

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 8:34 a.m. on April 9, 2002 in Room 123-S of the Capitol.

All members were present except: Senator Haley (excused)

Committee staff present:

Mike Heim, Research
Gordon Self, Revisor
Mary Blair, Secretary

Conferees appearing before the committee:

Representative Joe Humerickhouse
Representative Candy Ruff
Chuck Simmons, Secretary, Department of Corrections (DOC)
Leon Owens, Superintendent, Kansas Neurological Institute (KNI)
Jon Jossierand, University of Kansas
Bobbi Mariani, Director, Department of Administration (DOA)

Others attending: see attached list

HB 2933—drug screening for certain state officers and employees

Conferee Humerickhouse testified in support of **HB 2933**, a bill which he stated would expand the definition of “safety sensitive” positions for pre-employment and reasonable suspicion testing of state employees and state contractors. He discussed the purpose and intent of the bill.([attachment 1](#))

Conferee Ruff testified in support of **HB 2933**. She discussed the expanded list of “safety sensitive” positions emphasizing, in particular, the expansion to include correctional facilities (and independent contractors) and employees working in mental health care facilities. She further discussed the expansion of the list of “reasonable suspicion” positions and briefly covered what the bill would not do.([see attachment 1](#))

Conferee Simmons testified in support of **HB 2933**. He discussed the importance of the expansion of the definition of “safety sensitive” to include both parole officers and juvenile correctional facility staff.([attachment 2](#))

Conferee Owens testified in support of **HB 2933**. He discussed the importance of the bill in providing protection for both the people who live at KNI as well as those who work there, citing several situations which have occurred that might have been avoided had pre-employment drug testing for certain KNI employees been required. Attached to his testimony is a list of SRS job classes covered by this bill.([attachment 3](#))

Conferee Jossierand testified in support of **HB 2933** with the exception of that portion which would include certain regents’ employees. He discussed problems with the “broad” language relating to these employees and requested time to refine the definitions.([attachment 4](#))

Conferee Mariani testified in support of **HB 2933**. She discussed the purpose of the bill and the events necessitating it stating that the bill is a compromise between agencies who requested it and current legal and administrative requirements associated with the Kansas drug screening program (KDSP). She defined and reviewed the two types of testing done in the KDSP and briefly summarized an outline of positions currently under KDSP and those positions which would be added.([attachment 5](#))

Written testimony supporting the “intent” of **HB 2933** and offering a balloon amendment to the bill was submitted by the Kansas Psychological Association.([attachment 6](#)) Written testimony supporting the bill was submitted by the Kansas Commission on Veterans’ Affairs.([attachment 7](#))

Following discussion, Senator Oleen moved to amend **HB 2933** by deleting all of lines 37 and 38 on pg 2 and restructuring the sentence as appropriate, Senator O’Connor seconded. Carried. Following further discussion, Senator O’Connor moved to pass the bill out favorably as amended, Senator Oleen seconded. Carried.

SB 652—inmate status and classification

Conferee Simmons testified as neutral on **SB 652**, a bill which would require the DOC to classify parole violators

readmitted to prison, as minimum security. He described the current situation regarding inmate population in comparison to the prison capacity for medium and minimum custody male inmates and discussed how this bill would establish policy and guidelines under which more inmates could be released from minimum custody status thus providing a delay in developing additional medium security capacity. (attachment 8) Lengthy discussion followed with clarification and information regarding prison bed population being offered, at the request of the Chair, by Barbara Toombs, Kansas Sentencing Commission. Following further discussion, Senator Donovan moved to pass the bill out favorably, Senator Schmidt seconded. Carried with Senator Adkins requesting his nay vote be recorded.

The meeting adjourned at 9:28 a.m. No further meetings have been scheduled.