

Approved: February 24, 1994  
Date

## MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chairperson Joann Flower at 1:30 p.m. on February 22, 1994 in Room 423-S of the Capitol.

All members were present except:

Committee staff present:

William Wolff, Legislative Research Department  
Norman Furse, Revisor of Statutes  
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Mary Jane Stattleman, Assistant Attorney General, Civil Division, Specialist on ADA  
Martha Gabehart, Kansas Commission on Disability Concerns  
Jane Knight, State American Disabilities Act Coordinator  
Trudy Aron, American Institutes of Architects  
Mike Oxford, Kansas Assn. of Centers of Independent Living, (Written only)  
Andrew O'Donovan, Commissioner, Bureau of Alcohol/Drug Abuse Services, Department of SRS,  
(Written only)  
Robert Miller, Bureau of Alcohol/Drug Abuse Services, Department of SRS (answered questions)  
Gene Johnson, Ks. Association of Alcohol & Drug Program Directors  
(Written only)-Richard Pfeiffer, Community Mental Health, Crawford County  
(Written only)-John Gilbert, Mirror, Inc., Newton, Kansas

Others attending: See attached list

Chair called the meeting to order drawing attention to Committee minutes for February 16, asking members to read them. If there are corrections contact Committee secretary by 5:00 tomorrow, February 23. If no corrections or additions, these minutes will be considered approved as presented.

Chair reversed the order of business as scheduled on the posted agenda, drawing attention to **HB 3028**.

Chair agreed to forego a staff briefing.

## HEARINGS BEGAN ON **HB 3028**.

Mary Jane Stattleman, Assistant Attorney General speaking on behalf of Attorney General, Robert Stephen offered a hand-out (Attachment No. 1). She noted over the past several years it has been apparent there are discrepancies between the federal and state laws related to access to public building for individuals with disabilities. **HB 3028** if enacted would eliminate these discrepancies. This past year a group of individuals from both the private and public sector and the disability community have worked together to bring to compliance the state and federal laws relating to assisting individuals with disabilities to obtain access to private and public buildings. Changes proposed do not change the enforcement role of any governmental entity and should simplify the building code officials' role. She noted there will be no fiscal impact, and actually may decrease costs of complying with the American Disabilities Act.

Ms. Stattleman distributed an amendment that had been proposed by the various individuals that worked together, laboriously. (See Attachment No. 2). She drew attention to page 3, line 10, of **HB 3028**, noting after the word "the, she suggested adding the words, "design and". This was erroneously omitted when the balloon amendment was drafted. Ms. Stattleman answered numerous questions.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S  
Statehouse, at 1:30 p.m. on February 22, 1994.

### HB 3028 continued:

It was noted by Ms. Stattleman, the members of the Committee that worked diligently on refining language dealing with access to churches and private clubs, were from the Department of Administration; Office of the Attorney General; Division of Architectural Services, ARC Services, AIA of Kansas, Kansas Association of Centers for Independent Living, Commission on Disability Concerns, Office of the State Fire Marshall, Human Rights Commission, Board of Education, with all working together since last May to formulate the language provided today in Attachment No. 2. Ms. Stattleman noted this legislation applies only to building accessibility.

Martha Gabehart, Executive Director, Kansas Commission on Disability Concerns, Kansas Department of Human Resources offered hand-out (see Attachment No.3) HB 3028, if enacted, would change current language regarding the specifications for making buildings accessible to people with disabilities to more closely parallel the Americans with Disabilities Act Accessibility Guidelines. The Kansas Commission Disability Concerns (KCDC) is in support of this measure up to Section 12, which amends accessibility tax credit for principal dwellings and business. She noted the tax portion has been amended into HB 2687 which is currently in the Senate Taxation Committee. She drew attention to technical changes recommended in Section 5, line 8 on page 3, i.e., "T" should be lower case, "t". In Section 6, line 39, page 3, "this act" should be inserted. Ms. Gabehart stated she had discussed these recommendations with Revisor, Ms. Kiernan and she was in agreement these changes should be made. Ms. Gabehart then answered numerous questions.

Jane Knight, State ADA Coordinator, (see Attachment No.4), also a member of the group that drafted the balloon and HB 3028, believes it is important and necessary to bring the state law into conformity with the ADA. She noted, there would be no fiscal impact. She urged support.

Trudy Aron, Executive Director, American Institute of Architects spoke in support for HB 3028, (see Attachment No. 5). HB 3028 as amended would make Kansas' accessibility standards for buildings identical to the public law passed by the federal government in the Americans With Disabilities Act (ADA). Current law has led to confusion, and perhaps even some non-compliance, since building owners have had trouble understanding differences between the federal law and state law.

Mr. Mike Oxford had prepared written testimony in support for HB 3028. He was unable to attend in person and requested his testimony be distributed to Committee members. (See Attachment No.6).

### HEARING CLOSED ON HB 3028.

Chair drew attention to SB 448 requesting a briefing by staff.

Dr. Wolff gave a comprehensive explanation of SB 448, i.e., the issue is whether or not the language (rules and regulations and standards ) meets the definition of what a rule and regulation is. He drew attention to chapter 77 of statutes, article 4, 77415. He read the definition, noting the language states, "includes standards". He gave a detailed explanation, noting the Committee on Rules and Regulations could see the importance of clarification, thus, the proposed language in SB 448 to strike "and standards", and to say whatever it is the secretary might want to do, must do by rules and regulations.

Written testimony had been provided by Mr. Andrew O'Donovan, Department of Drug/Alcohol Abuse Services. Mr. Robert Miller from the Drug and Alcohol Abuse Services Department was present to answer questions. It was noted the testimony was written in opposition to SB 448, since it would eliminate language referring to the standards they have used for many years. There were questions.( See Attachment No. 7)

A lengthy discussion ensued, regarding authority to regulate a business that had not complied with regulations or had failed the examination. It was brought out that the authority to regulate comes from rules and regulations. Rules and regulations have the force and effect of law, while "standards" have no force of the law, therefore, if a license had been revoked because a person had violated a "standard", it might be difficult to take any administrative action against that party because of the lack of authority. Only a rule and regulation that has gone through the Filing Act, has the force in effect of law. Guidelines and standards are just that, i.e., can give guidance, but are not something the Agency can take an enforcement action on.

Gene Johnson, stated he was speaking in opposition for SB 448. in behalf of the Kansas Community Alcohol Safety Project Coordinators Association, the Kansas Alcoholism/Drug Addiction Counselors Association, the Kansas Association of Alcohol/Drug Program Directors, (Attachment No. 8). He stated,

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 423-S  
Statehouse, at 1:30 p.m. on February 22, 1994.

there is no sufficient need to change the present legislation for licensing and certification of alcohol and other drug treatment programs. As a Program Director, he noted he relies on the standards in order to operate a quality program for those individuals that the program services. Employees know what standards they are expected to maintain and do so. He stated, in regard to **SB 448**, "if it ain't broke, why fix it?"

Mr. Johnson then drew attention to hand-outs from conferees who were scheduled to give testimony on February 17, but were unable to do so that day as House session ran long and the Committee meeting was canceled.

