

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Senator Roy M. Ehrlich at
Chairperson

10:00 a.m. ~~pm~~ on March 26, 1985 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Conferees appearing before the committee:

Ray Petty, Advisory Committee on Employment of Handicapped
 Paul M. Klotz, Executive Director, Association of Community Mental Health
 Centers of Kansas
 Richard Schutz, Commissioner of Rehabilitation Services
 Howard Snyder, Kansas Families for Mental Health
 Michael J. Byington, Kansas Association of Blind & Visually Impaired
 Joan Wesselowski, Kansas Association of Rehabilitation Facilities
 Roger Lovett, Kansas Commission on Civil Rights
 John Kelly, Planning Council for the Developmentally Disabled, written
 testimony
 David Litwin, Kansas Chamber of Commerce and Industry
 Margaret Bearse, Board of Public Health, Lawrence
 Kay Kent, Administrator, Lawrence - Douglas County Health Department
 presenting written testimony for Dr. Sandra K. Shaw, Bert Nash
 Community Health Center, Douglas County
 Written testimony from Representative Jessie Branson

HB-2018 - concerning Kansas Act Against Discrimination; relating to dis-
 crimination because of a handicap

Ray Petty, Legislative Liaison, testified and presented a balloon on
HB-2018 along with other materials. Mr. Petty testified that the amend-
 ments as shown in the balloon were contained in the original bill, SB-366,
 that has been around since 1983. He further stated the changes are nec-
 essary to open up an arena for people who believe they are being discrimi-
 nated against to present their case. Mr. Petty stated these steps are
 necessary because under present law equal protection is not now available,
 this ruling set forth in Appeals Court ruling. Attachment I

Paul M. Klotz testified and presented written testimony supporting the
 passage of HB-2018 as it was initially introduced, SB-366. Mr. Klotz sta-
 ted that it was imperative that mentally handicapped individuals be in-
 cluded under the Kansas Act Against Discrimination. Attachment II

Richard Schutz testified and presented written testimony from the office
 of the Secretary, Social and Rehabilitation Services supporting HB-2018.
 Mr. Schutz stated that this bill intends to redefine "handicap" under the
 protections against discrimination because of handicap in employment and
 the use of free and public accomodations and to expand the protections in
 housing and real estate transactions to include persons who are handi-
 capped. Attachment III

Howard Snyder testified and presented written testimony in qualified sup-
 port of HB-2018. He stated that his organization's qualification of sup-
 port concerns language concerning "behavioral manifestations." This
 should be worded in such a way that an employer can only consider those
 "behavioral manifestations" which are directly related to the job applied
 for. Attachment IV

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 26, 1985

Michael J. Byington testified and presented written testimony supporting HB-2018 in its current form but feels it needs further changes to address all areas of need. Attachment V

Joan Wesselowski testified and presented the secretary of the committee with her copy of testimony. Attachment VI Ms. Wesselowski stated that HB-2018 was supported as it provided the same rights to individuals who are handicapped as it provides for every other citizen of Kansas.

Michael L. Bailey testified and presented written testimony in opposition to HB-2018 in its present form. The Civil Rights Commission is supportive of the concept and feels that individuals possessive of mental disabilities should be covered by the Kansas Act Against Discrimination and this bill does not accomplish that purpose and dilutes coverage for persons with physical disabilities. Attachment VII

Roger Lovett testified in opposition to HB-2018 stating that certain handicaps did not limit life functions but limits ability to get employment. The court could not look kindly on the lengthy definitions in this bill as they deal with the Kansas Act on Discrimination in a very conservative manner.

Written testimony by John Kelly was presented to the committee. Mr. Kelly stated that the Kansas Planning Council strongly supported the amendments in HB-2018. Attachment VIII

David Litwin, KCCI, testified and stated he would furnish the committee with written testimony. Mr. Litwin stated he had a real concern about the last portion of the definition regarding physical or emotional impairment or "is regarded as having such an impairment." Mr. Litwin requested that the latter portion of the definition not be accepted.

HB-2186 - concerning public health; relating to mental health clinics

Margaret Bearse testified and presented written testimony supporting HB-2186. This bill would permit the establishment of a joint mental health board which could contract with a non-profit organization. Attachment IX

Written testimony supporting HB-2186 was presented from Nancy B. Hiebert, Chairman, Board of County Commissioners of Douglas County. Attachment X

Kay Kent presented the written testimony of Sandra Shaw, PhD. supporting HB-2186. Attachment XI

Written testimony from Representative Jessie Branson was presented to the committee. Attachment XII

It was moved by Senator Francisco and seconded by Senator Mulich that HB-2186 be passed out favorably. The motion carried.

Senator Hayden made a motion to approve the minutes of March 18, 19, 20, 21, and 22, 1985 meetings. Senator Kerr seconded the motion and the motion carried.

Meeting adjourned.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-26-85

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

RICHARD CHARLTON, SR. RTI - WAMEGO	Ks REHAB. ASSN. - A-D-APT.
<i>Michael Byington</i> 119 W. 10th Suite 2 Topeka, Ks. 66604. And	Topeka Resource Center for the Handicapped Ks. Assn. for Blind and V. J. Inc. + Epilepsy
Bill Anderson Wichita	BOEING
John Strubley Manhattan	KAPS
ROD LAKE	KASTB
John Irwin Topeka	Ks Dept of Health & Env.
Mike Bailey Topeka	KCCR
ROGER LOVETT TOPEKA	KCCR
Marilyn Bradt Lawrence	KINTH
Royce Welburn Topeka	AAOP
Dad John "	KCCF
Richard Schutz Topeka	SRS
S. R. Brunoff Olathe	Self-Parent
Howard Snyder Prairie Village	Kansas Families for Mental Health
Lou Snyder Prairie Village	Ks. Families for Mental Health
Lynela Crowl Topeka	Pioneer Village
Wanda Carol Woody Topeka	Nat'l Organization for Women
Ric Silber	DOB
Joan Berners Sabetha	Ks Assoc. of Home Health Agencies
PAT SCHAFER TOPEKA	DIVISION OF BUDGET
Margaret Bearse Lawrence	Law Dept Bd of Pub Health
Gay Kent Lawrence	Lawrence Douglas County Board of Health
Shelli Buck Topeka	KACEH

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-26-85

(PLEASE PRINT)
NAME AND ADDRESS

Martha Gabehart, Topeka

F. J. Sebok

Lynelle King

Jean E. Shindler

Shelw Sewitt - Hays

Catherine Waples - Hays

~~Ann A. Miller - Hays~~

Isabella Mudd - Topeka

ORGANIZATION

KACEH

KDAIE

KSNA

To Assoc of Rehab Soc

Right to Life of KS, Inc.

Rd to Life

Hays Chapter RTHI

Hays Chapter RTHI-SE

0122 enjoyment of the services, facilities, privileges and advantages of
0123 any institution, department or agency of the state of Kansas or
0124 any political subdivision or municipality thereof.

0125 (j) The term "physical handicap" means the physical condi-
0126 tion of a person, whether congenital or acquired by accident,
0127 injury or disease which constitutes a substantial disability, but is
0128 unrelated to such person's ability to engage in a particular job or

0129 occupation "handicap" means any condition unrelated to a
0130 person's ability to engage in a particular job or occupation in
0131 which a person has a physical or mental impairment which
0132 substantially limits one or more major life activities or has a
0133 record or history of such impairment.

