

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Don Dahl at 9:00 A.M. on March 15, 2005 in Room 241-N of the Capitol.

All members were present except:

John Grange- excused  
Kevin Yoder- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research Department  
Norm Furse, Office of Revisor of Statutes  
Renaë Jefferies, Office of Revisor of Statutes  
June Evans, Committee Secretary

Conferees appearing before the committee:

Others attending:

See attached list.

The Chairman opened the meeting and said the two bills being worked today are the last two Senate Bills in committee as of now. More Senate Bills are expected after they pass out of the Senate.

The Chairman asked staff to give an update on **SB 55 - Employment security law; positive breath alcohol test, conclusive evidence of misconduct.**

Staff briefed the committee on the balloon of **SB 55**. The bill relates to the employment security law and breath alcohol testing. This is a compromise between the AFL/CIO and the Kansas Chamber of Commerce.

Representative Pauls said she had a concern on page 6, line 10, "any other individual certified or authorized". With the other changes made in (c) she questioned if this was not a major change and asked who authorizes the testing.

Marlee Carpenter, Vice President of Government Affairs, Kansas Chamber of Commerce, said sometimes the employer can contract the testing. They are authorized or certified by the breath test instrument manufacturers. Authorization or certification is not tied to federal or state law.

Representative Jack moved and Representative Ruff seconded to amend line 10 of the balloon. After "certified" insert "pursuant to paragraph (F)". In lines 9 and 12 of the balloon, strike "any individual or authorized". The motion carried.

Representative Ruff moved and Representative Burgess seconded to change "alcohol beverage" to "alcoholic liquor" wherever it appears in the bill. The motion carried.

Representative Grant moved and Representative Ruiz seconded on page 5, line 8, delete "hair" and move "or" between "blood" and "saliva". The motion carried.

Representative Grant moved and Representative Humerickhouse seconded to adopt the balloon on **SB 55** as amended. The motion carried.

The Chairman stated we were back on the bill.

Representative Jack moved and Representative Pauls seconded to strike all of New Section 2. The motion carried.

The Chairman asked the KCCI and AFL-CIO if they were in agreement with this motion?

Marlee Carpenter, Kansas Chamber of Commerce, said the balloon takes care of Section 2.

CONTINUATION SHEET

MINUTES OF THE House Commerce and Labor Committee at 9:00 A.M. on March 15, 2005 in Room 241-N of the Capitol.

Representative Ruff moved and Representative Jack seconded to pass **SB 55** out favorably as amended. The motion carried.

The Chairman said hearings were held earlier on **SB 107 - Unemployment benefits; disqualifying certain persons**. The only person to testify was Jim Edwards, a proponent, Kansas Association of School Boards.

Staff briefed the committee on **SB 107**, stating this concerns changes to the employment security law. Benefits would be disallowed if discharged for misconduct or gross misconduct connected with the individual's work, leaving work voluntarily without good cause attributable to the claimant's work or where base period wage credits of a contributing employer or rated governmental employer represent part-time employment, defined as less than 20 hours per week or less than \$2500 in base period wages.

The Kansas Department of Labor stated that the present definition of part-time employment is unclear. This bill would solve that problem

Representative Novascone moved and Representative Grant seconded to move **SB 107** out favorably. The motion carried.

The Chairman stated **SB 33**, the "prompt payment" bill, should be coming over from the Senate and when it or any other bills are received, further meetings will be scheduled.

The meeting adjourned at 9:35 a.m.

