

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Kathleen Sebelius at
Chairperson

1:30 a.m. on Tuesday, March 12, 1991 in room 526-S of the Capitol.

All members were present except:

Representative Douville - Excused

Committee staff present:

Mary Galligan - Kansas Legislative Research Dept.
Lynne Holt - Kansas Legislative Research Dept.
Mary Torrence - Office of the Revisor
Connie Craig - Secretary to the Committee

Conferees appearing before the committee:

Representative Sebelius turned the Committee's attention to HB 2180 requested by Representative Bowden. According to testimony heard in Committee, the basic change would make it illegal for an of age person to purchase alcohol without showing a drivers license. It does not change the current provisions of the law relating to underage persons.

Representative Roy moved to report the bill adversely. Representative Ramirez made a second to the motion, which passed on a voice vote.

HB 2556

Representative Sebelius stated she would defer to whatever the Committee's pleasure would be on HB 2556, Drug Free School Zones, which has not had a hearing. A recent court ruling in Wyandotte County to use the provisions of the bill that passed overwhelmingly in the Legislature last year, did not apply when school was not in session. Representative Sebelius stated that she thought it was clear that this was not the intent of the Legislature when it was passed. HB 2556 is to clarify that nothing in the subsection defining school, requires schools to be active. She added that she did actively participate in the debate on this issue the last couple of years, and would ask the Committee to consider passing this bill without hearings. If there are objections, she will schedule hearings, and we can go through it again.

Representative Edlund moved that HB 2556 be reported favorably. Representative Cates made a second to the motion.

Representative Roy made the substitute motion that HB 2556 be reported favorably, and put on the consent calendar. Representative Lane made a second to the motion, which passed by a voice vote.

HB 2089

Representative Sebelius announced that it has been decision of S.R.S. that Norplant will be part of the formulary included in a medical card, and the decision will be how S.R.S. is going to deal with individual doctors to perform the procedure.

Representative Roy moved to strike the financial incentive in this bill. Representative Wagnon made a second to the motion.

Representative Baker made a substitute motion to report the bill adversely. Representative Allen made a second to the motion, which passed on a voice vote.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,

room 526-S, Statehouse, at 1:30 ~~x.x.x~~/p.m. on Tuesday, March 12, 1991

HB 2330, 2331, and 2332

Representative Sebelius explained that these bills come out of the Attorney General's Task Force on Child Care for State Employees. HB 2330 was designed to establish a model program, HB 2331 indicated that the state should review existing and future space for the feasibility of child care centers, and HB 2332 also deals with space requirements.

Two proposed substitutes were offered on HB 2330, Attachment #1, and HB 2332, Attachment #2, which combine the features of the three bills into two measures.

Rep. Wagnon explained that HB 2332 basically defines how it is determined if there is a need for a child care center. Section I, Secretary of Administration shall identify those state buildings where there exists a need for child care. Section "c", says, how you identify that need.

HB 2330 as introduced was the original bill. HB 2330 proposed substitute, Attachment #2, is still the model program, but the language in Section I speaks to the limits of appropriations on or before July 1 1993, and to establish a model program. The state will pay with Section "b" the cost of establishing a facility. Official note on this bill indicates cost of about \$168,000, and that much of it could be available from child care funds from federal funds.

Representative Wagnon moved to adopt the proposed substitutes on HB 2330 and HB 2332 in lieu of the original bills. Representative Hamilton made a second to the motion, which passed on a voice vote. Discussion followed and centered on HB 2332.

- 1) Is the state responsible for getting children to and from day care?
- 2) Age of dependents.
- 3) Cost of day care.

Representative Wagnon moved that the substitute for HB 2332 be reported favorably for passage. Representative Ramirez seconded the motion, which passed on a voice vote.

Representative Sprague moved to amend HB 2330 by adding "subject to appropriations" on both Page 1, Section 1(b) at beginning of the sentence, and Page 2 in the fifth line. Representative Wagnon made a second to the motion which passed on a voice vote.

Representative Sprague moved to change wording on page 2, line 3 "Secretary of Administration shall waive payment rental fee and utilities" to read "Secretary of Administration should have the option to waive". Representative Cates made a second to the motion. Division is called for, motion carries 11 to 8.

