

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Ward Loyd at 1:30 p.m. on March 11, 2003, in Room 526-S of the Capitol.

All members were present except:

Representative Dale Swenson - excused

Committee staff present:

Jill Wolters - Revisor of Statutes

Mitch Rice - Revisor of Statutes

Jerry Ann Donaldson - Legislative Research Department

Nicoletta Buonasera - Legislative Research Department

Bev Renner - Committee Secretary

Conferees appearing before the committee:

Dan Hermes—Kansas Coordinators of Alcohol Safety Action Projects

Donna Doolin, Director—Addiction and Prevention Services - Social and Rehabilitation Services (SRS)

Kathy Porter—Office of Judicial Administration

Karl McNorton, Chief Deputy—Kansas State Fire Marshall's Office (written testimony)

Jim Keating—Kansas State Firefighters Association (written testimony)

Pat Leemon—Kansas Fire Service Alliance

**SB 27 - Relating to alcohol and drug safety action education program requirements.**

**Chairperson Loyd opened the hearing on SB 27.**

Dan Hermes of Kansas Coordinators of Alcohol Safety Action Projects was welcomed to the committee to speak in support of **SB 27 (Attachment 1)**. Since the revision of the Driving Under the Influence laws, the education requirement for those that are convicted of DUI has been limited to first time offenders. We have only one chance to provide effective education for these offenders. **SB 27** requires a minimum of ten hours of course work to be approved by the Secretary of Social and Rehabilitation Services. Ten hours is the minimum that is required in other states and most require that the programs are approved for content and curriculum.

Donna Doolin, Director - Addiction and Prevention Services, SRS appeared in support of **SB 27 (Attachment 2)**. SRS already has the licensing authority for over 200 alcohol and drug treatment programs across the state. This program will include SRS-approved videos and other classroom materials and presentations, as well as ensuring the competency of persons delivering the education program. **SB 27** authorizes SRS to require a fee be charged to offset the fiscal impact, to be collected from the offenders by the alcohol and drug safety education programs, who would remit the fees collected to the state treasury on a quarterly basis. There would be a follow up to evaluate the outcome of this training and its effectiveness.

Kathy Porter - Office of Judicial Administration was recognized to voice concerns from district judges concerning **SB 27 (Attachment 3)**. Extending the hours of the education programs may cause scheduling problems. Currently, one provider holds sessions on Saturday so that an offender may attend without missing work. Other providers break up the program into several evening sessions. The two-hour increase could create more hardship for a defendant, with little appreciable benefit. Judges would like a guarantee that there will be at least one approved program serving each judicial district, and that the fees charged will not be overly burdensome to offenders. Also, that SRS would look at those programs that are currently providing evaluation services and try to allow for some transition between the evaluation and treatment programs.

**Vice Chairperson Owens closed the hearing on SB 27.**

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE at 1:30 p.m. on March 11, 2003, in Room 526-S of the Capitol.

**Sub for SB 209 - Fire districts; recovery of costs of arson investigation.**

**Vice-Chairperson Owens opened the hearing on Sub SB 209.**

Vice-Chairperson Owens recognized written testimony from Karl McNorton, Chief Deputy State Fire Marshall in support of **Sub SB 209** (Attachment 4) and from Jim Keating, President-State Firefighters Association (Attachment 5) in support of **Sub SB 209**.

Pat Leemon - Kansas Fire Service Alliance explained **Sub SB 209** as a supporter. This bill adds language to seek reimbursement for costs incurred by a fire district in responding to a fire that is determined to be arson from the person who is convicted of such crime.

**Vice-Chairperson Owens closed the hearing on Sub SB 209.**

The meeting was adjourned at 2:36 p.m. The next scheduled meeting is on March 12, 2003.



# PUBLIC SOLUTIONS

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## LEGISLATIVE TESTIMONY

TO: Chairman Ward Loyd and Members of the House Committee on Corrections and Juvenile Justice

DATE: March 11, 2003

SUBJECT: SB 27

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Mr. Chairman and Members of the Committee, my name is Dan Hermes and I represent the Kansas Coordinators of Alcohol Safety Action Projects (KCASAP).

