

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANSThe meeting was called to order by Senator Paul Hess at
Chairperson11:30 a.m./p.m./ on April 25, 1984 in room 123-S of the Capitol.All members were present except:
Senators Steineger and FranciscoCommittee staff present:
Research Department: Lynne Holt
Revisor's Office: Norman Furse
Committee Office: Doris Fager, Mark SkinnerConferees appearing before the committee:
Stephen Robertson, Health Insurance Association of America
John Peterson, Kansas Association of Professional Psychologists
Sherman Parks, Kansas Chiropractic Association
Paul Klotz, Association of Community Mental Health Centers of Kansas
Ron Todd, State Insurance Department
Representative Ben Foster
Gerald Chase, private citizen
Barbara Sabol, Secretary, Department of Health and Environment
Robert Eye, Department of Health and Environment
Tom Tunnell, Kansas Grain and Feed Dealers' Association
John Blythe, Kansas Farm BureauHB 3064 - Certificates of Insurance issued, renewed or delivered within or outside state

Mr. Robertson said the concept of HB 3064 could be devastating to the insurance industry. He explained that the legislation basically states that an out-of-state group contract for which an employer has entered into for his employees, in addition to being governed by the state in which it was entered into, is now covered by Kansas Law. He noted that the Senate Insurance Committee had decided the law was not necessary.

Mr. Robertson continued by stating that all 50 states now require newborn coverage in contracts; therefore, the provision is not necessary. As to the four professionals that are covered in HB 3064, almost all states require this, also. He said that most insurance companies go ahead and pay these claims.

Mr. Robertson further stated that employers who are multi-state employers want one set of insurance available to all employees; and want them all to be treated the same.

In answer to questions from committee members, Mr. Robertson said that most states follow present Kansas law in this area.

Mr. Peterson said the legislation before the committee is supported by chiropractors, certified psychologists, dentists and optometrists. He suggested that Mr. Robertson's concern is not so much SB 3064 as something which may happen in the future. The bill does not mandate coverage--it merely says the laws which have been adopted as public policy for Kansas must include optometrists as well as ophthalmologists. It must include psychologists as well as psychiatrists. Mr. Peterson said the bill had full hearings in the House before two different committees, with representatives of the Health Insurance Industry present. There was no opposition and it passed the House by a margin of 122-1.

HB 3064 - Continued

Mr. Parks distributed Attachment A, and indicated he agreed with Mr. Peterson.

Mr. Klotz indicated that he would like to see K.S.A. 40-2,105 added by an amendment. This would then include mental health centers who provide certain services. There was a brief discussion about this request.

Mr. Todd said he did not feel that the provisions of HB 3064 should bother employers. He noted that there are some employees in Johnson and Wyandotte Counties who do not get the same coverage as other in Kansas. He said the Insurance Department feels this bill should be enacted from a consumer standpoint.

There was additional discussion concerning Mr. Klotz' request. It was noted that the mental health centers part of the bill would be a mandatory option for insurance coverage; whereas, the coalition of health providers who requested the bill are suggesting that if the coverage is offered it must include members of that coalition.

Following additional discussion, motion was made by Senator Werts and seconded by Senator Bogina to report HB 3064 favorably for passage. The motion carried by roll call vote.

Substitute for House Bill 2643 - Statue on Capitol Dome

Representative Foster compared the completion of the dome by adding a statue to completion of murals within the capitol building. He reminded the committee that there are no state funds involved. There would simply be appropriation of funds donated by individuals and private enterprise. He strongly urged favorable consideration.

Motion was made by Senator Talkington and seconded by Senator Gaines to amend the title of the bill to change the "3" to "4" to correct an error. The motion carried by voice vote.

Mr. Chase submitted suggestions for a statue (Attachment B) and briefly reviewed his suggestions. The committee suggested that, if the legislation passed, he would have opportunity to present his suggestions to the Kansas Arts Commission.

Motion was made by Senator Hein to include the White Plume statue in the bill. The motion lost for lack of a second.

Motion was made by Senator Gaines and seconded by Senator Doyen to delete the words "Such work of sculpture shall not be a representation of any goddess or god." The motion carried by voice vote.

Motion was made by Senator Werts and seconded by Senator Talkington to delete the words "currently residing" in subsection (2) and insert instead the words "having current residence". The motion carried by voice vote.

Motion was made by Senator Doyen and seconded by Senator Gaines to report Sub. for HB 2643 as amended favorably for passage. The motion carried by roll call vote.

