

Journal of the House

THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 10, 2001, 11:00 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.
The roll was called with 123 members present.

Reps. Kline and Miller were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Neil Weatherhogg, pastor, First Presbyterian Church,
Topeka:

A moment of silence was observed in memory of Rep. Miller's father.

Almighty God—King of kings and Lord of lords—we pray for your blessing today upon these legislators here gathered and upon their families, near and far away. Assure them of your guidance and protection so that they may be quiet in spirit, clear in judgment, able to understand the complex issues that face them.

May they think often of the common people on whose behalf they must speak and act, taking into consideration those whose voices are rarely heard because they have no advocates, no lobbyists. In their deliberations this day, grant them patience, courage, foresight and faith. In their anxieties be their security; in their opportunities be their inspiration.

May they look beyond party affiliations and political loyalties so that in the essentials they may find unity; in nonessentials, liberty; and in all things, charity. This we ask in your holy name. Amen.

The Pledge of Allegiance was led by Rep. Dreher.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were introduced and read by title:

HB 2023, An act concerning juveniles; relating to school attendance; amending K.S.A. 38-1502 and 38-1602 and K.S.A. 2000 Supp. 72-1113 and repealing the existing sections; also repealing K.S.A. 38-1502d, by Joint Committee on Corrections and Juvenile Justice Oversight.

HB 2024, An act concerning the disposition of tobacco litigation settlement proceeds; creating the disabled persons fund; providing for certain transfers from the Kansas endowment for youth fund; amending K.S.A. 38-2101 and repealing the existing section, by Representative Myers (By Request).

HB 2025, An act concerning retirement; relating to the Kansas public employees retirement system and systems related thereto; retirement benefits and certain increases thereof; amending K.S.A. 2000 Supp. 74-4922 and repealing the existing section, by Representative Myers (By request).

HB 2026, An act concerning the state long-term care ombudsman; prescribing certain powers and duties; amending K.S.A. 2000 Supp. 75-7301 and repealing the existing section, by Representative Myers.

HB 2027, An act concerning public health and welfare; relating to the funding for home and community based services for the frail elderly (HCBS-FE) program of the department on aging; prescribing certain powers, duties and functions for preparation of caseload

estimates; amending K.S.A. 2000 Supp. 75-3717 and repealing the existing section, by Representative Myers (By request).

HB 2028. An act concerning school district finance; revising the definition of school facilities weighting; amending K.S.A. 2000 Supp. 72-6407 and repealing the existing section, by Committee on Appropriations.

HB 2029. An act relating to sales taxation; exempting certain sales to Parkinson's disease support associations; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, by Representative Huff.

HB 2030. An act relating to sales taxation; exempting sales of certain coins and bullion therefrom; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, by Representative McCreary (By request).

HB 2031. An act concerning insurance; relating to risk-based capital requirements; amending K.S.A. 40-2c01 and repealing the existing section, by Committee on Insurance.

HB 2032. An act concerning professional malpractice liability screening panels; relating to providing copies of opinions to the insurance commissioner; amending K.S.A. 2000 Supp. 60-3505 and 65-4904 and repealing the existing sections, by Committee on Insurance.

HB 2033. An act concerning insurance; requiring a report to the legislature regarding providing coverage for certain mental illnesses, by Committee on Insurance.

HOUSE CONCURRENT RESOLUTION No. 5003—

By Representative Myers

A CONCURRENT RESOLUTION urging the Kansas Legislature to enact legislation to expand the prohibitions on employment in adult care homes and home health agencies and to expand the provisions for the criminal background check.

WHEREAS, K.S.A. 39-970 provides that a person may not be employed by an adult care home if such person has been convicted of committing a crime against another person listed in (a)(1) of that statute, however, such person may be employed in an adult care home if five or more years have elapsed since such person satisfied the sentence imposed even though such person was convicted of committing a crime against a person as enumerated in (a)(2) of that statute; and

WHEREAS, K.S.A. 2000 Supp. 65-5117 provides that a person may not be employed by a home health agency if such person has been convicted of committing a crime against another person listed in (a)(1) of that statute, however, such person may be employed by a home health agency if five or more years have elapsed since such person satisfied the sentence imposed even though such person was convicted of committing a crime against a person as enumerated in (a)(2) of that statute; and

