

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Chair Sandy Praeger at 10:00 a.m. on March 14, 1994 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Norman Furse, Revisor of Statutes
William Wolff, Legislative Research Department
Emalene Correll, Legislative Research Department
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Mary Jane Stattelman, Assistant Attorney General
Trudy Aron, Executive Director, American Institute of Architects - Kansas
Gina McDonald, Executive Director, Kansas Association of Centers for Independent Living
Jane Knight, State ADA Coordinator, Department of Administration
Jane Ryse, Kansas Planning Council on Developmental Disabilities

Others attending: See attached list

Hearing on HB 3028 - Accessibility standards; conformance with Americans with disabilities act

Mary Jane Stattelman, Attorney General's office, testified before the Committee in support of **HB 3028**, and noted that Kansas would now conform with the federal ADA. ([Attachment 1](#))

Staff and Committee members raised several questions pertaining to provisions in the bill with regard to Title II and Title III of the federal ADA standards for accessibility in public and private facilities and the definition of the word "facility," notification requirements on historic structures, and tax credits for small businesses.

Trudy Arron, AIA, expressed support for **HB 3028**, and noted that building owners are presently confused about the state and federal disability laws which is leading to non-conformance. She commented that the proposed bill is a result of private, public and disability entities that worked together to come up with identical federal and state laws. ([Attachment 2](#))

Gina McDonald, KACIL, addressed the Committee in support of **HB 3028** and recommended a change on page 8, line 2 of the bill with reference to conformance with Title I and Title III, to read only Title III. ([Attachment 3](#)) Staff noted that if Title I drops out, some of U.S. code sites should also be eliminated.

The Chair noted that it would be helpful to the Committee to have specific references to the federal ADA. Ms. Stattelman of the Attorney General's office will provide additional information on Title II and Title III facilities language as well as reference to Title III tax credits.

Jane Knight, State ADA coordinator, expressed her support for **HB 3028** and noted no fiscal note would be involved because it relates to what the federal government is requiring under the ADA. ([Attachment 4](#))

Jane Ryse, Kansas Planning Council on Developmental Disabilities, expressed her support for **HB 3028** and recommended that **HB 2687** be amended into the bill. ([Attachment 5](#))

Action on SB 782 - Child death review board staffing and office

Staff briefed the Committee on a balloon of the bill showing proposed amendments. ([Attachment 6](#))

After Committee discussion and recommendations, Senator Salisbury made a motion to insert language regarding

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 526-S
Statehouse, at 10:00 a.m. on March 14, 1994.

notification by the coroner to the chairperson of the review board "within 30 days," on page 1, subsection (c), line 33, of the bill, seconded by Senator Langworthy. The motion carried.

Senator Lee made a motion to adopt the balloon amendments of the bill and incorporate language regarding "protocol shall be adopted by rules and regulations of the board," on page 3, Sec. 2, lines 8 through 15, seconded by Senator Langworthy. The motion carried.

Senator Lee made a motion that **SB 782 as amended** be recommended favorably for passage, seconded by Senator Langworthy. The motion carried.

Discussion of SB 815 - Domestic ferrets; rabies detection

After Committee discussion regarding CDC developing guidelines and recommendations as to whether or not ferrets should be considered domestic animals, as well as research that is to be conducted at K-State on the rabies vaccine, it was decided that not enough information was available on this issue, and no action should be taken on **SB 815** at this time.

The meeting was adjourned at 11:00 a.m.

The next meeting is scheduled for March 15, 1994.

GUEST LIST

COMMITTEE: SENATE PUBLIC HEALTH & WELFARE

DATE: 3-14-94

[illegible]



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

Senate Public Health and Welfare
House Bill No. 3028
March 14, 1994

Good morning and thank you for letting the Attorney General's office testify regarding HB 3028.

In 1992, the legislature enacted various provisions in the hopes of assisting individuals with disabilities obtain access to the 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, such as the federal act exempts churches and private clubs yet the 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 state law does not make this distinction.

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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 official's role in that now they do not have to juggle both the state and the federal laws.

The Attorney General would urge to 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.

AIA Kansas

A Chapter of The American Institute of Architects

March 14, 1994



TO: Senator Prager and Members of the Senate Public Health
and Welfare Committee

FROM: Trudy Aron, Executive Director

RE: Support for HB 3028

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

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

This bill 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 that makes buildings accessible to the disabled. However, due to some language differences between the Kansas and the federal laws, Kansas adopted a statute that is much more stringent than the federal law and includes nearly all buildings.

The Kansas law has led to confusion. It may have 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 adopts the ADA, without changes, as the Kansas accessibility standard for buildings, construction and parking.

We would appreciate your support of this bill.

