

MINUTES OF THE SENATE COMMERCE COMMITTEE.

The meeting was called to order by Chairperson Karin Brownlee at 8:30 a.m. on March 21, 2003 in Room 123-S of the Capitol.

All members were present except: Senator Brungardt, absent
Senator Wagle, excused

Committee staff present: April Holman, Legislative Research
Deb Hollon, Legislative Research
Mitch Rice, Revisor of Statutes
Sarah Samuelson, Secretary

Conferees appearing before the committee: A.J. Kotich, Kansas Department of Human Resources
Representative Nichols
Sandy Barnett, Kansas Coalition Against Sexual and
Domestic Violence

Others attending: See attached list.

Chairperson Brownlee opened the hearing on HB 2329 regarding the Wage Payment Act. A.J. Kotich testified in support of the bill. (Attachment 1) This bill proposes two amendments to the Kansas Wage Payment Act. First, it amends the definition of an employer to include limited liability companies. Second, the bill updates the personal responsibility for the payment section of the act so it will apply across the board to all business entities, including limited liability companies and other organizations that did not exist when the current law was enacted in 1973. Current law applies only to corporations.

There were no opponents wishing to testify. Chairperson Brownlee closed the hearing on HB 2329. Senator Barone moved to recommend the bill favorable for passage. Senator Emler seconded. The motion carried.

Chairperson Brownlee opened the hearing on HB 2353 regarding employment security insurance for domestic violence survivors. Representative Nichols testified in support of the bill. (Attachment 2) He said that this bill restates current interpretation of Kansas law in order to ensure that victims of domestic violence are not disqualified from obtaining unemployment compensation benefits if they must leave work. Representative Nichols has had personal experience with this issue. His sister was murdered by her abusive husband as he followed her home from work to her new apartment. If the policy of Kansas was clearly spelled out, victims of domestic violence could clearly see that they have the potential to obtain unemployment compensation should they have to leave their jobs to protect their lives.

Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence, testified in support of HB 2353. (Attachments 3 and 4) Domestic violence impacts the workplace in a number of ways. Some women must travel long distances to seek a shelter, and must quit their jobs. In some cases, the batterer is a work colleague of the victim. It is not unusual for a victim to be stalked and battered in the parking lot of their employment site. Batterers often follow their victims from work to learn where they are living or staying, or they come to the workplace because they know they will find their victim there.

Chairperson Brownlee closed the hearing on HB 2353. Senator Emler moved to recommend the bill favorable for passage. Senator Buntgen seconded. The motion carried.

The committee discussed HB 2289 regarding the Kansas Development Finance Authority. Some senators have reservations about KDFA putting out broadband, as private companies do this for profit. April Holman said that the municipalities would own the infrastructure and would lease it to the providers. The revenue stream to pay off the bonds may be inadequate. Senator Brownlee said that the municipalities

CONTINUATION SHEET

MINUTES OF THE SENATE COMMERCE COMMITTEE at 8:30 a.m. on March 21, 2003 in Room 123-S of the Capitol.

will need to update their technology if they own the infrastructure, which could prove to be too costly.

Senator Barone moved to amend the bill by deleting page 7 line 32 through page 8 line 26. Senator Emler seconded. The motion carried.

The committee decided to let this bill lie and carry it over to the next session.

The committee discussed HB 2208 regarding Sedgwick County Starbonds. Chairperson Brownlee stated that she still has some concerns with this bill and the committee will revisit it on Tuesday. She also noted that HB 2332 has already passed out of the committee.

The meeting was adjourned at 9:30 a.m.

The next meeting is scheduled for March 25, 2003 at 8:30 a.m. in Room 123-S.