0134 (k) The term "physical or mental impairment" means: (1)
0135 Any physiological disorder or condition, cosmetic disfigurement
0136 or anatomical loss affecting one or more of the following body
0137 systems: Neurological; musculoskeletal; special sense organs;
0138 respiratory, including speech organs; cardiovascular; repro-
0139 ductive; digestive; genito-urinary; hemic and lymphatic; skin;
0140 and endocrine; or (2) any mental or physiological disorder, such
0141 as mental retardation, organic brain syndrome, emotional or
0142 mental illness and specific learning disabilities. The term
0143 "physical or mental impairment" shall not include alcoholism,
0144 drug abuse or a physiological disorder or condition which is a
0145 [communicable or] contagious disease.

0146 (l) The term "major life activities" means functions such as,
0147 but not limited to, caring for one's self, performing manual
0148 tasks, walking, seeing, hearing, speaking, breathing, learning
0149 and working.

0150 Sec. 3. K.S.A. 44-1004 is hereby amended to read as follows:
0151 44-1004. The commission shall have the following functions,
0152 powers and duties:

0153 (1) To establish and maintain its principal office in the city of
0154 Topeka, and such other offices elsewhere within the state as it
0155 may deem necessary.

0156 (2) To meet and function at any place within the state.

0157 (3) To adopt, promulgate, amend and rescind suitable rules
0158 and regulations to carry out the provisions of this act, and the

occupation "handicap" means any condition unrelated to a
person's ability to engage in a particular job or occupation in
which a person has a physical or mental impairment which
substantially limits one or more major life activities [,]
or has a record or history of such [an] impairment OR IS
REGARDED AS HAVING SUCH AN IMPAIRMENT.

3-26-85 - Hwy Policy
HIS-2018

Atch. 1
3/26/85

0418 return receipt requested in all cases by the commission to the
 0419 complainant, to the respondent, to the attorney general and to
 0420 such other public officers as the commission may deem proper.
 0421 (p) The commission shall, except as otherwise provided, es-
 0422 tablish rules of practice to govern, expedite and effectuate the
 0423 foregoing procedure and its own actions thereunder. The rules of
 0424 practice shall be available, upon written request, within 30 days
 0425 after the date of adoption.

0426 Sec. 5. K.S.A. 44-1006 is hereby amended to read as follows:
 0427 44-1006. (a) The provisions of this act shall be construed liberally
 0428 for the accomplishment of the purposes thereof. Nothing con-
 0429 tained in this act shall be deemed to repeal any of the provisions
 0430 of any other law of this state relating to discrimination because of
 0431 race, religion, color, sex, ~~physical~~ handicap, national origin or
 0432 ancestry, unless the same is specifically repealed by this act.
 0433 Nothing in the Kansas act against discrimination shall be con-
 0434 strued to require the construction of any special facilities or
 0435 fixtures for the ~~physically~~ handicapped. Nothing in this act shall
 0436 be construed to mean that an employer shall be forced to hire
 0437 unqualified or incompetent personnel; or discharge qualified or
 0438 competent personnel.

In determining whether a mentally hand-
 0439 icapped person is qualified or competent, the employer may
 0440 consider, in addition to any other factors relating to qualifications
 0441 and competency, the behavioral manifestations of the handicap-
 0442 ping condition.

Among other factors relating to qualifications and competency, the employer may also consider the behavioral manifestations of the handicapping condition in determining whether a mentally handicapped person is qualified or competent.

0443 ~~(b) The provisions of this act shall not apply to a handicap~~
 0444 ~~which is related to a person's ability to engage in a particular job~~
 0445 ~~or occupation.~~ Nothing in this act shall be construed to require a
 0446 handicapped person to be employed or trained under circum-
 0447 stances that would significantly increase the occupational haz-
 0448 ards affecting either the handicapped person, other employees,
 0449 the general public or the facilities in which the work is to be
 0450 performed, or to employ or train a handicapped person in a job
 0451 ~~that requires that person to undertake any task,~~ the performance
 0452 of which is substantially and inherently impaired by the handi-
 0453 cap.

[Almost any handicap is related to a person's ability to engage in a particular job, although it may not significantly reduce the person's ability to work].

0454 Sec. 6. K.S.A. 44-1009 is hereby amended to read as follows:

[The performance of the job, not the performance of any task, should be the criterion for determining whether the person is qualified or competent. Otherwise, there is no protection from arbitrary job descriptions which unfairly discriminate against a class of persons who might otherwise be quite capable of doing the essential functions of the job in question].

Wording HB 2018

Lines 0435 - 0440 (now lines 438-442 in version passed by House COW)

"In determining whether a mentally handicapped person is qualified or competent, the employer may consider, in addition to any other factors relating to qualifications and competency, the behavioral manifestations of the handicapping condition."

The "in addition to" wording above seems to move the behavioral manifestations to be considered away from the other factors which are used to determine qualifications and competency. It may be clearer to use a revised version of this same notion as expressed below to remove this ambiguity.

Proposed wording change

"Among other factors relating to qualifications and competency, the employer may also consider the behavioral manifestations of the handicapping condition in determining whether a mentally handicapped person is qualified or competent."

UNIFIED SCHOOL DIST., ETC. v. KANSAS, ETC. Kan. 1291

Cite as, Kan.App., 640 P.2d 1291

7 Kan.App.2d 319

UNIFIED SCHOOL DISTRICT NO.

259, Appellee,

v.

KANSAS COMMISSION ON CIVIL RIGHTS and Patrick Palmer, Appellants.

No. 52920.

Court of Appeals of Kansas

Feb. 18, 1982.

Review Denied April 14, 1982.

Applicant for job as school custodian filed complaint with the Kansas Commission on Civil Rights, alleging that he was discriminatorily denied employment on the basis of a physical handicap. The KCCR ruled that complainant was a physically handicapped individual whose handicap was unrelated to the position sought and awarded damages. On appeal by the school district, the Sedgwick District Court, David P. Calvert, J., reversed, and an appeal was taken by complainant and the KCCR. The Court of Appeals, Abbott, J., held that a person or entity accused of physical handicap discrimination may show a legitimate, nondiscriminatory reason for not hiring the person as a defense to a physical handicap discrimination claim; and, in the instant case, school district successfully met its burden of proving that it had a legitimate, nondiscriminatory reason for not hiring the complainant, namely, independent medical advice given it that the complainant should not be hired as a custodian because of an existing medical problem that was job-related.

Affirmed.

1. Civil Rights ⇐66

Notice of appeal by school district from decision of the Kansas Commission on Civil Rights was timely filed, and there was no contention by the opposing parties that

therein; they allege that the record does not support this amount. Our own review of the record indicates that the evidence would support a recovery in excess of \$135,058.78, the maximum recovery allowed by the instruction. Therefore, no error is shown.

[13] Appellants also contend that the trial court erred in refusing their request that certain interrogatories be submitted to the jury. It has been held that:

"Under K.S.A. 60-249(b) the trial court is given discretionary powers in the area of special questions, and it may refuse to give special questions even though they relate to issues of fact raised by the pleadings or evidence in the case, absent a showing that the trial court abused its power of discretion." *Thompson v. General Finance Co., Inc.*, 205 Kan. 76, 78, Syl. ¶18, 468 P.2d 269 (1970).