See (Attachment No. 9) from, Mr. Mike Pfeiffer, Executive Administrator of Community Mental Health Center of Crawford County.

See (Attachment No. 10), from Mr. John F. Gilbert, Assistant Director, Mirror, Inc. Newton, Kansas.

A lengthy discussion began regarding the interpretation of "standards", and "rules and regulations". There were differences in the interpretation.

Mr. Furse, when asked to clarify, read from the statutes from the rules and regulations filing act, i.e., volume 6, 77-415 page 675. "Rule and regulation and words of like effect mean a standard, statement of policy or general order, including amendments or revocations thereof, of general application and having the effect of law, issued or adopted by a state agency to implement or interpret legislation." He explained, i.e., the word "standard" simply means rule and regulation, so, if this agency is adopting standards that aren't rules and regulations, then they are not complying with the Rules and Regulations Filing Act. Therefore, they must be adopting what they are calling guidelines on how to comply with rules and regulations. Indicated in **SB 448** on lines 16-22, is the real authority for what the agency may do, whether you call it a standard or a rule and regulation, whatever. They have the authority to set out rules and regulations as may be designed to further the accomplishment of the purposes of this law in promoting a safe and adequate treatment program for individuals in treatment facilities.....and other drug abuse counselor.

Mr. Furse continued, under the Filing Act, if they are adopting standards on this basis, they have to adopt those rules and regulations, and if they are not, it is strongly suggested they do so.

At this point Chairperson Flower asked if there were any objections to discussing, and taking possible action on **SB 448**. There were no objections.

Rep. Mayans moved to report **SB 448** adversely, seconded by Rep. Swall.

Rep. Neufeld made a substitute motion to report **SB 448** out favorably for passage, seconded by Rep. Rutledge.

Discussion began again. Still more clarification of the differences between standards and rules and regulations was requested. Lengthy discussion continued. In the view of some, there is no need for **SB 448** at all. It was brought up that, if any secretary is not abiding by the current laws as far as rules and regulations are concerned, then that secretary needs to be advised that she/he must start to comply, rather than have the legislature pass additional laws to force that compliance, which is already required by law. It was noted the Senate vote on **SB 448** was 40-0.

Question called for by Rep. Bruns.

Vote taken on the substitute motion to pass **SB 448** favorably, motion carried.

Rep. Neufeld will carry **SB 448** on the floor for House debate.

Chair announced the Sub-Committee on **HB 2772 and HB 2786** will meet in room 330-N following adjournment of this regular Committee meeting.

Sub-Committee on **HB 2581** will meet later today, time permitting, or tomorrow.

Chair adjourned the meeting at 2:45 p.m.

The next meeting is scheduled for February 23, 1994.

## VISITOR REGISTER

## HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 2-22-94

NAME	ORGANIZATION	ADDRESS
Helen Johnson	Topeka	Ks Alcho/Dmg Program
Maudie J. Schenck	KCDC	Topeka
Mary Jane Stattelman	AG	Topeka
Jane Knight	ADA	Topeka
Trudy Gron	AIA Kansas	"
<del>Phyllis Jost</del>	AG	"
Sandy Strand	KINH	Lawrence
Brandon Myers	Topeka KHRG	
Gelene Savage	KDST	Topeka
Vicki Allen	KHCA	Topeka
J. Dave DeBusman	DOF A - Div Arch Services	TOPEKA
Dan Carroll	"	"
Barry Coreis	D/A DFM	"
Orian Jordan	D/A DFM	Topeka
Ann Miller	SRS/ADAs	"
KEITH R LANDIS	CHRISTIAN SCIENCE COMM ON PUBLICATION FOR KS	"
KEVIN D. MCFARLAND	Ks. HOMES FOR THE AGING	TOPEKA
RICH GUTHRIE	HEALTH Midwest	KA



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN  
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
TELECOPIER: 296-6296

Testimony on Behalf of  
Attorney General Robert T. Stephan  
Presented by  
Mary Jane Stattelmann  
Assistant Attorney General

House Committee on Public Health and Welfare  
Re: House Bill No. 3028  
February 22, 1994

Good afternoon and thank you for this opportunity to  
testify regarding House Bill No. 3028.

In 1992, the legislature enacted various provisions in the  
hopes of assisting individuals with disabilities obtain access  
to private and public buildings in Kansas. However, over the  
past several years, it has been apparent that there are some  
discrepancies between the federal ADA act and the state  
legislation that this bill would eliminate. For instance, the  
federal act exempts churches and private clubs yet the current  
state law covers these entities; federal law makes a distinction  
between a public accommodation (i.e. restaurant or grocery  
store) and a commercial facility (i.e. a warehouse); however,  
the current state law does not make this distinction.

*PHW*  
*2-22-94*  
*Attn #1.*

Because of the confusion that these differences can cause to those who are trying to work with and implement this act, a group of individuals, most of whom are here today, from both the private and the public sector and the disability community got together last year and worked to eliminate the differences between these two acts. The changes that you see, although appearing to be numerous, do not change the enforcement role of any governmental entity and should simplify the building code officials' role in that with the amendments they will not have to juggle both the state and the federal laws. Furthermore, this bill will not have an increased fiscal impact on either the private or the public sectors, and actually may decrease the costs of complying with this act.

Attorney General Stephan would urge you to favorably pass HB 3028 so that the federal and the state laws are in better alignment with each other and therefore easier to understand and work with. I would be happy to answer any questions you may have of me at this time.

PHW  
2-22-94  
Attn #1-2  
Pg 222

## HOUSE BILL No. 3028

By Committee on Public Health and Welfare

2-15

8 AN ACT concerning individuals with disabilities; relating accessibility  
9 to certain facilities; amending K.S.A. 1993 Supp. 8-1,128, 58-1301,  
10 58-1303, 58-1304, 58-1306 to 58-1310a, 79-32,175, 79-32,176 and  
11 79-32,177 and repealing the existing sections; also repealing  
12 K.S.A. 1993 Supp. 8-1,128a, 58-1301a, 58-1305, 58-1311 and 58-  
13 1316 to 58-1324, inclusive.

14  
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 1993 Supp. 8-1,128 is hereby amended to read  
17 as follows: 8-1,128. (a) Notwithstanding the provisions of K.S.A. 8-  
18 2003, and amendments thereto, all designated accessible parking  
19 spaces shall be clearly marked by vertically mounted signs bearing  
20 the international symbol of access. Such signs shall be displayed with  
21 the bottom of the sign not less than 32 inches above the surface  
22 of the roadway between 36 and 60 inches above the surface of the  
23 parking space.

24 (b) As of January 26, 1992, any owner of private property  
25 available for public use establishing a new parking space or  
26 relocating an existing parking space for persons with a disa-  
27 bility, shall conform to the following federal regula-  
28 tion: Section 4.6 of appendix A to part 36; nondiscrimination  
29 on the basis of disability by public accommodations and com-  
30 mercial facilities, 28 CFR part 36, as required by the Americans  
31 with disabilities act of 1990, 42 USCA 12101 et seq.

32 (b) All parking shall conform to Title II or Title III, as required  
33 by the Americans with disabilities act of 1990, 42 USCA 12101 et  
34 seq.