**SENATE COMMERCE COMMITTEE
GUEST LIST
DATE: Friday, March 21, 2003**

NAME	REPRESENTING
Ariane Costello	Olathe Chamber
Mike Kuttles	Wichita Economic Dev. Partner
Larry R Baer	LKM
Stephanie Buchanan	Budget.
Megan Chalfant	Burgess and Associates
Kevin Roral	Hein law firm
Terry Leatherman	KCCI
Marilynn Aulet	KCSDV
Sandy Barnett	KCSDV
Sarah Thomas	KCSDV
Sarah Morrison	KCSDV
Don Seifert	City of Olathe
Mike Taylor	City of Wichita
Scott Anglemeyer	KDOCFM
D.S. Koch	CABELA'S
Margi Baker	Ks. Dept. of Human Resources
A.J. Kotich	KDHR*
PAUL BICKNELL	KDHR
Bill Lyles	KDHR
Th. Con	KDHR Steezy

**Testimony before the Senate Commerce Committee
on House Bill 2329
by A. J. Kotich, Chief Counsel
Kansas Department of Human Resources
Friday, March 21, 2003 – 8:30 a.m. – Room 123-S**

Good morning, Chairperson Brownlee and Members of the Committee. Thank you for the opportunity to appear before you this morning. My name is A.J. Kotich, and I am Chief Counsel for the Kansas Department of Human Resources.

I am here this morning to discuss House Bill 2329. This bill proposes two amendments to the Kansas Wage Payment Act. First, it amends the definition of “Employer” under the Act. This amendment will modernize the definition of Employer in the Act to ensure that the law applies equally across the board to protect all Kansas employees, including employees of Limited Liability Companies (LLC’s) and other types of organizations that are now very common, but did not exist at all when the wage payment law was first enacted in 1973. The Kansas Supreme Court has ruled that the current definition of employer is not broad enough to automatically protect employees of LLC’s.

The second amendment updates the personal responsibility for the “Payment” section of the Wage Payment Act so it will apply across the board to all business entities, including Limited Liability Companies and other kinds of organizations that did not exist when the wage payment law was enacted in 1973. The current law is inequitable because it applies only to Corporation.

I would also advise this Committee that the Employment Security Advisory Council has considered such a proposal and has expressed support of such legislation.

Madam Chairperson and Members of the Committee, thank you again for this opportunity. I would be happy to stand for any questions you may have.

ROCKY NICHOLS
STATE REPRESENTATIVE
58TH DISTRICT

HOME

2329 S.E. VIRGINIA AVE.
TOPEKA, KANSAS 66605-1358
1785) 357-6262
E-MAIL—ROCKYNICHOLS@COX.NET
INTERNET HOMEPAGE—
HTTP://WWW.ROCKYNICHOLS.COM



HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

RANKING MEMBER APPROPRIATIONS COMMITTEE
MEMBER EDUCATION BUDGET COMMITTEE
JOINT LEGISLATIVE BUDGET
COMMITTEE
KANSAS FILM COMMISSION

OFFICE

STATEHOUSE—284 WEST WING
TOPEKA, KANSAS 66612-1504
785) 296-7651

March 20, 2003

Madam Chairperson and Members of the Committee:

Thank you for the opportunity to testify in support of HB 2353.

HB 2353 more clearly restates current interpretation of Kansas law in order to ensure that victims of domestic violence are not disqualified from obtaining unemployment compensation benefits if they must leave work. I want to stress that HB 2353 does not change the current policy of the state of Kansas. Because it does not change the current policy, the fiscal impact is zero. Rather, this bill clearly spells out in law the current policy that victims of domestic violence will not be disqualified from unemployment compensation benefits and it places into statute the definitions and parameters of this policy, giving both employers and victims of domestic violence the certainty that they need to understand the policy.

Victims of domestic violence are often forced to leave employment either to protect themselves from further physical harm or because they cannot perform at work due to the consequence of the violence. To quote a recent research paper about domestic violence and unemployment compensation, "domestic violence is not confined to the home. It often follows the victim to work. A perpetrator may stalk a victim at her workplace because it may be the only place he knows that he can find her." Unfortunately, my family has a personal real-life experience which enables me to testify to the horrible truth of that statement.