While the interrogatories proposed by appellants were proper under the circumstances, and answers to them might even have proved helpful, they were not essential. Therefore the trial court did not abuse its discretion by refusing to submit them to the jury.

Appellants' last point of error regards certain communications between a court services officer and the jury. Without here reviewing the particulars of this communication, we have examined this point and find that the communication was not improper and did not prejudice the rights of appellants.

In summary, we have considered each issue raised by appellants. As previously noted, some minor errors are evident from the record. But we do not feel that any of these errors alone, or all of them standing together, are sufficiently prejudicial to warrant the reversal of this case.

Affirmed.



of correcting the omissions fair measure v, Inc. v. Ga- 754, 757, 522

which were ction and re- or work done hat the jury he evidence re necessary on it would t been per- ations. For the court to jury based

ie jury ver-

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Seaman r. Co., 3 9), stands erests of s proper ages at ach. We principle finally, by the .App.2d where a the cost oute the tract as

ion No. stated

they were misled by the format of the appeal; accordingly, the trial court properly refused to dismiss the school district's appeal.

2. Civil Rights ⇐66

Under the Kansas Acts Against Discrimination, the court may, in its discretion, permit any party or the Civil Rights Commission to submit additional evidence on any issue, and an abuse of discretion exists only when it appears no reasonable person would have taken the action taken by the court. K.S.A. 44-1011.

3. Civil Rights ⇐66

On appeal from a decision of the Kansas Commission on Civil Rights, the deposition testimony of a physician, whose testimony had not been offered in the administrative hearing, was properly admitted by the trial court; furthermore, even if the trial court had abused its discretion in admitting such testimony, any error was harmless, since the testimony was of more benefit to the complainant than to respondents. K.S.A. 44-1011.

4. Civil Rights ⇐39, 44(1)

A person or entity accused of physical handicap discrimination may show a legitimate, nondiscriminatory reason for not hiring the person as a defense to a physical handicap discrimination claim; and, in the instant case, school district successfully met its burden of proving that it had a legitimate, nondiscriminatory reason for not hiring the complainant, namely, independent medical advice given it that the complainant should not be hired as a custodian because of an existing medical problem that was job-related. K.S.A. 44-1001 et seq., 44-1002(j), 44-1009(c)(3).

Syllabus by the Court

1. "Physical handicap" as defined by K.S.A. 44-1002(j) means that a person's claimed physical condition must be unrelated to such person's ability to engage in a particular job or occupation.

2. A person or entity accused of physical handicap discrimination may show a legitimate, nondiscriminatory reason for not hiring the person as a defense to a physical handicap discrimination claim.

3. In an action for physical handicap discrimination, it is held: The trial court did not err (1) in refusing to dismiss the appeal; (2) in admitting the deposition testimony of Dr. Rhodes; and (3) in finding that the school district successfully met its burden of proving it had a legitimate, nondiscriminatory reason for not hiring Palmer.

Brandon L. Myers, Staff Atty., Kansas Commission on Civil Rights, Topeka, for appellant.

William H. Dye, of Foulston, Siefkin, Powers & Eberhardt, Wichita, for appellee.

Before ABBOTT, P. J., and PARKS and MEYER, JJ.

ABBOTT, Presiding Judge:

This appeal involves the Kansas Acts Against Discrimination (K.S.A. 44-1001 et seq.) as they relate to one alleging discrimination on the basis of his physical handicap.

The facts complained of occurred in September of 1976. Although the statutes have been amended since then, and in one case renumbered, the pertinent portions of the statutes involved remain the same and we will therefore cite to the current statutes only. K.S.A. 44-1009(c)(3) makes it an unlawful practice to discriminate against anyone because of a physical handicap. The term "physical handicap" has been broadly defined by the legislature in K.S.A. 44-1002(j) to mean:

"[T]he 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." (Emphasis supplied.)

The legislature has not further defined what constitutes a physical handicap, and the Kansas Commission on Civil Rights (KCCR) has issued no regulations on this point.

The trial court found that Palmer was not a handicapped person within the meaning of 44-1009(c)(3) in that he had no substantial disability, and that in any event the school district did not "discriminate" against Palmer because it had a reasonable basis to believe if he had a physical handicap his condition was sufficiently job related to disqualify him for the particular job for which he applied.

The salient facts are that Palmer applied to the school district for a position as custodian and was hired subject to his successfully passing a physical examination, which examination was performed by a Dr. Low. The school district rotates such examinations based on a list furnished by the Sedgwick County Medical Society of physicians who are willing to perform the examinations. Dr. Low learned from Palmer that he had been treated by a Dr. Hugo Weber for hematuria (blood in the urine). Hematuria is a symptom, not a disease, and no disease has ever been diagnosed or a medical reason given for blood in the urine. Dr. Low contacted Dr. Weber by letter, requesting information concerning Palmer's medical history and work restrictions. Based on the written report given by Dr. Weber (that Palmer should not engage in heavy lifting, stooping or straining), Dr. Low recommended that Palmer not be hired. Palmer, upon learning he had not been recommended for employment, contacted Dr. Weber (Palmer was aware he would not be hired because of the results of his physical examination). Dr. Weber wrote a letter to the school district stating he believed that Palmer was able to perform the physical tasks involved in the custodial position. Dr. Low did not change his position that Palmer should not be hired. Palmer then filed a complaint with the KCCR. It ruled that Palmer was a physi-

cally handicapped individual whose handicap was unrelated to the position sought and awarded damages. The school district appealed to the district court and prevailed. Palmer and the KCCR appeal, raising a number of issues.

MOTION TO DISMISS

[1] Palmer's and the KCCR's motion to the district court to dismiss because the school district did not comply with statutory procedural requirements in appealing the KCCR decision is without merit. The notice of appeal was timely filed by the school district, and there is no contention by appellants that they were misled by the format of the appeal. The trial court properly refused to dismiss the appeal. *Alliance Mutual Casualty Co. v. Boston Insurance Co.*, 196 Kan. 323, 326-27, 411 P.2d 616 (1966).

TESTIMONY OF DR. RHODES

[2,3] Palmer and the KCCR contend that the trial court erred in admitting the deposition testimony of a Dr. Rhodes, whose testimony was not offered in the administrative hearing before the KCCR. K.S.A. 44-1011 states that "the court may, in its discretion, permit any party or the commission to submit additional evidence on any issue." In order for error to be found, the judge must abuse that discretion. An abuse of discretion exists when it appears no reasonable person would have taken the action taken by the court. *McColm v. Stegman*, 3 Kan.App.2d 416, Syl. ¶2, 596 P.2d 167 (1979). It is our opinion, however, that the testimony was properly admitted. See *Chandler v. Neosho Memorial Hospital*, 223 Kan. 1, 5, 574 P.2d 136 (1977). Even if we were to find an abuse of discretion in the admission of the evidence, any error was harmless. *State v. McGorgary*, 224 Kan. 677, 686, 585 P.2d 1024 (1978). The appellants concede that Dr. Rhodes' testimony is of more benefit to complainant than to respondent, and we agree.

DISCRIMINATION

Appellants contend Palmer was a physically handicapped person within the mean-

ing of K.S.A. 44-1002(j), and that his handicap was not related to his ability to do the job. The school district takes the position that the legislature requires a party who is claiming discrimination due to a handicap to first prove the existence of a physical condition or disease that amounts to a substantial disability, and there is no evidence in the record from which a finding could be made that Palmer has a substantial disability. In this case, Palmer, Dr. Low and Dr. Weber all testified they did not consider Palmer to be physically handicapped.

