

Approved _____ Date 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 Littlejohn at _____
Chairperson

1:30 /a.m./p.m. on March 13, 1984 in room 423-S of the Capitol.

All members were present except:

Rep. Ken King, excused
Rep. Vernon Williams, excused

Committee staff present:

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

Conferees appearing before the committee:

Representative Wanda Fuller
Ms. Sharon Cook, Director of Ks. Commission for the Hearing Impaired
Dr. Robert Harder, Department of SRS
Howard Snyder, Families for Mental Health, Inc. Prairie Village, Ks.
John Kelly, Ks. Advisory Committee on Employment of the Handicapped
Mitch Cooper, Topeka Resource Center for the Handicapped
Michael Byington, Ks. Association for the Blind and Visually Impaired, Inc.
Bill Reyer, Ks. Council of Disabled persons
Paul Klotz, Association of Community Mental Health Centers of Ks.
Pat Terrick, United Cerebral Palsey
Janet Schalansky, Ks. Planning Council on Developmental Disabilities
Ray Petty, Chrnm. of Ks. Advisory Commission on Employing Handicapped
Connie Buller, School teacher, S.E. Kansas
Gordon Hahn, Association of Landlords of Kansas
Don Karr, Topeka Resource Center for Handicapped
Ken Fousek, Representative of Handicapped and Civil Rights Investigator
Jim Bloom, Pres. Developmental Services of NW Ks.
Joan Strickler, Ks. Advocacy for Protective Services for Develop. Disabled

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

Chairman called meeting to order and introduced Representative Wanda Fuller. She spoke to HCR 5086.

Hearings began on HCR 5086:--

Rep. Fuller gave some background on HCR 5086, stating that the committee on Governmental Organization introduced this upon request and felt the cooperation between the Commission for Deaf and Hearing Impaired and the Department of Education is a necessary concept.

Ms. Sharon Cook, Director of Commission for the Hearing Impaired spoke to HCR 5086, saying there are two main areas they feel are being reached by this bill. To up-grade and identify qualified interpreters in the class room situation. (It is not now required that certified interpreters are assigned to teach in class room situations.) Secondly, to establish adult education for deaf adults.

Hearings closed on HCR 5086.

Hearings on Substitute SB 366.

Dr. Robert Harder, Ks. Dept. of SRS spoke to this bill, and supplied committee with printed testimony, (see Attachment No. 2.), for details. Dr. Harder noted the position of their department is to urge that substitute SB 366 be amended by replacing the term "physical handicap" with "handicap". Further, he defined more broadly this language. Details are in Attachment No. 2. Dr. Harder then answered questions.

Mr. Howard Snyder, a parent of a son with mental illness, and as a member of Families for Mental Health, Inc. gave printed statement to committee, (see Attachment No. 3.), for details. He spoke to the omission of protection from discrimination of the mentally impaired. Present law permits any employer to refuse jobs, any landlord or real estate person to refuse a place to live, etc., if they so choose. This discrimination

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 ~~h/h~~/p.m. on March 13, 1984.

Hearings on Sub.SB 366 continue:--

is unjust, and he strongly urged that Sub.SB 366 be amended to include mental impairment and then passed so that all of these people will have an opportunity for the best life possible.

Mr. John Kelly, Senior Consultant, Ks. Advisory Committee on Employment of the Handicapped spoke to committee, having presented printed statement, (See Attachment No. 4.), for details. He spoke of being proud of working to address legislative committees on various topics, but this particular issue leaves little pleasure since it leaves the handicapped person having to continue to ask for basic civil rights. He stated that KACEH wishes to go on record as opposing the passage of the substitute bill for SB 366, and asked that the bill as introduced be strongly considered instead. His hand-out to committee was very comprehensive and also gave an analysis of comments that were presented to the Senate Public Health and Welfare Committee members. If you amend Sub. SB 366, he stated, amend it to strike physical and leave handicapped only in the language..

Mitch Cooper, Topeka Resource Center for the Handicapped spoke to Sub. SB 366, and presented printed testimony, (see Attachment No. 5.), for details. He said the original bill had been designed to cover all disabilities, thereby replacing an otherwise fragmented approach to protection against discrimination of the handicapped. The Substitute bill has some benefits, but they are reasonably limited in comparison with the original form of SB 366, and asked committee to bear that in mind when making their determination of this important piece of legislation.

Michael Byington, Ks. Assoc. for Blind and Visually Impaired, spoke to reluctant support of the substitute bill, but stated his group is in full support of the bill in its original form. He cited specific cases where higher rent was to be charged to blind or handicapped persons over a sighted person, refused apartments because of their guide dog, loan refusals, etc. He stated they feel the language "physically" should be removed where it proceeds the term handicap or handicapped in the bill, and urged committee for their consideration of this. (See Attachment No. 6.), for full details of his testimony.

Bill Reyer, Ks. Council of Disabled Persons spoke to Sub. SB 366, and suggested to abolish the revised version and go back to the original SB 366. By this action, he said, you will demonstrate willingness to ensure equal rights for the disabled in Kansas. (See Attachment No. 7.)

Paul Klotz, Association of Community Mental Health Centers of Ks., spoke to Sub. SB 366, in that their Association was in full support of the original SB 366 and said that in its original form it would provide the protection in communities where the mentally handicapped are striving to become participating members of those communities. (See Attachment No.8).

Pat Terrick, Representating United Cerebral Palsey Assoc., and urged for passage of the bill in its original form and not the Substitute version.

Janet Schalansky, Ks. Planning Council on Developmental disabilities, spoke to concerns to substitute for SB 366 in relation to the Ks. Act Against Discrimination. She stated their Council regrets the change in Sub. SB 366 which revised the definition of handicap. The physically handicapped definition proposed by KACEH more closely parallels the Federal definition. Their Association supports provisions to afford the physically handicapped the same protections afforded all Kansans. (See Attachment No. 9.), for details.

Ray Petty, Chairperson, Ks. Advisory Committee on Employment of Handicapped, spoke to Sub. SB 366 and submitted survey findings to committee, (see Attachment No. 10.), for details. Housing discrimination against the handicapped can be addressed if the original version of SB 366 is considered, and as we view it now, the substitute bill has eliminated the first 14 pages of a 19 page bill. We urge you to consider the original SB 366.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 a.m./p.m. on March 13, 1984

Sub. SB 366 continues:--

Connie Buller, School teacher in Southeast Kansas, spoke to Sub. SB 366, stating she is in full support of the bill in its original form as it was introduced, and as a teacher is aware of all the mandates for educating the handicapped. After the education process though, they are adults and need some independence, but are faced with all the problems of finding housing, and etc., and she was against Sub. SB 366.

Mr. Gordon Hahn, Association Landlords of Kansas spoke in full support of the Substitute SB 366. His Association had many concerns with the bill in its original form, but are in agreement with language in the substitute bill. His answer to questions from committee in regard to concerns with contracting with some of the mentally incapable, liability concerns with handicapped living for example on 3rd floor of a building in that they might fall on stairs, etc. He was asked if they make personal evaluation of the tenants, and he said yes they do, and feel it is their right as property owners to make these evaluations as to disability. Liability and cost is of great concern to these landlords.