Representative Sprague moved to amend the bill further by striking the word "operating" in line 21, on page 2 which is the 3rd line of Subsection 6(e). Representative Lane made a second to the motion, which passes on a voice vote.

Representative Wagnon moved to report proposed substitute for HB 2330 as amended by the Committee favorable for passage. Representative Rock made a second to the motion.

Representative Gjerstad made a substitute motion to strike the "whereas". Representative Sprague made a second to the motion.

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MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,

room 526-S, Statehouse, at 1:30 ~~xxx~~ p.m. on Tuesday, March 12, 1991.

Representative Gjerstad withdrew her substitute motion, and Representative Sprague withdrew his second.

Chair Sebelius asked for a vote on Representative Wagon's motion to report proposed substitute HB 2330 as amended by the Committee favorable for passage. The motion carries on a voice vote.

HB 2337

This is the bill requested by Representative Weimer dealing with a National Guard Armory and civic center in Lenexa, and would allow, with the provisions of city ordinance, to serve alcoholic liquor in terms of the policy. In response to questions about the broad drafting of state owned property, there is a balloon, Attachment #3.

Representative Lane moved to adopt the ballon for HB 2337. Representative Allen made a second to the motion, which passed on a voice vote.

Representative Lane moved to report HB 2337 as amended favorable for passage. Representative Allen made a second to the motion, which passed on a voice vote.

HB 2320

A balloon on this bill was presented, Attachment #4.

Representative Wagon moved that the balloon amendment to HB 2320 be adopted. Representative Gjerstad made a second to the motion, which passed on a voice vote.

Representative Sebelius made a second motion that on line 14, page 1 of HB 2320 to insert "and local health department" so that it will read "The Secretary of S.R.S. in cooperation with the State Board of Education and local health department shall establish and coordinate a family project." Representative Jones made a second to the motion, which passed on a voice vote.

Representative Lawrence made a motion to sunset the program in three years subject to an evaluation component. Representative Allen made a second to the motion, which passed on a voice vote.

Representative Wagon moved to report HB 2320 as amended favorable for passage. Representative Long made a second to the motion which passed on a voice vote.

HB 2391

Representative Allen moved to amend the bill so that the entire bingo law be applicable only to municipalities over 75,000. Representative Baker made a second to the motion.

Representative Sprague made a substitute motion that the bill be reported adversely. Representative Roper made a second to the motion, which failed on a voice vote.

Representative Roy made a substitute motion that the current definition be clarified to include political party committees. Representative Smith made a second to the motion, which passed on a show of hands, 11 to 10.

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Representative Allen made a substitute motion to amend the bill so that the entire bingo law be applicable only to municipalities over 75,000. Representative Jones made a second to the motion.

Representative Long moved to strike language on page 3, line 15, Subsection (a) "on any consecutive Saturday and Sunday", and pass the bill favorably. Representative Empson made a second to the motion, which passed on a voice vote.

Chair Sebelius then adjourned the meeting.

PROPOSED SUBSTITUTE FOR HOUSE BILL NO. 2330

By Committee on Federal and State Affairs

AN ACT providing for the implementation of a program establishing child care facilities for state officers' and employees' children and minor dependents.

WHEREAS, Day care for employees' children and minor dependents lowers employee turnover rates, reduces employee absenteeism, attracts qualified employees, improves employee morale and positively affects work behaviors; and

WHEREAS, The state of Kansas should be an example for other employers in demonstrating that it cares about children and families: Now, therefor,

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Subject to the limits of appropriations therefor, on or before July 1, 1993, and thereafter as appropriations are available therefor, the secretary of administration shall implement a program establishing child care facilities wherever there exists a need for child care for state officers' and employees' children and minor dependents, as determined in accordance with section 1 of 1990 Substitute for House Bill No. 2332. Such facilities may be located on state-owned property or on privately owned property, conveniently located near the place of employment of the state officers and employees to be served by the respective facility

(b) The state shall pay the costs of establishing child care facilities pursuant to this section, including costs of constructing such facilities, renovating existing buildings for use as such facilities, equipping and furnishing such facilities and providing transportation for such facilities.

(c) Regardless of whether a child care facility is

established pursuant to this act or was established before the effective date of this act, if such facility is located on state-owned property, the secretary of administration ^{may} shall waive payment of the rental fee and utilities. If such facility is located on privately owned property, ^{subject to appropriations} the state shall pay any rental fee and utilities for the facility.

