

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairperson Nick Jordan at 8:30 A.M. on March 17, 2006 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Helen Pedigo, Revisor of Statutes
Jackie Lunn, Committee Secretary

Conferees appearing before the committee:

Representative Judith Longanbell
Sandy Barnett-Kansas Coalition Against Sexual & Domestic Violence
Secretary Joan Wagon- Department of Revenue

Others attending:

See attached list.

Chairperson Jordan opened the hearing on **HB 2928-Leave from employment for victims of domestic violence or sexual assault** by introducing Helen Pedigo from the Revisors Office to explain the bill. Ms. Pedigo stated the bill would prohibit an employer from discharging or in any manner discriminating or retaliating against an employee who is a victim of domestic violence or a victim of sexual assault for taking time off work to obtain or attempt to obtain any relief. She stated that the employee would be required to give reasonable advance notice unless such notice is not feasible. She further stated the employee may use vacation, personal leave or compensatory time off that is otherwise available to an employee under the terms of employment.

Upon completion of Ms. Pedigo's explanation of the bill, Chairperson Jordan introduced Representative Judith Longanbill to give her testimony as a proponent for **HB 2928**. Representative Longanbill presented written testimony. (Attachment 1) Representative Longanbill stated **HB 2928** is a bill which will afford those individuals who need to take time off from work to obtain relief due to domestic violence or sexual assault, the assurance that they will not suffer discrimination or retaliation from their employer. The bill seeks to assure that individuals will be able to report, to protect themselves, or to protect their family, and know they will not lose their job by doing so. She stated the bill does not ask the employer to give paid leave. It sets out language that the employee must give advance notification unless advance notice is not feasible. In closing, Representative Loganbill stated if the state is truly committed to dealing with the seriousness of sexual offense and assault, then we must supply people with necessary tools to help bring those offenders to justice.

Upon conclusion of Representative Longanbill's testimony the floor was opened for questions. Senator Kelly had questions on the number of days allowed without pay. She made note of Page 1, line 34. The type of leave was discussed and it was determined that the intent of the bill was for 5 days total. Representative Longanbill stated that a total of 6 days might be better and maybe the language should be tightened up and the number of days changed to 6 total. Senator Brownlee entered the discussion asking if it was a common practice for someone to loose their job under these circumstances. Representative Loganbill stated is was common. Senator Reitz entered the discussion with concerns in regard to the language "advance notice" and what if someone is unable to give advance notice because of being incapacitated by violence. Representative Loganbill stated the bill language states "advance notice when feasible". The discussion turned back to the 5 days allowed for the unpaid leave and if the employee had vacation time and sick time could they take that instead.

Chairperson Jordan introduced, Sandy Barnett representing the Kansas Coalition Against Sexual and Domestic Violence to give her testimony as a proponent for **HB 2928**. Ms. Barnett presented written testimony. (Attachment 2) Ms. Barnett stated HB 2928 will help victims of both domestic violence and sexual assault by ensuring protections from employers who terminate, discipline, or otherwise punish victims when they must tend to the critical safety needs of themselves and their children. She stated maintaining employment is of the utmost importance for victims. The lack of financial stability is one of the greatest barriers to leaving an abusive partner for victims of domestic violence, second only to safety concerns. She further stated that the bill seeks to remedy employment related barriers for victims by prohibiting the firing

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or punishment of victims when they must tend to victim-related issues requiring them to miss work.

Chairperson Jordan opened the floor for questions. Senator Emler entered the discussion regarding vacation time and asked if the intent of the bill is to allow the employee to use whatever type of leave time they preferred. Ms. Barnett stated the problem with paid leave time is that part-time employees usually do not have benefits which include paid vacation or sick time. The bill would address this issue.

Being no more questions or discussion on **HB 2928**, Chairperson Jordan closed the hearing.

