

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairperson Karin Brownlee at 8:30 A.M. on March 22, 2006 in Room 123-S of the Capitol.

All members were present except:

Jay Emler- excused

David Wysong- unexcused

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department

Helen Pedigo, Revisor of Statutes

Jackie Lunn, Committee Secretary

Conferees appearing before the committee:

Dr. Clay Blair, Bioscience Authority

Others attending:

See attached list.

Chairperson Brownlee called the attention of the Committee to **HB 2928-Leave from employment for victims of domestic violence or sexual assault** and then recognized Senator Kelly to explain her amendment on **HB 2928**. (Attachment 1) Senator Kelly stated the amendment refined and cleaned up the language making the intent of the bill very clear. Senator Wagle entered into discussion regarding the number of days of unscheduled unpaid leave and the length of time the employee has to notify the employer. After further discussion it was determined that the amendment did not change the original intent of the bill.

Senator Jordan made a motion to accept the Kelly Amendment. Senator Kelly seconded. Motion carried.

A discussion followed with the Committee on the length of time to notify the employer for unscheduled leave. There were concerns regarding the 48 hours after the beginning of the unscheduled leave on page 2, line 2 of the bill. Senator Wagle wanted to strike the 48 hours and go back to the original language of the bill. Senator Reitz entered the discussion with his concerns regarding the employee and the reasonable length of time to report. Chairperson Brownlee recognized Sandy Barnett with the Kansas Coalition Against Sexual and Domestic Violence. Ms. Barnett stated the 48 hours is the length of time for the employee to furnish documentation. She stated the intent of the bill is not to set the time to report to the employer requesting unscheduled leave. She feels that the rules of employment will set the length of time to report. Senator Brownlee called on Natalie Haag representing Security Benefit for her comments regarding the amendment. Ms. Haag stated she had the Human Resources department of Security Benefit look at the amendment and they did not see a problem as long as there was a time frame listed to turn in the documentation to the employer. The Committee agreed to leave the Kelly Amendment with the language as it is.

Senator Jordan made a motion to amend the bill conceptually to add HB 2994-Confidentiality in home address for victims of domestic violence, sexual assault, trafficking and stalking. Senator Kelly seconded. Motion carried.

Senator Schodorf made a motion to pass the bill out favorably as amended. Senator Kelly seconded. Motion carried.

Chairperson Brownlee recognized Senator Jordan to introduce Dr. Clay Blair to give his overview and update on the Bioscience Authority. Dr. Blair stated the Bioscience Authority is funded by the

CONTINUATION SHEET

MINUTES OF THE Senate Commerce Committee at 8:30 A.M. on March 22, 2006 in Room 123-S of the Capitol.

growth of the bioscience industry in Kansas. It is governed by a 9 member board with the Chancellor of the University of Kansas and the President of Kansas State University as honorary members that do not vote.

He stated the Bioscience Authority was focusing on three initiatives: They are interested in helping existing Kansas companies; they are interested in attracting new companies to Kansas; and lastly they are interested in working with start up companies trying to participate in the bioscience field.

Dr. Blair stated the Bioscience Authority is very interested in partnerships. Especially partnering with universities because they have a tremendous amount of intellectual property. The universities are very forthcoming in trying to work with the Bioscience Authority. The Bioscience Authority is also partnering with the local communities through the Chambers of Commerce and economic development groups. The Bioscience Authority is also partnering with the Department of Commerce and have gotten several leads from this partnership especially on out of state companies. The Bioscience Authority has been working with KTEC which has provided the administrative support for the Bioscience Authority this last year.

The Bioscience Authority is interested in leveraging their money. Dr. Blair went on to explain by giving this example: When a business from out of state is looking at relocating in Kansas, the community they are considering will offer incentives, the Department of Commerce will offer their incentives; the Bioscience Authority has the flexibility and leverage to offer the final push to close the deal.

In addition to partnering and leveraging the Bioscience Authority is very interested in what return Kansas will get and what return the Bioscience Authority will get on their investment.

Dr. Blair envisions the Bioscience Board will operate with 5 or less staff people when they get up and operational.

Lastly they are interested in accountability. They want to demonstrate results or lack of results in the Authority activities.

