

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairperson Karin Brownlee at 8:30 a.m. on February 24, 2004 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Legislative Research  
Susan Kanarr, Legislative Research  
Helen Pedigo, Revisor of Statutes  
Nikki Kraus, Committee Secretary

Conferees appearing before the committee:

David Cleveland, Department of Commerce

Others attending:

See Attached List.

Chairperson Brownlee asked the committee to consider:

**SB 405–Cities; environmentally contaminated areas; completion dates**

The proposed amendment from Senator Brownlee was provided to the committee. (Attachment 1)

Following committee discussion, Senator Kerr moved to amend SB 405 on p.3 to say 30 years. Senator Jordan seconded. The motion passed.

Senator Kerr moved SB 405 as amended favorable for passage. Senator Jordan seconded. The motion passed.

Chairperson Brownlee asked the committee to consider:

**SB 483–An act concerning the employment security laws; relating to disqualification from recipient of benefits**

Senator Emler stated that he was working on the Employer's Unity amendment. Chairperson Brownlee stated that the balloon had affected p.6, deleting the language of lines 7-8 and line 20 at the end of the paragraph. Senator Barone suggested deleting the entire balloon on p.4. Following committee discussion, Senator Kerr stated that he shared the concern of Senator Wagle that to strike the whole concept might be going too far because it would not be a valuable bill without it.

The committee discussed the bill's history.

Senator Kerr moved to amend SB 483 to strike the words in the balloon "or tardy to commencement of workshift...and prima facie evidence" Senator Wagle seconded.

Senator Barone asked if they should change it to the failure of the employee to notify the employer within 1-2 hours. Senator Wagle stated that some places might not be able to replace the missing worker within such a short time period. Senator Kerr stated that the committee was really looking at ways to tighten this down in response to administrative law judges; the committee is looking at disqualification for unemployment benefits, so they need to be cautious about tightening this up.

The motion to amend passed.

Senator Emler moved to amend the bill to delete the words "tardiness" on p.6 and strike related language on the page. Senator Jordan seconded. The motion to amend passed.

Senator Emler moved the bill favorable for passage as amended. Senator Kerr seconded. The motion passed.

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Chairperson Brownlee asked the committee to consider:

**SB 441—An act concerning workers compensation; relating to the date of accident**

Chairperson Brownlee stated that the committee was trying to pin down a date of injury for repetitive motion injuries. Senator Barone stated that the significance of determining the date was that from first notification, there are 200 days to file a written claim. He gave the example of carpal tunnel as one in which the starting of the clock on the 200 day limit would be confusing. Senator Emler stated that if constructive notice is given to an employer, then the employer needs to send the employee for an evaluation. Ms. Pedigo stated that p.3 introduces written notice, and suggested the committee add or clarify “in writing” if it was concerned.

Senator Jordan moved to amend SB 441 on p.3, line 25 clarify notification of injury “in writing”. Senator Brungardt seconded. The motion to amend passed.

Senator Wagle moved SB 441 as amended favorable for passage. Senator Buntun seconded. The motion passed.

Chairperson Brownlee asked the committee to consider:

**SB 394—IMPACT, increased cap on major product investment; authorizes direct investment to educational institutions**

Senator Jordan moved to amend p.1 line 33 of SB 394 to add technical colleges and statutory reference. Senator Wagle seconded. The motion to amend passed.

Mr. Cleveland provided the committee with a chart entitled, “IMPACT Workforce Training Program.” (Attachment 2)

Mr. Cleveland explained to the committee that the amendments his department sought from the committee were primarily technical in nature and referred to when Steve Kelly was presenting to the committee. He stated that the first was to add the definition of technical college, on p.3 line 10, #4 any costs...workforce development limits the Secretary’s ability to 10% and p.4 refers back to that limitation. Senator Jordan stated that there was stricken language throughout the bill. Chairperson Brownlee pointed out an amendment on p.3 line 10.

Senator Jordan moved all technical clean-up amendments to the bill. Senator Emler seconded. The motion to amend passed.

Senator Brungardt referred to the limitation of administrative expenses to 10% and asked what the implications of the amendment limiting the Secretary to 10% were. Mr. Cleveland stated that the quarterly reporting function was going to be taken in-house to save money.

Senator Jordan moved the bill favorable for passage as amended. Senator Emler seconded. The motion passed.

Chairperson Brownlee asked the committee to consider:

**SB 504—Tax benefits for Kansas businesses**

Senator Jordan stated that he felt there were still several questions on the bill and that discussions were ongoing.

Mr. Cleveland provided the committee with a sheet entitled, “Summary of proposed Kansas Business Benefits Program (KBBP)”. (Attachment 3)

In response to a comment from Senator Barone, Chairperson Brownlee stated that this was quite a change and

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that it tries to take into account regional climate. She stated that committee members should have all received the Post Audit on taxes yesterday and stated that she would write the Senate President to get **SB 504** blessed.

In regard to **SB 525**, Chairperson Brownlee stated that after further consideration from the previous meeting, the main issues of the bill seemed as though they were being addressed through other means, so the committee would not be working the bill.

The Kansas Corporation Commission provided the committee with corrections to testimony provided on **SB 525** by Janet Buchanan. (Attachment 4)

The committee was provided with tax information in response to a previous question from Senator Wagle; the sheet is entitled, "Tax Year 2001 Kansas Department of Revenue Tax Credits." (Attachment 5)

The meeting was adjourned at 9:30 a.m. The next meeting will be at 8:30 a.m. on February 25, 2004 in Room 123-S of the Capitol.