

MINUTES OF THE SENATE COMMERCE COMMITTEE.

The meeting was called to order by Chairperson Karin Brownlee at 8:30 a.m. on March 18, 2003 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: April Holman, Legislative Research
Deb Hollon, Legislative Research
Mitch Rice, Revisor of Statutes
Jodie Anspaugh, Secretary

Conferees appearing before the committee: Dale Slape, Kansas Trial Lawyers Association
Terri Roberts, Kansas Coalition for Workplace Safety,
Kansas State Nurses Association
Dr. Ernie, Pogge, AARP
Terry Leatherman, KCCI

Others attending: See attached list.

Chairperson Brownlee continued the hearing on Sub SB 181. Dale Slape, resident of Wichita and member of Kansas Trial Lawyers association, testified in opposition to the bill. (Attachment 1) Mr. Slape has practiced workers' compensation law in Wichita for more than 25 years. The subcommittee eliminated provisions for "supplemental functional disability," when they should have eliminated provisions for "supplemental functional disability compensation." It was noted by members of the committee that this correction had already been made. Attached to Mr. Slape's testimony is a letter from Victor Rizo, a 15-year Boeing Wichita employee.

Terri Roberts of the Kansas Coalition for Workplace Safety and the Kansas State Nurses Association testified in opposition to Sub SB 181. (Attachment 2) According to her testimony, there were more than 20,000 injured Kansas employees in 2002, and they received some of the lowest benefits in the nation. She is concerned that nothing in the bill addresses the need for improved workplace safety and that nothing in the bill requires insurance companies to pass along profits to Kansas employers in the form of lower premiums.

Dr. Ernie Pogge of AARP Kansas testified in opposition to Sub SB 181. (Attachment 3) Workers compensation benefits should not be reduced or terminated when recipients become eligible for retired workers benefits under Social Security or reach retirement age. Many workers may reach retirement age having been unable to work for long periods of time due to occupational injury or illness, which would have an adverse impact in other retirement income. Workers who suffer an occupational injury or illness should be eligible for unreduced workers compensation regardless of age or eligibility for retired worker

CONTINUATION SHEET

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benefits under Social Security or other pensions. Committee members indicated to Dr. Pogge that this portion of the original SB 181 is not in the Substitute SB 181 and is no longer being considered.

Terry Leatherman, KCCI, testified in support of the bill. Sub SB 181 is very different from SB 181. Many elements of the original bill are gone. The new bill deals with preexisting conditions and economic dismissals. The bill requires that medical evidence be used to determine to what degree an injury was caused by work. If an employer can demonstrate that an employee is unemployed because of the bad economy, then that employee cannot collect work disability. Mr. Leatherman attached a summary of SB 181. (Attachment 4)

Mitch Rice, Revisor, distributed copies of the Substitute bill. (Attachment 5)

Senator Kerr moved to clean up the language on page 6 according to the new page 6 distributed by Mitch Rice. (Attachment 6) Senator Emler seconded. The motion carried.

Senator Kerr moved to pass Sub SB 181 favorably for passage. Senator Jordan seconded. The motion carried. Senators Barone and Steineger requested that their votes be recorded as no.

Senator Wagle made a motion to put the elements of the bill that were removed from SB 181 in order to make Sub SB 181 and make a separate bill to be introduced in Ways and Means and considered next year. Senator Emler seconded. The motion carried. Senator Wagle requested that this new bill be considered by the Workers Compensation Advisory Council.

Written testimony was provided by the following:
Steve Kueffer, Penny's Concrete Inc. (Attachments 7 and 8)
Brian J. Powers, Creative Care (Attachment 9)

The meeting was adjourned at 9:30 a.m.

The next meeting is scheduled for March 19, 2003 at 8:30 a.m. in Room 123-S.