

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE SUBSTITUTE FOR SENATE BILL NO. 91**

As Agreed to March 30, 2022

Brief*

House Sub. for SB 91 would exempt businesses from certain liability claims arising from a secondary student engaged in a “work-based learning program,” as that term would be defined by the bill. A business would not be subject to the following civil liabilities occurring during the student’s participation in a work-based learning program:

- A claim arising from the student’s negligent act or omission; and
- A claim for bodily injury to the student or sickness or death by accident of the student.

The school district would be solely responsible for a student’s loss due to bodily injury, sickness, or death caused by accident due to a negligent act or omission caused by the student or business. The bill would not provide immunity for the student or business for gross negligence or willful misconduct.

Conference Committee Action

The Conference Committee agreed to the provisions of House Sub. for SB 91, with the following changes:

- Remove provisions requiring the purchase of applicable insurance by school districts;
- Remove the term “apprenticeship” from the definition of “work-based learning program”; and
- Remove language authorizing schools to purchase insurance specifically for work-based learning programs.

Background

SB 91, as introduced, would have allowed a company to transfer up to 50 percent of the tax credits received from the High Performance Incentive Program to another company or

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individual per year. The House Committee on Commerce, Labor and Economic Development recommended a substitute bill by removing the contents of SB 91 and adding the provisions of HB 2442, as introduced. The background on HB 2442 follows.

HB 2442

The bill was introduced by the House Committee on Appropriations on March 18, 2021.

[*Note:* With the exception of technical changes, HB 2442, as introduced, contains provisions identical to those of 2019 HB 2507, as recommended by the House Committee on Commerce, Labor and Economic Development.]

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing on March 21, 2021, written-only proponent testimony was provided by representatives of the Associated General Contractors of Kansas, Greater Kansas City Chamber of Commerce, the Kansas Agribusiness Retailers Association, the Kansas Chamber of Commerce, the Kansas Grain and Feed Association, the League of Kansas Municipalities, the Overland Park Chamber of Commerce, and the Renew Kansas Biofuels Association. Written-only neutral testimony was provided by representatives of the Kansas Association of School Boards and the Kansas Self-Insurers Association. No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on HB 2442, enactment of the bill would have no fiscal effect on state revenues or expenditures; however, the bill could increase school district liability exposure and insurance costs by an indeterminate amount.

Work-based learning programs; liability; school districts; education

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