SB 874 - Air Contaminant Source Regulation

Secretary Sabol testified that the Legislature passed a bill during the 1983 session which provided that the Department of Health and Environment should promulgate regulations as to fees. That fee structure is currently in place, there are continuing inspections, issuance of permits, and charging of fees. She said SB 874 would eliminate certain categories of facilities

SB 874 - Continued

from the KDHE regulations. She suggested there would be a fiscal impact on the State General Fund if this bill were passed, and said she felt present law is important in regulating the environment. In answer to a question from Senator Gaines, Secretary Sabol said the fee could be from \$40 to \$400 annually. She said inspections had been made for a number of years, but the fees were initiated by SB 514 of the 1983 Legislature.

Mr. Eye added that the bill exempts agricultural related facilities from reporting requirements currently in place in the statute. These reports are what the KDHE relies upon to keep files up to date as to changes in processing capacity, construction modifications, etc. He said that, without this reporting, it would be difficult to administer inspections. In answer to a question from Senator Hess, Mr. Eye said compliance has been nearly 100%.

There followed several questions about air pollution in small towns versus large urban areas.

Mr. Tunnell said the bill actually changes Kansas regulations to comply with federal recommendations of 100 ton per year of emission. By raising the standards to 100 ton, grain elevators are eliminated. There would be approximately 770 grain elevators eliminated under this bill. There would be 220 which would be under the inspection statute.

Mr. Tunnell said he had heard testimony about the fiscal note on this bill. He said the industry has spent millions of dollars to meet both federal and state regulations. He said it is felt the request is valid to exempt grain elevators, many of which operate only two weeks out of the year.

Following his testimony, Mr. Tunnell answered questions from committee members.

Mr. Blythe said he agrees with Mr. Tunnell that, if this bill is not passed, the department will continue their present policy of imposing regulations ten times more stringent than the Federal regulations. He suggested the department has come to the wrong conclusion about health hazards, and commented that dust from elevators is not nearly as bad as dust from a combine.

Motion was made by Senator Werts and seconded by Senator Talkington to direct staff to clarify the definitions in Section (g). The motion carried by voice vote.

Motion was made by Senator Talkington and seconded by Senator Werts to report SB 874 as amended favorably for passage. The motion carried by roll call vote.

HCR 5094 - Modifying K.A.R.s, air quality control, agricultural related activities.

Motion was made by Senator Warren and seconded by Senator Talkington to report HCR 5094, with amendments to clarify definitions as in SB 879, favorably for passage. The motion carried by roll call vote.

HCR 5069 - Modifying K.A.R. 63-3-20, prefinanced funeral agreements
HCR 5070 - Revoking K.A.R. 66-6-3, professional conduct for the technical professions

Senator Werts explained both of the concurrent resolutions before the committee and answered questions from committee members.

Motion was made by Senator Werts and seconded by Senator Hein to report HCR 5069 and HCR 5070 favorably for passage. The motion carried by roll call vote.

Sub. for HB 3121 - Division of information services and communication established within Department of Administration

Dr. Harder, Secretary of Administration, said he was appearing at Representative Meacham's request. He explained that the bill before the committee was recommended by the House Ways and Means subcommittee for the Department of Administration. Dr. Harder said he agrees that the time has come to place the Telecommunications and DISC into a single division with an unclassified person to lead it. He said the other element in the bill is that the czarist responsibility for data processing would be transferred to his office. Dr. Harder said that, after much thought and consideration, he is supportive of the bill.

Dr. Harder continued by stating that the cost of both areas included in the measure are rising abruptly and he has spent a large portion of his time trying to understand the complexities of data processing. He stressed that there could be an investment of approximately \$31 million in hardware alone for that area, and he feels it is a major responsibility of his office. He said that he viewed the role of the new director as having primary responsibility to try to get a handle on the entire area. In addition, because the state may be required to develop its own telephone system, someone is needed who can be responsible for that, also.

Senator Bogina asked about the situation of the two present directors should this bill be passed. Dr. Harder said they would be assistant directors of the unit they presently direct, and their titles would be changed. He said no thought had been given to salary changes. Senator Bogina said he felt that if those positions were downgraded it would be more practical. Dr. Harder said technical competence and managerial capability are not necessarily identical, and there may be expert technicians who cannot do the proper kind of planning. He stressed that he needs help, and the creation of the new position would provide him with the kind of help he needs. He concluded by stating that he is normally sceptical about reorganization measures, but he thinks this measure is important.