Don Karr, (See Attachment No. 11.), for details of his printed testimony. He said he is in support of the bill in its original form, but not Substitute SB 366.

At this point, printed testimony for Mr. Scott Nease was distributed to committee, (see Attachment No. 12.) for details. This testimony included a petition signed by 123 persons to ask that discrimination against the handicapped be addressed.

Mr. Ken Fousek spoke of his opposition of Substitute SB 366, and urged committee to consider SB 366 in its original form.

Mr. Jim Bloom President Developmental Services of NW Kansas, spoke to Sub. SB 366, and said their Association is in support of SB 366 in the original form and asked committee to consider not including the word "physically" before word handicapped when used in language of the bill. There are many people in this group, not just the physically handicapped that are being discriminated against, and the bill in its original form will serve to address that problem. He urged committee to consider the original form of SB 366.

Joan Strickler, Ks. Advocacy for Protective Services, agreed with those conferees who have testified today on the need for anti-discrimination bill for all handicapped, and urged committee to consider SB 366 as it was originally introduced.

Hearings closed on Sub. SB 366.

Chair asked wishes of committee in regard to HCR 5086, then recognized Rep. Roenbaugh. She moved that committee pass HCR 5086 out of committee favorably, seconded by Rep. Green. Motion carried.

Meeting adjourned at 2:30 p.m.

Date: 3/13/84

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE

Please Print

| NAME | ORGANIZATION | ADDRESS |
|-------------------|--|-------------------------------------|
| Bob Lutz | UCP | 2021 N. Old Manor Wichita |
| Robin Fazel | voter | 516 W. 4th. |
| Michael Bungton | St. Assn for Blind and Visually Imp. - | P.O. Box 292 Topeka, Ks. 66601 |
| Don Kan | TRCH | 1119 W 10, Top, KS 66604 |
| Howard Snyder | Families For Mental Health | 4811 W 77 Place, Prairie Village |
| David M. Kutz | Assoc. of CMHC's Ks | 825 Quincey/Suite 416 - Topeka, Ks. |
| Ray M. McEwen | Mental Health Assoc. in Ks. | 1205 Harrison, Topeka, Ks 66612 |
| Ruth Williamson | SHN, MSN, P.T.A. | 8208 Rosehill Rd, Lenexa - 66215 |
| Suella Calkins | Shawnee Mission Area PTA | 5242 Bond Shawnee 66203 |
| Ray Petty | Kansas Advisory Committee on Employment of the Handicapped | 2009 Alabama Lawrence, Ks 66044 |
| Mitch Cooper | TILRC, Inc. | 1119 W. 10th Topeka, Ks 66604 |
| Alvin O'Connor | Topeka Club of Deaf | 1340 NW Tainy Dr. Top. 66618 |
| Bobby Gene Fisher | Topeka Assn. of the Deaf | 218 E. 9th St, top. 66602 |
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Attn. #1
3-13-1984

Attn #2
3/13/84

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
STATEMENT REGARDING SUBSTITUTE FOR SENATE BILL 366

I. Kansas Act Against Discrimination

The bill amends existing statutes K.S.A. 44-1016, 44-1017, 44-1018 and 44-1027 by adding physical handicap to race, religion, color, sex, national origin and ancestry as a condition that may not be used as a basis for discrimination in sale, rental, lease, listing and financing of housing.

II. Background

The original Senate Bill 366 was introduced during the 1983 legislative session and was carried over to the 1984 session. The original version did not limit the provisions of the act to the physically handicapped. The intent of the bill is to include the physically handicapped among those who would be protected by law from discrimination and assure in the above areas the full privileges and freedoms of Kansas citizenship.

III. Discussion

The limiting of handicapping conditions to those of a physical nature is not consistent with the prevailing view that people are valued and should be afforded the full privileges of citizenship irrespective of the type of handicap. Those with mental or emotional handicaps also should be considered as those who require the protections afforded by this act. Individuals have a basic right to reside in situations that have the least possible restrictions on their personal freedom. As the emphasis on the positive effects of residing in the community continues, there will be a greater need to protect this right and insure that individuals have the opportunity to live outside an institutional setting.

IV. SRS Position

It is for these reasons that the Department of Social and Rehabilitation Services urges that substitute Senate Bill 366 be amended by replacing the term "physical handicap" with "handicap." Further, the term "handicap" should be defined as "any condition in which a person: (1) has a physical or mental 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 definition follows the federal definition of handicap included in Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of handicap.

Robert C. Harder, Secretary
Office of the Secretary
Social and Rehabilitation Services
March 13, 1984

Attn #2
3-13-1984

F. F. M. H.

Families For Mental Health, Inc.

JOHNSON COUNTY

P. O. Box 2452

March 13, 1984

Shawnee Mission, Kans. 66201

*Attn. # 3
3/13/84*

I am appearing today as Past President of Families For Mental Health of Johnson County, to testify as conditionally in support of Senate Bill 366. FFMH is an organization for people that have family members suffering from mental illness. In condition to Johnson County there are 5 other groups; Kansas City, Wichita, Topeka, Newton and McPherson. I am also representing these groups.

We are supporting this bill conditionally because there is a glaring omission in those groups to be protected from discrimination. We are certainly supporting protection of the physical handicapped but we also support protection of the mentally impaired who are not included in this bill, therefore, we can only assume that it is the State's policy that discrimination against the mentally impaired is acceptable.

On a personal basis I am the father of a 25 year old son who has mental illness. My overriding concern is that he will have the best life that he can possibly have within the limits of his abilities. Under present Kansas law any employer can refuse my son a job just because he suffers from an illness; any landlord or real estate person can refuse my son a place to live just because he suffers from an illness; any public accommodation can refuse his admittance just because he suffers from an illness. All of these can be done with the blessing of the State of Kansas.

If my son cannot work, can find no place to live or cannot utilize public accommodations how will he have any kind of life much less the kind of life that we all believe is our right for ourselves. Since the State is refusing to protect these people from discrimination is the State ready to provide housing and income to them for the rest of their lives. If not, where and how will they live when they are denied access to private facilities. Will they join the estimated 2 million people now living on the streets across the United States.

I have been a landlord for 28 years. I believe I understand all of the potential problems involved with having a handicapped person as a tenant, however, I firmly believe that people's basic rights far outweigh any problems that might occur. If Kansas is going to refuse to allow people the opportunity to live as normal a life as possible and become productive citizens, than the State will end up having to take the full responsibility for providing a minimal life for these people at greater costs to all of us.

So on behalf of FFMH and all people who are suffering from mental and physical impairment throughout Kansas, we strongly urge that the bill be amended to include mental impairment and then passed so that all of these people will have an opportunity for the best life possible.

