

HOUSE BILL No. 2196

By Committee on Commerce, Labor and Economic Development

Proposed Amendments for HB 2196
Committee on Commerce, Labor
and Economic Development
Hoffman #1
February 2, 2021
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Office of Revisor of Statutes

1 AN ACT concerning employment security; creating the unemployment
2 compensation modernization and improvement council; providing for
3 development of a new unemployment insurance information
4 technology system; claimant tax information; website publication of
5 trust fund data; maximum benefit period; charging of employer
6 accounts for benefits paid; employer contribution rate determination
7 and schedules; abolishing the employment security interest assessment
8 fund; crediting employer accounts for fraudulent or erroneous
9 payments; transferring moneys from the state general fund to the
10 unemployment insurance trust fund for improper benefit payments;
11 services performed by petroleum landmen; lessor employment unit
12 employee leasing restrictions; relating to other unemployment trust
13 fund provisions; shared work compensation program; amending K.S.A.
14 44-758 and K.S.A. 2020 Supp. 44-703, 44-704, 44-710, 44-710a, 44-
15 710b and 44-757 and repealing the existing sections.

16
17 Be it enacted by the Legislature of the State of Kansas:
18 New Section 1. (a) (1) There is hereby created the unemployment
19 compensation modernization and improvement council. The council shall
20 consist of 11 members appointed as follows:
21 (A) Two members who, on account of their vocation, employment or
22 affiliations, may be classed as representative of employers, to be selected
23 by the workers compensation and employment security boards nominating
24 committee established under K.S.A. 44-551, and amendments thereto, and
25 appointed by the governor,
26 (B) two members who, on account of their vocation, employment or
27 affiliation, may be classed as representative of employees, to be selected
28 by the workers compensation and employment security boards nominating
29 committee and appointed by the governor,
30 (C) the chairpersons of the standing committees of the senate and the
31 house of representatives to which legislation pertaining to the employment
32 security law is customarily referred, appointed by the president of the
33 senate and the speaker of the house of representatives, respectively;
34 (D) two members of the senate appointed by the president of the
35 senate, one of whom is a member of the majority party and one of whom is
36 a member of the minority party;

13
Three
one of whom shall
, one by the speaker of the house of representatives and one by
the president of the senate,
three
one of whom shall
, one by the speaker of the house of representatives and one by
the president of the senate
, one of whom shall be a member of the majority party
and
shall be
minority
appointed by the minority leader of the senate

1 (E) two members of the house of representatives appointed by the
2 speaker of the house of representatives, one of whom is a member of the
3 majority party and one of whom is a member of the minority party, and

, one of whom shall be a member of the majority party

and

shall be

minority

appointed by the minority leader of the house

4 (F) the secretary of labor or a designee of the secretary who has
5 administrative responsibilities with respect to the unemployment insurance
6 compensation system of the department of labor.

7 ~~(2) In the event the governor fails to appoint a member selected by
8 the workers compensation and employment security boards nominating
9 committee, the committee may replace that selection with another, subject
10 to the same appointment requirements. Members of the council appointed
11 by the governor shall serve for a term of four years, and each term shall
12 end on the same day as the date of their original appointment. When an
13 employer representative vacancy or employee representative vacancy on
14 the council occurs, the workers compensation and employment security
15 boards nominating committee shall convene and submit a nominee to the
16 governor for appointment.~~

17 ~~(3) Legislative members shall serve during the legislative session in
18 which they are appointed to the council and shall remain members of the
19 legislature in order to retain membership on the council. Vacancies of
20 legislative members during a term shall be filled in the same manner as the
21 original appointment only for the unexpired part of the term.~~

(4) The members of the council shall be appointed and the council shall hold its first meeting within 30 days of the effective date of this act.

22 (b) Each member of the council shall be entitled to receive
23 compensation for the member's services, together with the member's travel
24 and other necessary expenses actually incurred in the performance of the
25 member's official duties, in accordance with rules and regulations adopted
26 by the council. Members' compensation and expenses shall be paid from
27 the employment security administration fund or any account of the state
28 general fund of the department of labor, as designated by the secretary.

29 ~~(c) The members who are the chairpersons of the standing
30 committees of the senate and the house of representatives to which
31 legislation pertaining to employment security law is customarily referred
32 shall jointly call the first meeting of the council. The council shall annually
33 organize itself and select a chairperson. Six members shall constitute a
34 quorum, and the council shall act only on the affirmative vote of six
35 members. A vacancy on the council shall not impair the right of a quorum,
36 to exercise all the rights and perform all the duties of the council. The
37 council shall meet as often as necessary to perform its duties.~~

The chairperson of the house standing committee on commerce, labor and economic development, or a successor committee to which legislation pertaining to employment security law is customarily referred, shall serve as the chairperson of the committee when first organized and for the ensuing two years. The chairperson of the senate standing committee on commerce, or a successor committee to which legislation pertaining to employment security law is customarily referred, shall serve as the chairperson of the committee for the next two years, and thereafter the office of chairperson shall continue to alternate between the chambers as provided herein

38 (d) The council shall examine and recommend changes to the
39 unemployment compensation system to include current limitations, new
40 features and benefits, system enhancements and dynamic, accurate
41 reporting for the benefit of both employers and individuals. The council
42 shall also examine the process by which an individual files a claim for and
43 receives benefits and any changes made to that process after the effective