[4] We have examined the authorities cited by these litigants and find them to be divided on the question of physical handicap. Most of the cases cited to us have more precise statutory definitions or administrative regulations which were considered by the courts to guide them as to legislative intent. Even if we were to give the broad interpretation to substantial disability requested by Palmer and the KCCR, we are of the opinion they could not prevail, because the trial court found, and we agree with its finding, that the school district successfully met its burden of proving it had a legitimate, nondiscriminatory reason for not hiring Palmer. See *Kimmel v. Crowley Maritime Corp.*, 23 Wash.App. 78, 596 P.2d 1069 (1979). The school district, in good faith, hired an independent contractor to determine Palmer's physical fitness to do the job sought. Based on the medical information the school district had before it when it made its decision not to hire Palmer, it acted in accord with an opinion reasonably arrived at that Palmer's physical condition was job related and precluded his performing the job duties. Thus, Palmer could not have a "physical handicap," because that term by its statutory definition requires disability not related to work. No contention is made that the school district acted in bad faith. The school district refused to employ Palmer as the result of independent medical advice given to it that Palmer should not be hired because of an existing medical problem that was job re-

lated. We do not glean from the statutes in question that it was the intent of the legislature to give a cause of action to any person who is refused employment as the result of independent medical advice given to a prospective employer. Having so concluded, the remainder of the issues raised by the appellants are moot.

Affirmed.



7 Kan.App.2d 329
In the Interest of LaRonda LETT and
Terrance D. Jackson, Children Under
Age of 18 Years.

No. 52805.

Court of Appeals of Kansas.

Feb. 25, 1982.

Review Denied April 14, 1982.

In proceeding on petition to sever parental rights, the Labette District Court, Daniel L. Brewster, J., severed mother's parental rights to her daughter and illegitimate son, severed parental rights of daughter's father and severed parental rights of son's natural father, and daughter's parents appealed. The Court of Appeals, Swinehart, J., held that: (1) in view of trial court's failure to set forth adequate findings and conclusions, it would be Court of Appeals' function to review record to see whether it supported a presumption that trial court found all the facts necessary to support the judgment; (2) record supported presumption that trial court found all facts necessary to support a determination that



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:

SENATE PUBLIC HEALTH AND WELFARE

SENATOR EHRLICH

By: Paul M. Klotz, Executive Director

Date: March, 1985

RE: H.B. 2018

The Association of Community Mental Health Centers of Kansas supports the passage of H.B. 2018 as it was initially introduced (S.B. 366). 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. H.B. 2018 as the concept was initially introduced would have provided the protection in our communities where mentally handicapped are striving to become participating members. Without this concept integrated into our state laws, much of our expenditures in time and money are lost.

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, if it would conform more to Federal law, 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.

Larry W. Nikkel
President

Dwight Young
President Elect

Paul Thomas
Vice President

Clinton D. Willsie
Past President

Michael L. Taylor
Treasurer

Steven J. Solomon
Secretary

Harriet Griffith
Bd. Mem. at Large

3/25/85
Attachment II

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Statement Regarding H.B. 2018

Title: An act concerning the Kansas Act Against Discrimination; relating to discrimination because of a handicap; amending K.S.A. 44-1001, 44-1002, 44-1004, 44-1006, 44-1009, 44-1015, 44-1016, 44-1017, 44-1018, 44-1027 and 44-1030 and K.S.A. 1984 Supp. 44-1005 and repealing existing sections.

Purpose: This bill intends to redefine "handicap" under the protections against discrimination because of handicap in employment and the use of free and public accommodations, and to expand the protections in housing and real estate transactions to include persons who are handicapped.

Background: Kansas has a history of protecting civil rights of persons with disabilities, ranging from the establishment of programs designed to help them achieve their potential to laws which make buildings and programs architecturally accessible to them. The Kansas Act Against Discrimination, however, limits civil rights protections to persons who are physically handicapped to employment and the use of free and public accommodations. A number of persons in Kansas are not protected on the basis of their handicap, under state law, in employment and the use of accommodations, and no otherwise qualified handicapped person is protected against discrimination on the basis of handicap in housing or real estate transactions.

Current legislation presents a dichotomy: Under certain circumstances, all handicapped people's civil rights are protected by federal law; under some circumstances, some civil rights of some handicapped people are protected by state law; and under some circumstances, some handicapped people have no civil rights protections on the basis of their handicap.

This bill goes far to provide equality to Kansans in areas that govern their abilities to live independently: employment, recreation and leisure, and housing. In doing so, it also offers protections to businesspersons' rights to assure that handicapped persons are judged on their abilities and are not "more equal" than other persons.

Effect of Passage: Passage of this bill will allow the same civil rights protections to all Kansans. Implementation of the bill will require the Commission on Civil Rights to investigate complaints of persons who state they are victims of discrimination because of their handicap in relation to employment, use of free and public accommodations, housing and/or real estate transactions.

Equal protection against discrimination will improve the capabilities of many handicapped persons to live and interact in their own communities. In the long term, this will decrease the need for dependency on social programs and support.

SRS Recommendations: Social and Rehabilitation Services supports the passage of H.B. 2018.

Office of the Secretary
Social and Rehabilitation Services
296-3271
March 26, 1985

3/26/85
Attachment III

K.F.F.M.H.

Kansas Families For Mental Health

1268 Western
Topeka, Kansas 66612
913-232-6807

HB 2018

March 26, 1985

My name is Howard Snyder and I'm from Prairie Village. I am testifying today in qualified support of House Bill 2018. I am President of KFFMH which is a new statewide organization of local family support groups who have family members suffering from long term mental illness. We have local chapters in Lawrence, Topeka, Johnson County, Kansas City, Wichita, Hiawatha, Concordia, Manhattan, Hutchinson, Newton, McPherson, Winfield, Emporia, and Phillipsburg.

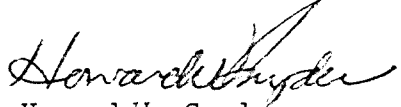
Discrimination is rooted in ignorance, and fed by fear. One of the communities fears is that if a "different" person moves into their neighborhood their property values will decline. I have been a professional real estate appraiser for 17 years and have made over 5000 real estate appraisals. In that time, in no case have I ever found a reduction of property values caused by a mix of different kinds of people in an area. Decline of property values is caused by poor physical maintenance of properties, and that problem cuts across all people, and it cannot be predicted ahead of time. In no case have I ever found neighborhood deterioration which was started by handicapped people.

Our support is for the philosophy of including handicapped persons under the protection of the anti-discrimination laws. Our qualification of this support concerns the language on page 12, line 441 about "behaviorial manifestations." This should be worded in such a way that the employer can only consider those "behaviorial manifestations" which are directly related to the job applied for. As it now reads, any "behaviorial manifestation", such as scratching the nose could be considered, and be a basis for rejection.

My wife and I have a 26 year old son who has had for 6 years a brain disease called schizophrenia. With proper treatment our son may be able to function at a level that he could provide his own needs and be a productive member of society. But, if he is shut out of housing, and shut out from the opportunity of productive work how will he be able to meet his own needs and be productive?