Howard Snyder
Howard Snyder

*Attn. # 3
3-13-1984*

Attn #4
3/13/84

TESTIMONY GIVEN IN OPPOSITION TO
SUBSTITUTION FOR SENATE BILL 366

Presented to the
House Committee on Public Health and Welfare

by

John Kelly
Senior Consultant

Kansas Advisory Committee on Employment of the Handicapped

March 13, 1984

Attn #4
3-13-1984

TESTIMONY

Thank you Representative Littlejohn and members of the House Committee on Public Health and Welfare for the opportunity to present testimony today. My name is John Kelly and I represent the Kansas Advisory Committee on Employment of the Handicapped (KACEH).

I have asked persons to be here today that would be effected by the bill or who represent persons with the wide spectrum of disabling conditions.

Each year since 1978 I have had the honor and pleasure of addressing legislative committees concerning transportation, health, housing, motor vehicle, education, employment and civil rights for handicapped persons. I have seen you respond favorably to these issues.

This bill, however, gives me little pleasure. The very thought of thought of having to continue to ask for basic civil fights for both physically and mentally handicapped persons and elevating those persons to basic human dignity, is not something that should have to be asked for but given. As an inalienable right to citizenship.

KACEH presents itself at this hearing to go on record as opposing the passage of the Substitution Bill for SB 366 which effectively denies handicapped persons equal rights and adequate redress once those rights have been breached.

FACT SHEET

Senate Bill No. 366

In 1983 the Kansas Advisory Committee on Employment of the Handicapped (KACEH) submitted to the Senate Committee on Public Health and Welfare recommendations which proposed amending the Kansas Act Against Discrimination.

After being approached by numerous disabled consumers with housing discrimination complaints, KACEH sought the appropriate agency and means in which the complainants could address their concerns. We found that the Kansas Commission on Civil Rights, which enforces the Kansas Act Against Discrimination, has not promulgated rules and regulations for disabled persons nor does the Kansas Act, which affords all Kansas citizens protections from discrimination based on their race, religion, color, sex, age, national origin or ancestry. The Act curiously omits protections for handicapped persons under the numerous areas covered in their statutes.

Essentially we found that the Act by restricting its coverage to physically handicapped persons, denied the broader spectrum of disabling conditions (see January 21, 1983 analysis). In doing so, the mentally and emotionally handicapped were without basic human civil rights protections under the Act.

At the Senate hearing, the only objection to the bill was voiced by The Associated Landlords of Kansas, Inc. who presented testimony expressing their concerns with the proposal amendments to the Kansas Act. Their position and the responses of KACEH are attached. Those arguments presented by the bill's only opponent were effectively rebutted. Additionally, the Kansas Chapter of the National Realtors Association presented testimony giving unconditional support for the bill as originally introduced.

1984

No action was taken on SB 366 in 1983 and remained in the Senate Public Health and Welfare Committee to be reintroduced without amendment. Again, at the hearing, a substantial number of disability organizations were represented and continued their active support of the bill. The Associated Landlords of Kansas remained the bill's only opponent.

KACEH presents itself at this hearing to go on record as opposing the passage of the Substitute for SB 366. We ask that responsible members of this body reject the Substitute for SB 366 and give full support to SB 366 as originally introduced.

KANSAS ADVISORY COMMITTEE
ON EMPLOYMENT OF THE HANDICAPPED

ANALYSIS OF
THE KANSAS ACT AGAINST DISCRIMINATION

January 21, 1983

I. DEFINITION: -

The present definition related to disability is: (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.

ANALYSIS:

- A. The term only covers certain physical disabilities. It does not cover any mental disabilities.
- B. The Act defines physical handicap only in the context of employment. It does not cover any other major life activity which may be affected by a disabling condition.

DEFICIENCY:

Persons who are physically disabled in a context other than employment may be discriminated against without recourse to the protections of the Act. Similarly, persons who are mentally or emotionally handicapped do not have the protection of the Act.

RECOMMENDATION:

Amend the Act by replacing the present definition with another that reads as follows: (j) The term "handicap" means any condition in which a person (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

This definition parallels the federal definition found in Section 504 of the Rehabilitation Act of 1973, amended.

II. TERMINOLOGY:

Only the term "physical handicap" is used in the Act.

ANALYSIS:

By using only "physical handicap", the Act excludes those persons who have emotional or mental handicaps from protection under the Act.

DEFICIENCY:

Persons who have mental or emotional handicaps may be discriminated against without recourse to protections under the Act.

(Continued)

RECOMMENDATION:

Delete the word "physical" from the term "physical handicap" and redefine the term "handicap".

III. HOUSING:

The factors upon which discrimination in housing are prohibited are as follows: race, religion, color, sex, national origin or ancestry.

ANALYSIS:

There is no reference to disability as a factor upon which discrimination is prohibited.

DEFICIENCY:

Disabled persons may be discriminated against in housing practices without recourse to protection under the Act.

RECOMMENDATION:

Include the term "handicap" among those factors upon which discrimination in housing is prohibited.

IV. REAL ESTATE LOANS:

The factors upon which discrimination in real estate loans is prohibited are as follows: race, religion, color, sex, national origin or ancestry.

ANALYSIS:

There is no reference to disability as a factor upon which discrimination is prohibited in real estate loans.

DEFICIENCY:

Disabled persons may be discriminated against in real estate lending without recourse to protections under the Act.

RECOMMENDATION:

Include the term "handicap" among those factors upon which discrimination is prohibited in the section of the Act addressing real estate loans.

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Analysis of the Comments
Presented to the
Senate Public Health and Welfare Committee
April 4, 1983
in Opposition to the Passage
of Senate Bill 366

Prepared by:
The Kansas Advisory Committee on
Employment of the Handicapped
1430 S. Topeka Avenue
Topeka, Kansas 66612-1877

The Associated Landlords of Kansas, Inc. has been the single opponent to the passage of SB 366. Beth Gramly, Chair, Governmental Affairs Committee of the association presented their testimony. Their position and KACEH responses follow:

Question 1.

Landlords' Position:

"The bill's definition of handicapped may be appropriate for the helping professions use, but for purposes of this bill it is extremely general, vague, and apparently, all inclusive."

KACEH Response:

The definition used for "handicapped" can be found in use within:

- a) Kansas Governor's Executive Order 80-47 in use since October 21, 1980.
- b) The Federal regulations published in 1975 by Department of Labor have been used as a model for other agencies and state use.

These documents are not for "helping professions". They are for employment protections for handicapped persons.

Landlords' Position:

"This definition does not delineate the degree of impairment or whether that impairment is likely to cause anti-social or dangerous behavior to other residents or to the landlord."

KACEH Response:

The bill does not exempt disabled persons from obeying the law. Landlords can take legal action against criminal behavior without regard to the person's disability.

Landlords' Position:

"What are major 'life activities' to be considered?"

KACEH Response:

Major life activities are not specified in the bill since they are determined by rules and regulations.

