

Approved: 3/30/10

Date

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:10 a.m. on March 11, 2010, in Room 784 of the Docking State Office Building.

All members were present.

Committee staff present:

Art Griggs, Office of the Revisor of Statutes
Renaë Jefferies, Office of the Revisor of Statutes
Dennis Hodgins, Kansas Legislative Research Department
Stephen Bainum, Committee Assistant

Others attending:

See attached list.

Sub for S 513 **Alternative project delivery construction; hospital districts; unified school districts**

Representative Grant made a motion that we pass Sub for S 513 out favorably for passage. Seconded by Representative Hermanson. The motion carried.

H Sub for H 2669 **Disabilities; Kansas employment first initiative act and Kansas employment first oversight committee**

The Chairman opened discussion on **HB 2669** indicating that he intended to work it Monday. Rocky Nichols, Disability Rights Center of Kansas, presented a balloon to reduce the staff from 15 to 5 and sunset the program in five years (Attachment 1). He also said that there was a grant available that would preclude the need for State funding.

Representative Kerschen asked if the grant money would last that long. Rocky said that they would definitely have funding for two years.

HB 2658 **State fair board; purchase of workers compensation insurance authorized**

Renaë Jefferies presented the Revisor's Technical Balloon Amendment 2 for **HB 2658** (Attachment 2).

Representative Brunk said that this is permissive language that allows them to go outside the pool to purchase insurance. Any claims that they have now would be absorbed into the rest of the pool. They have already paid their insurance from the last July and is good through this July. Any claims that are out there would be based on where they had their insurance.

Representative Suellentrop asked if the State would be obligated for any expenses from claims.

Representative Grange asked what affect there would be on those who remain in the pool. Will we have to come back and do the same thing for the other agencies.

Representative Ruiz asked if they could come back to the pool. The answer was yes.

Representative Suellentrop said that their leaving would jeopardize the remaining agencies in the pool. He suggested that we do this in a blanket form, considering all agencies in the pool.

Representative Grant made a motion to adopt the Technical Amendment. The motion was seconded by Representative Grange. The motion carried.

Representative Grant made a motion that we pass out HB 2658 favorable for passage as amended. The motion was seconded by Representative Hermanson.

Representative Worley made a substitute motion to table HB 2658. There was no second.

CONTINUATION SHEET

Minutes of the House Commerce and Labor Committee at 9:10 a.m. on March 11, 2010, in Room 784 of the Docking State Office Building.

Representative Quigley said that she had the same concerns as Representative Suellentrop.

Representative Kerschen said that the guy responsible for the pool showed no alarm at the Fair Board doing this. He indicated that it would not be a problem.

Representative Brunk said that their claims were nominal and had nothing to do with the rides at the fair.

Representative Grant said that the Fair Board had presented a good case of trying to stay within the budget and it saves the state money.

Representative Prescott said that it was only a line shift on the money. They would be leaving claims that the State has to absorb.

Representative Brunk said that they have already paid the \$130,000 insurance bill and they have \$100,000 in claims so that leaves the \$30,000 to the good and any future claims will be going with them.

Representative Garcia suggested that we work it Monday.

Representative Grant emphasized that we would be saving the State \$100,000 over a period of two years.

Representative Grant withdrew his motion and Representative Hermanson agreed to withdraw his second.

The hearing was closed on **HB 2658**.

The next meeting is scheduled for March 15, 2010.

The meeting was adjourned at 10:10 a.m.

HB 2669 - Clean-up, reduces Commission to 5 (4 are disability community) & sunsets Commish in 5 years

Underlined text = additions

~~Strikethrough = deletions~~

AN ACT establishing the Kansas employment initiative act and creating the Kansas employment first oversight commission.
Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) This act shall be known as and cited as the Kansas employment first initiative act.

(b) It is hereby declared to be the policy of the state of Kansas that for state services to support the employment of people with disabilities, that the competitive and integrated employment of persons with disabilities in communities of Kansas shall be considered a the first option priority in the state and that public and private employers shall participate in the effort. All state agencies shall follow this policy and ensure that it is effectively implemented in their programs and services.

Sec. 2. (a) All state agencies ~~as defined by K.S.A. 2009 Supp. 75-6102, and amendments thereto,~~ shall coordinate efforts ~~to encourage the employment of disabled persons in Kansas communities and shall~~ and collaborate within and among such agencies to ensure that state programs, policies, procedures and funding support competitive and integrated employment of individuals with disabilities ~~in the public and private sector. All state agencies shall, whenever feasible, share data and information across systems in order to track progress toward the full implementation of this policy.~~

(b) State agencies are authorized to adopt rules and regulations to implement this act.

Sec. 3. (a) There is hereby established a Kansas employment first oversight commission consisting of ~~24~~ 5 voting members. The commission shall consist of the following members who shall serve for two-year terms:

(1) ~~Two~~ One members appointed by the speaker of the house of representatives, ~~one of whom~~ who is a person with a disability or is knowledgeable of disability issues and who is not a state employee;

(2) ~~Two~~ One members appointed by the minority leader of the house of representatives, ~~one of whom~~ who is a person with a disability or is knowledgeable of disability issues and who is not a state employee;

(3) ~~Two~~ One members appointed by the president of the senate, ~~one of whom~~ who is a person with a disability or is knowledgeable of disability issues and who is not a state employee;

(4) ~~Two~~ One members appointed by the minority leader of the senate, ~~one of whom~~ who is a person with a disability or is knowledgeable of disability issues and who is not a state employee;

(5) ~~seven~~ One members appointed by the governor ~~who are persons with a disability or persons who represent persons with a disability. In addition, one member shall represent persons with sensory impairments, one member shall represent persons with mental illness, one member shall~~

HOUSE BILL No. 2669 (cont.)