Some might ask if current interpretation of the law allows for this policy, then why should we restate and clarify the policy is this bill? I have a personal story that may help explain why this change is needed. On July 31, 2001, my big sister, Risa, was taken from this earth because of domestic violence.

My sister Risa was in an abusive marriage. After being the victim of domestic violence for far too long, Risa had finally gotten up the courage to leave her abusive husband. One day in early July of 2001, Risa gathered up a few belongings and moved herself and her twin daughters out of that abusive home and into a safe place to live. Risa contacted the local Topeka battered women's shelter, and she was starting to get her life in order. There was just one problem. She had to keep working at her day job to put food on the table and clothes on her daughters' backs. Though her estranged husband had made

Senate Commerce Committee

3-21-03

Attachment 2-1

death threats and Risa knew that her life was in danger, she bravely went to work every day in order to make ends meet.

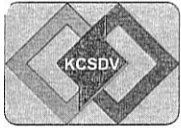
Neither my sister Risa nor the Domestic Violence shelter that was helping her get her life back in order realizes that she had the option to protect her life by leaving her job and applying for unemployment compensation.

Her abusive husband did not know where she was living, but he of course knew where she worked. On July 30, 2001, he staked out her place of employment and tried to follow her home. When my sister pulled out of the parking lot on her way home from work, she noticed that her abusive husband was following her. Risa darted in and out of neighborhoods and did whatever it took to lose him. I remember her telling us how scared she was. However, because of her maneuvering she thought that she gave him the slip. She thought that she was safe and that he didn't follow her home from work. Unfortunately, she was wrong. It was the very next day, July 31, 2001, that Risa was murdered by her abusive husband. He was waiting outside of her new apartment because he found out where she was living by following her home from work. Risa was leaving in the morning for work when he took her life.

Imagine what might have happened if the policy of Kansas was more clearly spelled out in law so that Risa and other victims of domestic violence could clearly see that they have the potential to obtain unemployment compensation if they have to leave their jobs in order to protect their lives. If having this current policy clearly spelled out in Kansas law can save just one life and prevent just one Kansas family from having to suffer a loss like our family has suffered, then why wouldn't we pass that law?

That is the real point of HB 2353. This bill does not change state law or state policy as it is interpreted. It merely has it clearly spelled out in current law that victims of domestic violence are not disqualified from unemployment compensation benefits. Again, if clearly spelling out in state law this policy can prevent just one more family from having to endure the loss of a loved one to domestic violence, then we should do whatever it takes to do that. That is why I ask for your support of HB 2353.

Thank you for your time and attention to this matter. I would stand for any questions.



UNITED AGAINST VIOLENCE

KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE

220 SW 33rd Street, Suite 100 Topeka, Kansas 66611
785-232-9784 • FAX 785-266-1874 • coalition@kcsdv.org

Sandy Barnett

Senate Committee on Commerce
Testimony on HB 2353
March 21, 2003

Madam Chair and Members of the Committee:

Thank you for the opportunity to speak this morning in support of HB 2353.

The Kansas Coalition Against Sexual and Domestic Violence is a private non-profit group representing victims of domestic and sexual violence and the advocacy programs serving them. The 27 member programs served more than 1,000 sexual assault victims, 21,250 domestic violence victims and sheltered 4,621 people during 2001. In the same time period, the program hotlines responded to more than 29,000 crisis calls. Domestic violence and sexual assault are just as much an issue in Kansas as they are everywhere else in the United States.

Domestic violence impacts the workplace in numerous ways. Today we will focus on those that are specifically related to why unemployment benefits are so important to the safety of some victims.

There are only 23 shelters in Kansas. Their geographic distance necessitates women and their children leaving their home communities, jobs, and schools to be able to seek safety in a shelter. Having to leave a job, often suddenly, creates significant problems from being labeled irresponsible to difficulties in locating new employment.