Landlords' Position:

"What are the 'records of impairment' and aren't these records often protected by the privacy acts?"

KACEH Response:

Most formal records are protected, but there are informal methods of obtaining such information. The bill does NOT

prohibit normal screening of prospective tenants, which includes income stability, references, word of mouth and personal acquaintance which are presently used by landlords.

Landlords' Position:

"Who decides if the person is 'regarded' as having an impairment? There are no specifics or limitations in this definition."

KACEH Response:

A person is handicapped if that person is regarded as such by the property owner.

Landlords' Position:

"We could be required to knowingly rent to the mentally disabled with unpredictable behavior patterns including extreme 'John Hinckley' personality types."

KACEH Response:

The liability for release of mentally disabled individuals with unpredictable behavior patterns into the community rests with the medical professionals, not property owners.

Question 2.

Landlords' Position:

"According to the bill, the landlord is not legally required to make modifications to his building to accommodate the handicap. However, according to legal counsel, this does not protect the landlord from liability should a handicapped person be injured or killed while living in a building that doesn't provide safeguards for his handicap. Such an accident will most likely be considered a 'foreseeable accident' without proper safeguards provided. Therefore, the landlord will be held liable."

KACEH Response:

Should a landlord rent to a disabled person, that person is entitled to the same safeguards as other residents.

Question 3.

Landlords' Position:

"The increase in liability exposure would be very dangerous and an unfair burden for the property owner, causing increase in insurance rates."

KACEH Response:

Insurance rates are based on the number of claims, not the number of handicapped residents. There are no actuarial figures available indicating that handicapped persons are more accident prone, thereby increasing insurance premiums.

Question 4.

Landlords' Position:

"Otherwise, providing handicapped modifications obviously can be very expensive - too expensive for most to bear.

KACEH Response:

- 1) The bill does not require the landlord to bear the cost of accessibility modification to a rental unit and clearly indicates (lines 0400-0404) "nothing in the Kansas act against discrimination shall be construed to require the construction of any special facilities or fixtures for the physically handicapped, except as provided by K.S.A. 58-1301 et seq...."
- 2) K.S.A. 58-1310 requires modification to rental apartment complexes and temporary lodging facilities which contain twenty (20) units or more, except that the provisions of the act applies only to ten percent (10%) of those units.
- 3) The Kansas Handicapped Accessibility Tax Credit (K.S.A. 79-32,175 to 79-32,179 as amended) allows a landlord to claim a tax credit if money is spent to make all or part of a rental property accessible to handicapped persons.
- 4) K.S.A. 58-1301 requires modifications to conform to ANSI standards, not customized accommodation.

Question 5.

Landlords' Position:

"If the property owner could and did go to the expense of modification to accommodate a particular handicapped individual, that handicapped resident eventually moves leaving the landlord with a unit modified to suit a particular handicap but not necessarily other kinds of handicap. The unit would likely not be desirable for a non-handicapped person.

KACEH Response:

K.S.A. 58-1301 requires modifications to conform to ANSI standards, not customized accommodations to rental units. ANSI standards indicate the degree of modification necessary to accommodate a handicapped person while leaving the unit usable by the public.

Question 6.

Landlords' Position:

"An additional legal problem regarding the mental handicapped is that of the landlord entering into a contract (lease agreement) with a mentally impaired individual. It is likely that while the landlord would be bound to the contract, the mentally impaired individual would not. The lease would then be of no value in

settling contractual disputes."

KACEH Response:

If a mentally disabled person has been judged to be incompetent a legal guardian, conservator or natural parent would be the signee on contracts.

Additionally, most landlords require that a security deposit be received before occupancy.

Question 7.

Landlords' Position:

"In speaking for our other residents, under terms of this bill, how would we deal with a mentally impaired person who becomes disruptive to the peaceful enjoyment expected by them. A disruptive behavior could be considered a mental impairment, one we would be forbidden to eliminate from our property. Also, we would be unable to act in response to complaints from our other residents."

KACEH Response:

The bill does NOT exempt disabled persons from obeying the law. Landlords can take legal action against criminal behavior without regard to the person's disability.

Question 8.

Landlords' Position:

"Finally, most landlords in Kansas are small - most manage and maintain their own property, most are not trained to deal with all the special needs, both physical and mental, that they may meet under this vague and all-encompassing bill. Most landlords do not feel they have the qualifications to deal with these situations."

KACEH Response:

Landlords are not obligated to practice medical or psychological diagnoses of their tenants nor to become trained in the personal special needs some handicapped persons may need and are quite capable of obtaining without assistance from their landlords.

Landlords' Position:

"The landlord-tenant relation as well as relations between residents are different, often more complex, and longer term than most business relationships such as a restaurant or barber shop business transaction. For all the above reasons, this bill places an unfair and too heavy burden on the individual landlord."

KACEH Response:

The definition used for handicapped is currently used in the education and employment of handicapped persons. These education and employment situations last longer and are more complex than landlord-tenant interactions or restaurant or barber shop business transactions.

Landlords' Recommendation:

1. "Perhaps the various new subsidized housing projects should be required to have higher than 10% of handicapped residents."

KACEH Response:

The spirit of the bill is to increase the mobility and freedom of choice for handicapped persons and not to perpetuate "handicapped ghettos". The historic Brown v. Board of Education case addressed the problem of segregation. "We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal." This same concept applies to housing.

Landlords' Recommendation:

2. "Perhaps more use of grants for disabled veterans should be encouraged."

KACEH Response:

The grants available to permanent and total service connected disabled veterans are for the costs incurred in building, buying, remodeling or paying the indebtedness of a home and are NOT authorized for the paying of unit rent.

Landlords' Recommendation:

3. "Perhaps rewrite the bill so that the handicapped person must be qualified and able to live in the unit without alterations and the state accepting all liability and additional insurance costs."

KACEH Response:

Requiring handicapped persons to live only where alterations need not be made would perpetuate a segregation of this minority from the general population.

It is not the state's role to insure private enterprise. Property owners have always assumed the costs associated with their property.

Landlord's Recommendation

4. "Perhaps various incentives should be considered to encourage more private enterprise to provide handicapped housing."

KACEH Response: ..

Landlords should avail themselves of the Kansas Handicap Accessibility Tax Credit (K.S.A. 79-32,175 to 79-32,179 as amended). The tax credit lets a landlord claim a tax credit for money spent to make all or part of a rental property accessible to handicapped persons. Fifty percent of the actual cost of such alterations may be claimed as a tax credit as long as the credit does not exceed \$10,000. If the alteration exceeds the amount of state income tax that the business owes it may carry over the extra credit up to four years.

**Substitute for SENATE BILL No. 366:
Analysis and Recommendations**

**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.

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."

