

SESSION OF 2015

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 2043**

As Recommended by Senate Committee on  
Public Health and Welfare

**Brief\***

Senate Sub. for HB 2043 would, by changing the definition of “secretary,” allow the Secretary for Aging and Disability Services to request criminal background information from the Kansas Bureau of Investigation for determining eligibility for employment, initial and continuing, or for participation in programs involving vulnerable children or adults administered by the Kansas Department for Aging and Disability Services (KDADS) since the enactment of 2012 Executive Reorganization Order (ERO) No. 41. The bill also would make technical amendments to update statutory and agency references related to ERO No. 41.

**Background**

The Senate Committee on Public Health and Welfare added the contents of SB 39, as amended by the Senate Committee on Judiciary, to HB 2043 and created a substitute bill. Both bills relate to ERO No. 41.

**ERO No. 41.** The ERO was issued by Governor Sam Brownback on July 1, 2012. The ERO changed the name of the Department of Aging to the Kansas Department for Aging and Disability Services and changed the name of the Department of Social and Rehabilitation Services (SRS) to the Kansas Department for Children and Families (DCF). Under the ERO, certain services were transferred or

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

consolidated within these departments and the Department of Health and Environment.

**HB 2043.** In the House Committee on Health and Human Services, a representative from KDADS testified as a proponent of the original bill. She stated administration for State hospitals and other institutions serving vulnerable adults and children was transferred from DCF to KDADS by ERO No. 41. She further stated amending the bill would give KDADS the authority to request background checks on employees or potential employees of those hospitals and institutions. No opponent or neutral testimony was provided.

In the Senate Committee on Public Health and Welfare, a representative of KDADS testified in favor of the original bill. She stated statutory language authorizing SRS to complete background checks was amended in 2013 to replace SRS with DCF, reflecting administrative changes made by the ERO. The proponent noted KDADS has relied on the existing statute for authority to complete background checks since the ERO transferred administration of the State hospitals and other institutions from SRS to KDADS. She further stated an audit of the program by the Federal Bureau of Investigation noted KDADS needed express statutory authority to complete the background checks. No neutral or opponent testimony was submitted.

According to the fiscal note on the original bill prepared by the Division of the Budget, in consultation with DCF and KDADS, the bill would not have a fiscal effect on the State revenues or expenditures of either agency.

**SB 39.** The bill was introduced by the Senate Committee on Public Health and Welfare.

In the Senate Committee on Judiciary, a KDADS representative submitted written testimony in support of the bill. No neutral or opponent testimony was submitted.

The Senate Committee on Judiciary made an additional technical amendment to the bill suggested by KDADS.

In an informational hearing before the Senate Committee on Public Health and Welfare, a representative of KDADS provided written testimony in favor of the bill. No other testimony was submitted.

According to the fiscal note on the original bill prepared by the Division of the Budget, the bill would have no fiscal effect.