

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:15 A.M. on February 13, 2008 in Room 784 of the DSOB.

All members were present except:

Brenda Landwehr- excused
Kasha Kelley- excused
Mario Goico- excused
Jill Quigley- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Jill Wolters, Office of Revisor of Statutes
Rena Jefferies, Office of Revisor of Statutes
Stephen Bainum, Committee Assistant

Conferees appearing before the committee:

Trinidad Galdean, Kansas Society of Human Resource Management
William V Minner, Kansas Human Rights Commission

Others attending: See attached list.

The Chairman opened the hearing on **HB 2771 - Concerning age discrimination.**

Rena Jefferies provided a memorandum explaining what Kansas statutes were effected by **HB 2771.** (**Attachment 1.**)

Representative Gordon asked if **HB 2771** was consistent with Federal law. Rena Jefferies explained that the purpose for **HB 2771** was to make Kansas statutes consistent with Federal law.

Trinidad Galdean of the Kansas Society of Human Resources appeared as a proponent of **HB 2771.** His testimony supported making Kansas law consistent with Federal law and the laws of the majority of other states by amending the Kansas Age Discrimination in Employment Act to protect individuals 40 years of age and older. Another benefit of the change is to entice businesses to come to Kansas and retain those who are here. Another reason for supporting the bill is to have legislation that does not create litigation (**Attachment 2.**)

Representative Pauls asked if they had actually had complaints filed by those individuals between 18 and 40 years of age. Trinidad deferred to the Kansas Human Rights Commission and said that there were a small number of complaints from that age group.

Representative Brunk asked how the need for this change came up. Trinidad said that Kansas SHRM study in resource management saw the need to assist the legislators to see inconsistencies in Kansas law.

Representative Ruiz wondered if the statute should have language about sexual orientation. Trinidad said that since consistency was needed in all the states that this was being discussed at the Federal level. Kansas SHRM position would be consistent with the other states and the Federal level.

William Minner, Executive Director of the Kansas Human Rights Commission appeared as neutral on **HB 2771** and presented written testimony only. (**Attachment 3.**)

Representative Pauls asked several questions. "Is there a paper trail that indicates why the legislature was not interested in changing the age to 18 years of age?" Since the files are almost 20 years old we didn't go back and look at them but there was a lot of feedback from older workers that wanted the age increased from 70 years to no upper limit. There is no upper limit anymore, it is just 40 or more years. "The statute does allow forced retirement at age 65 so is there an upper limit?" There are a few exceptions but in general there is no upper limit. "Was there an action taken before 1983 to protect against age discrimination?" There were statutes only at the Federal level and at that time Kansas law was changed to make it consistent with the

CONTINUATION SHEET

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Federal statutes.

There were no more questions and the Chairman closed the hearing on **HB 2771** and announced that it would be worked on Thursday, February 14, 2008. The meeting was adjourned at 9:34 A.M.