35 Sec. 2. K.S.A. 1993 Supp. 58-1301 is hereby amended to read  
36 as follows: 58-1301. (a) Except as provided in K.S.A. 58-1307, and  
37 amendments thereto, all public buildings and facilities in this  
38 state, and additions thereto, and all governmental buildings and  
39 facilities in this state, and additions thereto, shall conform to  
40 the following federal regulations: Nondiscrimination in state  
41 and local government services, 28 CFR Part 35, and nondis-  
42 crimination on the basis of disability by public accommodations  
43 and commercial facilities, 28 CFR Part 36, as required by the

[and 28 CFR Parts 35 and 36.

PH xcc  
2-22-94  
Attn: #2

PH+U  
2-22-94  
Attn #2-2  
pg 2710

Americans With Disabilities Act of 1990, 42 USCA 12101 et seq., enacted on July 26, 1990. Such standards may be modified by rules and regulations adopted by the secretary of administration in accordance with the provisions of K.S.A. 77-415 et seq., and amendments thereto. Any public building or facility or any governmental building or facility, or any addition to any such building or facility, to which the provisions of this section were applicable prior to January 26, 1992, shall be governed by the provisions of this section which were in effect on the date the contract for the construction or renovation of such public building or facility or such governmental building or facility, or addition thereto, was entered into.

(b) A building or facility for which a standard has been waived or modified pursuant to K.S.A. 58-1307, and amendments thereto, shall be deemed to conform to the standards established pursuant to this section if such building or facility conforms to all such standards which have not been waived or modified and to any modified standard approved for such building or facility pursuant to K.S.A. 58-1307, and amendments thereto existing facilities, and the design and construction of all new, additions to and alterations of, facilities in this state shall conform to Title II or Title III, as appropriate. The design and construction of new, ~~additions to or alterations of~~ any facility which receives a building permit or permit extension after the effective date of this act shall be governed by the provisions of this act.

[addition to or alteration of,

*leaves is*

New Sec. 3. As used in this act: "Governmental entity" means a "public entity" as defined in Title II, but shall not include the national railroad passenger corporation, and any commuter authority, as defined in section 103(8) of the rail passenger service act (45 U.S.C. §541).

(b) "Person" means an individual, partnership, corporation or other association of individuals.

(c) "Title II" means 28 CFR Part 35, nondiscrimination in state and local government services ~~programs, or activities~~ as required by ~~section 204~~ of the Americans with disabilities act of 1990, 42 USCA ~~12101~~.

[sections 201 to 205, inclusive,

(d) "Title III" means 28 CFR Part 36, nondiscrimination on the basis of disability by public accommodations and commercial facilities as required by section ~~306~~ of the Americans with disabilities act of 1990, 42 USCA ~~12102~~.

[12,115 et seq

[301 et seq.

[12,181 et seq

Sec. 4. K.S.A. 1993 Supp. 58-1303 is hereby amended to read as follows: 58-1303. It *This act* is intended to prohibit discrimination on the basis of disability by public entities and public accom-



PHW  
2-22-94  
Attn # 2-3  
pg 3 of 10

modations. All buildings and Title II and Title III entities. All facilities covered by this act are to be designed, constructed and altered to be readily accessible to and usable by persons individuals with a disability.

Sec. 5. K.S.A. 1993 Supp. 58-1304 is hereby amended to read as follows: 58-1304. (a) The responsibility for enforcement of K.S.A. 58-1301 to 58-1309, inclusive, and 58-1311, and amendments thereto, This act shall be as follows: (1) For all school building construction or renovation existing Title II school facilities, and the construction of all new additions to and alterations of Title II school facilities, the state board of education, by plan approval as required by K.S.A. 31-150, and amendments thereto. School facilities under the control of the state board of regents shall not be subject to the provisions of this subsection;

(2) for all construction or renovation existing state government facilities, and the design and construction of all new, additions to and alterations of, facilities for which federal, state, county ~~municipality~~ or private funds are utilized on state property, the secretary of administration;

funds or funds of other political subdivisions of the state

(3) for all construction or renovation existing facilities, and the design and construction of all new, additions to and alterations of, any local government facilities where funds of a county, municipality or other political subdivision are utilized, the ~~governing body~~ thereof or an agency thereof designated by the ~~governing body~~;

governmental entity

(4) for all other construction or renovation of buildings or facilities which are subject to the provisions of K.S.A. 58-1301 to 58-1309, inclusive, and amendments thereto the design and construction of all other new, additions to and alterations of, facilities which are subject to the provisions of this act, the building inspector or other agency or person designated by the municipality governmental entity in which the building or facility is located.

(b) The attorney general of the state of Kansas shall oversee the enforcement of this act by the persons listed in paragraphs (1), (2), (3) and (4) of subsection (a).

Sec. 6. K.S.A. 1993 Supp. 58-1306 is hereby amended to read as follows: 58-1306. The international symbol of access to persons individuals with a disability shall be permanently displayed at the entrance of buildings and all facilities that are in compliance with the standards established pursuant to K.S.A. 58-1301, and amendments thereto. Entrances of multi-family dwellings as defined in the K.S.A. 44-1001 et seq., and amendments thereto, and the fair housing act of 1968, as amended, 42 U.S.C. 3601 et seq., also shall display the international symbol of access to individuals with a dis-

may act as  
design and

1 ability.

2 Sec. 7. K.S.A. 1993 Supp. 58-1307 is hereby amended to read  
3 as follows: 58-1307. (a) If a person or governmental entity un-  
4 dertaking the construction or renovation of any building or  
5 facility which is subject to the provisions of K.S.A. 58-1301  
6 through 58-1309, and amendments thereto, determines that full  
7 compliance with any standard established pursuant to K.S.A.  
8 58-1301, and amendments thereto, is impractical or unreason-  
9 able in that it would defeat the purpose of such construction  
10 or renovation, such person or governmental entity may apply  
11 to the person, agency or governing body responsible for the  
12 enforcement of the provisions of this act with respect to such  
13 construction or renovation for a waiver or modification of such  
14 standard. The application for waiver or modification shall be  
15 accompanied by reasons for the determination and a proposal  
16 setting forth the maximum extent of compliance with the par-  
17 ticular standard which is believed practical. The application  
18 shall include all relevant data that may be helpful in evaluating  
19 the request for waiver or modification, including cost of the  
20 total project, cost of construction and facilities necessary to  
21 comply with standards established pursuant to K.S.A. 58-1301,  
22 and amendments thereto, and one copy of the building plans  
23 for the applicable areas of the construction or renovation.

24 (b) The person, agency or governing body responsible for  
25 enforcement shall consider the submitted application and any  
26 other data it may find helpful, including data collected from  
27 on-site inspection of the construction or renovation project.  
28 Such person, agency or governing body shall investigate the  
29 application and determine the estimated building costs and the  
30 incremental cost of construction or renovation to conform to  
31 the standards established pursuant to K.S.A. 58-1301, and  
32 amendments thereto.