All of our families face the problem of a family member who may not be functional. If our family members cannot be productive through their own efforts and with our help who then is going to take care of them? Does the state intend to take on the full responsibility for providing a reasonable quality of life for those people whom the private sector refuses to deal with? If neither the state nor the private sector are going to fulfill their responsibility to low functioning people, who then will do it? Will we have more and more people living and dieing on the streets?

On behalf of KFFMH, and all people who are suffering from mental illness throughout Kansas we strongly urge that the bill be passed with the amendment suggested, so that these people will have an opportunity for the best life possible.


Howard W. Snyder
President

3/26/85
Attachment 10

⑤ 3-26-85 - Michael Byington - 2018



TOPEKA RESOURCE CENTER FOR THE HANDICAPPED

West Tenth Professional Building
1119 West Tenth, Suite 2
Topeka, Kansas 66604-1105

Telephone
913-233-6323

MITCH COOPER, L.M.S.W.
Executive Director

MARCH 25, 1985

TO: Senate Public Health and Welfare

FROM: Michael J. Byington

SUBJECT: HB 2018

I work for the Topeka Resource Center for the Handicapped, a center for independent living serving all types of disabled individuals. I also lobby for the Kansas Association for the Blind and Visually Impaired Inc., and I have done some legislative advocacy for persons with epilepsy as well as worked legislatively with other segments of the developmentally disabled population. Normally, when I communicate with the Kansas Legislature, I make certain to let it be known what hat I am wearing. In reference to this bill, however, I am on my own time, but am certainly wearing all of those hats. This is truly an issue which relates to all disabled individuals.

If a person is mentally disabled in the State of Kansas, that person has no civil rights afforded him/her under current Kansas law. If a person has a physical disability, it is presently completely legal to refuse him/her housing, employment, or a bank loan even if he/she has excellent credit. If a person is recovered from, but has a record of, some impairment, mental or physical, that person also has no civil rights afforded him/her under current Kansas law. Furthermore, if a person has no disability whatsoever, but is thought to have a disability, that person also may be discriminated against under current Kansas law.

The above must be changed. HB 2018, in its current form, would make some positive changes. I endorse it in this effort, but I am quite certain it needs to be amended to address all of the above factors.

In its current form, the bill would provide protection against discrimination against mentally handicapped individuals. This is long overdue. The definition used in the bill of a disabled or handicapped person, however, needs an addition. It must be amended to also afford protection to those who are regarded as having impairments.

In the remainder of this document, I shall thus deal with two areas. I shall comment on the merits of the bill in its present form. I shall then discuss the need for the above referenced amendment.

Of my credentials as an advocate for the disabled, the most important

3/26/85
Attachment V

relating to this legislation is that I assist disabled people with civil rights complaints as a part of my job. Thus I can factually state from a position of personal knowledge that there are certain types of extremely repugnant discrimination which occasionally take place against disabled people in Kansas, and which can not be covered under current law. Many of you who are on this committee heard testimony on this issue during last year's legislative session or during the interim study last summer. I am thus not going to inundate you with additional example upon example. I shall offer, however, three examples of actual discrimination which has taken place, and which is not coverable under the present Kansas Act Against Discrimination.

A food service establishment here in Topeka, had several mentally retarded employees. Certainly this establishment is to be commended for its willingness to employ the disabled, but unfortunately it also employed one rather sadistic supervisor who was abusing his retarded employees. He would threaten them consistently with the loss of their jobs, threaten to beat them if they did not work extremely hard, and otherwise treat them in an abusive and disrespectful manner different from that used in dealing with non-retarded employees. His actions were legal under Kansas law. They still are. Fortunately, he finally was dismissed by the employer after his actions came to its attention when he sexually propositioned both a male and a female retarded employee. This was of course illegal, and he got caught thus resulting in his termination. It is indeed sad, however, that before this happened, the employees being abused came forward and attempted to get legal protection, but could not do so due to inadequacies of Kansas law.

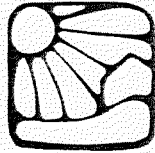
A blind lady who was employed, and who has a good credit record went to a bank to get a loan to buy a car. Her son had become of age to drive, and she was buying the car for family use. The bank officer did not even offer her the respect of inviting her back to his desk or office. He simply informed her rather loudly in the bank lobby that they did not make car loans to blind people. The next day this same lady went to another lending institution and got the loan in less than 15 minutes. There was no recourse, however, she could take against the first institution for the indignities she had been caused due to the extreme lackings in Kansas civil rights laws. This is still the case.

A mentally disabled Veteran and his wife moved to Kansas recently. He had a full disability pension of over \$1600.00 per month from the Veteran's Administration, but a rental agency would not rent him a dwelling. They said this was because he had no garnisheeable income. This policy may or may not have been designed to discriminate against handicapped individuals. A competent investigation could determine whether discrimination had taken place. Usually this is done by a civil rights investigator posing as being in a similar situation to the person alleging discrimination minus the factor alleged to be causing that discrimination. In this case, for example, the civil rights investigator would pose as an individual who has a \$1600.00 non-garnisheeable income, but not having a mental disability. If rental is offered, then a case could be made that discrimination took place due to the mental disability rather than housing having been

denied for the stated reason. This is how the system should work, but it will not currently work this way in Kansas. The issue used in this example simply could not be raised. Handicapped people currently have no protection against housing discrimination under state law. Therefore, the Kansas Civil Rights Commission simply could not investigate the case.

The current double standard where physically handicapped people have some limited civil rights protections, and mentally handicapped people have none at all, in fact results in the potential of no one in the state having any civil rights coverage whatsoever. If a person is rightfully being accused of discrimination, all they must do is prove that they discriminated because they thought the person was a little strange, and not because the person was black or Jewish or blind or whatever. If they can pull that off, then under current Kansas law, it is perfectly all right. This certainly means that multiply handicapped people have no civil rights protections in Kansas. All the potential discriminator has to do to legally discriminate is carefully select the type of disability he/she chooses for the reason for discrimination. If he/she chooses the mental disability, for example, when dealing with a mentally retarded deaf person, then he/she is in the legal clear.

Certainly the above paragraphs document the need to change the Kansas Act Against Discrimination, but as long as this is to be done, it might as well be done right. As is shown above, if one person may be potentially legally discriminated against, then anyone else might be regarded as possessing the same quality and also be discriminated against due to that quality. Under current Kansas law, and under the provisions of HB 2018 in its present form, I, if I were a landlord, a banker, or other service provider, could say to any of you legislators, "You had to be crazy to vote the way you did last session. Because I think you had to be crazy, I regard you as being crazy; I clearly see that you have a record of being crazy, and therefore, I am not going to do business with you." To deal with these problems, the definition of a disabled or handicapped person needs to be expanded to cover being regarded as having an impairment. I urge you to amend HB 2018 accordingly. Certainly, for example, a cured mental illness should not be allowed to follow its former owner around haunting him/her for the next twenty, thirty, forty, or longer years. Under current Kansas law, however, and under the present provisions of HB 2018 this can most definitely happen. Stating that it is not legal to discriminate against someone who has a record of an impairment is not enough to solve the problem. The potential discriminator could still legally discriminate based on regarding the person as having a current disability which in fact the person does not have. Please strengthen HB 2018 by strengthening the definition section as I have described; then please report this bill favorably and help it become law. Thank you.