(d) Operators of child care facilities established pursuant to this section shall be selected on the basis of competitive bids. Requests for proposals shall be developed by the secretary of administration and shall require that any facility:

- (1) Be licensed by the secretary of health and environment;
- (2) comply with all state purchase-of-service standards;
- (3) maintain adequate liability insurance coverage;
- (4) assume financial and legal responsibility for the facility;
- (5) provide a fee schedule which is based on a state officer's or employee's household income; and
- (6) provide a discount on fees charged a state officer or employee who has multiple dependents using the facility.

(e) Except as otherwise provided by law, a child care facility established pursuant to this section shall be financially self-sufficient and "operating" costs shall be offset by fees charged to state officers and employees utilizing the facility.

(f) Neither the operator nor any employee of a child care facility established pursuant to this section shall be considered an employee of the state.

(g) The secretary of administration shall report to the governor and the legislature on progress toward implementation of this section on or before January 1, 1993, and on or before January 1, 1994.

(h) The secretary of administration may adopt rules and regulations to implement this section.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

PROPOSED SUBSTITUTE FOR HOUSE BILL NO. 2332

By Committee on Federal and State Affairs

AN ACT concerning child care for children and minor dependents of state officers and employees; relating to determination of availability and feasibility of providing space therefor.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) The secretary of administration shall identify those state buildings where there exists a need for child care for state officers' and employees' children and minor dependents. The secretary shall assess building space located in or near such buildings to determine the availability of space that can be reasonably renovated, constructed, leased or acquired to accommodate child care facilities to serve the child care needs of such officers and employees.

(b) Whenever a state agency constructs, leases or acquires a building where there is or will exist a need for child care for state officers' and employees' minor dependents, the state agency shall consider providing space for a child care facility in or near such building. If the state agency determines that providing such space is feasible, the agency shall include necessary provisions therefor in the budget estimate and program statement for any capital improvements proposed to such building. If the state agency determines that the establishment of such space is not feasible, the agency shall submit such determination, together with substantiating documentation, with such budget estimate and program statement.

(c) A need for child care is considered to exist if there is a need for child care for 50 or more children or minor dependents of state officers and employees employed in a building or building complex, as determined by a survey of such officers and employees.

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(d) The secretary of administration shall report to the governor and the legislature on or before January 1 of 1992 and each year thereafter regarding the results of the assessment conducted pursuant to subsection (a) and space provided for child care facilities pursuant to subsection (b).

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

1 (1) On real property leased by a city to others under the pro-
2 visions of K.S.A. 12-1740 through 12-1749, and amendments thereto,
3 if such real property is actually being used for hotel or motel purposes
4 or purposes incidental thereto.

5 (2) In any state owned or operated building or structure, and on
6 the surrounding premises, which is furnished to and occupied by
7 any state officer or employee as a residence.

8 (3) On premises licensed as a club or drinking establishment and
9 located on property owned or operated by an airport authority cre-
10 ated pursuant to chapter 27 of the Kansas Statutes Annotated or
11 established by a city having a population of more than 200,000.

12 (4) On the state fair grounds on the day of any race held thereon
13 pursuant to the Kansas parimutuel racing act.

14 (5) On the state fairgrounds, if such liquor is domestic wine or
15 wine imported under subsection (e) of K.S.A. 41-308a, and amend-
16 ments thereto, and is consumed only for purposes of judging
17 competitions.

18 (6) In the state historical museum provided for by K.S.A. 76-
19 2036, and amendments thereto, on the surrounding premises and
20 in any other building on such premises, as authorized by rules and
21 regulations of the state historical society.

22 (7) On property exempted from this subsection (c) pursuant to
23 subsection (d), (e), (f) ~~or (g)~~, (g) or (h)

24 (d) Any city may exempt, by ordinance, *from the provisions of*
25 *subsection (c) specified property, the title of which is vested in such*
26 *city, from the provisions of subsection (e) or in which such city*
27 *has a leasehold interest if the owner or owners of the property*
28 *consent to such exemption.*

29 (e) The board of county commissioners of any county may ex-
30 empt, by resolution, ~~specified property, the title of which is vested~~ from the provisions of subsection (c)
31 in such county ~~from the provisions of subsection (c)~~

32 (f) The state board of regents may exempt from the provisions
33 of subsection (c) specified property which is under the control of
34 such board and which is not used for classroom instruction, where
35 alcoholic liquor may be consumed in accordance with policies
36 adopted by such board.