Dr. Blair stated the Bioscience Authority is not a venture capital fund, it is the catalyst to help get venture capital and they are not a grant agency, per say.

The Bioscience Authority is looking to set up a Kansas Bioscience Enterprise which would be made up of a group of experts, in various bioscience fields. The experts will advise if a business has a chance in the marketplace and if it can be commercialized. They will also help them develop a business plan and help provide small amounts of seed money. They will possibly give them free space to operate; they would help them apply for government grants and other monies. The goal, once proved and operating, is to help them seek venture capital. This enterprise will be modeled after the Cleveland Bio Enterprise in Cleveland, Ohio.

The Bioscience Authority has partnered with various state agencies to attract new business to Kansas and increase jobs in existing businesses in Kansas. Hospira, in McPherson, Kansas, is bringing in 172 new jobs. The flexibility the Bioscience Authority is allowed was the deciding factor in bringing 172 new jobs to McPherson. The Bioscience Authority also helped with bringing Prescription Solutions to the state creating 850 jobs expanding to 1350 jobs. Prescription Solutions services 30,000 prescriptions a day. They are a mail order company.

Quintiles, a contract researcher, have 750 jobs coming into the state as well. Currently, the Bioscience Authority is negotiating with an animal health research company on the west coast

looking to come to Kansas. This lead came from the Department of Commerce. The Bioscience Authority has been able to use the universities in Kansas to attract these companies.

Existing Kansas companies in Dodge City and Garden City are working in collaboration with Kansas State University on a manure to methane project. The Bioscience Authority is working to encourage that idea. In Serling, Kansas, Jacam is a company started in 1982 by a graduate of Kansas University. Jacam has two interesting projects they are working on to take sulfur out of oil and sulfur out of coal. This company also has a chemical treated round object to clean out residue in a pipeline without shutting down the pipeline. Jacam just received a \$10 million contract with a company in Saudi Arabia. He is doing a \$4 million expansion on his plant. The Bioscience Authority is going to provide funds for him to hire two additional chemists and to buy equipment to pursue the sulphur idea.

The Bioscience Authority is working to find a consultant to help figure out how to form guidelines for private investment in communities.

This last year the Bioscience Authority has been working with KTEC but now are in the process of hiring a CEO and going out on their own.

Meeting adjourned at 9:30 a.m. with no other meetings scheduled for this session.

HOUSE BILL No. 2928

By Representatives Loganbill, Ballard, Crow, Faust-Goudeau, Flaharty, Garcia, Gatewood, Hawk, Henderson, Huntington, Huy, Kelley, Kuether, Long, Mah, Mast, Menghini, Judy Morrison, Pauls, Ruff, S. Sharp, Storm, Svaty, Thull, Trimmer, Winn and Yonally

PROPOSED AMENDMENT
Senator Kelly
March 21, 2006

2-14

Senate Commerce Committee
March 22, 2006
Attachment 1-1

13 AN ACT concerning employment; requiring employers to allow leave for
14 certain purposes; ~~providing penalties and remedies for violations.~~

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. As used in this act:

18 (a) "Domestic violence" means abuse as defined in K.S.A. 60-3102,
19 and amendments thereto.

20 (b) "Sexual assault" means any crime defined in K.S.A. 21-3502
21 (rape), 21-3503 (indecent liberties with a child), 21-3504 (aggravated in-
22 decent liberties with a child), 21-3505 (criminal sodomy), 21-3506 (ag-
23 gravated criminal sodomy), 21-3602 (incest) or 21-3603 (aggravated in-
24 cest), and amendments thereto.