Trudy Aron, Hon. AIA
Executive Director

700 SW Jackson, Suite 209
Topeka, Kansas 66603-3757
Telephone: 913-357-5308
800-444-9853
Facsimile: 913-357-6450

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KANSAS ASSOCIATION OF CENTERS FOR INDEPENDENT LIVING

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

TESTIMONY CONCERNING HOUSE BILL 3028

Gina McDonald
Executive Director

SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

PREPARED BY GINA MCDONALD

KANSAS ASSOCIATION OF CENTERS FOR INDEPENDENT LIVING

Member agencies:

MARCH 14, 1994

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 centers for independent living 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,

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offices, restaurants, and so on. Amending the law 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.

X 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. Please feel free to contact me if I can answer any questions or address any concerns you may have.

Testimony of Jane Knight, State ADA Coordinator
Senate Public Health and Welfare Committee - March 14, 1994

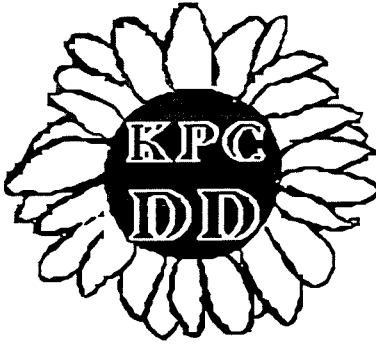
Madam Chair and Members of the Committee:

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.

*Senate PHEW
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Kansas Planning Council on Developmental Disabilities

JOAN FINNEY, Governor
WENDELL LEWIS, Chairperson
JANE RHYS, Executive Director

Docking State Off. Bldg., Room 141, 915 Harrison
Topeka, KS 66612-1570
Phone (913) 296-2608, FAX (913) 296-2861

*"To ensure the opportunity to make choices regarding participation in
society and quality of life for individuals with developmental disabilities"*

SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE MARCH 14, 1994

Testimony in Regard to H. B. 3028

AN ACT CONCERNING INDIVIDUALS WITH DISABILITIES; RELATING ACCESSIBILITY TO
CERTAIN FACILITIES.

*To ensure the opportunity to make choices regarding participation in society and
quality of life for individuals with developmental disabilities.*

Madam Chairperson, Members of the Committee, I am appearing today on behalf of the Kansas Planning Council on Developmental Disabilities in support of H.B. 3028 concerning individuals with disabilities; relating accessibility to certain facilities.

The Kansas Planning Council is a federally mandated, federally funded council composed of individuals who are appointed by the Governor, including representatives of the major agencies who provide services for individuals with developmental disabilities, and at least half of the membership is composed of individuals who are persons with developmental disabilities or their immediate relatives. Our mission is to advocate for individuals with developmental disabilities, to see that they have choices in life about where they wish to live, work, what leisure activities they wish to participate in and so forth.

This bill is very important to individuals with disabilities because it brings Kansas accessibility standards into conformation with the Americans with Disabilities Act. We would also ask that this bill and H.B. 2687, which amends Section 13, be combined. The amendment of Section 13 in H.B. 2687 increases the amount of expenditures eligible for income tax credit for those who modify their home to make it accessible because of a disability.

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The Kansas Planning Council on Developmental Disabilities is very supportive of H. B. 3028 and urge you to recommend its passage to the full House of Representatives. Thank you. I would be happy to respond to any questions you may have.

Wendell J. Lewis, Chairperson
Kansas Planning Council on Developmental Disabilities
913-296-2608

SENATE BILL No. 782

By Committee on Public Health and Welfare

2-15

8 AN ACT relating to the state child death review board; amending
9 K.S.A. 1993 Supp. 22a-242 and 22a-243 and repealing the existing
10 sections.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 1993 Supp. 22a-242 is hereby amended to read
14 as follows: 22a-242. (a) When a child dies, any law enforcement
15 officer, health care provider or other person having knowledge of
16 the death shall immediately notify the coroner of the known facts
17 concerning the time, place, manner and circumstances of the death.
18 If the notice to the coroner identifies any suspicious circumstances
19 or unknown cause, as described in the protocol developed by the
20 state review board under K.S.A. 1993 Supp. 22a-243, the coroner
21 shall immediately: (1) Investigate the death to determine whether
22 the child's death included any such suspicious circumstance or un-
23 known cause; and (2) direct a pathologist to perform an autopsy.

24 (b) If, after investigation and an autopsy, the coroner determines
25 that the death of a child does not include any suspicious circum-
26 stances or unknown cause, as described in the protocol developed
27 by the state review board under K.S.A. 1993 Supp. 22a-243, the
28 coroner shall complete and sign a nonsuspicious child death form.

29 (c) If, after investigation and an autopsy, the coroner determines
30 that the death of a child includes any suspicious circumstance or
31 unknown cause, as described in the protocol developed by the state
32 review board under K.S.A. 1993 Supp. 22a-243, the coroner shall,
33 *30 days* ~~within 24 hours~~, notify the chairperson of the state review board
34 and the county or district attorney of the county where the death
35 of the child occurred.

36 (d) The coroner shall attempt to notify any parent or legal guard-
37 ian of the deceased child prior to the performance of an autopsy
38 pursuant to this section and attempt to notify any such parent or
39 legal guardian of the results of the autopsy.

