

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin Littlejohn at _____
Chairperson

1:30 a.m./p.m. on February 9, 1984 in room 423-S of the Capitol.

All members were present except:

Rep. Kenneth King, excused

Committee staff present:

- Emalene Correll, Research
- Bill Wolff, Research
- Norm Furse, Revisor
- Sue Hill, Secy. to Committee

Conferees appearing before the committee:

Visitor's register, Attachment No. 1.

Chairman called meeting to order, calling attention to fiscal note on HB 2761. (See Attachment No. 2.), for details.

Motion to approve minutes was made by Rep. Friedeman, seconded by Rep. Cribbs for meetings on February 2, February 6, February 7, February 8th. Motion carried.

Discussion and possible action on HB 2762, HB 2101, HB 2105, HB 2723, HB 2761.

HB 2762:

Chairman stated to committee that he had talked with Secy. Hougland and Secy. Harder and made the recommendation that lines 53 through 56, page 2 of HB 2762, (the penalty section of the bill), be stricken. Both Ms. Hougland and Dr. Harder agreed they would have no objections to that. Chairman stated he wanted committee to have this information before they went into discussion on the bill.

Lengthy discussion took place by committee, i.e., employee against employer being an unvomfortable situation; technical language; impact on strength of bill if lines 27,28,29 are deleted, etc.

Rep. Blumenthal moved to amend HB 2762 by deleting lines 53 through 56, and report it favorably. Motion seconded by Rep. Branson. More discussion.

Rep. Walker made a substitute motion to strike lines 27,28,29, in HB 2762, to strike "an employee", and insert, "any certified employee". And on line 34, striking, "SRS", inserting, "to their immediate supervisor who shall". Substitute motion seconded by Rep. Buehler. Clarification questions answered by revisor. Lengthy discussion ensued. Rep. Buehler withdrew his second to substitute motion, and Rep. Williams seconded the substitute motion. Vote taken, division called. Show of hands indicated 9 for, 8 against. Substitute motion passes.

Rep. Blumenthal moved to table HB 2762, motion seconded by Rep. Cribbs. Question called, motion carried. HB 2762 is tabled.

HB 2101

There was clarification on technical points in lines 36 through 40, by revisor. Rep. Hassler moved to have the technical changes made as advised by Norm Furse. Motion seconded by Rep. Branson, motion carried. Discussion. It was then decided this bill would be passed over today, and taken up again next week for discussion.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
 room 423-S, Statehouse, at 1:30 a.m./p.m. on February 9, 1984

HB 2761

Chairman stated to committee that after adjournment of House this date, Dr. Robert Harder came to Chairman and said that after he had had a conversation with some people in regard to HB 2761, he would just as soon this bill be killed until such time that he could sit down and have a meaningful 3-way conversation with the Kansas Medical Society, and Kansas Pharmacists Assoc. He suggested that committee kill HB 2761 for this session. Rep. Buehler moved that HB 2761 be passed out adversely, motion seconded by Rep. Wagnon, motion passed. Let the minutes also show that Rep. Buehler and Rep. Wagnon agreed on this point.

HB 2723

Rep. Branson gave hand-out to committee. (Amendments to HB 2723), see (Attachments 3-A, and 3-B), see for details.

May it be noted here a hand-out from Department of Transportation in regard to HB 2723 was distributed to committee on a previous meeting date, and will be marked at this time as (Attachment No. 4.) with today's minutes.

Revisor, Norm Furse read amendments 3-A, 3-B, pointing out technical specifics. After discussion, Rep. Branson moved to amend HB 2723, as follows: on page 2, following line 52, by inserting "(c) no parent or legal guardian charged with violating the provisions of this act shall be convicted if such parent or legal guardian produces in the office of the arresting officer or in court proof that the child is four years of age or older." Motion seconded by Rep. Long. Discussion continued, i.e., tourists being included or exempt; enforcement a problem with tourists; 40 pounds, (weight of child), rather than 4 years of age be considered as criteria for restraining; different sizes of restraint seats available; etc. Vote taken, motion carried, HB 2723 amended as proposed.

Rep. Blumenthal moved to delete the age of 4 years and add, "40 pounds", motion seconded by Rep. Friedeman. Lengthy discussion. Rep. Blumenthal then withdrew his motion, saying he only wished to strengthen the bill, not handicap it. Rep. Friedeman felt language regarding 40 pounds would serve to strengthen the bill, and it is what he prefers, but then also withdrew his second. Further discussion ensued.