25 Sec. 2. (a) An employer may not discharge or in any manner discrim-
26 inate or retaliate against an employee who is a victim of domestic violence
27 or a victim of sexual assault for taking time off from work to ~~obtain or~~
28 ~~attempt to obtain any relief, including, but not limited to, a temporary~~
29 ~~restraining order, restraining order or other injunctive relief, to help en-~~
30 ~~sure the health, safety or welfare of the victim or the victim's child, to~~
31 ~~seek medical attention for injuries caused by domestic violence or~~
32 ~~sexual assault or to obtain services from a domestic violence shel-~~
33 ~~ter, program or rape crisis center as a result of domestic violence~~
34 ~~or sexual assault but leave for obtaining services from a domestic~~
35 ~~violence shelter, program or rape crisis center shall not exceed~~
36 ~~three days per calendar year unless a longer period of time is oth-~~
37 ~~erwise available to an employee under the applicable terms of em-~~
38 ~~ployment or provided by a collective bargaining agreement.~~

39 (b) (1) As a condition of taking time off for a purpose set forth in
40 subsection (a), the employee shall give the employer reasonable advance
41 notice of the employee's intention to take time off, unless such advance
42 notice is not feasible.

43 (2) When an unscheduled absence occurs, the employer shall not take

:
(1) obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child or children;
(2) seek medical attention for injuries cause by domestic violence or sexual assault;
(3) obtain services from a domestic violence shelter, domestic violence program or rape crisis center as a result of domestic violence or sexual assault; or
(4) to settle personal matters, including, but not limited to court appearances, in the aftermath of domestic violence or sexual assault

When paid leave is used, the employee shall provide reasonable documentation including, but not limited to, that described in subsection (b)(2) to support taking time off for a purpose set forth in subsection (a). Such documentation shall also be required when unpaid leave is used, unless the employer determines that such documentation is unnecessary.

2-1

1 any action against the employee if the employee, within a reasonable time
2 after the absence, provides a certification to the employer in the form of
3 any of the following:

4 (A) A police report indicating that the employee was a victim of do-
5 mestic violence or sexual assault;

6 (B) a court order protecting or separating the employee from the
7 perpetrator of an act of domestic violence or sexual assault, or other ev-
8 idence from the court or prosecuting attorney that the employee has
9 appeared in court; or

10 (C) documentation from a medical professional, domestic violence
11 advocate or advocate for victims of sexual assault, health care provider or
12 counselor that the employee was undergoing treatment for physical or
13 mental injuries or abuse resulting in victimization from an act of domestic
14 violence or sexual assault.

15 (c) To the extent allowed by law, the employer shall maintain the
16 confidentiality of any employee requesting leave under subsection (a).

17 (d) An employee may use ~~vacation, personal leave or compensatory~~
18 ~~time off that is otherwise available to the employee under the applicable~~
19 ~~terms of employment, unless otherwise provided by a collective bargain-~~
20 ~~ing agreement, for time taken off for a purpose specified in subsection~~
21 ~~(a) or may use unpaid leave of not to exceed five days per calendar~~
22 ~~year, unless a longer period of time is otherwise available to an~~
23 ~~employee under the applicable terms of employment or provided~~
24 ~~by a collective bargaining agreement, for time taken off for a pur-~~
25 ~~pose specified in subsection (a).~~ The entitlement of any employee under
26 this section shall not be diminished by any collective bargaining agree-

27 ment term or condition.

28 Sec. 3.—(a) In addition to the requirements and prohibitions imposed
29 on employers pursuant to section 2, and amendments thereto, an em-
30 ployer with 25 or more employees may not discharge or in any manner
31 discriminate or retaliate against an employee who is a victim of domestic
32 violence or a victim of sexual assault for taking time off from work to:

33 —(1) Seek medical attention for injuries caused by domestic violence
34 or sexual assault;

35 —(2) obtain services from a domestic violence shelter, program or rape
36 crisis center as a result of domestic violence or sexual assault;

37 —(3) obtain psychological counseling related to an experience of do-
38 mestic violence or sexual assault; or

39 —(4) participate in safety planning and take other actions to increase
40 safety from future domestic violence or sexual assault, including tempo-
41 rary or permanent relocation.

42 —(b) (1) As a condition of taking time off for a purpose set forth in
43 subsection (a), the employee shall give the employer reasonable advance

, as well as the confidentiality of any supporting documentation provided by the employee to the employer relating to a purpose set forth in subsection (a)

any accrued paid leave or, if paid leave is unavailable to the employee, unpaid leave, not to exceed a total of eight days per calendar year, as time off for a purpose specified in subsection (a), unless a longer period of time is otherwise available to an employee under the applicable terms of employment or is provided by a collective bargaining agreement.

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