of Administration shall prepare and submit a written report to the members of the legislative coordinating council on or before December 31, 2003.

Representative Annie Kuether, a proponent to **HB 2352**, stated Executive Order No. 82-55 was repealed in November of 2002. This eliminated an existing state policy regarding sexual harassment and discrimination in the workplace. This bill simply re-instates a policy requiring the Secretary of Administration to implement the policy (Attachment 1).

Concern was expressed whether the bill was too broad. Possibly the definition of harassment should be in the regulation. It was asked if Representative Kuether talked to the Department of Administration and she said she had talked to the Assistant Department of Administration and the Governor and they were in agreement with this bill.

The Chairman closed the hearing on **HB 2352** and asked the committee if they wanted to work the bill.

Representative Swenson moved and Representative Sharp seconded to pass **HB 2352** out favorably.

Representative Humerickhouse moved and Representative Johnson seconded a Substitute Motion to hold **HB 2352** over until next year as there were not enough proponents or opponents to support passage.

Representative Ruff stated there could have been an army here but thought it better to not have so many testify. She would like for the bill to be heard on the House floor and if there is concern the Senate side could amend.

There was more discussion as to why Governor Graves repealed and why couldn't it be reinstated with an Executive Order from the Governor?

Representative Ruff stated it was her understanding this does no more or no less than the Executive Order.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE at 9:00 a.m. on February 25, 2003 in Room 243-N of the Capitol.

Representative Humerickhouse and Representative Johnson withdrew their substitute motion.

The Chairman stated that the committee was back on the original motion to pass **HB 2352** out favorably. The motion carried.

The Chairman said that **HB 2353 - Employment security insurance act for domestic violence** had a hearing yesterday, February 24, was now ready to be worked.

Staff reviewed some technical changes: Page 1, line 30, change “employers” to “employees”; page 2, line 16, change “section 3” to “K.S.A. 44-706”; and page 13, line 12, change “are” to “is”.

Representative Grant moved and Representative Humerickhouse seconded to adopt the technical changes. The motion carried.

Representative Humerickhouse moved and Representative Grant seconded to amend page 1, line 26, change “medical” to “health” and in the proposed balloon offered by Representative Nichols to put a “,” between psychological and safety” and adopt the balloon. The motion carried.

Representative Grant moved and Representative Betts seconded to move **HB 2353** out favorably as amended. The motion carried.

The Chairman stated he was ready to continue working **HB 2064 - Filing times on certain liens extended for property other than residential property.**

Staff briefed the committee on Representative Patterson’s balloon. Proposed balloon would provide for a lien for the furnishing of labor, equipment, materials, or supplies of property other than residential property; may be claimed pursuant to this section within five months only if the claimant has filed a notice of extension within four months since last furnishing labor, equipment, materials or supplies to the job site. Such notice shall be filed in the office of the district court of the county where such property is located and shall be mailed by certified and regular mail to the owner. The filing of such notice extends the time for filing a lien to five months for a subcontractor, supplier, or other providing materials and labor on property.

Representative Johnson moved and Representative Sharp seconded to adopt the balloon in the form of **Substitute HB 2064**. The motion carried.

The Chairman stated we are now on the **Substitute HB 2064**.

The Chairman asked all interested parties in the audience if they supported **HB 2064** with the amendment? All concurred.

Representative Sharp moved and Representative Boyer seconded **Substitute HB 2064** be moved out favorably for passage. The motion carried.

The Chairman stated the sub-committee had been working on **HB 2211 - Electricians, plumbers and other contractors, licensure and testing** and there is a balloon to be distributed.

Representative Johnson moved and Representative Sharp seconded to adopt balloon. The motion carried.

After reviewing the balloon it was noted the balloon was confusing. The Chairman adjourned the meeting until later in the day when the balloon was in the correct form. The committee would meet when the members could see the correct balloon.

The meeting adjourned at 10:10 a.m.

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I appear in support of HB2352.

In November of 2002, Ex. Order No. 82-55 was repealed. This eliminated an existing state policy regarding sexual harassment and discrimination in the workplace.

This bill simply re-instates a policy requiring the Secretary of Administration to implement it. Any agency under the Governor's jurisdiction will not tolerate any kind of activity included in this program and will offer protection for any state employee, any other employee, any applicant for employment or any client or other person receiving services from the state.

Many state agencies have policies. This simply would act as an "umbrella or all-encompassing" language."

The state should be leading by example.

Commerce
Labor
2-25-03
Atch # 1

HIGHLIGHTS OF THE BILL

- Each agency will have a consistent policy.
- Create a workplace environment where complaints can receive clear, impartial and timely responses.
- Provide a systematic review of programs.
- Develop effective strategies to discourage and prevent such activities.
- Agencies/contractors receiving state funding will have written and posted policies, i.e., KS—1111
- Secretary of Administration can issue/adopt rules and regs.
- Secretary of Administration shall prepare and submit written report to members of LCC on or before December 31, 2003
- Take effect on publication in KS Register.