WHEREAS, Both K.S.A. 39-970 and K.S.A. 2000 Supp. 65-5117 provide that the operator of an adult care home or home health agency is to request a background check on employees of the adult care home or home health agency from the Department of Health and Environment for determining whether such employee is subject to the provisions of either statute and the Department is to notify the operator if such person is in violation of the statutes; and

WHEREAS, House Bill 2700 of the 2000 legislative session would have amended K.S.A. 39-970 and K.S.A. 2000 Supp. 65-5117 by expanding the list of crimes to include attempt of one of the specified crimes in (a)(1) of both statutes, conspiracy to commit one of the crimes, and criminal solicitation to commit one of the crimes; 2000 House Bill 2700 also provided that the Secretary of Health and Environment was to provide a copy of the background check to the requestor, including the juvenile history; and

WHEREAS, Governor Graves vetoed 2000 House Bill 2700 because the bill presented possible privacy violations; and

WHEREAS, For the safety and welfare of those living in adult care homes or those living in home health agencies persons convicted of felonies should not be employed in adult care homes or home health agencies: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature of the State of Kansas expand the prohibitions on employment in adult care homes and home health agencies of persons having any criminal

convictions or any adjudications and expand the procedures used to obtain a written pass/fail statement based on the background check for persons employed by adult care homes or home health agencies.

HOUSE CONCURRENT RESOLUTION No. 5004—

By Representative Myers
(By Request)

A CONCURRENT RESOLUTION urging the expansion and development of housing assistance programs in the Department of Commerce and Housing to provide universal housing opportunities for all Kansans and urging the creation of incentives to promote the construction of universally designed housing.

WHEREAS, Demographically, the population of the United States is growing older; according to the United States Bureau of the Census, nationally there are almost 34,000,000 Americans aged 65 and over, roughly 12% of all Americans; the elderly population increased eleven-fold from 1900 to 1994, while the nonelderly increased only three-fold; if Census Bureau predictions prove accurate, the American population will increase by almost 50% from 1995 to 2050, while the 65 and over age group will increase by 135%; and

WHEREAS, In Kansas, the aging trend is more pronounced; according to 1990 census statistics, nearly 15% of Kansans were age 65 or older; in addition, among the fifty states, Kansas has the fifth highest percentage of citizens aged 85 and over; according to the Kansas Division of the Budget, the number of the state's citizens aged 85 or more will double in the next 10 years; and

WHEREAS, A significant number of elderly Kansans live in rural areas; according to the United States Department of Agriculture, 35% of Kansans aged 65 and over lived in communities with a population of less than 2,500; and

WHEREAS, Many of the elderly live on fixed incomes; Social Security was the major source of income for older couples and individuals in 1992, providing 40% of the total household income and providing at least half of the total income for 63% of beneficiaries in 1992. The median income of older persons in 1995 was \$16,684 for males and \$9,626 for females and more than half of all elderly persons over age 75 who lived alone had incomes below \$10,000 in 1992 and 86% had incomes below \$20,000; and

WHEREAS, The Governor's 1999 Housing Task Force identified many deficiencies in the state's housing inventory noting a critical lack of affordable housing and a genuine deficiency of housing of any nature in rural areas; and

WHEREAS, Growth in the elderly population has outpaced growth in the supply of nursing home beds. While the supply of nursing home beds for people 75 years and over dropped 17% from 1987 to 1996, functional disability has increased. While almost 72% of 1987 nursing home residents needed help with three or more activities of daily living 83% of such residents needed assistance in 1996; and

WHEREAS, Living in their own homes enables the elderly to maintain their independence, with security, comfort and dignity, while at the same time reducing the demand for institutional bed space; and

WHEREAS, Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The intent of universal design is to simplify life for everyone by making products, communications, and the built environment more usable by as many people as possible at little or no extra cost: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That existing housing assistance programs of the Department of Commerce and Housing, including the State Housing Trust Fund, interim development loans and private activity bonds, be expanded in an effort to increase the state's housing inventory; and

Be it further resolved: That additional housing assistance programs of the Department of Commerce and Housing, including the Homeowner Emergency Rehabilitation Opportunities (HERO) Program, the Homeowner Rehabilitation of Existing Property Program and the Weatherization Assistance Program, be expanded and that additional strategies and programs be developed and implemented to provide universal housing

opportunities for all Kansans to meet the increasing demand for such housing due to demographic shifts; and

Be it further resolved: That the Kansas Legislature be urged to create monetary incentives to promote the development of universally designed homes and that the restrictions placed on the adaptive housing tax credit contained in K.S.A. 79-32,175 with respect to level of income and handicapped occupancy be eliminated.

