

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairman Vickrey at 3:30 p.m. on February 25, 2003 in Room 519-S of the Capitol.

All members were present except:

Committee staff present:                   Mike Heim - Legislative Research Department  
  Kathie Sparks - Legislative Research Department  
  Theresa Kiernan - Office of Revisor of Statutes  
  Maureen Stinson - Committee Secretary

Conferees appearing before the committee:

Laura Kelly	Kansas Recreation and Park Association
Fred DeVictor	Parks and Recreation Department, City of Lawrence
Rogers Brazier	Parks and Recreation, City of Topeka
Mark Nordstrom	Kansas Alliance of Boys & Girls Clubs, Inc.
Blaise Plummer	City Attorney, City of Emporia
Rebecca Simmons	The Salvation Army
Stuart Little	Association of Community Mental Health Centers of Kansas, Inc.
Kathy Damron	YMCA's of Kansas
Emily Lies	Greater Wichita YMCA
Gary Brunk	Kansas Action for Children
Shirley Norris	
Katheryn Lansford	
Lesa Jackson	
Nancy Jensen	Child Care Licensing Surveyor
Jim Murphy	Kansas Department of Health and Environment
*Sally Finney	Kansas Public Health Association, Inc.
*Abby Thorman	Mid-America Regional Council's Metropolitan Council on Child Care
*Gail Hansen	
*Lisa Muntz	Greater Kansas City YMCA

\* written testimony only

Others attending:       See attached list

Chairman Vickrey explained that **SB 40**, fire districts; board of trustees, is nearly identical to **HB 2044** which passed out of the committee without a dissenting vote and passed on the House Floor 110 to 12.

The Chairman opened the hearing on:

**SB 40:**           **fire districts; board of trustees**

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There were no conferees appearing before the committee.

The Chair closed the hearing on **SB 40**.

**SB 40:**        **fire districts; board of trustees**

Rep. Campbell made a motion for the passage of SB 40. Rep. Peterson seconded the motion. The motion carried.

**HB 2204:**        **planning and zoning; relating to planning commissions**

Rep. Campbell made a motion for the passage of HB 2204. Rep. Reitz seconded the motion. The motion carried.

**HB 2122:**        **abandoned property; rehabilitation thereof**

Rep. Campbell made a motion to amend the bill on page 1, in line 21, by striking "one year" and inserting "two years." The motion was seconded. The motion carried.

Rep. Campbell made a motion to amend the bill on page 1, in line 23, by striking "30" and inserting "180." Rep. Reitz seconded the motion. The motion carried.

Rep. Storm made a motion to amend the bill on page 2, in line 4, by inserting "for first-time home buyers who will occupy the residence for three years". Rep. Campbell seconded the motion. The motion carried.

Rep. Yonally made a motion to amend the bill on page 2, in line 8, by striking "10" and inserting "20"; in line 29, by inserting "For good cause shown, the court may extend the ninety-day compliance period. If the property is brought into such compliance within the ninety-day period or extension of time thereof, the petition shall be dismissed". He added that any clean up language be included in the motion. Rep. Gilbert seconded the motion. The motion carried.

Rep. Campbell made a motion for the passage of HB 2122 as amended. Rep. Reitz seconded the motion. The motion carried.

The Chairman opened the hearing on:

**HB 2376:**        **KDHE licensing of child care facilities; exemptions**

Laura Kelly, Executive Director, Kansas Recreation and Park Association, addressed the committee as a proponent of the bill (Attachment 1). She explained the bill would give relief to public park and recreation agencies and allow them to continue providing affordable and necessary services and to expand

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those services for an under-served population.

Fred DeVictor, Director, Parks and Recreations Department, City of Lawrence, testified as a proponent of the bill ([Attachment 2](#)). He stated that the bill exempts licensing of programs for children, such as playgrounds or day camps, that are designed for recreational activities for school aged children and operated by local units of government. He testified that the City of Lawrence opposes efforts to license these summer youth programs and further stated that the City of Lawrence supports the bill.

Rogers Brazier, Director, Parks and Recreations Department, City of Topeka, appeared on behalf of the department, in support of the bill ([Attachment 3](#)). He stated that cost increases due to KDHE's new regulations will result in a decrease in summer programming for some Topeka children. He urged support for the bill, noting that it would allow Parks and Recreation of Topeka to continue to provide high quality, low-cost programs that meet the needs of our school age children and their families.

Mark Norsdstrom, President, Kansas Alliance of Boys & Girls Clubs, submitted testimony on behalf of the Boys & Girls Clubs in support of the bill ([Attachment 4](#)). He explained they do not believe the Boys and Girls Clubs fall within the definition of "child care" under Kansas statutes because they do not contract to provide child care for children. He summarized that should Boys & Girls Clubs be required to operate subject to the after school program licensing and regulation of KDHE, clubs will be forced to reduce the number of children they service. He stated that compliance with the regulations will cost each Club a significant amount of money and regulating the clubs will cost the State of Kansas substantial dollars.

