

HOUSE BILL No. 2537

By Special Committee on Commerce and Labor

1-21

AN ACT relating to the workers compensation act; concerning the workers compensation advisory council; amending K.S.A. 44-596 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 44-596 is hereby amended to read as follows: 44-596. (a) There is hereby established the workers compensation advisory council. The advisory council shall be composed of the director of workers compensation, or the director's designee from the division of workers compensation, a representative of the insurance industry appointed by the commissioner of insurance, and 10 members who shall be appointed by the secretary of human resources in accordance with this section. Five members of the advisory council shall be broadly representative of employers throughout Kansas that are under the workers compensation act and shall be appointed as follows: One member shall be appointed from a list of nominees submitted to the secretary of human resources by the Kansas chamber of commerce and industry and four members shall be appointed from nominees submitted to the secretary of human resources by employers or other representatives of employers or other employer organizations. Five members of the advisory council shall be broadly representative of employees throughout Kansas that are under the workers compensation act and shall be appointed as follows: One member shall be appointed from a list of nominees submitted to the secretary of human resources by the Kansas A.F.L.-C.I.O. and four members shall be appointed from nominees submitted to the secretary of human resources by employees or other representatives of employees or other employee organizations. The representative of the insurance industry shall be knowledgeable of insurance underwriting practices. The director of workers compensation and the representative of the insurance industry shall be nonvoting members of the advisory council.

(b) Each member of the advisory council shall serve at the pleasure of the secretary of human resources. Any vacancy on the advisory council shall be filled by nomination and appointment in the same manner as the original appointment of the member creating the vacancy.

(c) The advisory council shall study the workers compensation act,

1 proposed amendments to the act and such other matters relating thereto
2 that may be recommended by the secretary of human resources or the
3 director of workers compensation and shall advise the secretary and the
4 director thereon. The advisory council shall also review and report its
5 recommendations on any legislative bill amending, supplementing or af-
6 fecting the workers compensation act or rules and regulations adopted
7 thereunder or affecting the administration of such act or rules and reg-
8 ulations, which is introduced in the legislature and which is requested to
9 be reviewed and reported on to a standing committee of either house of
10 the legislature to which the bill is currently referred, upon the request of
11 the chairperson of such committee.

12 (d) The advisory council shall organize annually by electing a chair-
13 person and a vice-chairperson ~~and~~. *The advisory council shall meet upon*
14 *the call of the chairperson on or before February 1 of each year and*
15 *quarterly or more often thereafter, if needed.* All actions of the advisory
16 council adopting recommendations regarding the workers compensation
17 act or any other matter referred to the advisory committee under sub-
18 section (c) shall be by motion adopted by the affirmative vote in open
19 meeting of ~~four~~ *three* of the five voting members who are appointed as
20 representative of employers and ~~four~~ *three* of the five voting members
21 who are appointed as representative of employees. All other actions of
22 the advisory council shall be by motion adopted by the affirmative vote
23 of at least six voting members in open meeting.

24 (e) The advisory council, in accordance with K.S.A. 74-4319 and
25 amendments thereto, may recess for a closed or executive meeting of the
26 members representing employers or of the members representing em-
27 ployees, or of both such groups of members meeting separately, to sep-
28 arately discuss the matters being studied by the advisory council, except
29 that no binding action shall be taken during any such closed or executive
30 meeting.

31 (f) The members of the advisory council shall serve without compen-
32 sation, but, when attending meetings of the advisory commission, or sub-
33 committee meetings thereof authorized by the advisory commission, shall
34 be paid subsistence allowances, mileage and other expenses as provided
35 in K.S.A. 75-3223 and amendments thereto.

36 (g) In addition to other matters for study prescribed pursuant to this
37 section, the advisory council shall review the following:

- 38 (1) Competitive state workers compensation funds, including small
39 business competitive funds;
- 40 (2) effectiveness and cost of safety programs;
- 41 (3) safety-based insurance premium rate discounts;
- 42 (4) fees for attorneys representing all parties in workers compensa-
43 tion claims; and

1 (5) group-funded self-insurance pools for small businesses. Each of
2 the studies prescribed by this subsection shall be reviewed and reported
3 to the standing committees of the senate and house of representatives
4 having workers compensation subject matter jurisdiction, except that the
5 study of competitive state workers compensation funds shall be com-
6 pleted and reported to the legislative coordinating council not later than
7 December 15, 1993.

8 Sec. 2. K.S.A. 44-596 is hereby repealed.

9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the Kansas register.

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