37 (g) The board of regents of Washburn university may exempt
38 from the provisions of subsection (c) specified property the title of
39 which is vested in such board and which is not used for classroom
40 instruction, where alcoholic liquor may be consumed in accordance
41 with policies adopted by such board.

42 (h) ~~Violation of any provision of this section is a misdemeanor~~
43 ~~punishable by a fine of not less than \$50 or more than \$200 or by~~

Any city may exempt, by ordinance, from the provisions of subsection (c) any national guard armory in which such city has a leasehold interest, if the Kansas military board consents to the exemption.
(i)

HOUSE BILL No. 2320

By Representatives Sebelius and Wagnon

2-13

8 AN ACT concerning families; providing for establishment of a dem-
9 onstration family resource center program to provide child care
10 and supportive services to certain families.
11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) The secretary of ~~human resources~~, in cooperation
14 with the state board of education, shall establish and coordinate a
15 demonstration family resource center program to provide compre-
16 hensive child care services, remedial educational and literacy serv-
17 ices, families-in-training programs and supportive services to parents
18 who are recipients of aid to families with dependent children and
19 other parents in need of such services. The family resource centers
20 shall be located in at least two public schools, one located in an
21 urban area and one in a rural area. ~~The secretary of human resources~~
22 ~~shall determine the manner in which the grant recipients of such~~
23 ~~program, such as municipalities, boards of education and child care~~
24 ~~providers, shall be selected.~~ The family resource center shall provide:

social and rehabilitation services

25 (1) Quality full-day child care for children age three and older
26 who are not enrolled in school and child care for children enrolled
27 in school up to the age of 12 for before and after regular school
28 hours and on a full-day basis during school holidays and school
29 vacation, in compliance with all state statutes and rules and regu-
30 lations governing child day care.

31 (2) Support services to parents of newborn infants to ascertain
32 such parents' needs and to provide such parents with referrals to
33 other services and organizations and, if necessary, education in par-
34 enting skills for such parents.

35 (3) Support and educational services to parents whose children
36 are participants in the child care services of the program and who
37 are interested in obtaining a high school diploma or its equivalent.
38 Parents and their preschool age children may attend classes in par-
39 enting and child learning skills together so as to promote the mutual
40 pursuit of education and enhance parent-child interaction.

41 (4) Training, technical assistance and other support by the staff
42 of the center to family day care providers in the community and
43 shall serve as an information and referral system for other child care

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1 needs in the community or shall coordinate with such systems as
2 may already exist in the community.

3 (5) A families-in-training program to provide, within available
4 appropriations, community support services to expectant parents and
5 first-time parents of children under the age of three. Such services
6 shall include, but not be limited to: (A) Providing information and
7 advice to parents on their child's language, cognitive, social and
8 motor development; (B) visiting a participant's home on a regular
9 basis, organizing group meetings at the center for neighborhood
10 parents of young children; and (C) providing a reference center for
11 parents who need special assistance or services. The program shall
12 provide for the recruitment of parents to participate in such program.

13 (6) A ~~sliding scale of payment for day care services at the center.~~
14 ~~The center shall also provide a~~ teen pregnancy prevention program
15 for adolescents, emphasizing responsible decision-making and com-
16 munication skills.

17 (b) ~~The secretary of human resources may provide grants to mu-~~
18 ~~nicipalities, boards of education and child care providers to carry~~
19 ~~out the purposes of subsection (a).~~ Each family resource center shall
20 have a program administrator who has at least two years' experience
21 in child care or early childhood education and a master's degree in
22 child development or early childhood education.

23 Sec. 2. This act shall take effect and be in force from and after
24 its publication in the statute book.

: (1) _____ programs
administration of

, early childhood education, counseling, family
life or a related field; or (2) at least five
years' experience in administration of child care
or early childhood education programs and a
bachelor's degree in child development, early
childhood education, counseling, family life or a
related field.

(c) Each family resource center shall have a
schedule of fees for services of the center which
is based on ability to pay.

(d) The secretary of social and
rehabilitation services may provide grants to
carry out the purposes of this section and shall
determine the manner in which grant recipients
shall be selected.