Kansas Association of Rehabilitation Facilities

TownCenter Building 120 West Sixth, Suite 110
Newton, KS 67114 316-284-2330

TO : Senate Committee on Public Health and Welfare
FROM: Kansas Association of Rehabilitation Facilities
RE : HB 2018 -
AN ACT CONCERNING THE KANSAS ACT AGAINST DISCRIMINATION
RELATING TO DISCRIMINATION BECAUSE OF A HANDICAP
DATE: March 26, 1985

1.0 Identity and purpose of Kansas Association of Rehabilitation Facilities (KARF).

1.1 KARF is an Association of thirty-one (31) Vocational and DD Community Rehabilitation Facilities throughout Kansas that annually serve over 8,000 disabled children 0-6 and adults, with a collective budget of approximately \$40 million, and five (5) Medical Rehabilitation Facilities that serve individuals who are physically and/or cognitively disabled as a result of trauma or disease.

1.2 KARF Member Facilities provide programs and services in the following program areas:

- 1) Individual and family support programs
- 2) Day activity and vocational programs
- 3) Community living programs
- 4) Children's services programs
- 5) Health programs.

2.0 Position Statement on HB 2018 - Additional Protection From Discrimination for the Handicapped.

2.1 KARF supports the inclusion of handicap as a factor upon which discrimination in housing, real estate lending and employment are prohibited.

2.2 KARF is in support of the terms "handicap" and "physical and mental impairment" being defined in law.

2.3 Even though the definition does not parallel the federal definition found in Section 504 of the Rehabilitation Act of 1973; the definition is a move in the right direction.

3/26/85
Attachment VI

3.0 Justification

3.1 The Bill provides the same rights to individuals who are handicapped as it provides for every other citizen of Kansas.

3.2 It clearly defines "handicap" and "physical and mental impairment."

Testimony of the Kansas Commission on Civil Rights
before the Senate Public Health and Welfare Committee
Regarding House Bill No. 2018
by Michael L. Bailey, Executive Director
and Roger W. Lovett, Chief Legal Counsel

The Kansas Commission on Civil Rights totally opposes the adoption of House Bill Number 2018, in its present form. While the Commission is supportive of the concept and feels that individuals possessive of mental disabilities should be covered by the provisions of the Kansas Act Against Discrimination, the bill before you does not accomplish that purpose and only serves to further dilute coverage for persons with physical disabilities. The Commission's opposition to the bill stems from the definition outlined in Section 2 K.S.A. 44-1002, Subsections (j) and (k). The Commission has several objections to the definition. Primary of those is the fact that there is no consideration for a violation based on an employer's perception that an individual's particular affliction, would prevent them from performing a job, even though that is not the case. This is the basis on which the vast majority of disability cases arise. Even though an individual may have what would generally be regarded as a handicap, such as epilepsy or the loss of function in a limb, etc., this does not automatically disqualify that individual from any particular job activity. Yet without any further consideration, many employers assume that the affliction would prevent the individual from satisfactorily performing a job duty outlined and deny the person employment solely on the basis that he/she perceives a condition as a disability. It is essential, if legislation is to be effective, to include coverage for individuals who are denied employment based on the fact that the employer perceives that person to have a mental or physical disability, which does not in fact hamper performance on the job.

A second area of opposition the Commission has to the definition contained in Subsection (k) relates to the listing of specific disabilities. The term handicapped when defined by a list has the inherent probability of exclusion, either through oversight in drafting or by future medical discoveries or philosophies. When such exclusions come to light in the future, there would be a gap in enforcement until

the legislative action can be taken. I am sure that what the legislature wants to prevent is all such irrational discrimination now and forever.

The proposed language is prohibitively narrow and given the Court of Appeals' definition in the case of U.S.D. 259 v. Kansas Commission on Civil Rights would exclude nearly all types of discrimination based on either mental or physical from the Commission's jurisdiction. A third area of opposition to the stated definition is the phrase contained in lines 0141 and 0142 relating to "condition which is a contagious disease". The contagious disease provision is a harmful inclusion into the present coverage of the Act. A contagious disease should be addressed as any other disability. If there is fear that the enforcement of the act will lead to a spread of contagious disease, it would be better addressed by merely providing that during the contagious stage of any disease the employer must treat it as any other disability. An example of a situation that might occur under this provision is in the instance of polio. Polio per se is a contagious disease, but only during certain phases and then become noncontagious. It would be an aberration to deny individuals who have diseases in these categories coverage under the provisions of a disability act. The disease they have is no longer contagious and would not prevent the individual from satisfactorily performing a vast array of jobs successfully.

For the reasons outlined the Commission at this stage, would suggest rectifying the situation by changing the definition of handicap to the following: "Handicap" means the mental or physical condition of a person, whether congenital or acquired by accident, injury or disease, which is considered by an employer or by an owner, operator, leasee, manager, agent or other employer or a place of public accommodations in arriving at an unfavorable decision relative to the person's employment or enjoyment of public accommodations, but is unrelated to the persons's present ability to engage in the particular job or occupation or to enjoy the public accommodations.

In relation to other sections of the proposal the Commission also opposes the language contained in Section 5, K.S.A. 44-1006, Sub-

section a, lines 0435 to 0439: "In determining whether a mentally handicapped person is qualified or competent, the employer may consider, in addition to any other factors relating to qualifications and competency, the behavioral manifestations of the handicapping conditions". Language this broad could quite clearly eliminate any individual with any type of what may be considered to be "non-normal" behavioral manifestation from falling within the jurisdiction of this section. Something as simple as a twitch of the mouth, which obviously has no bearing on 99.9 percent (99.9%) of the jobs available in this state, could be used as rationale for denying employment if an employer perceived this manifestation as resulting from any handicapping condition. The Commission also opposes Subsection (b) of Section 5, Lines 0440 to 0442 and lines 0447 to 0450. Specifically the Commission objects to the language "the provision of this act shall not apply to a handicap which is related to a person's ability to engage in a particular job or occupation" because of the all encompassing scope the language now appears to contain. Any handicap or disability may "relate" to a person's ability to engage in a particular job or occupation, but that does not necessarily prevent the person from satisfactorily performing that job. No employee is capable of performing exactly the same facets of any particular activity in the same fashion or with the same competency, even lacking any disability. Therefore, even though one specific minor component of the operation might be more difficult for a person with some particular handicap, this does not prevent him or her from performing 99.9 percent of the job which would in most instances allow the person to perform at an above-average level.

The Commission would additionally like to point out that the language contained in Section 5, lines 0447 through 0450 "or to employ or train a handicapped person in a job that requires that person to undertake any task, the performance of which is substantially and inherently impaired by the handicapped" would satisfactorily cover any concerns relating to a person being able to perform with a contagious disease. This would be far preferable to the wording as stated in the definition.

As I have stated, the Commission opposes the bill as it exists primarily because from our perspective and legal opinion, the bill would further hamper the Commission's ability to enforce the current provisions relating to physical handicap and would, essentially, provide no protection for individuals with mental handicaps.

In the Court of Appeals decision on which the Supreme Court denied review, the court stated that prior to being covered jurisdictionally by the Kansas Act Against Discrimination an individual must prove that he/she has a substantial disability. The courts reasoning then followed the lines that if a person does have a substantial disability then that disability for all practical purposes would be related to the persons ability to perform the job. Thus, in effect, no one is jurisdictionally covered by the language contained in the Kansas Act Against Discrimination. In view of the fact that wording in this bill follows the same lines, the Commission cannot support the bill.

