

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Jim Barnett at 1:35 p.m. on March 4, 2010, in Room 546-S of the Capitol.

All members were present.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Renaë Jefferies, Office of the Revisor of Statutes
Iraida Orr, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Amanda Nugeyn, Intern, Kansas Legislative Research Department
Jan Lunn, Committee Assistant

Members of the public attending as listed on the attached list

Senator Barnett welcomed those attending and announced that work will continue on **SB 447 - Child care; supervision of children and licensing and inspection of child care facilities.** Chairperson Barnett provided a summary of telephone and e-mail communications received and reviewed various comments from the public. He reported that e-mails and the telephone calls documented had been distributed to committee members. Chairperson Barnett also reported that many individuals sending e-mail correspondence supported language to include providers be CPR certified. He expressed appreciation to those members of the public who presented facts and opinions concerning this legislation.

Senator Barnett recognized Senator Kelly who had suggested a conceptual amendment to **SB 447** following testimony heard on February 1, 2010. Senator Kelly commented that collaborating with stakeholders had resulted in a draft conceptual amendment that was reviewed and discussed by committee members at the February 25 and the March 2, 2010, meetings. Senator Kelly withdrew her conceptual draft amendment and distributed a revised balloon amendment to **SB 447** for additional review and discussion by committee members.

Committee members discussed the proposed amendment. Senator Pilcher-Cook indicated that she had reviewed the statistics presented in testimony related to 22 deaths in the past three years with two deaths occurring in unregistered/unlicensed day care homes. She indicated that the proposed legislation may be well intentioned, however, she proposed addressing and enforcing the current statute in lieu of imposing additional, restrictive language that could be difficult to enforce.

Upon a motion by Senator Kelly to adopt the balloon amendment distributed and discussed to **SB 447**, and a second by Senator Schmidt, the motion passed.

Senator Schmidt distributed a balloon amendment to **SB 447**. This is the amendment previously discussed on March 2 and focuses on children under age 5. The balloon amendment contains language related to supervision for a sleeping child. Senator Schmidt emphasized that because so many children are in child care at some point in their life, it is essential these settings be as safe as supervised as they can be.

Senator Brungardt commented Senator Schmidt's amendment was a compromise he was willing to support, particularly, since the focus on supervising napping children was included (statistics presented in testimony indicate many deaths occur while a child is asleep). Senator Brungardt indicated this amendment points to the importance of supervision as a means to protect small children.

Senator Pilcher-Cook expressed doubtful concern that this legislation could be enforced and suggested the language be rewritten to eliminate reference to stipulating visual supervision time intervals for sleeping children.

Senator Colyer supported the amendment indicating risks of Sudden Infant Death Syndrome (SIDS) and suffocation often occur during sleep; the amendment sets the standard for visual supervision.

CONTINUATION SHEET

Minutes of the Senate Public Health and Welfare Committee at 1:30 p.m. on March 4, 2010, in Room 546-S of the Capitol.

Upon a motion by Senator Schmidt and a second by Senator Brungardt to adopt the balloon amendment presented by Senator Schmidt; the motion passed.

Senator Huntington offered another balloon amendment which eliminates the language in Senator Kelly's amendment limiting the number of infants in family day care homes to 2 infants under 24 months of age. Senator Huntington's recommendation is to leave the number of infants to 3 under 18 months of age (which is the current law).

Senator Pilcher-Cook supported Senator Huntington's amendment and suggested the amendment include increasing the number of children for whom a provider could care. Current statute indicates a provider could care for a total of 6 children.

Senator Huntington opined that the more children for whom you care, the less supervision that is available. Senator Huntington moved the amendment being discussed (3 infants under 18 months of age) for adoption; Senator Schmidt seconded the motion. The motion passed.

Senator Haley distributed a balloon amendment that defines "repeated violations" and provides a consequence for such repeated violations (Section 5 (e)). Senator Haley moved his amendment which was seconded by Senator Kelsey. The motion passed.

Senator Barnett questioned whether CPR certification should be included in the proposed legislation. Following discussion, it was determined that CPR certification will be included in the Rules and Regulations.

Senator Pilcher-Cook clarified her position as strongly in support of standards for good daycare centers; however, she indicated that prior to passing this legislation current problems should be addressed. She expressed concern that with the passing of this legislation and additional rules and regulations, unintended negative impact could result on parents, providers, and others.

Upon a motion by Senator Huntington and a second by Senator Kelly to incorporate all amendments into a **Senate Substitute for SB 447** and to pass out favorably to the Senate, the motion carried.

Senator Barnett thanked Senator Lynn (who introduced the bill), Steve and Alecia Patrick and Bryan and Kim Engelman for bringing the issue forward. The meeting was adjourned at 2:27p.m.