

UPDATED
SESSION OF 2019

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2354**

As Recommended by House Committee on
Commerce, Labor and Economic Development

Brief*

Sub. for HB 2354 would broaden the concept of school-sponsored activity, as it pertains to insurance coverage, to include secondary students' participation in an employer's "work-based learning program," as that term would be defined by the bill. Under current law, school districts may purchase insurance coverage for students' physical well-being or for the loss, the theft of, or damage to the students' personal property while on the school premises or at school-sponsored activities. A participating employer would not be subject to civil liability for a claim arising from either a secondary student's or the employer's negligent act or omission. The bill would not provide immunity for gross negligence or willful misconduct.

Background

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of Representative Tarwater. At the House Committee hearing, representatives for various agricultural industry associations and the Kansas Chamber spoke in favor of the bill, stating the legislation should encourage students to consider a vocational or technical career.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

A representative of the Kansas Association of School Boards provided written-only neutral testimony, observing increased insurance premiums could discourage school districts from participating in on-the-job training programs.

No opponent testimony was provided.

Prior to recommending a substitute bill on February 25, the House Committee:

- Deleted section 1 of the introduced bill, which would have classified certain students as being covered by the Workers Compensation Act; and
- Specified participation in a work-based learning program is a school-sponsored activity.

On February 27, the bill was withdrawn from the House Calendar and referred to the House Committee on Appropriations. On March 22, the bill was withdrawn from the Committee on Appropriations and rereferred to the House Committee on Commerce, Labor and Economic Development. On that same day, the House Committee reported a substitute bill be passed with the amendments previously recommended.

According to the fiscal note prepared by the Division of the Budget, the bill, as introduced, may have increased the Worker Compensation and insurance costs of a school district; however, the bill would not have changed state aid to school districts.