The Association was incorporated in 1981 and consists of member agencies that are primarily responsible for the evaluation, education, treatment or referral of DUI and other alcohol/drug related offenders. The organization promotes effective laws dealing with the drinking driver and underage drinking problems. The association encourages strict enforcement, swift and fair sentencing, and quality education and treatment for the offender.

Over the last year, the Association has been researching Alcohol and Drug Education Schools in Kansas and practices in other states. This research has led the KCASAP Association to recommend SB 27 as an advance in public policy for the State of Kansas. Subsequent to the revisions of the DUI laws several years ago, the education requirement for those that are convicted of driving under the influence has been limited to first time offenders. We now only have one shot at providing effective education for DUI offenders and requiring a minimum of ten hours of coursework and allowing the Secretary of SRS to approve programs in the state will provide a framework to increase the effectiveness of the courses in our state.

From the research the Association has done, ten hours of education is the minimum that is required in other states and most states require that the programs are approved for content and curriculum. If SB 27 moves forward and becomes law, members of KCASAP look forward to working with the Department of SRS to develop effective standards for approval of programs.

I thank the committee for its time and attention and would stand for any questions.

H. Corr. & J.J.  
3-11-03  
Attachment 1

Kansas Department of

# Social and Rehabilitation Services

Janet Schalansky, Secretary

**House Corrections and Juvenile Justice Committee**  
March 11, 2003

**Education Requirements for DUI Offenders**

**Division of Health Care Policy**  
Donna Doolin, Acting Director, Addiction and  
Prevention Services

For additional information contact:  
Office of Planning and Policy Coordination  
Marianne Deagle, Director

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H. Corr & J.J.  
3-11-03  
Attachment 2



**Kansas Department of Social and Rehabilitation Services  
Janet Schalansky, Secretary**

House Corrections and Juvenile Justice Committee  
March 11, 2003

**Senate Bill 27 - Education Requirements for DUI Offenders**

Chairman Loyd and members of the Corrections and Juvenile Justice Committee, thank you for the opportunity to appear before you today. My name is Donna Doolin, and I am the Director of Addiction and Prevention Services, a division of the Department of Social and Rehabilitation Services. I am here to testify on Senate Bill 27.

This bill would require people who are convicted of Driving Under the Influence (DUI) offenses to successfully complete an approved ten hour alcohol and drug safety action education program. Currently, there is a wide variety in the content and duration of alcohol and drug safety action education programs throughout the state of Kansas. Other states, such as Oklahoma and California, have adopted similar DUI education programs with the initial phases being ten hours of education for DUI offenders.

Senate Bill 27 further provides that the required alcohol and drug safety action education programs be approved by SRS. As the designated Single State Authority on alcohol, tobacco, and other drugs of abuse issues, SRS is the appropriate entity to ensure oversight and approval of these education programs. SRS already has the licensing authority for over 200 alcohol and drug treatment programs across the state. The education program would include SRS-approved videos and other classroom materials and presentations, as well as ensuring the competency of persons delivering the education program to DUI offenders.

One of the major focuses in any form of treatment an individual receives is education about their illness; this applies to illnesses ranging from cancer and heart disease to diabetes and alcohol or drug problems. Uniformity in education programs is especially important in order to ensure those attending alcohol and drug safety action education programs will be receiving similar kinds of information regarding the risks associated with psychoactive substance use, as well as available prevention, treatment and recovery resources.

SRS supports the increased level of alcohol and drug education programs for DUI offenders proposed in Senate Bill 27. Providing a higher level of education to DUI offenders about alcohol and drug safety will not only help offenders understand the consequences of their actions, but it will also help protect the citizens of Kansas.

This bill was amended by the Senate Judiciary Committee to authorize SRS to require a fee be charged to offset the fiscal impact of this bill, approximately \$73,000. The fee would be collected from the DUI offenders by the alcohol and drug safety education programs, and the education programs would remit the fees collected to the state treasury on a quarterly basis.

This concludes my testimony. I am happy to stand for any questions from the Committee.