Attn # 5

3-13-84

TESTIMONY
TO
HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE
MARCH 13, 1984

By: Mitch Cooper
Representing: Topeka Resource Center for the Handicapped
Re: SB 366

SB 366 had represented an effort to advance the rights of all disabled persons. The substitute version appears to protect the rights of physically handicapped people only. Our organizational goal is to enhance the opportunities for all handicapped individuals to live as independently as possible. As such, we firmly believe that SB 366 would be a move in the right direction, but that the substitute version would only represent a small step forward.

SB 366 had been designed to cover all disabilities, thereby replacing an otherwise fragmented approach to protection against discrimination. As a cross-disability service organization, we have observed many claims of acts of discrimination against persons with a wide range of handicapping conditions, not only those with physical disabilities. The substitute version only speaks to part of this group.

SB 366 also sought to prohibit discriminatory practices against the handicapped in housing and in regard to real estate loans. Physically disabled persons may face architectural barriers, but this is not the only unfair obstacle to the handicapped in their desire to obtain an adequate supply of accessible housing. There are far too many units that exclude all types of disabled persons on the basis of unwarranted discrimination based on a needless fear, grounded in ignorance. The substitute version addresses this issue in a much more limited fashion as compared with the bill as originally introduced.

Unfair discrimination against handicapped persons carries both high social and economic costs. It is commendable that the legislature is attempting to close the door on such negative and archaic practices by its consideration of SB 366. The substitute version does have some benefits, but these are unreasonably limited in comparison with the bill in its original form. Please bear that fact in mind when making your final determination.

Attn. #5
3-13-1984

attn. #6
3/13/84

Kansas Association for the Blind and Visually Impaired, Inc.

March 13, 1984

TO: House Public Health and Welfare Committee
FROM: Legislative Committee, Mary Adams, Chair
Michael J. Eyington, Lobby
Robert L. Tabor, Member

SUBJECT: Senate Bill 366

The Kansas Association for the Blind and Visually Impaired Inc. stands in support of Senate Bill 366. Over the past few years, our membership has reported to us a number of examples of discrimination which are not fully coverable under the current Kansas Act Against Discrimination. Some of these examples shall here be recounted.

One of our totally blind members, a well educated professional person with a middle class income, was seeking an apartment. She looked at one in a complex and was reluctantly told by the owner that he would rent it to her for \$250.00 per month. She did not choose to take this particular apartment, but later learned that a sighted, non-handicapped friend of hers had also looked at this same apartment and was told by the same owner that he would rent it to her for \$215.00 per month. All other terms were the same. The blindness was clearly the only differing factor which might have caused the higher rent quote.

Another of our totally blind members was told that she could not rent an apartment because her guide dog constituted a pet and the particular complex in question did not allow pets. The guide dog is not in fact, a pet. It is a mobility aide, and highly conditioned for this purpose. The situation was clearly a discriminatory one.

Yet another totally blind member went to a bank to attempt to secure a loan to buy an automobile which her son was going to drive for her. She had excellent credit. Nonetheless, the banking institution turned her down quite publically in the lobby via its official stating, "We don't make car loans to blind people." She got the loan the next day from another firm.

Senate Bill 366, in its current form, will go a long way toward offering recourse for these types of situations. Our organization, however, even more strongly supported this bill in the form in which it was originally introduced in the Senate. We therefore are here requesting that it be ammended back into that form.

The term, "physically" was originally removed from all places where it proceeded the term "handicap" or "handicapped." Indeed, this is the way it should be. To many, the term, "physically" suggests an orthopedic handicap, and does not include sensory handicaps. While there is no question that blind and/or deaf individuals would be covered under Senate Bill 366 in its current form, it would be much more clear that this is the case if the term "physically" were to be removed as has been suggested. The bill in its original form contained the same defination of a handicapped person which

attn. #6
3-13-1984

has been successfully operationally used by the federal government for the past ten years. This defination should be put back into the bill. It is true that this would extend civil rights coverage to mentally handicapped people, but we feel it is high time that this occurs. For one reason, we believe in the principle that no Kansan will have true civil rights protection until all Kansans have civil rights protection. For another reason, the Kansas Association for the Blind and Visually Impaired Inc., through the work of its Education Committee has established a long record of concern and advocacy for the multiply handicapped blind individual. When a disabled person is discriminated against, it is nothing short of stupid to have to figure out what particular disability caused the discrimination before it can be determined that something can be done about it.

Again, we support Senate Bill 366 in its current form, but we will support it even more if the bill is put back into its original form. Thank you.

Attn. #7
3/13/84

TESTIMONY OF BILL REYER, KANSAS COUNCIL OF DISABLED PERSONS

As a representative of the Kansas Council of Disabled Persons, I want to express my appreciation for the opportunity to express my concerns about SB 366 in its revised form.

In the revised SB 366, the definition of "handicapped" has been struck and "physically handicapped" added. In my opinion, a loophole has been created. I can find nothing in this bill that defines who is included under the term "physically handicapped". Because of this omission, the determination of "physical handicap" is totally subjective on the part of persons interpreting the law. Another serious omission is that of "age" from the list of areas of possible discrimination.

Line 0061 to line 0065 makes it impossible for any physically handicapped person to enter or function in a dwelling not previously equipped for physically handicapped persons. This negates the entire intent of the bill.

My suggestion is to abolish the revised version and go back to the original SB 366. By this action, you will demonstrate your willingness to work with disabled citizens of Kansas to ensure equal rights before the law.

Attn. #7
3-13-1984



Association of Community Mental Health Centers of Kansas

820 Quincy, Suite 416/ Topeka, Kansas 66612/913 234-4773

Paul M. Klotz, Executive Director

REMARKS TO:

HOUSE PUBLIC HEALTH AND WELFARE

REPRESENTATIVE LITTLEJOHN

By: Nancy Belohlavek, Director, Community Support Program

Date: March 13, 1984

Re: S.B. 366

The Association of Community Mental Health Centers of Kansas supports the passage of S.B. 366 as it was initially introduced. It is imperative that mentally handicapped individuals be included under the Kansas Act Against Discrimination.

Mental health centers in Kansas currently see over 80,000 patients per year. We feel that these patients (former and current) need equal protection under the law, particularly as it relates to employment, housing, and other accommodations. Without such protection, the people we serve have no hope of ever truly escaping their handicap and becoming a part of the mainstream of normal day to day living.

The goal of Mental Health Services is to prepare an individual to live as independently as possible within our communities. Kansas has demonstrated a concern and in fact protects the rights of mentally handicapped in institutions and hospitals. Senate Bill 366 as initially introduced would provide the protection in our communities where mentally handicapped are striving to become participating members.

It is estimated that 15 to 20 percent of Kansas citizens have been in need, or will be in need of mental health intervention at some time in their life. That is a large segment of Kansas society who have been or could potentially be faced with discrimination as a result of their mental handicap.

The stigma of mental illness remains strong and still disallows many basic rights to those who are, or who have been, in psychological treatment.

This bill would go far toward insuring that the mentally handicapped would receive equal treatment under the laws of the state. Such equity would allow many more of the mentally ill to return to the economic and social mainstream of Kansas Life.