Chairperson Jordan opened the hearing on **SB 560-Creation of emerging industry investment oversight council; powers and duties**, by making comments on the bill along with an explanation. Senator Jordan stated the bill was introduced to talk about ways of handling differences of conflict with Department of Revenue and the Bioscience Authority on what fits the NAICS code and what doesn't fit the NAICS code. The intent of the bill is that the Department of Revenue and the Bioscience Authority could come together and agree on which companies fit the NAICS code. **SB 560** does two things, it sets up a council to mediate any conflicts with the NAICS codes. The second part is a policy change which is on page 2 of the bill to include pharmaceutical companies in the Bioscience Authority revenue stream. Chairperson Jordan stated he is not sure if the Committee needs to move this bill. He feels the original intent was for the Secretary and the Bioscience Authority to work together.

Chairperson Jordan introduced Secretary Joan Wagon from the Department of Revenue to give her testimony as an opponent to **SB 560**. Secretary Wagon presented written testimony. (Attachment 3) Secretary Wagon stated since the inception of this program, approximately 1,350 companies have been included. There are 1,000 companies that fall within one of the 21 NAICS codes as provided in the legislation, leaving 100 companies in the other category or within a NAICS code that is not provided in the legislation. There are approximately 250 EIN's in our bioscience master list that have no withholding account. The Department of Revenue has currently certified two different payments to the Bioscience Development and Investment Fund for a total of \$9,290,201.35. She stated for the estimated payment request on January 27, 2006, the Department of Revenue compared withholding information for the majority of the Kansas Bioscience Companies for the first half of the calendar year (January-June) of 2005 and the first half of the base year (January-June) of 2003. The estimated payment request did not include any withhold from the State Universities. The Department of Revenue anticipates making an estimated payment for the second half of the calendar year (July-December) of 2005 and the second half of the base year (July-December) of 2003 in the very near future. These estimated payments will be reconciled by the Department in July. She also stated they are moving ahead to try to provide quarterly payments. She stated this bill creates an emerging industry investment oversight council. She feels the oversight council is not needed. She also stated she feels to eliminate conflicts when the NAICS fits or doesn't fit, a better definition of a bioscience company is needed because the present definition is very broad. In closing, Secretary Wagon stated the Department of Revenue is opposed to **SB 560**.

Upon conclusion of Secretary Wagon's testimony, there was discussion with the Committee regarding the payments to the Bioscience Authority. Senator Barone, who is on the Board for the Bioscience Authority, stated he felt the Department of Revenue and the Bioscience Authority has worked well together. Chairperson Brownlee entered the discussion and stated she felt this was just growing pains of a new setup and there will be differences of opinions to work out.

Upon the conclusion of the discussion, Chairperson Jordan closed the hearing on **SB 560**.

Chairperson Jordan called the Committee's attention to the minutes for approval. **Senator Reitz made a motion to approve the minutes for March 7th, March 8th, March 9th, and March 10th. Senator Emler seconded. Motion carried.**

Chairperson Jordan turned the meeting over to Chairperson Brownlee. Chairperson Brownlee called the Committee's attention to **HB 2696-Workers compensation; administrative law judges, requirements, salary and application; establishing the workers compensation administrative law judge nominating and review committee**. Chairperson Brownlee recognized Senator Wagle. **Senator Wagle made a motion to amend the 80% pay increase for the ALJ's and make it 75%. Senator Kelly seconded. Motion**

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carried.

Chairperson Brownlee stated after receiving information for Dick Thomas representing the Division of Workers Compensation regarding the recourse for an employee if the work comp carrier did not follow the ruling of an ALJ, the amendment she had offered to give the ALJ's the power of contempt is not necessary. The Committee discussed this issue and they all agreed. **Senator Jordan made a motion to move the bill out favorably as amended. Senator Reitz seconded. Motion carried.**

Chairperson Brownlee stated the Committee would work the **HB 2928-Leave from employment for victims of domestic violence or sexual assault**, on Tuesday and there would not be a meeting on Monday.

The meeting was adjourned at 9:30 a.m. with the next meeting scheduled for March 21, 2006 at 8:30 a.m. in room 123S.