State of Kansas

**Office of Judicial Administration**

Kansas Judicial Center  
301 SW 10<sup>th</sup>  
Topeka, Kansas 66612-1507

(785) 296-2256

March 11, 2003

**Testimony Regarding SB 27  
House Corrections and Juvenile Justice Committee**

Kathy Porter  
Office of Judicial Administration

I have received several e-mails from district judges questioning the need for the amendment included in SB 27, and they have requested that I testify and note their concerns. Some judges have noted that, while larger jurisdictions may have several providers competing for the programs, small jurisdictions may have only one service provider. In their opinion, extending the hours of the education programs and allowing the Department of Social and Rehabilitation Services regulatory authority to certify these programs, could create some unforeseen issues.

As an example, in the 30<sup>th</sup> Judicial District (Barber, Harper, Kingman, Pratt, and Sumner Counties), the current programs are eight hours long, and one provider holds sessions on a Saturday, so that an offender may attend without missing work. One or two providers break up the programs into several evening sessions. The concern is that a ten-hour program would not be realistic in one day. The two-hour increase could create more hardship for a defendant, with little appreciable benefit.

At a minimum, judges would like some guarantee that, if this legislation is enacted into law, there will be at least one approved program serving each judicial district, and that the fees charged will not be overly burdensome to offenders, who have already been assessed fines and the \$150 ADSAP evaluation fee. Judges would also like some assurance that, in the approval process, the Secretary of Social and Rehabilitation Services would look at those programs that are currently providing evaluation services, and would try to allow for some transition between the evaluation and treatment programs.

Thank you for your consideration of these issues.

KP:mr

H. Corr & J.J.  
3-11-03  
Attachment 3



OFFICE OF THE

# KANSAS STATE FIRE MARSHAL

Gale Haag  
Kathleen Sebelius  
Fire Marshal  
Governor

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**Testimony on substitute for Senate Bill 209  
Relating to expenses incurred in response to an Arson related fire.  
House Committee on Corrections and Juvenile Justice**

Date: March 11, 2003

By: Karl W McNorton  
Chief Deputy State Fire Marshal  
Kansas State Fire Marshal's Office

The Kansas State Fire Marshal's Office appears in support of the substitute for Senate Bill 209, which allows the cost of a fire departments response to a fire be added to the restitution obligation of persons convicted of intentionally setting a fire. Such fire districts or township fire departments, like every other governmental entity in Kansas, are constantly in a fiscal crisis, and any monies recovered from any source are always welcome.

We feel this bill is important to those communities and urge the committee to pass the bill out favorably.

H. Corr. & J.J.  
3-11-03  
Attachment 4

*"Where fire safety is a way of life."*



# Kansas Fire Service Alliance

Ω Kansas State Fire Fighters Association

Ω Kansas State Association of Fire Chiefs

Ω Kansas Professional Fire Chiefs Association

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## TESTIMONY

REFERENCE SB 209

Presented to

HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE

Presented by

JIM KEATING, President  
KANSAS STATE FIREFIGHTERS ASSOCIATION

I provide testimony today on behalf of the Kansas Fire Service Alliance. The Alliance consists of the Kansas State Firefighters Association, Kansas State Association of Fire Chiefs, and the Kansas State Association of Professional Fire Chiefs, which represents 16,000 Kansas firefighters.

The Alliance appreciates your time for review and accepting comments on this proposed legislation. We strongly support this legislative effort. Fire suppression can be costly in materials used, equipment wear and damage and for wages or wage reimbursements paid to those called to suppress a fire.

This legislation would allow a fire department to assess these costs against a person or persons convicted with the crime of arson for that specific property. This legislation would serve as an additional deterrent for the crime of arson and provide the opportunity for cost reimbursement. This reimbursement would prove valuable especially to departments where outside assistance was required to control a fire and costs were involved with that assistance.

It is our understanding an amendment, or substitute bill, will be required to properly cover all statutes involved. We also support that effort and do want to assure that this ability would be offered to a city, township or district fire department.

Again, we thank you for your efforts and sincerely encourage the Committee's support for this legislation.

H. Corr & J.J.  
3-11-03  
Attachment 5