33 (c) Upon the basis of the findings of the investigation, the  
34 person, agency or governing body responsible for enforcement  
35 may waive or modify a particular standard if: (1) The purpose  
36 of K.S.A. 58-1301 through 58-1309, and amendments thereto,  
37 can be fulfilled by an acceptable alternative to the particular  
38 standard; or (2) the incremental construction cost to conform  
39 to the standards exceeds 20% of the total construction or ren-  
40 ovation costs. Such person, agency or governing body shall  
41 notify the applicant for waiver or modification of its action  
42 thereon. Any action by a state officer or agency pursuant to  
43 this section is subject to review in accordance with the act for

PHW  
2-22-94  
Attn: 2-4  
pg 4 of 10

PHW  
2-22-94  
Attn# 2-5  
Pg 5 of 10

1 judicial review and civil enforcement of agency actions. Any  
2 action pursuant to this section by another person or entity is  
3 subject to review by the district court of the county where the  
4 building or facility is located.

5 (d) If a person or governmental entity undertaking a ren-  
6 ovation of a historic building or facility which is subject to the  
7 provisions of K.S.A. 58-1301 through 58-1309, and amendments  
8 thereto, determines that full compliance with any standard es-  
9 tablished pursuant to K.S.A. 58-1301, and amendments thereto,  
10 would threaten or destroy the historical significance of the  
11 building or facility, such person or governmental entity may  
12 apply to the state historic preservation officer for a waiver or  
13 modification of such standard. The application for waiver or  
14 modification shall be accompanied by reasons for the deter-  
15 mination and a proposal setting forth the maximum extent of  
16 compliance with the particular standard which is believed pos-  
17 sible without threatening or destroying the historical signifi-  
18 cance of the building or facility. The application shall contain  
19 all relevant data that may be helpful in evaluating the request  
20 for waiver or modification, including descriptions of alternative  
21 methods of providing access, one copy of the building plans,  
22 with dimensions, for the applicable areas of the renovation and  
23 photographs of the existing conditions.

24 (e) The state historic preservation officer shall evaluate the  
25 submitted request for waiver or modification of standards and  
26 any other relevant data, including additional information solie-  
27 ited from the applicant and gathered through on-site inspection  
28 of the historic building or facility and consult with the Kansas  
29 commission on disability concerns, or other suitable entity with  
30 a primary responsibility to ensure nondiscrimination on the  
31 basis of physical disabilities. The state historic preservation  
32 officer, on the basis of the evaluation and consultation, will  
33 allow waivers and modifications of the standards to the extent  
34 necessary to eliminate, or where elimination is not possible,  
35 to minimize threats to, or the destruction of, the historical sig-  
36 nificance of the building or facility.

37 (a) Any governmental entity undertaking an addition to or al-  
38 teration of a qualified historic facility, as defined in section 504(c)  
39 of the Americans disabilities act of 1990 as required by Title II,  
40 shall follow 28 CFR Part 35.150(b)(2)

[and 35.150(d)]

41 (b) Any person undertaking an addition to or alteration of a  
42 qualified historic facility, as defined in section 504(c) of the Amer-  
43 icans with disabilities act of 1990 as required by Title III, shall

*PHed*  
*2-22-94*  
*Attm # 2-6*  
*Reg 6210*

1 follow 28 CFR Part 36.405.

2 (c) Any consultation for alternative methods of access with the  
 3 state historic preservation officer required by 28 CFR Part  
 4 35.150(b)(2) ~~for 28 CFR Part 36.405~~ shall include descriptions of  
 5 alternative methods of providing access, one copy of the facility  
 6 plans, with dimensions, for the applicable areas of the addition or  
 7 alteration, and photographs of the existing conditions.

[or 35.150(d)]

8 (d) In addition to subsection (c), the state historic preservation  
 9 officer shall solicit additional information from the requestor and  
 10 perform an on-site inspection of the qualified historic facility.

11 (f) (e) The state historic preservation officer shall initiate eval-  
 12 uation and consultation regarding properly submitted appli-  
 13 cations for waiver or modification of standards consultation and  
 14 evaluation of properly submitted requests within 30 days from the  
 15 date of receipt of applications the request was received.

16 (g) (f) Any action by a state officer or agency pursuant to this  
 17 section is subject to review in accordance with the act for judicial  
 18 review and civil enforcement of agency actions. Any action pursuant  
 19 to this section by ~~another~~ any other person or entity is subject to  
 20 review by the district court of the county where the building or  
 21 facility is located.

22 Sec. 8. K.S.A. 1993 Supp. 58-1308 is hereby amended to read  
 23 as follows: 58-1308. The attorney general, the city, county or district  
 24 attorney or any person, agency or ~~governing body~~ responsible for  
 25 the enforcement of K.S.A. 58-1301 to 58-1309, inclusive, and 58-  
 26 1311, and amendments thereto, this act may apply in the name  
 27 of the state of Kansas to the district court for a temporary or per-  
 28 manent injunction restraining any individual, corporation or part-  
 29 nership from violating the standards established by K.S.A. 58-1301,  
 30 and amendments thereto this act. Such court shall have jurisdiction  
 31 upon hearing and for cause shown to grant such injunction. Such  
 32 court may require the ~~modification~~ of any public or governmental  
 33 building or facility by mandatory injunction to ensure compliance  
 34 with the provisions of this act.

[governmental entity]

[alteration]

35 Sec. 9. K.S.A. 1993 Supp. 58-1309 is hereby amended to read  
 36 as follows: 58-1309. (a) An aggrieved ~~person~~ individual with a dis-  
 37 ability shall not be a required party in actions brought by the attorney  
 38 general or a ~~county or district attorney~~ pursuant to this section.

[city,

39 (b) Any willful violation of the terms of any injunction or court  
 40 order issued pursuant to this act shall render the violator liable for  
 41 the payment of a civil penalty in such amount as the court shall  
 42 determine to be necessary and proper.

43 (c) In administering and pursuing actions under this act, the

P. Hall  
 2-22-94  
 Admin # 2-7  
 Pg 7 of 10

1 attorney general and the city, county attorney or district attorney  
 2 are authorized to sue for and collect reasonable expenses and in-  
 3 vestigation fees as determined by the court. Civil penalties sued for  
 4 and recovered by the attorney general shall be paid into the general  
 5 fund of the state. Civil penalties sued for and recovered by the city,  
 6 county attorney or district attorney shall be paid into the general  
 7 fund of the city or county where the proceedings were instigated.

governmental entity

8 (d) Any person, agency or ~~governing body~~ responsible for the  
 9 enforcement of this act may refer evidence concerning violation of  
 10 the standards established pursuant to this act to the attorney general  
 11 or the proper city, county or district attorney, who may institute,  
 12 with or without such a reference, proceedings under this section.

13 Sec. 10. K.S.A. 1993 Supp. 58-1310a is hereby amended to read  
 14 as follows: 58-1310a. (a) The attorney general of the state of Kansas  
 15 may adopt any rules and regulations necessary to implement the  
 16 provisions of K.S.A. 58-1304 and 58-1308, and amendments thereto.

17 (b) The state board of education may adopt any rules and reg-  
 18 ulations to implement the provisions of paragraph (1) of subsection  
 19 (a) of K.S.A. 58-1304, and amendments thereto.