In some cases the batterer is a work colleague of the victim, which means that her batterer has easy access to her during work hours, sometimes putting at risk other co-workers. It is not unusual for victims to be stalked and battered in the parking lots of their employment sites. In a recent case in Garden City, the victim worked for the batterer's family. After leaving the batterer, the family created a very hostile work environment and let him know her work schedule so he was mysteriously waiting for her each day when she got off work.

When victims have been able to safely leave, batterers know the one place they can still find the victim - at work. Batterers follow their victims from work to learn where they are living or staying, or they come to the workplace because they know she will be there. A recent informal survey of domestic violence programs indicated that in 2001 almost 40% of women were already employed at the time they originally contacted the program for help. One of the Wichita programs stated that of those, only 88 women, approximately 6%, had serious safety concerns that caused them to leave their employment.

Given that batterers prefer their behavior to be private, it is believed that domestic violence spilling into the work place may be an indicator of increased risk to victims and those around them. Victim safety becomes paramount.

Two years ago a batterer waited for his wife to leave her home to go to work because he knew she would be alone - he shot and killed her. Some years ago a nurse was shot and killed in the lobby of the nursing home where she worked. While these cases are not the most common outcome, they are not entirely isolated either. Twenty to thirty people die every year in Kansas because of domestic violence. Serious injury or death is most likely to occur within months after victims try to leave abusive situations.

When domestic violence comes to work - the safety of victims and their co-workers is at risk. When such a risk does exist, victims need options.

HB 2353 does not create new law, it just clarifies that when a person must leave employment due to domestic violence, they are not ineligible for unemployment benefits. Currently a victim could make application for UI because of special circumstances, but it isn't well known. None of the programs in Kansas recollect anyone who has applied under that condition. HB 2353 will just make clear that UI may be an option if all other requirements are satisfied.

HB 2353 helps remove one more barrier to safety.