There was no action on HB 3121.

The meeting was adjourned by the Chairman.

SUMMARY OF HB 3064

House Bill 3064 would close a loophole that exists under our insurance laws. Currently group insurance contracts are not covered by Kansas insurance laws if they are issued in another state and if the master policy is also delivered outside of Kansas. This is true even though numerous certificates of insurance coverage may be delivered in Kansas to participants who live or work in our state.

HB 3064 would provide that four sections of the Kansas Insurance Statutes would apply to such policies. Those four sections deal with mandatory insurance coverage for newly born children (K.S.A. 40-2,102) and with the freedom of the insured to choose the health care provider of their choice for covered benefits (K.S.A. 40-2,100, 40-2,101, and 40-2,104). These statutes say that if a particular scope of coverage is included within a policy and if the covered services can lawfully be performed by a practitioner licensed under the Board of Healing Arts, or by an optometrist, dentist, or certified psychologist, then those services may be reimbursed if they are provided by one of those providers as well as if by a medical doctor.

The Insurance Commissioner's Office supported HB 3064 so that all Kansans would be covered by these current insurance laws and not excluded merely because a master group policy was delivered to an office out of state.

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POSSIBLE QUESTIONS

Does Kansas do this in other areas?

Yes, for example, the Insurance Commissioner's Office is given jurisdiction over credit life, accident and health insurance under K.S.A. 16a-4-203.

What groups are supporting this legislation?

This bill is supported by, in addition to the Insurance Commissioner's Office, the Kansas Dental Association, the Kansas Optometric Association, the Kansas Chiropractic Association and the Kansas Association of Professional Psychologists.

Would this not raise insurance rates for health insurance?

This bill, except for the mandatory coverage of newborn infants does not mandate coverage in any fashion and the newborn coverage for infants is the law in almost every state, if not in every state. These Kansas vendorship statutes merely state that if the policy already covers the service then it can be provided by a person licensed to perform that service. For example, if a policy does not provide coverage for eye care, these provisions do not mandate it. But if the policy does provide for eye care, then the insured can choose to go to an optometrist as well as to an ophthalmologist.

Are there any other advantages?

The current situation discriminates against Kansas insurance companies, as well as consumers. Kansas insurance companies inherently must issue their policy from Kansas and therefore come under the provisions of Kansas statutes. HB 3064 simply states that these statutory provisions will apply to Kansas employees and Kansas residents regardless of where the policy is issued. It would allow Kansas insurance companies to bid for that business with the same rules in force for both in state and out of state companies.

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40-2,100. Insurance coverage to include reimbursement or indemnity for services performed by optometrist, dentist or podiatrist. Notwithstanding any provision of any individual, group or blanket policy of accident and sickness, medical or surgical expense insurance coverage or any provision of a policy, contract, plan or agreement for medical service, issued on or after the effective date of this act, whenever such policy, contract, plan or agreement provides for reimbursement or indemnity for any service which is within the lawful scope of practice of any practitioner licensed under the healing arts act of this state, reimbursement or indemnification under such policy contract, plan or agreement shall not be denied when such services are performed by an optometrist, dentist or podiatrist acting within the lawful scope of their license.

History: L. 1973, ch. 194, § 1; July 1.

40-2,101. No policies, contracts or agreements for medical service shall deny reimbursement or indemnification for any service within scope of practice licensed under Kansas healing arts act. Notwithstanding any provision of any individual, group or blanket policy of accident and sickness, medical or surgical expense insurance coverage or any provision of a policy, contract, plan or agreement for medical service, issued on or after the effective date of this act, whenever such policy, contract, plan or agreement provides for reimbursement or indemnity for any service which is within the lawful scope of practice of any practitioner licensed under the Kansas healing arts act, reimbursement or indemnification under such policy contract, plan or agreement shall not be denied when such service is rendered by any such licensed practitioner within the lawful scope of his license.

History: L. 1973, ch. 195, § 1; July 1.

40-2,102. Insurance coverage for newly born children; notification of birth. All individual and group health insurance policies providing coverage on an expense incurred basis and individual and group service or indemnity type contracts issued by a profit or nonprofit corporation which provides coverage for a family member of the insured or subscriber shall, as to such family members' coverage, also provide that the health insurance benefits applicable for

children shall be payable with respect to a newly born child of the insured or subscriber from the moment of birth.