20 (c) The secretary of administration may adopt any rules and  
 21 regulations necessary to implement the provisions of ~~paragraph (2)~~  
 22 ~~of subsection (a) of K.S.A. 58-1304, and amendments thereto.~~

this act

23 New Sec. 11. (a) All parking shall conform to the appropriate  
 24 Title II or Title III requirements.

25 (b) Notwithstanding the provisions of K.S.A. 8-2003, and amend-  
 26 ments thereto, each designated accessible parking space shall be  
 27 marked clearly by vertically mounted signs bearing the international  
 28 symbol of access. Such signs shall be displayed with the bottom of  
 29 the sign between 36 and 60 inches above the surface of the parking  
 30 space.

31 Sec. 12. K.S.A. 1993 Supp. 79-32,175 is hereby amended to read  
 32 as follows: 79-32,175. As used in this act:

33 (a) "Accessible to persons with a disability" means in con-  
 34 formity with the following federal regulation: Nondiscrimination  
 35 on the basis of disability by public accommodations and  
 36 commercial facilities, 28 CFR part 36, as required by the Amer-  
 37 icans with disability act of 1990, 42 USCA 12101 et seq.

38 (b) "Building or facility" means any building, structure, rec-  
 39 reational area, street, curbing or sidewalk, or access thereto, or  
 40 any accommodation in any building, structure or recreational  
 41 area, including bathrooms, toilet stalls, dining areas, drinking  
 42 fountains, phone booths and lodging rooms or quarters. Such  
 43 term shall not include any addition made to an existing building

1 ~~or facility.~~

2 (a) "Accessible to individuals with a disability" means in con-  
3 formance with Title I and Title III of the Americans with disabilities  
4 act of 1990, 42 USCA 12101 et seq. and 28 CFR Part 36.

and 29 CFR 1630 et seq

5 (b) "Facility" means facility as such term is defined in 28 CFR  
6 Part 36.104, but shall not mean new construction or any addition  
7 made to an existing facility.

8 (c) "Expenditures for the purpose of making all or any portion  
9 of an existing building ~~or~~ facility accessible to the persons indi-  
10 viduals with a disability" includes only those expenditures specifically  
11 attributable to the elimination ~~or~~ adaptation removal or equivalent  
12 facilitation of an existing architectural barrier, which elimination  
13 ~~or adaptation when removal or equivalent facilitation~~ is for the  
14 purpose of making an existing building ~~or~~ facility accessible to per-  
15 sons individuals with a disability. Such term shall not include any  
16 part of any expense paid or incurred in connection with the ~~con-~~  
17 ~~struction~~ or comprehensive renovation of a building ~~or~~ new con-  
18 struction or substantial alteration of a facility or the normal re-  
19 placement of depreciable property.

20 (d) "Expenditures for the purpose of making all or any portion  
21 of a building ~~or~~ an existing facility or of equipment usable for the  
22 employment of persons with a disability" includes only those ex-  
23 penditures specifically attributable to the modification or adaptation  
24 of a building ~~or~~ an existing facility or of equipment, which modi-  
25 fication or adaptation is for the purpose of employing persons in-  
26 dividuals with a ~~handicap~~.

disability

27 Sec. 13. K.S.A. 1993 Supp. 79-32,176 is hereby amended to read  
28 as follows: 79-32,176. (a) Any resident individual taxpayer who makes  
29 expenditures for the purpose of making all or any portion of an  
30 existing building ~~or~~ facility accessible to persons individuals with  
31 a disability, which building ~~or~~ facility is used as, or in connection  
32 with, such taxpayer's principal dwelling, shall be entitled to claim  
33 a tax credit in an amount equal to the applicable percentage of such  
34 expenditures or \$1,250, whichever is less, against the income tax  
35 liability imposed against such taxpayer pursuant to article 32 of chap-  
36 ter 79 of the Kansas Statutes Annotated. The applicable percentage  
37 of such expenditures eligible for credit shall be as set forth in the  
38 following schedule:

39	Taxpayers Kansas Adjusted	% of expenditures
40	Gross Income	eligible for credit
41	\$0 to \$20,000 .....	100%
42	Over \$20,000 but not over \$25,000 .....	90%
43	Over \$25,000 but not over \$30,000 .....	80%

PHred  
2-22-94  
Attm #2-8  
Pg 8210

1	Over \$30,000 but not over \$35,000 .....	70%
2	Over \$35,000 but not over \$40,000 .....	60%
3	Over \$40,000 but not over \$50,000 .....	50%
4	Over \$50,000 .....	0

5 Such tax credit shall be deducted from the taxpayer's income tax  
6 liability for the taxable year in which the expenditures are made by  
7 the taxpayer. If the amount of such tax credit exceeds the taxpayer's  
8 income tax liability for such taxable year, the amount thereof which  
9 exceeds such tax liability may be carried over for deduction from  
10 the taxpayer's income tax liability in the next succeeding taxable year  
11 or years until the total amount of the tax credit has been deducted  
12 from tax liability, except that no such tax credit shall be carried over  
13 for deduction after the fourth taxable year succeeding the taxable  
14 year in which the expenditures are made.

15 (b) Notwithstanding the provisions of subsection (a), if the amount  
16 of the taxpayer's tax liability is less than \$312.50 in the first year in  
17 which the credit is claimed under this section, an amount equal to  
18 the amount by which  $\frac{1}{4}$  of the credit allowable under this section  
19 exceeds such tax liability shall be refunded to the taxpayer and the  
20 amount by which such credit exceeds such tax liability less the  
21 amount of such refund may be carried over for the next three suc-  
22 ceeding taxable years. If the amount of the taxpayer's tax liability is  
23 less than \$312.50 in the second year in which the credit is claimed  
24 under this section, an amount equal to the amount by which  $\frac{1}{3}$  of  
25 the amount of the credit carried over from the first taxable year  
26 exceeds such tax liability shall be refunded to the taxpayer and the  
27 amount by which the amount of the credit carried over from the  
28 first taxable year exceeds such tax liability less the amount of such  
29 refund may be carried over for the next two succeeding taxable  
30 years. If the amount of the taxpayer's tax liability is less than \$312.50  
31 in the third year in which the credit is claimed under this section,  
32 an amount equal to the amount by which  $\frac{1}{2}$  of the amount carried  
33 over from the second taxable year exceeds such tax liability shall be  
34 refunded to the taxpayer and the amount by which the amount of  
35 the credit carried over from the second taxable year exceeds such  
36 tax liability less the amount of such refund may be carried over to  
37 the next succeeding taxable year. If the amount of the credit carried  
38 over from the third taxable year exceeds the taxpayer's income tax  
39 liability for such year, the amount thereof which exceeds such tax  
40 liability shall be refunded to the taxpayer.