Rep. Williams gave hand-out to committee, (see Attachment No. 5.), for news article. He moved that HB 2723 be amended to read as per his amendment, (see Attachment No. 6.), on page 1, lines 25 and 26, by striking, "passenger car as defined in K.S.A. 8-1445 and amendments thereto" and inserting in lieu thereof "private passenger vehicle"; in line 34, delete "passenger cars" and insert "private passenger vehicle"; in line 37, following the period, by inserting the following: "As used in this section, "Private passenger vehicle", means any privately-owned motor vehicle as defined in K.S.A. 8-1437 and amendments thereto other than motorized bicycles, motorcycles or motor-driven cycles." (In essence, he said, this move includes pick-up trucks. Motion seconded by Rep. Friedeman. More discussion, i.e., concerns that the bill might get bogged down, families having to purchase several safety seats when they can not afford to do so; higher penalty for non-compliance was mentioned; safety of children as important in pick-ups as in cars; etc. Question called on Rep. Williams motion, vote taken, division called, show of hands indicated 4 for and 13 against, motion loses.

Rep. Roenbaugh moved to pass HB 2723 out favorably as amended, seconded by Rep. Reinhardt, question called by Rep. Blumenthal, motion carried.

HB 2105

It was recommended that HB 2105 lie dormant and let die at end of this session.

Chairman commended committee members for their healthy discussion and participation in action on bills taken this date. Meeting adjourned 2:55 p.m.

Attn #2
2-9-84

The Honorable Marvin Littlejohn, Chairperson
Committee on Public Health and Welfare
House of Representatives
Third Floor, Statehouse


Dear Representative Littlejohn:

SUBJECT: Fiscal Note for House Bill No. 2761 by Committee
on Public Health and Welfare

In accordance with K.S.A. 75-3715a, the following fiscal
note concerning House Bill No. 2671 is respectfully submitted to
your committee.

House Bill No. 2761 would amend K.S.A. 65-1637 to prohibit
prescribing practitioners from not allowing bioequivalent generic
substitution for brand name prescription drugs for Medicaid
recipients. In other words, a pharmacist could fill a
prescription for a Medicaid client utilizing generic drugs rather
than a name brand prescription.

The Department of Social and Rehabilitation Services
estimates that the provisions of House Bill No. 2761 could reduce
Medicaid expenditures by \$500,000 per year. Of this amount,
approximately \$275,000 would be a reduction in expenditures from
the State General Fund. The bill becomes effective July 1, 1984.
Any reduction in expenditures for FY 1985 occurring from the
passage of House Bill No. 2761 would reduce expenditures as
contained in the 1985 Governor's Budget Report.


Richard E. Koerth
Principal Budget Analyst
For the Director of the Budget

REK:sr

Attn #2
2-9-1984

Attn 3-a
2-9-84
CRH2723pl

PROPOSED COMMITTEE REPORT

MR. SPEAKER:

Your Committee on

Recommends that House Bill No. 2723

"AN ACT amending the child passenger safety act; providing for a penalty; amending K.S.A. 8-1344, 8-1345 and 8-1347 and repealing the existing sections."

Be amended:

On page 2, following line 52, by inserting "(c) No parent or legal guardian charged with violating the provisions of this act shall be convicted if such parent or legal guardian produces in the office of the arresting officer or in court proof that the child is four years of age or older."

Attn. 3-a
2-9-1984

PROPOSED COMMITTEE REPORT

MR. SPEAKER:

Your Committee on

Recommends that House Bill No. 2723

"AN ACT amending the child passenger safety act; providing for a penalty; amending K.S.A. 8-1344, 8-1345 and 8-1347 and repealing the existing sections."

Be amended:

On page 2, in line 51, after "trial" by inserting "that the child was four years of age or older or"

Attn. 3-B
2-9-1984

KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

FEBRUARY 7, 1984

attn #4
2-9-84

MEMORANDUM TO: House Committee of Public Health and Welfare

FROM: John B. Kemp, P.E.
Secretary of Transportation

REGARDING: Child Passenger Safety

As Secretary of the Department of Transportation, I have a sincere commitment to child passenger safety and support further means of reducing injuries and fatalities to child passengers in highway accidents.

About 10 child passengers, four years of age and under, are fatally injured in Kansas automobile accidents each year. Hundreds more sustain injuries some permanently disabling. In response to the safety needs of our young children, the 1981 Legislature enacted legislation designed to protect child passengers from death and serious injury; the Child Passenger Safety Act.