The coverage for newly born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

If payment of a specific premium or subscription fee is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly born child and payment of the required premium or fees must be furnished to the insurer or nonprofit service or indemnity corporation within thirty-one (31) days after the date of birth in order to have the coverage continue beyond such thirty-one day period.

History: L. 1974, ch. 190, § 4; July 1.

40-2,103. Same; time when provisions required in policies. The requirements of this act [*] shall apply to all insurance policies and subscriber contracts delivered or issued for delivery in this state more than one hundred twenty (120) days after the effective date of the act [*].

History: L. 1974, ch. 190, § 5; July 1.

* "This act," see, 40-2,102, 40-1809, 40-1909, 40-19a10.

40-2,104. Insurance coverage to include reimbursement for services performed by certified psychologist. Notwithstanding any provision of an individual or group policy or contract of health and accident insurance, delivered within the state whenever such policy or contract shall provide for reimbursement for any service within the lawful scope of practice of a duly certified psychologist within the state of Kansas, the insured, or any other person covered by the policy or contract shall be allowed and entitled to reimbursement for such service irrespective of whether it was provided or performed by a duly licensed physician or a duly certified psychologist.

History: L. 1974, ch. 189, § 1; July 1.

40-2,105. Insurance coverage for reimbursement of services rendered in treatment of alcoholism, drug abuse and nervous or mental conditions. Unless refused in writing, every insurer, which issues any group policy of accident and sickness, medical or hospital expense insurance which provides for reimbursement or indemnity



"WHITE PLUME"
THE CONSUMATE CHOICE
FOR THE CAPITOL DOME .

POSSITIVE ISSUES :

NOT " JUST " A WORK OF ART ***** BUT ECONOMIC ACTIVITY
1 ---An historically meaningful symbol --- As a wind vane it augments
the " Land of Ah's " theme by going to the roots of our name;
it then leads through our more recent past and our present. It
even implies though various inovations some of our possible future.

2 --- It is proposed as a GIFT to Kansas, and Kansans of the future; from
some Kansans of today; in honor of past Kansans.

3 ---It is a source of more jobs, created or sustained, in order to
complete such a building project. A few of the larger categories
follow :

TO RAISE FUNDS

ADVERTISING --- concept creation & then --
1) media, 2) papers 3) direct mail, etc.

MEMORABELIA --- 1) manufacture 2) distribution
3) sales

COLLECTOR ISSUES --- (many of the above)

TO SET FINAL SPECEFICATIONS

Engineering --- 1) archetectural
2) areonautical
3) mechanical
4) structural

EXECUTION

Building and manufacturing of the actual parts ---

1) foundry 2) machining
3) assembly 4) electrical
5) the actual sculpting of the statue

Putting in place ---

1) construction within the dome
2) setting and securing
3) activating & adjusting control features

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4 --- As to monies involved : not JUST no tax monies BUT a possible source of some additional revenue for the state

- A) a maximum gift deduction of \$10,000.00 forces money eventually into higher brackets securing greater tax.
- B) also included in the project plan will be tourist viewing apparati that would provide some continuing income.

5 --- As in any other building project ; the funds will pump right back into the states economy to boost our recovery.

- A) THIS COULD NEVER BE A ONE MAN OPERATION

6 --- A SYMBOL OF KANSAS INGENUITY

- A) The wind vane feature ,in keeping with our name is QUITE UNIQUE.
- B) Space Age Technologies not possible 80 to 90 yrs. ago.
 - 1) aerodynamics in the design
 - 2) space age lubricants and bearings
 - 3) Fiber Optics for internal maintainance of air safety beacon; poss. aided by solar power cells.
 - ? ? ? 4) even poss. use of magnetic field to further reduce or control friction. Again , solar cells could poss. play a part.

7 ---IT ALL ADDS UP TO AN ATTRACTION FOR TOURISTS NOT LIKELY TO BE DUPLICATED.

Respectfully asking your support ;

Gerald B. Chase

Gerald B. Chase



Little White Bear,

WORK COPY

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White Plume

(Mon Chonsie)

"He who scores all men."



The Wolf



Man of Good Sense



White Plume (Mon-chonsia; or Nom-pa-wa-rah), who was for some years considered head chief of the Kansa Indians. Portrait (1821?) by artist Charles Bird King, as reproduced from the McKenney and Hall *History of the Indian Tribes of North America*.