41 Sec. 14. K.S.A. 1993 Supp. 79-32,177 is hereby amended to read  
42 as follows: 79-32,177. Any taxpayer who makes expenditures for the  
43 purpose of making all or any portion of an existing building or

*PHW*  
*2-22-94*  
*Attm # 2-9*  
*Pg 9 of 10*



1 facility accessible to ~~persons~~ *individuals* with a disability, or who  
2 makes expenditures for the purpose of making all or any portion of  
3 a ~~building or~~ facility or of equipment usable for the employment  
4 of ~~persons~~ *individuals* with a disability, which ~~building,~~ facility or  
5 equipment is on real property located in this state and used in a  
6 trade or business or held for the production of income, shall be  
7 entitled to claim an income tax credit in an amount equal to 50%  
8 of such expenditures or, the amount of \$10,000, whichever is less,  
9 against the income tax liability imposed against such taxpayer pur-  
10 suant to article 32 of chapter 79 of the Kansas Statutes Annotated.  
11 Such tax credit shall be deducted from the taxpayer's income tax  
12 liability for the taxable year in which the expenditures are made by  
13 the taxpayer. If the amount of such tax credit exceeds the taxpayer's  
14 income tax liability for such taxable year, the amount thereof which  
15 exceeds such tax liability may be carried over for deduction from  
16 the taxpayer's income tax liability in the next succeeding taxable year  
17 or years until the total amount of the tax credit has been deducted  
18 from tax liability, except that no such tax credit shall be carried over  
19 for deduction after the fourth taxable year succeeding the taxable  
20 year in which the expenditures are made.

21 Sec. 15. K.S.A. 1993 Supp. 8-1,128, 8-1,128a, 58-1301, 58-  
22 1301a, 58-1303 to 58-1311, inclusive, 58-1316 to 58-1324, inclusive,  
23 79-32,175, 79-32,176 and 79-32,177 are hereby repealed.

24 Sec. 16. This act shall take effect and be in force from and after  
25 its publication in the statute book.

PN/rel  
2-22-94  
Attn # 2-10  
Pg 10 of 10





# Kansas Department of Human Resources

Joan Finney, Governor  
Joe Dick, Secretary

## Commission on Disability Concerns

1430 S.W. Topeka Boulevard, Topeka, Kansas 66612-1877  
913-296-1722 (Voice) -- 913-296-5044 (TDD)  
913-296-4065 (Fax)

### TESTIMONY FOR HB 3028 HOUSE PUBLIC HEALTH AND WELFARE BY MARTHA GABEHART, EXECUTIVE DIRECTOR KANSAS COMMISSION ON DISABILITY CONCERNS

Thank you for the opportunity to provide testimony on HB 3028. This bill would change the current language regarding the specifications for making buildings accessible to people with disabilities to more closely parallel the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The Kansas Commission on Disability Concerns (KCDC) supports changing the current statutory language.

KCDC staff worked with the Attorney General's office, the Kansas Association of Centers for Independent Living, the State Architect's office and AIA of Kansas to work out language which is agreeable to all parties. We are in agreement with the changes proposed to those laws which deal with making facilities accessible to people with disabilities.

Our supports stops with Section 12 which amends the accessibility tax credit for principal dwellings and businesses. This portion of the bill has been amended in HB 2687 to improve the current tax credit statutes. KCDC supports making the wording changes currently in Section 12 of 3028 in HB 2687 if they do not change the substance of HB 2687. HB 2687 is currently in the Senate Taxation committee.

I spoke with Theresa Kiernan of the Revisor's of Statutes office about a couple of technical changes I found. These are 1) in Section 5, line 8 on page 3. It appears the "T" in the word "This" should be a lower

*PHW*  
*2-22-94*  
*Attn #3*

case "t" since it is in the middle of the sentence and does not appear to require capitalization. 2) in Section 6, line 39 on page 3 the line reads "the standards established pursuant to." The phrase "this act"

HB 3028

Kansas Commission on Disability Concerns

Martha K. Gabehart, Executive Director

should be inserted. Ms. Kiernan indicated these changes would be made.

Thank you for the opportunity to testify on HB 3028. If you have any questions, I would happy to try to answer them.

*PH/vw*  
*2-22-94*  
*attn #3-2*  
*pg 2 of 2*

**Testimony of Jane Knight, State ADA Coordinator  
Public Health and Welfare Committee - February 22, 1994**

**Madam Chair and Members of the Committee:**

**My comments will be brief. I participated in the joint effort of drafting this bill, and I believe it is important and necessary to bring the State law into conformity with ADA.**

**House Bill 3028 parallels the Americans with Disabilities Act.**

**There is no fiscal note involved in this bill nor is there any hardship to consider.**

**As the State ADA Coordinator under the Department of Administration,  
I ask for your support for this bill.**

*PHW*  
*2-22-94*  
*Attn # 4*



# AIA Kansas

A Chapter of The American Institute of Architects



February 22, 1994



## 1994 Executive Committee

John H. Brewer, AIA  
*President • Wichita*

Donnie D. Marrs, AIA  
*President-Elect • Salina*

F. Lynn Walker, AIA  
*Secretary • Wichita*

Vincent Mancini, AIA  
*Treasurer • Garden City*

Mark E. Franzen, AIA  
*Director • Topeka*

Wendy Ornelas, AIA  
*Director • Manhattan*

Sanford L. Roberts, AIA  
*Director • Wichita*

David L. Schaecher, AIA  
*Director • Lawrence*

Gregory D. Sims, AIA  
*Director • Topeka*

Alan M. Stecklein, AIA  
*Director • Hays*

Shad Traylor, Associate AIA  
*Director • Wichita*

Matthew D. Werner, AIA  
*Director • Topeka*

Robert A. Simmons, AIA  
*Director • Kansas City*

Steven A. Scannell, AIA  
*Past President • Topeka*

Eugene Kremer, FAIA  
*KSU Liaison • Manhattan*

Rene Diaz  
*KU Liaison • Lawrence*

Trudy Aron, Hon. AIA  
*Executive Director*

TO: Representative Flower and Members of the House Public Health and Welfare Committee

FROM: Trudy Aron, Executive Director

RE: Support for HB 3028 as Amended

I am Trudy Aron, Executive Director of the American Institute of Architects. I appreciate this opportunity to testify in support of HB 3028.

This bill, as amended, makes Kansas' accessibility standards for buildings identical to the public law passed by the Federal government in the Americans With Disabilities Act (ADA). In 1992, Kansas adopted what everyone thought was the federally mandated ADA law which requires that buildings are made accessible to the disabled. However, due to some language differences between the Kansas and the federal laws, Kansas adopted a statute which is much more stringent than the federal law and includes nearly all buildings.

The Kansas law has led to confusion, it may have even led to less compliance since even sophisticated owners have trouble understanding the differences between what is mandated by the federal government and what is required in Kansas. Obviously if facility owners are confused and this confusion is leading to non-compliance, the Kansas law is not serving our disabled citizens or well-intentioned building owners.

This bill would only get us back to the federal law. We have not worked on these changes alone. For more than six months, we have worked with the Kansas Attorney General's Office, the Department of Administration, Division of Architectural Services, Kansas Commission on Human Rights, the Independent Living Centers and the state ADA coordinator. We all agree that Kansas needs to adopt the ADA, without changes, as the Kansas accessibility standard for buildings, construction and parking.

We would appreciate your support of this bill.