On April 13, 1981 Governor John Carlin signed House Bill 2208 into law creating the Child Passenger Safety Act; making Kansas one of six states to enact such legislation. The Act requires that every parent or legal guardian of a child under the age of two shall use an approved child passenger safety restraining system when transporting such child in the front seat section of a passenger car. These provisions do not apply to children transported in vehicles registered in another state nor to transportation in a temporary substitute vehicle.

The KDOT first developed its child passenger restraint program in September, 1979. Correspondence, brochures and posters were designed for handouts as a part of the program. The agency distributed 58,000 copies of the brochure to a variety of organizations throughout the state.

The KDOT purchased approximately 50 copies of a child safety restraint film produced by Physicians for Automotive Safety. These have been loaned to directors of seat-loan programs for use in parent education and pre-natal classes. A special brochure was designed and printed in 1981 for distribution to the Kansas Highway Patrol and other law enforcement agencies, of which 70,000 copies have been distributed.

The KDOT has purchased and distributed over 5,300 child passenger restraining seats to child safety-seat loan programs in about 60 counties with the assistance of the Kansas Department of Health and Environment. These loan programs are sponsored by county health departments, county extension offices, hospitals, Red Cross Chapters and other non-profit organizations.

attn #4
2-9-1984

Memorandum To: House Committee of Public Health and Welfare
February 7, 1984
Page 2

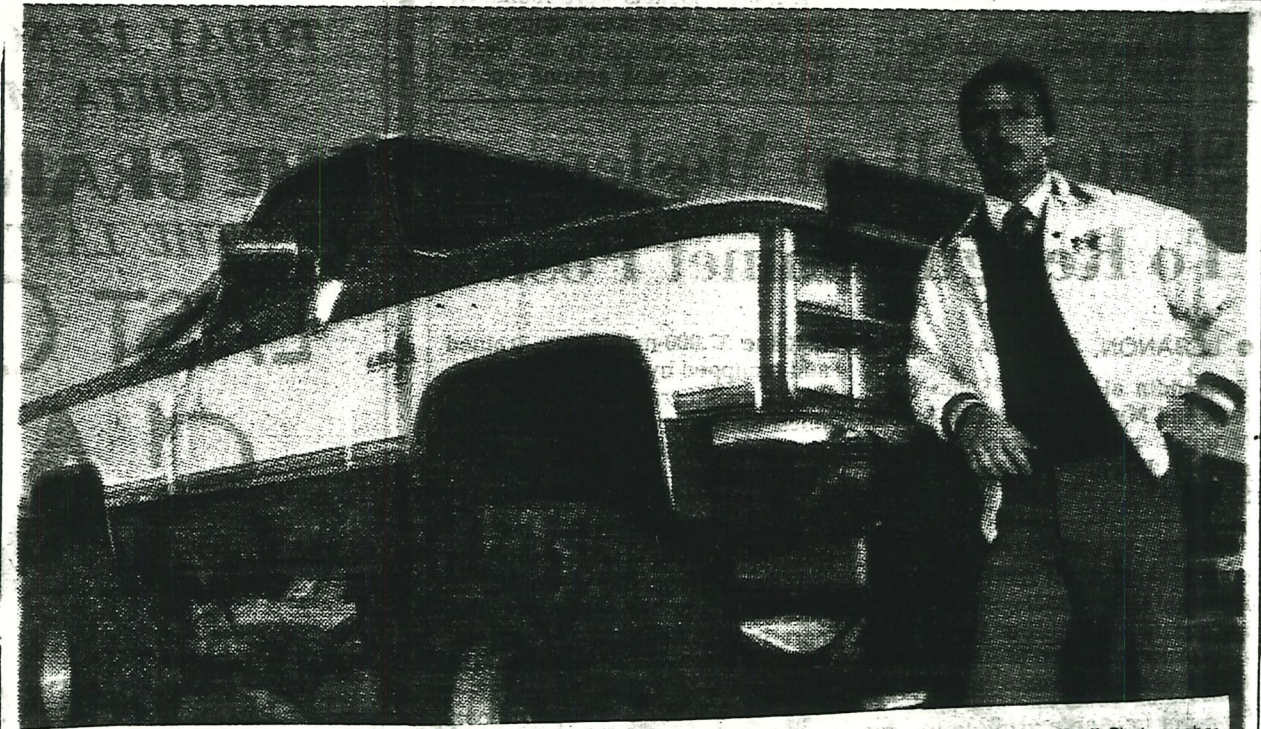
In response to our commitment for child passenger safety, I appointed a Child Passenger Safety Advisory Committee in 1982 to review the Kansas child passenger fatality and injury rates, consider the effectiveness of the 1981 Child Passenger Safety Act, and advise the Department of Transportation of possible actions the Department could take that would be most effective in reducing the number of child passengers injured or killed in Kansas in motor vehicle accidents. Certain of these recommendations are reflected in this bill.