PORTRAIT OF INDIAN ANCESTOR OF CHARLES CURTIS TO LIGHT

White Plume, Who Was the Great-Great-Grandfather of the Late Vice-President, Sat for the Painter, Alfred Miller, Whose Sketches Are to be Exhibited Next Week.

BY MRS. CLYDE H. PORTER.

A CHANCE remark of Judge Henry Bundschu, while attending a showing of Alfred Miller sketches at Kansas City's Art institute last January, has brought to light a portrait of the great-great-grandfather of the late Vice-President Charles Curtis. White Plume, full blooded chief of the Kansas tribe, handsome in feature, wrapped in his buffalo robe, replete with multiple ear bangles and wampum chains and with his silver peace medal upon his chest, looks an ancestor to be proud of.

The fabulous story of Charles Curtis's life exemplifies the fact that only in democratic United States can men born in log cabins rise to the highest offices of their country and it proves the importance of grandmothers.

January 25th, 1860, in a cabin on the site of present day North Topeka, then a part of the Kaw reservation, Charles Curtis was born to Ellen Papin and her Yankee husband, Capt. Orrin Curtis. Ellen, one quarter Indian and three quarters French, was the daughter of the owner of the local ferry and when Captain Curtis, who had trekked through Iowa and Southeast Nebraska in a party headed by Preston Plumb, secured a job on the ferry their romance developed. Julie had been fathered by Louie Gonville, a trader among the Indians, and her mother was the daughter of Chief

White Plume. White Plume in turn was the grandson of the powerful chief Pawhuska of the Osages.

White Plume, who's Indian name, Wom-pa-wa-ra, meant "He who scares all men", during the days of his life had little opportunity for scaring as the fortunes of his tribe were at low ebb. The buffalo had migrated west. Poor and reduced in numbers and with a sparse supply of wild turkeys and prairie hens to live on, all fight had gone out of the tribe, and it was of necessity living in amity with the white intruders.

Through his father, Orrin Curtis, Charles acquired a vastly different heritage. The ancestors of his white grandmother, Permelia Hubbard Curtis, had settled in Massachusetts in 1621 and then moved on to New Hampshire. Her husband, a New York stater, had emigrated to Indiana as a young man. Permelia, born on the banks of the Housatonic river in Massachusetts in 1807 had come overland by wagon to Michigan in 1817 and settled below Detroit. She saw the National road built from Cincinnati to Detroit, but not liking the climate she moved in 1821 to Indiana and there in 1825 married William Curtis. They bought a farm on which they lived for thirty-one years and reared seven sons and seven daughters.

Son Orrin liking Kansas quickly persuaded his parents to sell out and in 1856 they joined him. After his marriage to Ellen Papin he took her to live on the overland stage



WHITE PLUME, GREAT-GREAT-GRANDFATHER OF THE LATE VICE-PRESIDENT CHARLES CURTIS, FROM THE PORTRAIT BY ALFRED MILLER, WHO PAINTED FROM LIFE THE PICTURE OF THE CHIEF OF THE KANSAS TRIBE.

route between Atchison and Denver and she served the finest of meals to the travelers.

When the little Charles was 3 months old Ellen, having attended the convent at St. Mary's, took her son there for Roman Catholic bap-