Thank you for this opportunity to comment.

*Attn. # 8
3/13/84*

Clinton D. Willsie
President

Larry W. Nikkel
President Elect

Dwight Young
Vice President

E. W. "Dub" Rakestraw
Past President

Michael L. Taylor
Treasurer

Kermit George
Secretary

Harriet Griffith
Bd. Mem. at Large



JOHN CARLIN
Governor

Attm. # 9
3-13-84

KANSAS PLANNING COUNCIL

ON || DEVELOPMENTAL
DISABILITIES
SERVICES

Fifth Floor North
State Office Building
Topeka, Kansas 66612
Ph. (913) 296-2608

TESTIMONY PUBLIC HEALTH AND WELFARE

On behalf of The Kansas Planning Council on Developmental Disabilities we appreciate the opportunity to address our concerns related to Substitute for S.B. 366 concerning the Kansas Act Against Discrimination.

The Kansas Planning Council on Developmental Disabilities was created by K.S.A. 74-5501-06 in response to Federal Legislation. The Council's mission is to improve the quality of life, maximize the developmental potential, and assure the participation of the Developmentally Disabled citizens in the privileges and freedoms available to all Kansans. The Council is composed of 15 members, one-half of whom are either Developmentally Disabled themselves or are parents or guardians of the Developmentally Disabled.

As you might expect we regret the change in substitute S.B. 366 which revised the definition of handicap.

We had strongly supported the provision in the Bill which would have the effect of including protection of the Act for persons with all types of handicaps. Currently, by definition only those individuals who manifest a physical disability would be protected from discrimination. Many of the Developmentally Disabled citizens who we advocate for are not physically handicapped, but are mentally retarded.

Attm. #9
3-13-1984

KPCDD Testimony
Public Health and Welfare
Substitute for S.B. 366

We feel these citizens should be included in the classes of persons protected from discrimination in the State of Kansas. However if it is desired to limit the definition to the physically handicapped we would encourage the adoption of the definition being proposed by the Kansas Advisory Committee on Employment of the Handicapped.

The physically handicapped definition proposed by KACEH more closely parallels the Federal definition found in Section 504 of the Rehabilitation Act: and, therefore, will allow for consistency in terms.

In addition to the change in definition of handicap, we also support the provisions in the Bill (Section 1, Line 0023 and Section 2, Line 0074) which include, physically handicapped persons in the class of individuals whom may not be discriminated against in housing or in real estate lending. Both of these provisions extend to the physically handicapped the same protections afforded all Kansans.

Thank you for the opportunity to share our concerns with you, and we urge you to support these amendments to the Kanas Act Against Discrimination.

Members
Kansas Planning Council on
Developmental Disabilities

Topeka, Kansas
March 12, 1983

JS:sec
2224S

Attn. # 10
3-13-84

March 13, 1984

Ray Petty, Chairperson, Kansas Advisory Committee on
Employment of the Handicapped (KACEH)

CONCERNS REPORT DATA FROM FOUR KANSAS SURVEYS

This testimony regarding the Kansas Act Against Discrimination is based upon research conducted by the Research and Training Center on Independent Living (RTC/IL) at the University of Kansas. The data come from four replications of the Concerns Report Method in Kansas. The information presented herein concerns housing problems experienced by disabled Kansans.

These data are from surveys conducted in Lawrence, Topeka, Kansas City and a statewide survey recently completed by the Kansas Advisory Committee on Employment of the Handicapped (KACEH). Each of these surveys specifically addressed the needs of persons with disabilities. In all four cases, disabled consumers were substantially involved throughout the survey process: they determined the content of the survey, were instrumental in the data collection, and lead the group discussions held at the close of each project. All of the respondents were persons known to have a disabling condition. The comments and suggestions offered at the follow-up sessions were from disabled consumers who attended those meetings.

I have submitted copies of the survey findings pertinent to SB 366 and its substitute bill. We have no other survey results which conflict with these findings; in fact, these are the only Concerns Report data available which address the community-wide needs of disabled Kansans. This is to my knowledge the most current and pertinent evidence regarding the issue at hand.

Each of the surveys reported in the table of my written exhibit contained 30 items. Each item was rated by consumers in terms of their satisfaction that the item was true, and in terms of the item's importance to them. The scores are reported as percentages, with 0% being the lowest and 100% the highest possible score. Also notice that the range of satisfaction and importance scores is reported (in parentheses) for each survey.

Attn. # 10
3-13-1984

COMMENTS OF DISABLED CONSUMERS
REGARDING HOUSING DISCRIMINATION

"Managers of housing facilities put unreasonable restrictions to keep disabled people out."

"Managers may take a disabled person's application and hold it for a long time, forcing the disabled person to find other immediate housing."

"Handicapped folks are not willing to pursue the chance to live in housing that discriminates due to the fear of reprisals . . . management may delay or refuse to fix broken pipes, unhinged doors, leaky roofs, etc."

"Landlords . . . think that disabled tenants will damage apartments more than nondisabled tenants might."

TABLE OF HOUSING-RELATED ISSUES

| <u>COMMUNITY</u> | <u>N</u> | <u>ITEM</u> | <u>SATISFACTION</u> | <u>IMPORTANCE</u> |
|---|----------|--|---------------------|-------------------|
| Lawrence (Douglas) Spring, 1982 | 45 | 1 Affordable housing is available to all types of disabled residents. | 48% (31-86) | 83% (61-92) |
| | | 2 You can get help with landlord-tenant relations, utility companies, and other services when problems arise. | 57% (31-86) | 85% (61-92) |
| Topeka (Shawnee) Summer, 1982 | 45 | 3 Affordable housing is available to all types of disabled residents. | 46% (42-71) | 96% (83-98) |
| | | 4 Accessible houses are available at affordable cost. | 45% (42-71) | 86% (83-98) |
| | | 5 Acceptance into low-income housing is based on low assets and low income. | 60% (42-71) | 92% (83-98) |
| | | 6 Landlords respect tenant's privacy and property. | 64% (42-71) | 97% (83-98) |
| | | 7 There is no discrimination in housing on the basis of a person's disability. | 66% (42-71) | 94% (83-98) |
| Kansas City (Johnson, Wyandotte) Spring, 1983 | 75 | 8 Affordable housing is available to all types of disabled residents. | 36% (26-71) | 87% (64-93) |
| KANSAS Fall, 1983 | 1400 | 9 Public buildings are accessible to disabled consumers. | 33% (33-66) | 86% (77-91) |
| | | 10 Affordable housing is available to all types of disabled residents. | 41% (33-66) | 85% (77-91) |
| | | 11 Help is available for solving problems with landlord-tenant relations, utility companies, and other services when problems arise. | 61% (33-66) | 81% (77-91) |

Attn. # 11
3-13-84

SENATE BILL 366 TESTIMONY

Regarding persons which hold: Mental Disability Status

- One of the key ways any individual learns to behave appropriately is by being given accurate information about the effects of his/her behavior.
- Treatment (primarily, the teaching of coping skills) of this population is most effective if it takes place in the patient's natural environment (the community.)
- 504 legislation mandates the right to community treatment; the least restrictive environment.
- Patients are no more dangerous than other citizens. (Pollock, 1938; Rapoport & Lassen, 1965, Test & Stein, 1976).
- A person known to hold a mental disability status is one who has been involved in a treatment program to ameliorate the incidence of inappropriate behavior, possibly incorporating chemotherapeutic treatment to alleviate the very causes of inappropriate behavior.
- Yet as professionals working with this population recognize the beneficial effects afforded consumers by community treatment, we have failed to provide living options beyond the smaller, intermediate care facilities aimed at facilitating transition to community living. I fear that without legislation as SB 366 this transition will not be realized and the "transitional" facilities will merely become smaller institutions serving to warehouse this sizable population (and at what costs?).