Blaise Plummer, City Attorney, City of Emporia, testified as a proponent of the bill ([Attachment 5](#)). He explained that KDHE has been given unfettered discretion to determine what constitutes a day care facility. He explained that the bill would remove summer youth programs operated by local units of government from the regulatory jurisdiction of the KDHE. He summarized that passage of the bill would benefit local communities by encouraging innovating recreation alternatives, and by allowing more state resources to be focused where they are needed.

Rebecca Simmons, Social Services Director, Salvation Army in the State of Kansas, appeared in support of the bill([Attachment 6](#)). She explained that KDHE regulations become prohibitive for the types of programs which they offer and increase the cost of programs due to changed staffing, equipment and record keeping. She informed the committee that increased program costs during a time will eventually limit program functioning and could possibly close programs. She stated that the bill will assist The Salvation Army to continue to serve low-income, at risk school age children in after school and summer programs as they have in past years. She urged passage of the bill.

Stuart Little, Lobbyist for the Association of Community Mental Health Centers of Kansas, Inc., testified in support of the bill if amended to include an exemption for Community Mental Health Centers ([Attachment 7](#)). He is seeking an amendment which would exempt any service or program designed for

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mental health treatment of children and adolescents provided by a licensed Community Mental Health Center.

Kathy Damron, appeared as an opponent of the bill on behalf of the YMCAs of Kansas (Attachment 8). She testified that the KDHE regulations reflect more than two years of work with providers of school age care across the state. She states that the bill would treat some providers of child care differently than others even if the programs they are offering are exactly the same. She summarized that if certain programs for school age children really don't need the licensure envisioned by KDHE, then these providers can seek an exemption from the Secretary of KDHE. She urged the committee to reject the legislation.

Dianna Carkin, Director of Child Care Services, Topeka YMCA, testified as an opponent of the bill and provided no written testimony. She stated that the KDHE guidelines ensure the health and safety of children in school age care. She testified that none of the regulations are unobtainable or unreasonable and provide baseline protection for children from injury, disease or development impairment. She stated that the YMCAs of Kansas support licensing standards.

Emily Lies, Executive Director, Greater Wichita YMCA Child Care and Camp Branch, testified in opposition to the bill. She stated two areas of particular concern are:

- inequity of treatment of organizations that provide the same service
- no clear definition of minimum standards for care for children

She explained that the new KDHE school-age program regulations appear more flexible and relevant to programming.

Gary Brunk, Executive Director, Kansas Action for Children, presented testimony opposing the bill (Attachment 10). He submitted that licensing is the tool used to ensure both the safety of programs and minimum level of quality. He stated that licensing by itself does not guarantee a high level of quality, but it can provide a measure of security and peace of mind for all parents, regardless of socioeconomic status. He urged the committee to not act on the bill.

Shirley Norris, former director of the child care licensing and registration section in KDHE, appeared in opposition to the bill (Attachment 11). She stated that if this proposed legislation is approved, the state will be opting out of its responsibility as *parens patriae* for thousands of vulnerable children, would subject those children to increased risk of harm and the state to increased liability. She urged the committee to not recommend passage of the bill.

Katheryn Lansford, mother of two children, testified in opposition to the bill (Attachment 12). She stated that the need for licensure and a system of checks and balances and accountability expectations must be put into place, not as a way to hinder the operation of the programs, but as a way to ensure that good nutrition, education, safety and the well-being of the children placed in their care are protected. She expressed that regulations regarding organizations such as the Boys and Girls Clubs must be changed so

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that they are licensed, regulated and investigated if the need arises.

Lesa Jackson, mother of five children, appeared in opposition of the bill ([Attachment 13](#)). She expressed concern that exempting certain child care operations from state regulations will put some of our Kansas children at risk. She asked the committee to not grant exemptions to any child care facility.

Nancy Jensen, child care licensing surveyor, presented testimony opposing the bill ([Attachment 14](#)). She stated that licensure provides ongoing education, standards for best practice, consultation, and a legal avenue for protecting children when the provider is not considering the children's best interest. She pleaded for the committee to not pass the bill because it is a giant step backward in the progress that this state has made in advancing the health and safety of our children in "out of home" care.

Written testimony from the following opponents was distributed to the committee:

- Sally Finney, Executive Director, Kansas Public Health Association, Inc. ([Attachment 15](#)).
- Abby Thorman, Director, Mid-America Regional Council's Metropolitan Council on Child Care ([Attachment 16](#)).
- Gail Hansen, hearing officer for the KDHE regulations ([Attachment 17](#)).
- Lisa Muntz, Vice President, YMCA of Greater Kansas City ([Attachment 18](#)).

Neutral testimony concerning the bill was presented by Jim Murphy, Office of the Secretary, Kansas Department of Health and Environment ([Attachment 19](#)). He testified that the regulations permit organizations affiliated with national organizations to use their national standards in place of some of the regulations concerning licensed capacity, some building requirements and staff qualifications. He explained that the regulations specifically exclude from licensure programs that clearly operate on a limited basis. He further explained that the summer playground programs that operate each day all summer long and in which elementary age children attend most of the day are the programs that are subject to licensure under the school age program regulations.

The Chairman closed the hearing on **HB 2376**.

The meeting was adjourned at 5:50 p.m.

The next scheduled meeting is March 11, 2003.