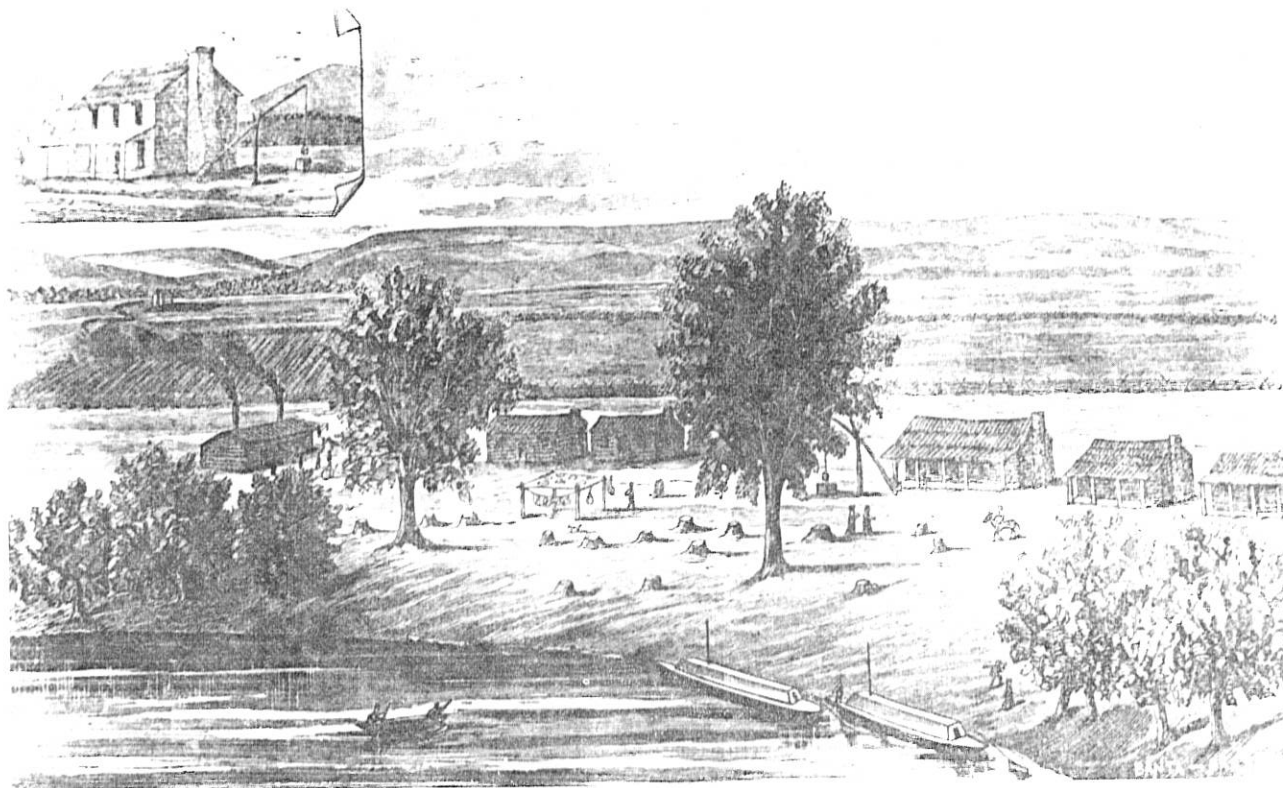
tism, but on her death three years later while her husband was at war, that fact was lost sight of. Soon his father married again and Charles acquired a half-sister, Dolly. The little boy remained with his Indian grandmother and later

moved to Council Grove, where the age of 8 he became a hero. The Cheyennes, on the path, determined to exterminate whites and all Indians friend them and had surrounded the reservation. The besieged Indians sent the boy seventy miles with message to the white soldier Topeka, who saved the day.

The boy remained there with white grandmother and his father. He sold apples and peanuts at a railway station in summer and to school in the winter. When hearing that his mother's tribe to be moved into Indian territory he planned to go along, but the Indian Julie, fearful of the uncertain future of the reds, persuaded him to stay with his white relatives.

As Charles grew older he became a jockey and won many races. Methodist Grandmother Permelia took a hand. Ambitious that he receive an education, she persuaded him to exchange racing for driving and he began to read Bible stone in his hack and went to school in the day time. At 21 Charles was admitted to the bar; three years later he became a county attorney. At 32 he won his seat in the United States house of Congress which he held fifteen years and then went to the Senate, the first person with Indian ancestry to do so. Entitled to tribal acreage in Oklahoma territory, he went every year to tribal festivities.

Charles Curtis married Anna Gann in Topeka in 1884 and two daughters and a son were born, but his first died before his political fortunes brought the vice-presidency of Herbert Hoover, and his half-sister Dolly. Mrs. Edward Everett Curtis made social history with her husband for precedence as his official hostess. Curtis met defeat with her and settled in Washington with Ganns in whose home she died February of 1936. As he la-



The Kansa subagency on the Kansas River south of Williamstown, first operated by Daniel Morgan Boone and Dunning McNair. Cyprian and Frederick Chouteau had a trading post there (*inset*), and Chief White Plume's village was nearby.



CONFERENCE OF KAW INDIANS (KANSAS) WITH THE UNITED STATES' COMMISSIONER OF INDIAN AFFAIRS.—(SEE PRECEDING PAGE.)





White Plume
age 90 - Spring of 1858

He was scalped and left for
dead in a battle with
the Sioux of Cheyenne
many years ago.

He died in 1858 in
A. M. Condit.