HOUSE CONCURRENT RESOLUTION No. 5005—

By Representative Myers

(By Request)

A CONCURRENT RESOLUTION urging the Kansas Legislature to appropriate increased funding for the Department of Social and Rehabilitation Services for the purpose of providing adequate funding to enable community health centers to provide adequate services for those people who formerly received such services from state hospitals which have been closed and to enact legislation providing parity in health insurance coverage for persons suffering from mental illness.

WHEREAS, Mental illness is the second most frequent cause of disability in industrialized nations; and

WHEREAS, Each year one in five Americans experience or suffer from some type of mental disorder or serious mental illness including, but not limited to, schizophrenia, anxiety disorder or clinical depression; and

WHEREAS, Such severe mental illnesses are treatable disorders of the brain; and

WHEREAS, The State of Kansas has closed some of its hospitals which provided treatment for the mentally ill; and

WHEREAS, Not all of the people who formerly were treated for mental illness by these hospitals which were closed have been assimilated into the local community mental health centers; and

WHEREAS, Some of these people who formerly were treated for mental illness have been housed in local jails because there was no other place for them to go; and

WHEREAS, The Department of Social and Rehabilitation Services does not receive the funding necessary to provide an adequate level of care and treatment for the people who formerly were treated for mental illness; and

WHEREAS, The Department of Social and Rehabilitation Services needs additional funding to provide an adequate level of care and treatment for the people who formerly were treated for mental illness; and

WHEREAS, Many health insurance policies discriminate against persons afflicted with severe mental illness by imposing more restrictions on coverage for the treatment of mental illness compared to the coverage provided for other medical problems; and

WHEREAS, At least 28 states have enacted legislation concerning health insurance that provides some form of mental health parity; and

WHEREAS, During the 2000 legislative session, the Kansas Legislature considered three bills concerning mental health parity, Senate Bill No.160, Senate Bill No. 547 and House Bill No. 2765, but none were passed; and

WHEREAS, The time has come for the State of Kansas to join the majority of states by enacting legislation concerning health insurance to provide mental health parity for its citizens: Now, therefore;

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas Legislature increase funding for the Department of Social and Rehabilitation Services for the purpose of providing adequate funding to enable community mental health centers to provide adequate services for those people who formerly received such services from state hospitals which have been closed; and

Be it further resolved: That the Kansas Legislature enact legislation to provide health insurance parity for persons with mental illness.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to committees as indicated:

Agriculture: **HB 2011.**

Appropriations: **HB 2003, HB 2014, HB 2017, HB 2022; HCR 5002.**
 e-Government: **HB 2004.**
 Environment: **HB 2002.**
 Federal and State Affairs: **HB 2020, HB 2021.**
 Health and Human Services: **HB 2015.**
 Higher Education: **HB 2001, HB 2013, HB 2016, HB 2018.**
 K-12 Education: **HB 2019.**
 New Economy: **HB 2005.**
 Rules and Journal: **HR 6004.**
 Taxation: **HB 2006, HB 2007, HB 2008, HB 2009.**
 Transportation: **HB 2012.**
 Utilities: **HB 2010.**

COMMITTEE ASSIGNMENT CHANGES

The following appointments have been made to budget committees:

Agriculture and Natural Resources Budget: Reps. Flora, Klein and Larkin.

Education and Legislative Budget: Reps. Grant, Nichols and Reardon.

General Government and Human Resources Budget: Reps. Alldritt, Kuether and Shriver.

Public Safety Budget: Reps. Feuerborn, Gatewood and Minor.

Social Services Budget: Reps. Ballard, Henry and J. Williams.

Tax, Judicial and Transportation Budget: Reps. Spangler and Thimesch.

The following changes have been made in committees:

Rep. Alldritt is removed from Tax, Judicial and Transportation Budget.

Reps. Grant, Larkin and Thimesch are removed from Committee on Transportation; Reps. Crow, Loganbill and Phelps are appointed to Committee on Transportation. Rep. M. Long is appointed Ranking Minority Member of Committee on Transportation.

Rep. Loganbill is removed from Committee on Utilities; Rep. Alldritt is appointed to Committee on Utilities.

Rep. Alldritt is removed from Committee on K-12 Education; Rep. Loganbill is appointed to Committee on K-12 Education.

Reps. Garner, Larkin and McKinney are appointed to Committee on Interstate Cooperation.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Thursday, January 11, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