KCSDV supports HB 2353

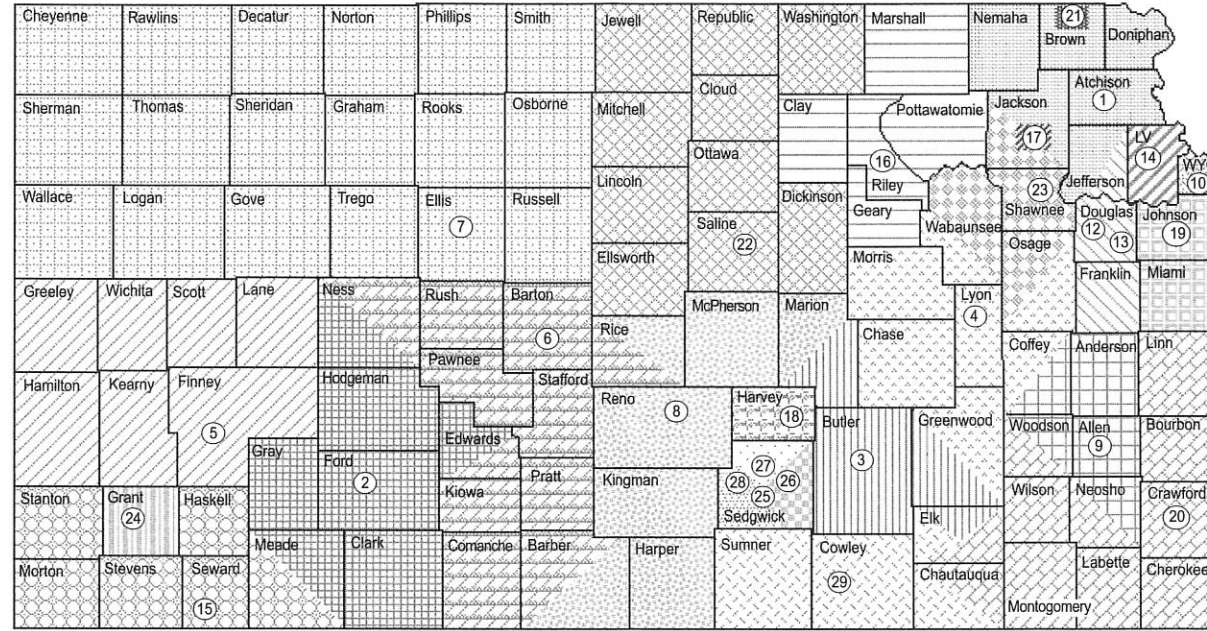
Mission

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a network of programs reaching across the state, helping unify on a state level to end battering and sexual assault wherever it occurs. Our primary focus is on providing support and safety to the victims of these crimes through the direct services of our member programs. The major work of the Coalition is to support this network of services by increasing public awareness through education and advocacy, exploring new options for services and funding, and by working for social change.

Goals

1. To build coalition among service providers to promote communication, support, and networking to ensure comprehensive services.
2. To develop research and data collection systems which document the incidences of sexual and domestic violence and the availability of services.
3. To establish and expand services for victims of sexual and domestic violence in Kansas, with primary focus on women and children.
4. To conduct statewide educational efforts designed to inform the public, specific groups, and agencies about the nature of sexual and domestic violence and its effect on individuals, families and society.
5. To provide statewide advocacy for public policy changes which affect victims of sexual and domestic violence.
6. To monitor an ongoing comprehensive plan for evaluation of organizational structure, process, and future funding sources.
7. To confront and affirm issues of empowerment affecting women and children without regard to race, color, creed, age, physical limitations, national origin, sexual orientation, religious affiliation, marital/parental status, education, and income.

Kansas Domestic Violence and Sexual Assault Programs



1. Atchison	DoVES (also serves Hiawatha)	913-367-0363
2. Dodge City	Crisis Center of Dodge City	620-225-6510
3. El Dorado	Family Life Center of Butler County	800-870-6967
4. Emporia	SOS, Inc.	800-825-1295 or 620-342-1870
5. Garden City	Family Crisis Services	620-275-5911
6. Great Bend	Family Crisis Center	620-792-1885
7. Hays	Northwest Kansas Family Shelter (also serves Goodland)	800-794-4624 or 785-625-3055
8. Hutchinson	Sexual Assault/Domestic Violence Center (also serves McPherson)	620-663-2522
9. Iola	Hope Unlimited	800-498-7566
10. Kansas City	Friends of Yates Joyce Williams Center	913-321-0951
11. Kansas City	MOCSA	816-931-4527
12. Lawrence	Rape Victim Survivor Service	785-841-2345
13. Lawrence	Women's Transitional Care Services (also serves Ottawa)	785-843-3333 or 800-770-3030
14. Leavenworth	Alliance Against Family Violence (also serves Tonganoxie)	913-682-9131
15. Liberal	Liberal Area Rape Crisis and DV Services	620-624-8818
16. Manhattan	The Crisis Center, Inc (also serves Junction City)	800-727-2785 or 785-539-2785
17. Mayetta	Prairie Band Potawatomi Family Violence Prevention Program ..	888-966-2932
18. Newton	Harvey County DV/SA Task Force	800-487-0510
19. Overland Park	Safehome	913-262-2868
20. Pittsburg	Crisis Resource Center of NE Kansas (also serves Coffeyville)	800-794-9148
21. Reserve	Sac & Fox STOP Violence Against Indian Women	785-742-0053
22. Salina	Domestic Violence Assoc. of Central Kansas	800-874-1499
23. Topeka	YWCA Battered Women's Task Force	785-233-1730 or 785-354-7927
24. Ulysses	DoVES of Grant County	620-356-2608
25. Wichita	Catholic Charities Harbor House	316-263-6000
26. Wichita	StepStone	316-265-1611
27. Wichita	Wichita Area Sexual Assault Center	316-263-3002
28. Wichita	YWCA Women's Crisis Center	316-267-SAFE
29. Winfield	Cowley County Safe Homes	620-221-HELP or 800-794-7672