I have already adopted and approved rules and regulations for the performance, design, and installation of child passenger safety restraining systems for use in passenger cars for children who weigh not more than fifty pounds. These agency rules and regulations are in accordance with federal motor vehicle safety standards.

Our work in this area is not yet complete. I consider the child passenger safety issue as one of great importance and wholly support the concept of strengthening the existing law. Although amending the law will not in itself ensure increased usage of child restraints, I believe the proposed legislation could assist in providing greater protection for young child passengers. I would therefore ask the Committee to favorably consider House Bill 2723.

Thank you.

Attn #5
2-9-84



Bill Youmans/Staff Photographer

Rick Jones of Wichita hasn't used the bed of his 3-month-old Chevy pickup truck yet, and doesn't plan to — he says he bought the truck for recreation, not work.

Trucks Stealing a Kiss From Car Love Affairs

By Tom Webb
Staff Writer

Roger Hall is a distinguished looking fellow who lives in Andale, works as an ophthalmologist, and last month bought his first pickup truck.

That might not sound like big news in Kansas, the heart of America's "Truck Belt," and it isn't.

But hold on a minute. Why would an ophthalmologist need a Chevrolet four-wheel-drive pickup truck?

"I BOUGHT it partly to use it for ranch-type work — it's a four-wheel drive — and partly to get around in conditions like this," Hall explained shortly after his purchase, waving toward the snowy streets of Wichita. "It seems that the roads here get worse every year."

Now take the case of Rick Jones, manager of Duff's Famous Smorgasbord in west Wichita. Jones has never used the bed of the \$16,000 1984 four-wheel drive Chevy Silverado pickup he bought three months ago, and he doesn't plan to.

"I don't want to scratch it up," Jones said. Driving home the point that practicality wasn't one of the reasons he picked a pickup, Jones added: "My tag says PLAY N, and that's all I use it for."

IF YOU ask Kansans why they drive pickup trucks, you'll hear a lot of reasons, not all practical, from

"A pickup truck says 'I'm tough and I'm business. I'm functional.'"

—Don Malzahn

students and businessmen, salesmen and attorneys — people who don't need trucks for work. This group comprises the newest wave of an old Kansas love affair: a man and his pickup truck.

"It's a personal statement of image, like red sports cars — you're making a statement about yourself," said Don Malzahn, a Wichita State University associate professor of industrial engineering. "A Jeep says 'I can go anywhere I damn well please,' and it's kind of fun. A pickup truck says 'I'm tough and I'm business. I'm functional.'"

Malzahn doesn't claim to be an expert on pickups, but he knows something about psychology and waxed a bit about how pickup trucks have become "the urban horse" — with grooming, feeding and all.

"I THINK the image thing is real important," he said. "There are cheaper ways to get transportation, you know."

● PICKUPS, 7A, Col. 1

Attn #5
2-9-84

PICKUPS, From 1A

There are indeed, but transportation isn't the only selling point. And the big truck manufacturers have made money pitching a macho lifestyle.

"We have definitely expanded our markets into a more educated, white-collar type of buyer," said Steve Lyons, truck and powertrain marketing manager for Ford Motor Co. "That's a phenomenon that really grew up in the 1970s, with people who had only an occasional use for one. It has become an image vehicle, an image of a certain way of life. I think it's a western image."

ALL THIS might dismay farmers and ranchers, who use pickups largely as work vehicles, but pickup ownership around the country has become more and more popular in the past decade. And in Kansas, where pickup trucks have long been popular, statistics suggest they're more popular than ever.

When the Wall Street Journal recently asked what was the most popular vehicle on the road in each state, it discovered that in Kansas it was the 1979 model of the Chevrolet C-10 pickup. In second place was the 1974 model of the Chevy C-10.

It may be more than mere coincidence that both '79 and '74 were very good years for wheat growers.

THERE'S NO doubt, however, that Kansans like pickup trucks, and Chevrolet trucks most of all. The people who make Ford trucks dispute that, but that's what the numbers show. The figures come from R.L. Polk & Co., an independent, Detroit-based company that collects them for the auto industry.