*PKW  
2-22-94  
Attn #5*

# *K* NSAS ASSOCIATION OF *C*ENTERS FOR *I*NDEPENDENT *L*IVING

3258 South Topeka Blvd. ~ Topeka, Kansas 66611 ~ (913) 267-7100 (Voice/TT)

---

Gina McDonald  
Executive Director

**TESTIMONY CONCERNING HOUSE BILL 3028  
BY  
HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE**

**PREPARED BY MIKE OXFORD  
KANSAS ASSOCIATION OF CENTERS FOR INDEPENDENT LIVING  
FEBRUARY 22, 1994**

Member agencies:

ILC of Southcentral Kansas  
Wichita, Kansas  
(316) 838-3500 V/TT

Independence, Inc.  
Lawrence, Kansas  
(913) 841-0333

Independent Connection  
Salina, Kansas  
(913) 827-9383

LINK, Inc.  
Hays, Kansas  
(913) 625-6942 V/TT

Resource Center for  
Independent Living  
Osage City, Kansas  
(913) 528-3105 V/TT

ILC of Northeast Kansas  
Atchison, Kansas  
(913) 367-1830 V/TT

The WHOLE PERSON, Inc.  
Kansas City, Missouri  
(816) 361-0304 V  
(816) 361-7749 TT

Topeka Independent  
Living Resource Center  
Topeka, Kansas  
(913) 267-7100 V/TT

A.S.K., Inc.  
Dodge City, Kansas  
(316) 225-6070 V/TT

SEK Independent Living  
Parsons, Kansas  
(316) 421-5502 V  
(316) 421-6551 TT

The Kansas Association of Centers for Independent Living (KACIL) represents ten independent living centers around the state of Kansas. These centers provide advocacy and services for people with disabilities. Examples of such advocacy and services might include providing assistance with locating and obtaining housing which is accessible to someone using a wheelchair, or assisting someone with filing a discrimination complaint if their civil rights have been violated.

KACIL supports HB 3028. It amends Kansas law to conform with the federal Americans With Disabilities Act (ADA) standards for accessibility in public and private facilities, including, for example, parking lots and buildings. These standards, which are already in effect, ensure that people who are blind, use a wheelchair, or have some other kind of disability are able to get in and out of buildings, offices, restaurants, and so on. Amending the law

*PHW*  
*2-22-94*  
*Attn #6*

would simply provide consistent information and would reduce confusion as to how to comply.

KACIL is appreciative of the Attorney General's efforts in regard to this matter. His office has made every effort to include all the players who may have an interest and have willingly shared information and sought input. Additionally, KACIL feels that enforcement via the Attorney General will enhance compliance and will protect the rights of people with disabilities to enjoy access to all facilities as required by state and federal law and as desired by the sense of fairness and need for equal access felt by most Kansans.

It seems that a technical problem is on page eight, line two. The language here speaks to conformance with Title I and Title III. It should read Title II and Title III, as Title I deals only with employment and is not the subject of Kansas accessibility standards.

Thank you very much for considering these remarks. I am sorry I cannot be there in person. Please feel free to contact me if I can answer any questions or address any concerns you may have.

PHW  
2-22-94  
Attn #62  
Pg 282

**KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES  
ALCOHOL AND DRUG ABUSE SERVICES  
2ND FL, BIDDLE BLDG  
300 SW OAKLEY  
TOPEKA, KS 66606  
(913) 296-3925  
FAX (913) 296-0494**

**ANDREW O'DONOVAN, COMMISSIONER**

**SENATE BILL 448  
REGULATION OF FACILITIES FOR TREATMENT OF ALCOHOLISM;  
RULES AND REGULATIONS**

**BEFORE THE PUBLIC HEALTH AND WELFARE COMMITTEE  
FEBRUARY 17, 1994**

\*\*\*\*\*

**SRS Mission Statement**

**"The Kansas Department of Social and Rehabilitation Services empowers individuals and families to achieve and sustain independence and to participate in the rights, responsibilities and benefits of full citizenship by creating conditions and opportunities for change, by advocating for human dignity and worth, and by providing care, safety and support in collaboration with others."**

\*\*\*\*\*

Madame Chair and members of the committee, on behalf of the Secretary of SRS, I thank you for the opportunity to present you with this testimony on Senate Bill 448.

The enabling legislation Rules and Regulations and Standards was initiated by the 1972 Legislature in K.S.A. 65-4016. The Standards have provided an effective and efficient means for licensing and certifying alcohol and other drug treatment programs for more than 20 years by the Kansas Department of Social and Rehabilitation Services/Alcohol and Drug Abuse Services (ADAS).

The Standards are periodically updated through an open SRS process. Providers give input at scheduled open meetings. If the recommendations are complex or have significant impact on the alcohol and drug abuse field, a committee is appointed to refine the language to be used. The recommendations are reviewed by a statewide open meeting of alcohol and drug abuse treatment programs and finalized by the Secretary of SRS at an SRS open meeting.

Over 200 treatment providers are licensed each year.

*PHW  
2-22-94  
Attn #17*

The Rules and Regulations 30-31-1 to 30-31-12 contain basic requirements for licensure standards to carry out the rules and regulations. We question the need for Senate Bill 448 for the following reasons.

- The current process is an excellent example of Kansas Quality Management. The process of involving programs in the development of the Standards and their update has worked well in the licensure process, allows the implementation of tested criteria, and builds program ownership in the quality of the entire treatment process.
- There is sufficient detail in the present rules and regulations to protect the public from unqualified programs. Essentially, the Standards provide for a more uniform and more professional level of program development not normally possible under Rules and Regulations alone.

The system has been an open and collaborative partnership between SRS and treatment programs and has provided up-to-date standards to ensure effective treatment services for Kansas clients and their families.

DLW:AOD:jh

1/17/94

document.94\legislat\sb448



House Public Health and Welfare Committee  
SB 448  
February 17, 1994

Testimony

Good Afternoon: Madame Chairman and Members of the Committee:

My name is Gene Johnson and I represent the Kansas Community Alcohol Safety Project Coordinators Association, the Kansas Alcoholism and Drug Addiction Counselors Association and the Kansas Association of Alcohol and Drug Program Directors. Our organizations wish to convey to this committee that there is no sufficient need to change the present legislation for the licensing and certification of alcohol and other drug treatment programs in the State of Kansas. We feel that the standards have provided an effective way of establishing guidelines for both the Social and Rehabilitation Services/Alcohol and Drug Abuse Services and those local programs in the field to provide the best possible care for those Kansans who are suffering from the disease of alcoholism and drug addiction.

Webster's dictionary defines standards, "a model to be followed or imitated, established by custom, consent/ a degree of quality, level of achievement, etc. regarded as desirable and necessary for some purpose." We do not feel that rules and regulations would accomplish this purpose for both the State or those people it is attempting to serve.

Just last September 16, 1993 we received from the Commissioner new standards for counselors who are employed by State supported alcohol and drug treatment programs. This was a result of the legislation some two years ago that this committee endorsed, setting minimum standards for alcoholism and drug addiction counselors in the State of Kansas. During the same legislation, this committee also endorsed, which later passed, a registration bill for alcohol and drug abuse counselors.

As a local program director I rely on the standards in order for me to operate a quality program for those people that the program serves. In addition, it allows my employees to know what standards they are expected to maintain to continue their employment. Also, our operational manual which

*P.H.W.*  
*2-22-94*  
*Attn #8*


Testimony  
February 17, 1994  
page 2

includes the standards for the program and for those who are employed by the program are open to any client who might wish to examine these standards.