40 (e) A coroner shall not make a determination that the death of
1 a child less than one year of age was caused by sudden infant death
2 syndrome unless an autopsy is performed.

43 (f) The fee for an autopsy performed under this section shall be

*Senate P.H.W.
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1 the usual and reasonable fee and travel allowance authorized under
 2 K.S.A. 22a-233 and amendments thereto and shall be paid from
 3 moneys available therefor from appropriations to the department of
 4 health and environment. The reasonableness of all claims for payment
 5 of a fee for an autopsy under this section shall be determined by
 6 the secretary of health and environment.

7 Sec. 2. K.S.A. 1993 Supp. 22a-243 is hereby amended to read
 8 as follows: 22a-243. (a) There is hereby established a state child
 9 death review board, which shall be composed of:

10 (1) One member appointed by each of the following officers to
 11 represent the officer's agency: The attorney general, the director of
 12 the Kansas bureau of investigation, the secretary of social and re-
 13 habilitation services, the secretary of health and environment and
 14 the commissioner of education;

15 (2) three members appointed by the state board of healing arts,
 16 one of whom shall be a district coroner and two of whom shall be
 17 physicians licensed to practice medicine and surgery, one specializing
 18 in pathology and the other specializing in pediatrics;

19 (3) one person appointed by the attorney general to represent
 20 advocacy groups which focus attention on child abuse awareness and
 21 prevention; and

22 (4) one county or district attorney appointed by the Kansas county
 23 and district attorneys association.

24 (b) The chairperson of the state review board shall be the mem-
 25 ber appointed by the attorney general to represent the office of the
 26 attorney general.

27 (c) *The state review board shall establish and maintain an office*
 28 *in Topeka.*

29 (e) (d) The state review board shall meet at least annually to
 30 review all reports submitted to the board. The chairperson of the
 31 state review board may call a special meeting of the board at any
 32 time to review any report of a child death.

33 (e) ~~The~~ state review board shall appoint an executive director
 34 who shall be in the unclassified service of the Kansas civil service
 35 act and shall receive an annual salary fixed by the state review
 36 board ~~within appropriations therefor.~~

37 (f) ~~The state review board shall employ or contract with a medical~~
 38 ~~investigator who is licensed to practice medicine and surgery who,~~
 39 ~~if employed, shall be in the unclassified service of the Kansas civil~~
 40 ~~service act, and who shall receive an annual salary fixed by the state~~
 41 ~~review board within appropriations therefor or shall receive such~~
 42 ~~amount as contracted for. The~~ state review board may employ other
 43 persons who shall be in the unclassified service of the Kansas civil

The state child death review board shall be within the office of the attorney general as a part thereof. All budgeting, purchasing and related management functions of the board shall be administered under the direction and supervision of the attorney general. All vouchers for expenditures and all payrolls of the board shall be approved by the chairperson of the board and by the attorney general.

Within the limits of appropriations therefor, the

1 service act ~~[within appropriations therefor]~~

2 (g) Members of the state review board, except state employees,
3 shall receive compensation, subsistence allowances, mileage and ex-
4 penses as provided by K.S.A. 75-3223 and amendments thereto.
5 Members of the state review board who are state employees shall
6 receive subsistence allowances, mileage and expenses as provided by
7 K.S.A. 75-3223 and amendments thereto.

8 (d) (h) The state review board shall develop a protocol to be
9 used by the state review board. The protocol shall include written
10 guidelines for coroners to use in identifying any suspicious deaths,
11 procedures to be used by the board in investigating child deaths,
12 methods to ensure coordination and cooperation among all agencies
13 involved in child deaths and procedures for facilitating prosecution
14 of perpetrators when it appears the cause of a child's death was from
15 abuse or neglect.

16 (e) (i) The state review board shall submit an annual report to
17 the governor and the legislature on or before October 1 of each
18 year, commencing October 1993. Such report shall include the find-
19 ings of the board regarding reports of child deaths, the board's
20 analysis and the board's recommendations for improving child pro-
21 tection, including recommendations for modifying statutes, rules and
22 regulations, policies and procedures.

23 (f) (j) Information acquired by, and records of, the state review
24 board shall be confidential, shall not be disclosed and shall not be
25 subject to subpoena, discovery or introduction into evidence in any
26 civil or criminal proceeding, except that such information and records
27 may be disclosed to any member of the legislature or any legislative
28 committee which has legislative responsibility of the enabling or
29 appropriating legislation, carrying out such member's or committee's
30 official functions. The legislative committee, in accordance with
31 K.S.A. 75-4319 and amendments thereto, shall recess for a closed
32 or executive meeting to receive and discuss information received by
33 the committee pursuant to this subsection.

34 Sec. 3. K.S.A. 1993 Supp. 22a-242 and 22a-243 are hereby re-
35 pealed.

36 Sec. 4. This act shall take effect and be in force from and after
37 its publication in the statute book.

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