I want to become a member of the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) in support of the statewide effort to end sexual and domestic violence in Kansas. I am enclosing a check made out to: KCSDV. Mail to: 220 SW 33rd Street, Suite 100, Topeka, KS 66611 for:

Program membership: \$150.00

Benefactor: \$100.00

Patron: \$50.00

Supportive organizations (not a domestic violence or sexual assault program): \$50.00

Individual membership: \$10.00

I wish to make an additional contribution of _____ to KCSDV.

I wish to make a pledge of \$_____ to KCSDV. The first installment of my pledge is enclosed.

Please bill me (circle one: monthly, quarterly, semi-annually, or annually) for the balance.

Name _____

Address _____

City, State, Zip _____

Senate Commerce Committee

3-21-03

Attachment 4

P

Kansas Statistics

KCSDV Member Programs serve 105 counties in Kansas. Between 2000-2001, member programs reported the following:

<i>Crisis Hotline Calls</i>	29,867
<i>Victims Served</i>	21,250
<i>Sheltered Victims</i>	4,621

In 2001, incidents of domestic violence and sexual assault reported by law enforcement to the Office of Kansas Attorney General Carla J. Stovall included:

<i>Domestic Violence Related Murders</i>	15
<i>Domestic Violence Incidents</i>	19,870
<i>Domestic Violence Injuries</i>	17,208
<i>Domestic Violence Arrests</i>	11,406
<i>Protection From Abuse Orders</i>	8,140
<i>Rapes</i>	988

National Statistics

- ◆ Approximately 1.3 million women are physically assaulted by an intimate partner annually in the United States. - *Prevalence, Incidence, and Consequences of Violence Against Women: Findings From the National Violence Against Women Survey, U.S. Dept. of Justice, November 2000.*
- ◆ It is estimated that 503,485 women are stalked by an intimate partner each year in the United States. - *National Institute of Justice, July 2000*
- ◆ A battering parent ignores the needs of the child, sets a poor example of conflict resolution, reflects negative attitudes towards women, and emphasizes the use of power to forcefully get one's own needs met at the expense of someone else. - *Children exposed to marital violence: Theory, research, and applied issues, 1998.*
- ◆ There is a relationship between victimization as a minor and subsequent victimization: Women who reported they were raped before age 18 were twice as likely to report being raped as an adult. - *Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey, U.S. Department of Justice, November, 2000.*

"A 38 year-old mother of five, who had experienced 20 years of domestic abuse, was fatally shot today by her husband ..."

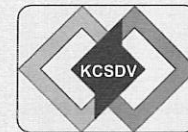
**In 2001 in Kansas,
one domestic violence
incident occurred
every 26 minutes,
27 seconds.**



*In a report prepared
by the Office of Attorney
General Carla J. Stovall and the
Kansas Bureau of Investigation
(1999-2001), Kansas witnessed a
decrease of 10.2% in the number
of rapes reported to law enforcement
from 2000 to 2001. However, only
16.7% of those reported rape
offenders were arrested - "...a very
small portion when one considers that
approximately 65% of the offenders
were known to the victim."*

Kansas Coalition Against
Sexual and Domestic Violence
220 SW 33rd Street, Suite 100
Topeka, KS 66611
(785) 232-9784
coalition@kcsdv.org
www.kcsdv.org

Kansas Coalition Against Sexual and Domestic Violence



UNITED AGAINST VIOLENCE

kcsdv

SAFETY • ACCOUNTABILITY • JUSTICE

She was someone's daughter. She was our daughter.
She was someone's sister. She was our sister.