In short, "if it ain't broke, why fix it."

Thank you for this opportunity to appear before this committee today and I will attempt to answer any questions.

Respectfully submitted,

  
Gene Johnson

Legislative Liaison

Kansas Alcoholism and Drug Addiction Counselors Association

Kansas Association of Alcohol and Drug Program Directors

Kansas Community Alcohol Safety Action Project Coordinators Association

PHxW  
2-22-94  
Attn: 8-2  
Pg 272



# COMMUNITY MENTAL HEALTH CENTER OF CRAWFORD COUNTY

3101 N. MICHIGAN, SUITE B, PITTSBURG, KANSAS 66762

- ☐ **Administrative Offices**  
316-231-5141  
FAX-231-1152

**Voice Mail**  
316-231-5181

- ☐ **Emergency Line**  
316-232-4357  
(HELP)

## **PROGRAMS**

- ☐ **Out-Patient Offices**  
316-231-5130  
FAX-231-1152

- ☐ **Community Support Offices**  
Case Management/  
Compeer  
316-231-5141  
FAX 231-1152  
Oak Center  
316-235-0402

- ☐ **Oakplace Apartments Office**  
316-231-3111

- ☐ **Family and Children Together**  
316-232-3228  
FAX-232-5922

- ☐ **Addiction Treatment Center of Southeast Kansas**  
316-724-8806  
FAX-724-6170

- ☐ **Addiction Day-Treatment for Women**  
316-231-5141  
FAX-231-1152

- ☐ **Renewal House**  
316-231-8170  
FAX-231-1152

- ☐ **College Student Health Services**  
316-235-4452  
FAX-231-1152

- ☐ **Women Reintegration**  
316-231-5141  
FAX-231-1152

- ☐ **Dept. of Youth Services**  
316-232-3228  
FAX-232-5922

To: Kansas Legislative Committee

From: Richard H. Pfeiffer  
Executive Administrator

February 17, 1994

Subject: Testimony on Senate Bill 448

My name is Richard H. Pfeiffer. I am the Executive Administrator of Community Mental Health Center of Crawford County.

I am here today to testify in opposition to Senate Bill 448. My opinion is based on our experience over the past twenty years, in which consumer, board, and staff have been cooperative in meeting the responsibility of Standards for Licensure from the Department Social and Rehabilitation Services.

We have been fortunate over the past five years to provide may Kansas Citizens the opportunity to recieve high quality care advocated with mutual consumer, family, agency, and staff responsibility.

If Senate Bill 488 is passed the opportunity to have this more flexible dynamic public based standards will be changed into the less accessible process of regulation. Please do not pass Senate Bill 488.

*RHP/W*  
*2-22-94*  
*Attn: 9*



# MIRROR INC.

Chemical Dependency Services  
Prevention and Treatment

## MEMORANDUM:

Box 711 - 130 E. 5th  
Newton, KS 67114  
316/283-6743  
Fax: 316/283-6830

TO: LEGISLATIVE COMMITTEE

FROM: JOHN F. GILBERT, ASSISTANT DIRECTOR

RE: SENATE BILL 448

☐ Administrative

☐ Outpatient/  
Continuing Care  
Alcohol/Drug Info.  
School

☐ South Central Kansas  
Regional Prevention  
Center

☐ Intermediate  
Treatment

☐ Men's  
Reintegration  
316/284-2722

☐ Women & Children's  
Reintegration  
316/283-7449

☐ Hutchinson Correctional  
Facility/ADAPT  
Box 1568  
Hutchinson, KS 67504-1568  
316/662-2321

☐ Ellsworth Correctional  
Facility/ADAPT  
1607 State St., Box 107  
Ellsworth, KS 67439  
913/472-5501

☐ Norton Correctional  
Facility/ADAPT  
R.R. #1, Box 546  
Norton, KS 67654  
913/877-3380

☐ Outpatient/  
Continuing Care  
400 W. 2nd, Suite C  
Hutchinson, KS 67501  
316/665-7750

☐ Regional Prevention Center  
Branch Office  
400 W. 2nd, Suite C  
Hutchinson, KS 67501  
316/665-7750

I would like to begin by introducing myself. I am John F. Gilbert, Assistant Director of Mirror Inc. I have been employed in the field of Alcoholism and Drug Addiction for over eleven years. I hold a Master of Science degree in Clinical Psychology from Emporia State University and am a State and Nationally Certified Alcoholism and Drug Addiction Counselor. (\*) I am a former President of Kansas Alcoholism and Drug Addiction Counselors Association, a board member of the Kansas Institute on Alcohol and Drug Abuse Studies in Higher Education and currently serve on the Registered Alcohol and Other Drug Abuse Counselor Advisory Committee under the (State of Kansas) Behavioral Science Regulatory Board as legislated by Senate Bill 458. I am here today to testify in opposition of Senate Bill 448 that would seek to place the current Licensure Standards for Alcohol and Other Drug Abuse Treatment Programs within the format of Social Rehabilitation Services rules and regulations.

My reasons for this are as follows:

- The needs and structure of our current health care system is changing rapidly. This is not only happening within our State but also on the National level. The proposed legislation would impede the current process through which change can occur by adding additional governmental intervention to an already accepted system which flows along at an acceptable rate.

- The current Social Rehabilitation Services/Alcohol Drug Abuse Services Licensure System allows for input from the field and the consumer. Historically speaking, the Alcohol and Drug profession in this State began in the late 1960's and was a "grassroots" movement. It was created by the consumers of the

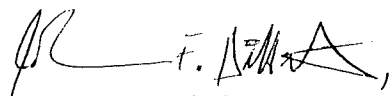
*PHW*  
*2-22-94*  
*Alm #10*

service and in turn these "recovering" people along with other professionals banded together to positively impact people suffering from the disease of chemical dependency. It was true back then and it is still true consumers and professionals in the field have a clear understanding of what is needed. Advancements in the field which facilitate changes in the Standards are easily heard and adopted within the present system, thus it allows our State to remain on the "cutting edge" with respect to quality of care. Recent and past history demonstrate a solid working relationship with the professionals of the field and the State's Licensing Authority (SRS/ADAS).

- Any necessary changes in Licensure Standards can occur fairly quickly under the current system and the consumer is more than adequately protected by this system and the Alcohol and Drug Counselor Registration Law (Senate Bill 458).

Lastly, I believe the current system of Licensure Standards works and as the old adage goes "if it ain't broke, don't fix it". I appreciate the opportunity to appear before the committee and if you should have any questions, please feel free to ask them at your convenience.

Sincerely,

 J. F. Gilbert, M.S.; CADC; NCAC I  
John F. Gilbert, M.S.; CADC; NCAC I  
Assistant Director

JFG:esw

- \* State Certification through Kansas Alcoholism and Drug Addiction Counselors Association.  
National Certification through the National Association of Alcohol and Drug Abuse Counselors.  
Approved by Chapter 13 in the SRS/ADAS Licensure Standards for staff requirements of a counselor.

*PHW*  
*2-22-94*  
*Attn #10-2*  
*Pg 282*