In fact, Kansas is in America's "Truck Belt," which starts in Montana and North Dakota and sweeps down to the Gulf of Mexico. That shouldn't surprise anyone in Kansas — least of all someone like Dick Hatfield.

"We sell more pickups than we do cars in Augusta," said Hatfield, who owns Dick Hatfield Chevrolet. "I think you can find the Chevy dealers will sell about as many trucks as they do cars."

IN ALL, there is about one pickup truck in Kansas for every two cars — a figure far higher than the national average.

The Kansas Department of Revenue reports that in 1982 there were 694,000 trucks registered in Kansas, along with 1.3 million automobiles. New car and truck sales for 1982 held that two-to-one margin.

The Kansas Motor Car Dealer's Association credits "the state's rural and agricultural nature" for the popularity of pickup trucks.

But forget the numbers for a minute. Just drive down any state road and sooner or later you'll find the most popular vehicle in Kansas, a 1979 Chevrolet C-10. You might even spot Kevin Reffner of Wichita in his.

"THE MAIN reason I drive it is that we transfer merchandise between our three stores," Reffner said. Kevin belongs to the Reffner sporting goods family, and he uses

his truck for business. Well, he does drive it home, too.

Reffner also typifies the newer breed of pickup truck owner — younger, more urban and less blue collar.

For years, the Kansas pickup truck market was dominated by farmers, ranchers and construction workers, analysts say. To a degree, it still is.

"In your area of the country, the full-sized pickup is mostly what that market is," said Lyons, the manager at Ford. "Our sales number shows that over 50 percent of the trucks sold there are full-sized pickups. That's unusual."

While farmers and ranchers may still be the backbone of the truck market, Lyons said, the market exploded during the 1970s for another kind of buyer: the man who didn't use his pickup as a work vehicle.

General Motors Corp., for example, saw its truck sales double between 1970 and 1977, even though the farm population was declining. Ford Motor Co. saw much the same thing.

WHAT MANY of those buyers were after, psychologists theorize, is the pickup truck image.

"Usually when people buy something, they're putting a little bit of themselves into what they're buying," said David Mazur, a staff psychiatrist at the Menninger Foundation in Topeka. Mazur guessed — correctly — that the big surge in pickup truck buying has occurred within the last decade. He has some theories why.

"I think the pickup truck has a certain image of it: strength, pow-



"We sell more pickups than we do cars in Augusta. I think you can find the Chevy dealers will sell about as many trucks as cars."

—Dick Hatfield

er, utility, being rough." Mazur said. "I think a lot of things have happened in the last decade that make it important to reassert that kind of image."

Mazur has more than an academic interest in pickups. He owns one — a big ol' 1978 Ford F-150. And he clearly doesn't need it for his job.

"When I think of my pickup truck," he said, "I think of hauling my boat, I think of carrying my dogs, I think of building things, I think of going hunting — all those things that tend to bolster my image of myself."

IT'S WIDELY accepted that men buy the vast majority of pickup trucks, but getting numbers that prove it is a tricky business.

"It's a hard thing to pin down even on cars," said Al Rothenberg, manager of media relations for the Automotive Motor Vehicle Association in Detroit, "but if I had to estimate, I'd guess that 90 percent of the pickup trucks in America are bought by men."

And not just young men, either. In the Wichita area — an urban center — the percentage of pickup truck buyers is fairly constant between 25 and 65 years old.

Of course, you don't need numbers to tell you that men of all ages like to drive pickups. Just ask Roger Hall, our ophthalmologist friend, why his pickup truck has a front tag that says, "Bad 4 x 4"?

"Oh, my son did that," Hall insists. "It's partly for him to drive, too. He takes it to school every day. Today's the first day I've been able to get it away from him."

Proposed Amendment to House Bill No. 2723

Be Amended:

On page 1, in lines 25 and 26, by striking "passanger car as defined in K.S.A. 8-1445 and amendments thereto" and inserting in lieu thereof "private passenger vehicle"; in line 34, delete "passenger cars" and insert "private passenger vehicle"; in line 37, following the period, by inserting the following: "As used in this section, "Private passenger vehicle" means any privately-owned motor vehicle as defined in K.S.A. 8-1437 and amendments thereto other than motorized bicycles, motorcycles or motor-driven cycles."

~~att: 7~~
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att: 6
2-9-84

Attn. #6
2-9-1984