

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Don Dahl at 9:00 A.M. on February 4, 2005 in Room 241-N of the Capitol.

All members were present except:

Bob Grant- excused
Dale Swenson- unexcused
Patricia Kilpatrick- excused
Todd Novascone- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research Department
Norm Furse, Office of Revisor of Statutes
Renaë Jefferies, Office of Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee:

Representative Bob Bethell

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2157 - Employment Security Disqualification of Benefits.**

Staff gave a briefing stating the bill was introduced in Health and Human Services Committee by Representative Bob Bethell. The key to this legislation is that an individual shall be disqualified for benefits. The new language is if the individual was found not to have a disqualifying adjudication or conviction under K.S.A. 39-970 and amendments thereto or K.S.A. 65-5117 and amendments thereto, was hired while undergoing charging, adjudication or trial for a disqualifying felony listed in K.S.A. 39-970 and amendments thereto or K.S.A. 65-5117 and amendments thereto, then was subsequently convicted of such felony and discharged pursuant to K.S.A. 39-970 and amendments thereto or K.S.A. 65-5117 and amendments thereto, an individual shall be disqualified for benefits. The disqualification shall begin the day following the separation and shall continue until after the individual becomes reemployed and has had earnings from insured work of at least three times the individual's determined weekly benefit amount.

Representative Bob Bethell testified as a proponent to **HB 2157**. This bill was introduced to correct an issue that is caused by the requirements that a person with a person felony not be employed by a health care facility. Current Kansas law states that the administrator of a nursing facility cannot knowingly employ a person who has been convicted of a person felony (Attachment 1).

The Chairman closed the hearing on **HB 2157**.

The meeting adjourned at 9:35 a.m. The next meeting will be February 7.

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TOPEKA

Testimony on HB 2157

February 4, 2005

Good morning Chairman Dahl and members of the Commerce and Labor Committee. I am Bob Bethell and I am here today to support the passage of HB 2157.

This bill is introduced to correct an issue that is caused by the requirement that a person with a person felony not be employed by a health care facility. Current Kansas law states that the administrator of a nursing facility cannot knowingly employ a person who has been convicted of a person felony.

The problem that arises is not often incurred but when it is creates a situation that causes the cost of caring for the disabled and aged to raise. If I may here is the scenario; a person presents at the facility to be hired and a criminal background check is conducted and shows nothing. The person is then or at a later date convicted of a person felony and their employment is terminated. The facility then becomes liable for the unemployment payments due to no fault of its own. The facility would continue to employ the person if the law permitted.

I encourage you to support HB 2157 and pass it out of committee favorably.

Mr. Chairman I will stand for questions.

Comm & Labor
 2-4-05
 Atch # 1