

Approved 3-19-1984  
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MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at  
Chairperson

1:30 a/m/p.m. on March 12, 1984 in room 423-S of the Capitol.

All members were present except:

Rep. Roenbaugh, excused

Rep. Niles, excused

Rep. Williams, excused

Committee staff present:

Emalene Correll, REsearch

Bill Wolff, REsearch

Norm Furse, Revisor

Sue Hill, Secy. to Committee

Conferees appearing before the committee:

None

Visitor's register, (See Attachment No. 1.)

Chairman called meeting to order asking pleasure of committee in regard to minutes of meetings for February 27, February 28, February 29, and March 1. Motion by Rep. Walker to approve these minutes, seconded by Rep. Friedeman, motion carried.

Briefing on Senate Bills sent to this committee was given by staff members.

SB 366, is a substitute bill that was introduced in 1983, and the original bill was broader in scope than it is at present.

Chair noted to committee a hand-out (see Attachment No. 2.), for details, was given to committee this date in regard to SB 366.

Briefings continued on SB 530, SB 539, and questions from committee in regard to extra educational requirements on SB 530, and that SB 539 must be reconciled to HB 2750.

SB 623, SB 640, SB 660, SB 754, SB 769, SB 780, and HR 5081 were all briefed very comprehensively by staff.

Questions on SB 640 from committee in regard to fiscal note forthcoming, and that appropriations would come from Ways and Means Omnibus fund. How many hemophilia patients are there in the state, and etc. On SB 754, what kinds of arbitration could be brought about was discussed, and it was stated that blind vendors are to have been given first chance for opportunity to operate vending machines/facilities, and that some lease, & personnel problems might arise.

Meeting adjourned 2:20 p.m.



Sustitute for SENATE BILL No. 366:  
Analysis and Recommendations

*Attn. #2*  
*3/12/84*

Prepared by the Advisory Committee on Employment of the Handicapped  
March 7, 1984

1. DEFINITION: The present definition of "physical handicap" is found in K.S.A. 44-1002. It reads: "(j) The term 'physical handicap' means the physical condition of a person, whether congenital or acquired by accident, injury or disease which constitutes a substantial disability, but is unrelated to such person's ability to engage in a particular job or occupation.

CONCERN: A person's ability to engage in a particular job or occupation is an unacceptable criterion for renting or selling real estate to that person.

CONCERN: The definition ignores those persons who may have recovered from a disability (such as heart problems, cancer and other correctible conditions) but are treated as if they still are disabled.

CONCERN: Persons who are not disabled, but are regarded as being disabled (such as persons who have facial disfigurements) are not afforded protection by this definition.

RECOMMENDATION: Amend the present definition to read as follows:  
K.S.A. 44-1002 (j) The term "physical handicap" means any condition in which a person: (1) has a physical impairment which substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

This proposed definition very closely parallels the federal definition found in the Rehabilitation Act of 1973, amended. It is also found in Kansas' Executive Order 80-47 which mandates affirmative action for executive branch agencies.

2. OMISSION OF AGE: Age protection in employment was added to the Kansas Act Against Discrimination last legislative session. How does this omission affect the statute and substitute bill? We don't know.

RECOMMENDATION: Restore age to pertinent sections of the bill.

3. EXEMPTION: There is no exemption for housing constructed for disabled persons.

RECOMMENDATION: Indicate that housing units specifically developed for disabled persons may show preference for such persons.

*Attn. #2*  
*3-12-1984*

4. ARCHITECTURAL MODIFICATIONS: Presently, Section 4, K.S.A. 44-1006 reads:

"Nothing in the Kansas act against discrimination shall be construed to require the construction of any special facilities or fixtures for the physically handicapped."

Substitution for Senate Bill No. 366 amends section 1, K.S.A. 44-1016 to read:

"Nothing in this section shall be construed to require the construction of any special facilities or fixtures for the physically handicapped or in leasing property to the physically handicapped to require any special provisions in the lease for such handicapped persons."

CONCERN: The provisions effectively deny occupancy of dwellings for handicapped persons.

CONCERN: Once a dwelling is acquired, the provisions prevent full access to and within dwellings.

RECOMMENDATION: Amend section 5, K.S.A. 44-1005 and Section 1, K.S.A. 44-1016 (substitute for SB 366) to read as follows:

"Nothing in the Kansas act against discrimination shall be construed to prevent necessary accessibility modifications to or within dwellings covered under this act for handicapped persons."