We would, in effect be perpetrating a fraud on the mentally handicapped person's in this state by putting forth that coverage for this particular disability now is present in the Kansas Act Against Discrimination, when in fact enforcement of any provisions of this nature would not be possible as the bill is written.

It is hoped that the Commission's suggested language would be considered and adopted and the bill would be considered in that light, but absent that change the Commission must go on record as opposing House Bill No. 2018.



KANSAS PLANNING COUNCIL

JOHN CARLIN
Governor

on

DEVELOPMENTAL DISABILITIES SERVICES

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

Testimony for Senate Committee on
Public Health and Welfare
Amending the Kansas Act Against Discrimination
House Bill 2018

On behalf of the Kansas Planning Council on Developmental Disabilities, I wish to thank Senator Ehrlich and members of the Senate Committee on Public Health and Welfare for the opportunity to address you concerning the proposed amendments to the Kansas Act Against Discrimination.

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.

We strongly support the amendments in HB 2018 which would have the effect of including protection in the Kansas 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. We feel these citizens should be included in the classes of persons protected from discrimination in the State of Kansas.

3/26/85
Attachment VIII

Senate Public Health and Welfare Committee

Testimony-House Bill 2018

-

All Kansans with disabilities are entitled to the same equal access and protection provided to other Kansans in housing, employment, and public accommodations. The amendments being considered would eliminate division or exclusion of "minority groups" so that all citizens may inherit equal rights, therefore humanizing all Kansans, recognizing each for their own abilities and worth.

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

John Kelly, Executive Secretary
Kansas Planning Council on
Developmental Disabilities Services

Phone: 913 296-2608

March 26, 1985

LAWRENCE-DOUGLAS COUNTY HEALTH BOARD

336 Missouri
Lawrence, Kansas 66044

March 26, 1985

TO: Senate Public Health and Welfare Committee

FROM: **Margaret Bearse**, Chairman, Lawrence-Douglas County Jt. Board of Health

RE: In support of **House Bill 2186** permitting establishment of a joint mental health board

In Lawrence and Douglas County we have a joint city-county health department. We contract with Bert Nash Community Mental Health Center, a non-profit corporation, for mental health services. Through the years, by trial and error, we evolved a system of citizen oversight and policy-making that worked well for us. Unfortunately, we discovered that it was not permitted under the statutes. As soon as we learned this we began re-organizing, but the new structure is not as effective and efficient in the use of citizens' time and interests. This bill would permit us to return to approximately our former method of operation.

The attached chart shows our current organization. The Mental Health Advisory Committee sits on the Board of Directors of the Bert Nash Community Mental Health Center. They attend monthly meetings and are well aware of the mental health programs and financing. Yet they do not have the responsibility to approve or disapprove the contract for services.

The Joint Board of Health, on the other hand, has this responsibility, but little direct knowledge of the operation of Bert Nash. The Joint Board felt uncomfortable signing this contract with no more information than the statutes require (an annual financial report) so we have begun asking for more reports from Bert Nash to familiarize ourselves with their activities and gauge compliance with the contract.

We believe it would be better to have a joint board of mental health which could have both the special knowledge about mental health activities and the responsibility to contract for them.

I would like to make three observations about the bill.

First: the bill is permissive. No locality need do this unless they want to.

Second: it is fairly specific. It applies to those localities that already have a joint board of health and have determined it is more practicable to contract for mental health services.

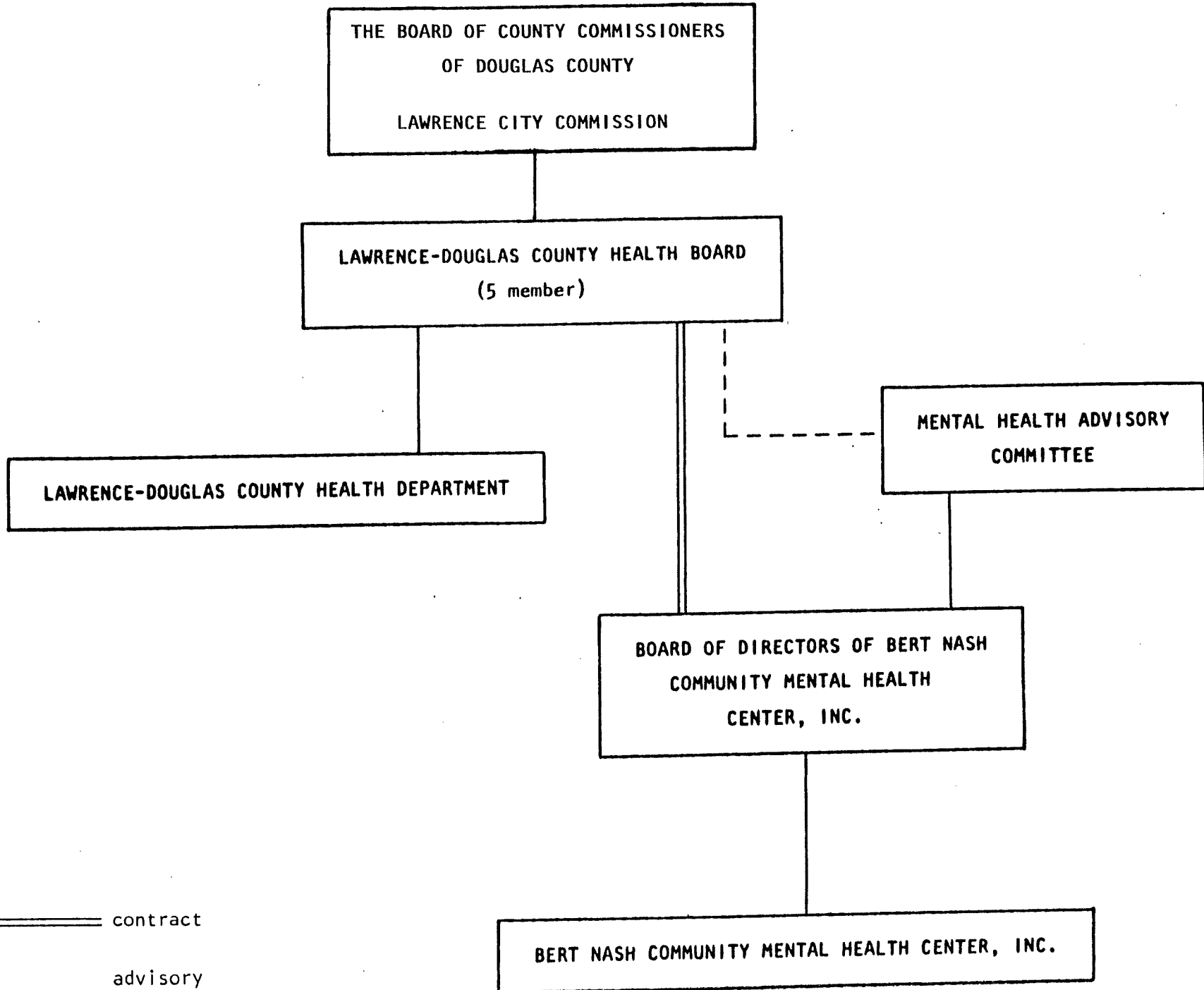
3/26/85
Attachment IV

Testimony: Senate Public Health & Welfare Committee
From: Margaret Bearse, Chmn., Lawrence-Douglas Co. Jt. Board of Health
Date: March 26, 1985

