

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairperson Karin Brownlee at 8:30 A.M. on February 21, 2005 in Room 123-S of the Capitol.

All members were present except:

Jay Emler- excused

Committee staff present:

Susan Kannarr, Kansas Legislative Research Department

Kathie Sparks, Kansas Legislative Research Department

Helen Pedigo, Revisor of Statutes

Jackie Lunn, Committee Secretary

Conferees appearing before the committee:

Jim Edwards, Governmental Relations Specialist, Kansas Association of School Boards

Others attending:

See attached list.

Chairperson Brownlee opened the meeting by introducing Jim Edwards, Governmental Relations Specialist for the Kansas Association of School Boards to give his testimony. Mr. Edwards stated the Kansas Association of School Boards is in support of **SB 107**. Mr. Edwards and the Department of Labor came to an agreement on **SB 107**. A balloon is attached to his written testimony. (Attachment 1)

Upon completion of Mr. Edwards' testimony the Committee discussed what is happening now and the need for **SB 107**. Mr. Edwards and Mr. Wayne Michael from the Department of Labor joined in the discussion answering questions of the Committee regarding the balloon. Several questions were answered about part-time work such as summer work by teachers and if they could apply for unemployment and if students who work in the summer are eligible to claim for unemployment when summer is over. The answer was "no". This bill was written originally to apply to only rule 10 coaches. The way the law is written today is if they are laid off from their real job they could apply for unemployment on both jobs. Since the Committee asked the bill be amended to cover more than the rule 10 coaches, the bill was amended. There was also discussion about striking paragraph b. Senator Brownlee asked why they were striking paragraph (B). Mr. Michael from the Department of Labor stated paragraph (B) did not make sense and he couldn't find anyone who knew why it was in the bill.

Senator Schodorf moved to accept the amendment to the bill. Senator Kelly seconded. Motion carried. Senator Schodorf moved to pass **SB 107** out favorably as amended. Senator Kelly seconded. Motion carried.

Chairperson Brownlee announced that the other bills on the agenda for today were not ready to work. They are still being worked on. There was some discussion on **SB 233** and what brought this bill to the Committee. Senator Barone stated possibly the reason they don't have more signed up as agritourism operators is because they have to be a licensed food service carrier. There was discussion with Matt Jordan from the Department of Commerce. He stated the Department of Commerce, KDHE and Department of Ag have come together and agreed upon a compromise that will be in committee tomorrow. There was also discussion on the agritourism and liability insurance.

SB 173 was discussed and it may not be needed at this time since the two issues in Ft. Scott have be resolved. Senator Barone asked the bill to be blessed to give the Committee time see where they stand with the dialog with the Department of Transportation on the two issues in Ft. Scott.

Chairperson Brownlee introduce Helen Pedigo, Legislative Research. Ms. Pedigo distributed written copy of **HB 2464** which is related to **SB 259**. (Attachment 2) A second balloon was offered by Senator Brownlee and Ms. Pedigo explained the balloon. (Attachment 3) Discussion continued on the **SB 259**.

Chairperson Brownlee turned the discussion to the new balloon for **SB 33**. (Attachment 4) There was extensive discussion on the balloon and the Committee agreed the new balloon does not address all the

CONTINUATION SHEET

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concerns of the Committee. Chairperson Brownlee stated the general contractors have stated they are going to be penalized with the passage of this bill. There are many good general contractors. But there are some "bad actors" as general contractors who do not treat subcontractors appropriately in contract terms and that is when it is appropriate to intervene and indicate certain contract provisions will not be allowed. The effort is not to intervene with any contract which is already in force. The contractors who may feel penalized would be those who need to make changes because of poor contract language now in use. The discussion continued on **SB 33**. There was discussion on the problem with the subcontractors and general contractors being regional. Chairperson Brownlee stated it was more than regional. Senator Jordan stated he needed more information on the contracts. Senator Jordan also has concerns regarding the second balloon. Senator Wysong also has concerns and is not comfortable with the balloon. He suggested just increase the percentage penalty and stated that would encourage general contractors to pay sooner. The discussion continued with the consensus being the balloon needs more work.

Chairperson Brownlee announced that tomorrow **SB 33** would be on the agenda and also Kansas, Inc. would like to come back tomorrow and testify. The Committee discussed **SB 260**. Senator Schodorf sated sometimes it is harder to disband or abolish something, you keep trying to make it work and put money into it and think it has potential but sometimes you have to just say it is time to stop. Senator Wysong feels it should go to the Senate floor for discussion and let the whole body decide.

Meeting adjourned at 9:20 a.m. with the next meeting scheduled for tomorrow, Tuesday, February 22, 2005 at 8:00 a.m. in room 123S.