3/13/84

Attn. # 11
3-13-1984

Attn #12
3-13-84

TESTIMONY OF SCOTT MEASE
BEFORE HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE
CONCERNING SENATE BILL 366

My name is Scott Mease. I am for Senate Bill 366. I went to the State Legislature on February 14th when the bill was before the Senate Committee on Public Health and Welfare. I have now learned that the protections for mentally handicapped people have been taken out of the bill. I want these to be put back in. I will use myself as an example as to why the bill should improve the civil rights of mentally handicapped people as well as physically handicapped.

I am in a wheel chair due to cerebral palsy. I was also born with a learning disability commonly called dyslexia. This problem has made it impossible for me to learn to read and write. I have recorded this testimony on tape and someone is then writing it for me from my dictation. I was recently refused housing in a large, wheel chair accessible, 100 unit housing complex in Wichita, not because of my physical disability, my being in a wheel chair, but because I can not read or write. Senate Bill 366 needs to correct this type, and other types, of discrimination against mentally handicapped individuals.

There is another amendment that I want to the bill as well as the one to put protections for the mentally handicapped back in. Physically disabled people are going to be discriminated against as long as there are not accessible restrooms in public places. I want to see an amendment put on Senate Bill 366 that will require existing public buildings such as shopping centers, which have over 7,000 square feet of public space, to put in at least one accessible restroom per building. I am enclosing for each Committee member a copy of a petition having 123 names on it of people who agree with my point of view in reference to one particular shopping center. I also am

Attn #12
3-13-1984

Testimony of Scott Mease
House Public Health and Welfare Committee
March 13, 1934
page two

enclosing a copy of the testimony I gave the Senate.

Thank you for your attention to this matter. As I said before, I support Senate Bill 366, but I think it needs to be made even better by putting on the two amendments I have proposed.

PETITION

William Woerner
White Lakes Mall
P.O. Box 5574
Topeka, KS 66605

We the undersigned feel that the White Lakes Mall is a good place for handicapped people to shop. Everything is convenient and accesible. It is not good, however, if a handicapped person has to go to the bathroom. We the undersigned thus urge and petition White Lakes Mall management to make at least one restroom fully accessible to the handicapped.

| NAME | ADDRESS |
|------------------------------|---------------------------------------|
| 1. <i>[Handwritten Name]</i> | <i>[Handwritten Address]</i> |
| 2. <i>Church Ave</i> | <i>Rd 5 E 20th</i> |
| 3. <i>Dr. McCoy</i> | <i>1710 Taylor #1</i> |
| 4. <i>East Main St</i> | <i>2312 S.W. Higgins Rd</i> |
| 5. <i>Kathy [unclear]</i> | <i>11 [unclear] Junction Ks 66537</i> |
| 6. <i>[unclear]</i> | |
| 7. <i>[unclear]</i> | <i>[unclear]</i> |
| 8. <i>[unclear]</i> | |
| 9. <i>[unclear]</i> | <i>1253 Collins</i> |
| 10. <i>Rita [unclear]</i> | <i>[unclear]</i> |
| 11. <i>[unclear]</i> | <i>1808 West 1st</i> |
| 12. <i>[unclear]</i> | <i>[unclear]</i> |
| 13. <i>[unclear]</i> | <i>5232 W. 12th St. Terr.</i> |
| 14. <i>[unclear]</i> | <i>Rt 10 Topeka</i> |
| 15. <i>Jan Massey</i> | <i>1614 Jewell Topeka KS</i> |
| 16. <i>[unclear]</i> | <i>1201 Chandler St Topeka KS</i> |
| 17. <i>Wonna Thurman</i> | <i>3500 W. 10th Topeka</i> |
| 18. <i>[unclear]</i> | |

PETITION

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| NAME | ADDRESS |
|---|---------------------------------------|
| 1. Marsha Price | 440 S. Winfield |
| 2. Jeanette Eckhardt | 614 Roosevelt |
| 3. Tina Harris | 440 S Winfield |
| 4. Melissa Smith | 440 S. Winfield |
| 5. Roberta A. Walker | 440 SE. Winfield |
| 6. C. H. NEFF | 501 N. 1st 440 S. Winfield |
| 7. Vicki Lynch | 201 N. 1st |
| 8. Anna Wehmeier | 3330 Virginia |
| 9. Gerald Gold | 2416 Duane |
| 10. Joanne Christie | 1238 P. 155 |
| 11. Joan Schubert | 1515 Kansas Ave. S. |
| 12. Bill Counter | 108 E 35 St 2nd arr |
| 13. Beth McPheeter | 426 SE arter |
| 14. Mike Peterson | 300 - 1st 105 |
| 15. Jim Sandusky | 1435 Wayne |
| 16. Jim BE it 46 | 617 N 4th |
| 17. William L Harris Pres. Mrs. Capper Foundation | Carbonale 16 |
| 18. James L Ware | Oskaloosa, Ks |

PETITION

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| NAME | ADDRESS |
|---------------------|--|
| 1. Ruth Towers | Rt 2 Box 37 Carbondale Ks. 66414 |
| 2. Mary Goodal | R#1 Hwy 6, Kansas 66440 |
| 3. Mrs. J. Bartel | 1241 S. 1st St. Topeka 66604 |
| 4. Judy Hill | 2934 Lydia ¹⁰⁵ Topeka 66614 |
| 5. Dan Sorley | 352 W. 7th Topeka |
| 6. Mrs. K. K. K. | 243 Pineau Dr. Lawrence, KS 66044 |
| 7. Betty C. Powell | 2055 Clay St. Topeka, KS |
| 8. J. J. J. | 1430 Maple Topeka, Ks |
| 9. George Berens | 1000 Orleans Topeka, Kas. |
| 10. Donald Palmer | 201 N. 7th Topeka, Ks |
| 11. Don Kan | 931 Centennial Dr |
| 12. Earl Price | 2107 Potomac Dr Topeka, Ks. |
| 13. Karen Scott | 2524 Golden Topeka K |
| 14. Mary Umhoefer | 155 Williamby Topeka K |
| 15. Karen Gustafson | 2507 Golden Topeka K |
| 16. Kelly Feltz | 2920 W 29th Topeka |
| 17. Linda Peab | 3133 Durant La |
| 18. Simon Wilson | 724 Island |