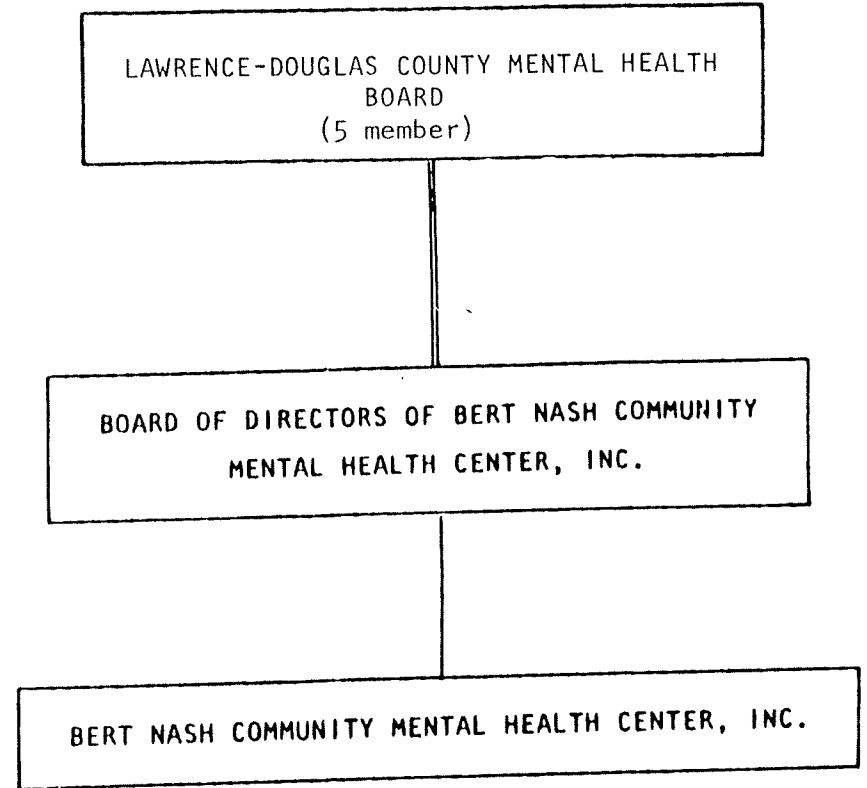
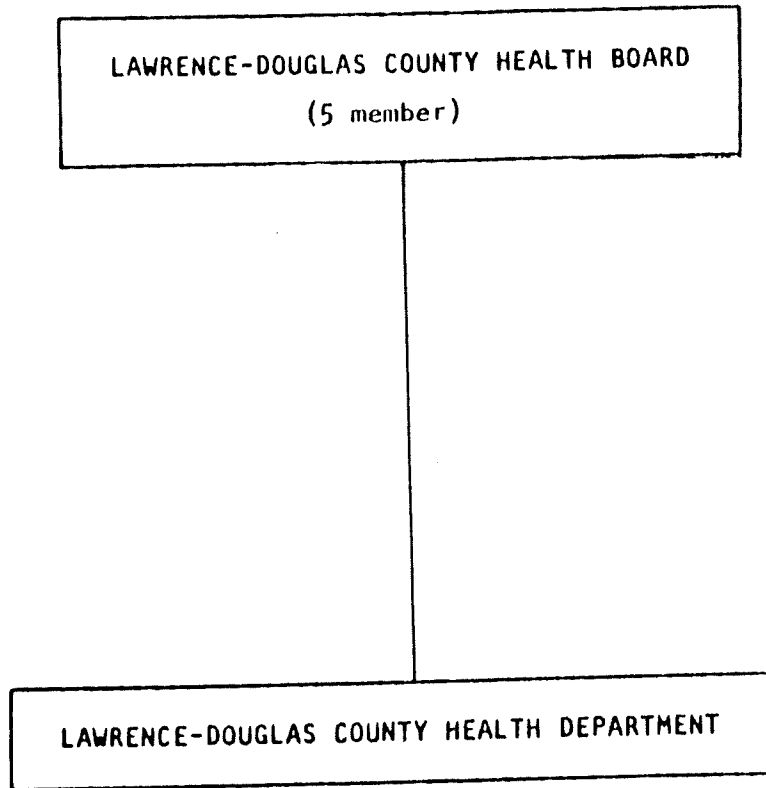
Third: it is not without precedent. K.S.A. 19-4002 permits establishing a board to contract for certain services.

Therefore, I believe this bill permits us to operate more effectively without interfering with other localities.

ORGANIZATIONAL STRUCTURE



PROPOSED ORGANIZATIONAL STRUCTURE
allowed by
House Bill No. 2186



=====
Contract

Douglas County

March 25, 1985

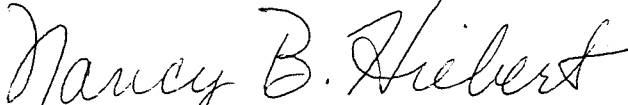
TO WHOM IT MAY CONCERN:

This letter is to convey the support of the Board of County Commissioners of Douglas County for HB#2186 which would create a Joint Board of Mental Health.

We regret that prior commitments make it impossible for us to attend today's hearing on this important issue.

Sincerely,

THE BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS


Nancy B. Hiebert, Chairman

NBH:rw

The Bert Nash

Community Mental Health Center, Inc.

336 Missouri • Suite 202 Lawrence, Kansas 66044 913/843-9192

March 25, 1985

Senator Roy Ehrlich
Chairman
Senate Public Health and
Welfare Committee
Statehouse, Room 138-N
Topeka, Kansas 66612

Dear Senator Ehrlich:

Regretfully, representation from the Bert Nash Community Mental Health Center could not be present to provide testimony this date regarding HB 2186.

The Governing Board of the Center is indeed in support of this legislation. In fact, members of the Center's Governing Board collaborated in the effort to introduce legislation permitting a Joint Board of Mental Health as an option that communities could in some instances exercise.

Cordially,



Sandra J. Shaw, Ph.D.
Executive Director

SJS:tc

cc: Senate Public Health and
Welfare Committee

Satellite Offices:

314 E. 8th Eudora, Kansas 66025 913/542-2035

Jolliffe Hall • Suite 10 P.O. Box 664, 6th & Dearborn

Baldwin, Kansas 66006 913/594-3824

Attachment VI
3/26/85

STATE OF KANSAS

JESSIE M. BRANSON
REPRESENTATIVE, FORTY-FOURTH DISTRICT
800 BROADVIEW DRIVE
LAWRENCE, KANSAS 66044
(913) 843-7171



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: EDUCATION
PENSIONS, INVESTMENTS AND BENEFITS
PUBLIC HEALTH AND WELFARE

March 25, 1985

TO: The Honorable Roy Ehrlich, Chairman
and Members
Senate Committee on Public Health and Welfare

FROM: Representative Jessie Branson

RE: HB 2186

I am writing to urge your favorable action on HB 2186, which would allow joint (city/county) governing boards to establish a joint board of mental health for the purpose of contracting with a non-profit corporation (community mental health center) to provide mental health services.

Currently there is no such authority provided for joint (city/county) governing boards. The City of Lawrence and County of Douglas are anxious to obtain this authority so that they may lawfully contract for these services.

Thank you very much for your consideration.

JESSIE

3/26/85

Attachment XV