

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 12, 2003 in Room 243-N of the Capitol.

All members were present except: Representative Rob Boyer, Excused

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

Conferees appearing before the committee: Janet Stubbs, Administrator of the Kansas Building Industry Workers Compensation Fund

Others attending: See attached sheet

The Chairman called the meeting to order at 9:00 and stated that Ms Stubbs was out of town on February 10 when the hearing was held on **HB 2129**. She will give her testimony today.

Janet Stubbs, Administrator of the Kansas Building Industry Workers Compensation Fund, an opponent testified that **HB 2129** was viewed as another level of government bureaucracy. This is a duplication of efforts already being performed by the federal government and is working effectively. There is also opposition of the expense to the carriers at a time when workers compensation rates are rising because of increased health care costs and the trickle down effect of September 11 (Attachment 1).

Representative Ruff asked Ms. Stubbs if she was under the impression that the Department of Human Resources is pushing for a state OSHA?

Ms. Stubbs replied that in the past the Division of Workers Compensation was under the Department of Human Resources. This was before the change of administration.

Representative Ruff asked if Phil Harness and his group was pushing Representative Bethell to do this bill?

Ms. Stubbs replied she didn't think so and thought Representative Bethell had his own reasons maybe because he experienced an inspection by OSHA.

Representative Ruff asked Ms. Stubbs if she has had the opportunity to talk to the new Secretary of Human Resources.

Ms. Stubbs replied she had not but would be glad to do so.

Representative Ruff said her understanding with the new Secretary and new Governor was that a new OSHA

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state plan was the furthest thing from their mind. The change of the people at the top might have a new attitude.

The Chairman stated **HB 2129** would be worked on February 18 so be prepared to discuss it.

The Chairman asked of the Committee to turn their attention to **HB 2064: Filing times on certain liens extended for property other than residential property.**

During the hearing on February 5, "Notice of Intent to Perform" was brought up in the testimony. The Chairman asked Staff to brief the committee on "Notice of Intent to Perform". Presently, only pertains to new residential property (Attachment 2).

The Chairman stated that if any member wanted to ask a question of anyone in the audience, that this request should be made to the chairman. The Floor was opened for a motion.

Representative Patterson moved and Representative Rehorn seconded to move **HB 2064** out of committee favorably for passage. Discussion followed.

Representative Grant asked what the advantage was to having 180 days for commercial property. This bill does not affect the 90 days for residential property.

Representative Rehorn said he heard this bill in Judiciary. In past years similar versions have alternately passed the House and Senate. He believed it should have become law but due to some Chairman it did not. This is no big deal. He believe less liens would be filed and there would be less problems for contractors if they had six months time limit.

Representative Johnson said he believed this was one of the more controversial issues he has been involved with. He stated he has received a lot of mail on this issue and was reluctant to think this committee should rush in and take action. He heard that one side might be willing to compromise for 120 days. Representative Johnson said he could not support 180 days.

Representative Holland asked one of the audience member's why they needed 180 days instead of 120 days?

Tom Moore, Attorney, Kansas City, Missouri, responded that 120 days is still not adequate to get the problems taken care of. 180 days is the breaking point. If there is a need to file a lien after 180 days there is a definite problem. With a shorter time frame have to file a lien just because payment was not made.

Representative Yoder made a Substitute Motion, Representative Carlin seconded to amend with a Notice of Intent as the Bankers Association requested in their testimony.

Representative Yoder and Representative Carlin withdrew their Substitute Motion.

Representative Grant moved and Representative Johnson seconded a Substitute Motion to Table **HB 2064** February 20. At that time Representative Yoder could have an amendment in writing.

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The Chairman said “To Table” is non-debatable.

There was a question on the vote and a show of hands was requested: 10 Yeas – 6 Nays.

The Chairman said the motion “To Table” until February 20 carried.

The Chairman asked the committee members to read the bill and come back with a clear idea of what they desired. He requested that amendments be in writing so they could be distributed to the members on February 20.

The meeting adjourned at 10:40 a.m.