PETITION

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| NAME | ADDRESS |
|-------------------------|--|
| 1. Michael G. Byington | 706 Buchanan, Topeka |
| 2. David Bagard | 3003 Powell # A 66605 |
| 3. Ernest | 2529 W 10th 66604 |
| 4. Emma Carter | 431 Lincoln |
| 5. Sharon Walker | R.R # 2, Burlington 66409 |
| 6. Fred C. Gorman | 237 SE 1st 66607 |
| 7. Laura M. Mau | 1116 Johnson Lawrence, KS 66644 |
| 8. Cindy Suler | 1815 Naumitch Dr. #214 Lawrence KS 66645 |
| 9. Raymond Leonard | 4845 W. 17th #2 66604 |
| 10. Edhelene Brass | 2006 W 27th Ter #7 Lawrence, KS 66604 |
| 11. Zetta Paulson | 2433 Kentucky Topeka, KS 66605 |
| 12. David Hayes | 1711 Central Park Topeka, KS. |
| 13. Angela Johnston | 700 E 21 Topeka KS |
| 14. Lee Anne Pepperd | 905 Orham Topeka, KS 66606 |
| 15. Rhonda Wadsworth | 4203 Prochester Rd. Topeka, KS. 66617 |
| 16. Robert Phillip III | #2 B. Bryant Rd 66609 |
| 17. Robert L. Taber | 2509 W 10th 66604 |
| 18. Annie June Randolph | 631 Jerome St |

PETITION

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| | NAME | ADDRESS |
|-----|-------------------------|-----------------------------|
| 1. | Grace C. Ho | 2416 Duane |
| 2. | Paul G. ... | 2470 Duane |
| 3. | Chelli Schraft | 2420 Duane |
| 4. | Annabelle Lee Yoho | 2416 Duane |
| 5. | Martini Sabehard | 910 N Michigan |
| 6. | Michael D. Trupe | 184 1/2 Gray |
| 7. | Jay ... | 2419 Duane |
| 8. | Mr. & Mrs. Bill W. Sapp | 2415 Duane |
| 9. | Glady Sapp | 2415 Duane |
| 10. | Max Yoho | 3013 Quail Creek Dr. Topeka |
| 11. | Ross ... | 3013 Quail Creek Dr. |
| 12. | Ferry Anderson | 1217 Clay St. |
| 13. | Susan Warden | 1732 Fillmore |
| 14. | | |
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PETITION

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| <u>NAME</u> | <u>ADDRESS</u> |
|--------------------------------|---------------------|
| 1. Sandy K. Herman | 1906 SE 20th |
| 2. John J. Thompson | 1604 Siberia |
| 3. Cynthia K. Hall | 5331 N.E. Carly Ct. |
| 4. Colleen R. Cooney | 914 Ingle, Apt 208 |
| 5. William | 5611 ... |
| 6. Betty Farrell | 3661 Ardmore St. |
| 7. | |
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| 17. | |
| 18. | |

19. Ted Decker

TOPEKA WHEELCHAIR BBS
Team (Player & Treasurer) 705 W.

Steven H. Simpson
Dianne Holladay
Lori Stockman
Barry Mofreux
Frank McKeith

426 Twiss

3315 SW 10th #6

3600 WEST 10TH ST

2925 SW MAUPIN LANE

839 PARKVIEW TOPEKA
5134 W. AYLESBURY RD.

Name

3500 W. 19th, Topeka, Ks. 66608
2646 S. 9th, Topeka, Ks. 66608

Cecilia Stiel

Clare

5613 W. 19th, Topeka

Mark Nicks

5613 W. 19th, Topeka

Anna Evans

2520 S.E. Golden, Topeka

Cyd McPhaul

3443 Clare, Topeka

Lizz Gentry

5817 SW 22nd Terr #4 Topeka 66614

Eric Schuman

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White Lakes Pettition Continued

Name

Address

Address

1. Leroy E. Steinebach 316 N.E. St. John Topoka 66604
2. Shirley J Steinebach 316 N.E. St. John Topoka 66605
3. Irene Koch 1535 N. Jefferson Topoka, KS 66605
4. B.B. Puetz 1490 N. Manual Topoka 66605
5. LeAnn Spinner 1223 C. Mendall Dr. Topoka 66605
6. Vicki Carano 2726 SE Lake Tern Topoka
7. William Lerner 1256 W. 25th St. Topoka
8. Jacquelyn Stauffer 909 Neumith Pl City
9. Margaret Clement 4015 Mercier City
10. Patty Studik 726 West Drive Topoka
11. Bonnie Broughton 1532 S. West Union Rd Topoka, KS 66604
12. Bill Anderson 116 N.W. Lane Topoka, KS 66606
13. Janice Spinner 226 Freeman Topoka, KS 66606
14. Elise M. Arnold 808 Pinecrest Dr. Topoka, KS 66605
15. [Name] 1167 [Address] [Address]
16. Charles M. [Name] 1275 Meadow Topoka, KS 66605
17. [Name] 2111 W. 31st Lane Topoka, KS 66605

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White Lakes Petition Continued

Name

Address

Ronald E. Weide, Jr.

1178 Seabrook

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TESTIMONY OF SCOTT NEASE

Senate Bill 366

Hello, my name is Scott Nease. As you can see, I am in a wheelchair, and I have been all of my life. I have cerebral palsy. I am appearing here today because I have an issue to bring up. This is not just important to me but for the entire handicapped population of the State of Kansas. I am for Senate Bill 366, because as well as being in the wheelchair, I am learning disabled. I can not read or write. I taped this testimony and someone wrote it out for me. I have been in the recent past, discriminated against not because of my physical disability, but because the landlord did not want a mentally disabled person such as myself living in the apartment.

Because I am physically disabled as well as mentally disabled, however, I want to see 366 amended to be even stronger to help the physically handicapped. I am tired of going into large retail stores and not being able to use the restroom without asking someone off the street for help because the restroom is not accessible. With an accessible restroom, I do not need any help. There are a lot of handicapped people like me who can take themselves to the bathroom independently if the bathrooms are accessible. Therefore, my amendment I am proposing is that a section should be added to 366 requiring that at least one bathroom be made accessible according to state and federal accessibility standards in every existing building having over 7,000 square feet of retail and/or public office space. As far

as I am concerned, inaccessible restrooms violate my First and Fourth Amendment rights under the Constitution. My freedom of expression is certainly limited, and also if other people have to take me to the bathroom, they have to watch me expose myself when otherwise I could use the restroom privately. In the long run, what I am proposing will make the retailers money because more handicapped people will shop in their stores.

Attached, please find a petition with 123 signatures on it of handicapped people and their friends who wanted one particular shopping center to do my proposal. I think all such places should have an accessible restroom.