By Committee on Federal and State Affairs

~~represent persons with physical disabilities and one member shall represent persons with developmental disabilities;~~

~~(6) the governor shall appoint six ex officio non-voting members as follows:~~

~~(A) One member from the department of administration;~~

~~(B) one member from the department of commerce;~~

~~(C) one member from the department of education;~~

~~(D) one member from the Kansas health policy authority; and~~

~~(E) two members from the department of social and rehabilitation services representing vocational rehabilitation under the division of integrated service delivery and representing the medicaid waiver programs.~~

(b) The governor shall designate one member to convene and organize the first meeting of the commission at which the commission shall elect a chairperson and a vice-chairperson from among its voting members. The commission shall meet at least four times a year and additionally on call of the chairperson.

A quorum shall consist of ~~eight~~ three members. All actions of the commission shall be taken by a majority of the voting members of the commission.

(c) Each member of the commission who is not a state employee and who is person with a disability or family member shall be eligible for paid mileage and other expenses as provided by K.S.A. 75-3212, and amendments thereto. Members shall otherwise serve without compensation.

(d) The commission shall establish measurable goals and objectives for the state of Kansas to ensure implementation of this act and the policy in section two. ~~and to provide oversight of the act's implementation in the public and private sector.~~ The commission shall track the measurable progress of public agencies ~~and private employers~~ in implementing this act.

(e) The commission shall issue an annual report on or before January ~~28~~ 1 each year which shall be presented to the governor and members of the state legislature. The report shall detail progress toward the goals, objectives and progress toward full implementation of the policy set forth in section two of this act. All state agencies shall cooperate with the commission. ~~On~~ on the creation and dissemination of the annual report. ~~±~~ The report also shall identify barriers to achieving the outcomes along with the effective strategies and policies that can help realize the employment first initiative.

(f) The department of social and rehabilitation services shall be the lead agency responsible for compiling data and coordinating the preparation of the annual report at the direction of the commission.

(g) The authority of the commission pursuant to Section 3 of this act shall sunset on July 1, 2015.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE BILL No. 2658

By Committee on Appropriations

2-5

Revisor's
Technical Balloon Amendments 2
March 5, 2010

z2658h1.pdf

House Commerce & Labor
Date: 3-11-10
Attachment # 2

9 AN ACT concerning the state fair board; authorizing the purchase of
10 workers compensation insurance.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) ~~From and after January 1, 2011, notwithstanding~~ any
14 provision of K.S.A. 75-4101, or any amendments thereto, to the contrary,
15 the state fair board is hereby authorized to purchase workers compen-
16 sation insurance independent of the committee on surety bonds and in-
17 surance. All workers compensation insurance contracts purchased by the
18 state fair board pursuant to this section shall be purchased by the state
19 fair board subject to and in accordance with the provisions of subsection
20 (b).

Notwithstanding

21 (b) All insurance contracts or contracts for workers compensation
22 purchased by the state fair board pursuant to subsection (a), and amend-
23 ments thereto, shall be purchased by the state fair board in the manner
24 prescribed for the purchase of supplies, material, equipment or contrac-
25 tual services under K.S.A. 75-3738 to 75-3744, inclusive, and amend-
26 ments thereto. Any such contract having a premium or rate in excess of
27 \$500 shall be purchased on sealed bids.

28 (c) On and after the effective date of this act, the state fair board may:

29 (1) Investigate the possibility of acquiring workers compensation in-
30 surance; or

31 (2) initiate procedures to acquire workers compensation insurance.

32 Any such workers compensation insurance shall not take effect before
33 July 1, 2010.

34 (d) If the state fair board acquires workers compensation pursuant to
35 this section, the state fair board shall notify the secretary of administration
36 of the effective date of the workers compensation policy acquired. From
37 and after the end of the payroll period in which such workers compen-
38 sation policy takes effect, the self-insurance assessment required by
39 K.S.A. 44-576, and amendments thereto, shall no longer be made and the
40 director of accounts and reports shall cease to transfer any funds of the
41 state fair board to the state workers compensation fund.

42 (e) On and after the effective date in subsection (d), the term "state
43 agency" as defined in K.S.A. ~~2009 Supp.~~ 44-575, and amendments

1 thereto, shall not include the state fair board. The state fair board shall
2 not be a self-insurer under K.S.A. ~~2009 Supp.~~ 44-575, and amendments
3 thereto, nor shall it be covered by the state workers compensation insur-
4 ance fund or subject to the self-insurance assessment imposed under
5 K.S.A. ~~2009 Supp.~~ 44-575, and amendments thereto.

6 Sec. 2. This act shall take effect and be in force from and after its
7 publication in the Kansas register.

2-2