

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 24, 2003 in Room 243-N of the Capitol.

All members were present except: Representative Donald Betts, Excused
Representative Rob Boyers, Excused
Representative Broderick Henderson, Excused
Representative Mary Kauffman, Excused
Representative Kevin Yoder, Excused

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

Conferees appearing before the committee: Representative Rocky Nichols
A. J. Kotich, Kansas Department of Human Resources
Terry Leatherman, Kansas Chamber of Commerce and Industry
Jim DeHoff, Executive Secretary, AFL-CIO

Others attending: See attached sheet

The Chairman called the meeting to order at 9:00 a.m. and stated there are two days left for hearing House bills; thereafter the committee will be hearing Senate bills if they send any over.

The Chairman opened the hearing on **HB 2353 - Employment Security Insurance Act for Domestic Violence.**

Staff gave a briefing saying there were some technical amendments that should be addressed when working the bill.

Representative Nichols, a proponent to **HB 2353**, stated a balloon would be arriving soon and his comments were about the balloon. The balloon is actually what was intended, but due to time constraints he did not get information from Department of Human Resources to put in the original bill. This does not change current policy. The fiscal note is zero. Representative Nichols stated he would like to go over the balloon when it arrives (Attachments 1 & 2).

Terry Leatherman, Vice President - Legislative Affairs, Kansas Chamber of Commerce and Industry (KCCI), stated the KCCI had no policy direction to permit comments in support or opposition to **HB 2353**. Since

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domestic violence victims currently qualify for benefits and **HB 2353** only clarifies this practice, KCCI does not oppose the legislation. A revised fiscal analysis, dated February 19, 2003 and signed by Acting Kansas Department of Human Resources Secretary Jim Garner, indicated there would be no fiscal impact on Kansas employers (Attachment 3).

Jim Garner, Acting Secretary, Department of Human Resources, stated **HB 2353** would amend the Kansas Employment Security Law to enact special eligibility provisions allowing receipt of unemployment insurance benefits for individuals coping with the effects of domestic violence. The impact of the Unemployment Trust Fund would be minimal and would have no affect on the State General Fund. All training and administrative costs would be paid from FUTA grants for administration of the employment security system.

The Chairman announced that there were no opponents. He would postpone further action until the balloon to **HB 2353** arrived.

The Chairman opened the hearing on **HB 2329 - Wage Payment Act Definitions**.

Staff gave a briefing on **HB 2329** stating "limited liability company or other organization" had been added in Section 1, lines 15 and 16. Section 2. (b) was struck and replaced with "Any officer, manager, major shareholder or other person who has charge of the affairs of an employer, and who knowingly permits the employer to engage in violations of K.S.A. 44-314 or 44-315, and amendments thereto, may be deemed the employer for purposes of this act.

Jim DeHoff, Executive Secretary, AFL-CIO, stated the AFL-CIO supported **HB 2329**.

A. J. Kotich, Chief Counsel, Kansas Department of Human Resources, testified as a proponent to **HB 2329**. The bill proposes two amendments to the Kansas Wage Payment Act. The first amendment defining "employer" modernizes the definition of employer in the Act. This ensures that the law applies equally across the board to protect all Kansas employees, including employees of limited liability companies 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 second amendment updates the personal responsibility for payment section of the Wage Payment Act so it would 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 (Attachment 4).

There was discussion and Representative Grant moved and Representative Carlson seconded to move **HB 2329** out favorably for passage. The motion carried.

The Chairman stated that written balloons would not be ready on **HBs 2064 and 2211 until February 25 so they would be worked at that time.**

The Chairman stated the balloon on Representative Nichols bill, **HB 2353**, had arrived so the committee could continue to work the bill.

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Representative Nichols reviewed the balloon on **HB 2353**.

Chairman Dahl asked if this couldn't be accomplished by rules and regulations.

Representative Nichols stated that it could and, short of that, it could be accomplished by being in the manual the employees use. This is really about awareness. This bill will be covered by the media and many people in need of this will know the law exists. If this information is in statute it would be easier to locate. This is just to make certain everyone knows it is the law of our land. This has been law since the early 1980s but in a recent survey sent out none knew they had this protection. This hearing does raise awareness.

The Chairman stated that a bill of this nature deserves thought and hopes all committee members would read the bill and balloon. **HB 2353** will be on the agenda to work tomorrow, February 25.

Written testimony only: Keith Landis, Christian Science Committee on Publication for Kansas (Attachment 5).

The meeting was adjourned at 10:00 a.m. and the next meeting will be February 25.