

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE.

The meeting was called to order by Chairperson Senator Nancey Harrington at 10:30 a.m. on March 7, 2001 in Room 245-N of the Capitol.

All members were present except: Senator John Vratil, Excused

Committee staff present: Russell Mills, Legislative Research Department
Nikki Kraus, Committee Secretary

Conferees appearing before the committee:

Tim Madden, Chief Legal Council, Kansas Department of Corrections

Others attending: See Attached List

Chairman Harrington stated that the committee would work **HB 2105**—An act relating to the use and display of the American flag, following the hearing on:

HB 2127—Concerning testing for infectious diseases and making information available to corrections employees

Tim Madden, Chief Legal Counsel, Kansas Department of Corrections, presented testimony on behalf of Charles E. Simmons, Secretary of Corrections. (Attachment 1).

Senator Gooch stated that he remembered the original bill, and this bill was just an expansion of an existing bill to any transmittable disease.

Mr. Madden stated that Senator Gooch was correct and that the bill also expanded the personnel who would be able to have this information.

Senator O'Connor asked Mr. Madden if there was a policy or a duty to warn people to what they could be exposed. Theresa Kiernan stated that expansion of the bill does not change it and does not make it the duty on the part of the physician to make known that the patient has a disease. Ms. Kiernan stated that she did not know if a duty existed but that this bill did not create one.

Senator Teichman made a motion to place **HB 2127** on the Senate Consent Calendar. Senator Brungardt seconded the motion. The motion passed.

Chairman Harrington stated that the committee would address **HB 2105—An act relating to the use and display of the American flag**

Chairman Harrington stated that in previous discussion of the bill, Senator Vratil had stated that he believed that the legislation in the bill was already contained in current statutes. Russell Mills, Legislative Research Department, stated that current law made it necessary to do patriotic activities and that Senator Vratil wanted to amend current statutes instead of creating new law.

Senator O'Connor stated that in section two of the amendment, it also stated that current law required private parochial schools to fly an American flag as well. Mr. Mills confirmed, and Senator O'Connor stated that she had not been aware of that.

Senator Teichman stated that she had heard some concerns from constituents about the Kansas flag as well as the American flag. Chairman Harrington stated that testimony from the American Legion had really been

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more concerned that children were not learning how to properly deal with the American flag.

Senator O'Connor made a motion to amend the bill. Senator Teichman seconded that motion. The bill was amended.

Senator O'Connor made a motion to recommend the amended bill favorably. Senator Teichman seconded the motion. The motion passed.

Senator O'Connor was assigned to carry the bill on the floor.

The meeting was adjourned at 10:52 a.m. The next meeting is scheduled for 10:30 a.m. on March 8, 2001.

**SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST**

DATE: March 7, 2001

NAME	REPRESENTING
Natasha Wymmer	Hiawatha High School ^{Go SKINS!}
Kim Koontz	Hiawatha High School
Amy Yarger	Hiawatha High School
LeeAnn Schuster	Hiawatha High School
Nadina Herrod	Hiawatha High (Brown County)
Michelle-Lee Wymmer	Hiawatha Redskins
Megan Persinger	Hiawatha High School
Scott Little	Hiawatha High School
David [unclear]	Hiawatha High School
Kelly Finney	Kansas Public Health Assoc
Chris Collins	Kansas Medical Society
Tim Madson	Ks Dept. of Corrections
Jennifer Buerki	Sedgwick County Farm Bureau
Christa Buerki	Sedgwick County Farm Bureau
Shirley Buerki	Sedgwick County Farm Bureau
Walter Fraude	AGC
Jeff Bollenborg	Kansas Peace Officers
[unclear]	Federico Consulting
Pat Lehman	KFSA

(Goddard High School)
(Goddard High School)

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

GUEST LIST

DATE: MARCH 7 2001

NAME	REPRESENTING
GERARD M DAVIS	FINANCIAL COMMISSION

STATE OF KANSAS



DEPARTMENT OF CORRECTIONS
OFFICE OF THE SECRETARY
Landon State Office Building
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Topeka, Kansas 66612-1284
(785) 296-3317

Bill Graves
Governor

Charles E. Simmons
Secretary

Memorandum

Date: March 7, 2001

To: Senate Federal and State Affairs Committee

From: Charles E. Simmons
Secretary of Corrections

Re: HB 2127

HB 2127 amends K.S.A. 65-6015, 65-6016, and 65-6017 by expanding the types of infectious diseases that a court could order an inmate tested for in the event a corrections employee is exposed to that inmate's body fluids. HB 2127 also expands the definition of "corrections employee" to include the employees of contractors who provide services in a correctional institution. The Department of Health and Environment supports HB 2127 as amended by the House Committee on Health and Human Services. HB 2127 passed the House by a vote of 124-0

Current law limits court orders to the testing for the human immunodeficiency virus (HIV) and hepatitis B. HB 2127 provides authority for a court to order the testing of an inmate for any infectious disease communicable from one person to another through contact with body fluids. HB 2127 permits courts to order testing based upon the most current medical advancements in testing and therapy including a response to the onset of previously unknown diseases in addressing the health and safety of corrections employees. The responsiveness of HB 2127 to these changes is due to its use of the term "infectious disease" rather than identification of each disease by name and hopefully making timely amendments as needed.

Additionally, HB 2127 is responsive to the diverse manner and effect of exposure that can occur relative to communicable diseases. For example, while most sexually transmitted diseases are communicable only through sexual conduct or a blood transfusion, that limitation of course is irrelevant if a corrections employee has been sexually assaulted by an offender. HB 2127 allows for the testing for specific diseases based upon the nature of the exposure experienced by the

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employee. HB 2127 addresses the diversity of both the types of infectious diseases and the mode of exposure experienced by staff by providing that applications by the Secretary of Corrections or the Secretary's designee for court ordered testing be based upon consultation with medical personnel.

The recommendation of the Department of Health and Environment relative to deletion of the requirement of KDHE approval of the protocol to be used in testing for a specific infectious disease was incorporated in the amendment by the House. This results in the methodology employed in the testing conducted pursuant HB 2127 to be the same as is provided when testing for infectious diseases in the community.

The requirements provided by current law that the inmate must first have been requested to voluntarily submit to the testing unless exigent circumstances exist and that the employee exposed to the body fluid voluntarily agreed to testing, including appropriate follow-up testing, are retained.

The Department requests favorable consideration of HB 2127.

CES/TGM/cj

cc: Legislative file