

Approved 2-12-87 \_\_\_\_\_  
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris \_\_\_\_\_ at  
Chairperson

9:00 a.m./~~pm~~ on February 11, 19<sup>87</sup> in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

Hank Avila, Legislative Research Department  
Ben Barrett, Legislative Research Department  
Bruce Kinzie, Revisor  
Louise Cunningham, Committee Secretary

Conferees appearing before the committee:

Sen. B. Mulich  
Jody Boeding, Assistant City Attorney for City of Kansas City, Ks.  
Board of Public Utilities  
Ray Petty, Advisory Committee on Employment of the Handicapped, Department  
of Human Resources  
JoAn Watson, Rehabilitation Services, SRS

HEARING ON S.B. 127 - Concerning public utilities; relating to the compo-  
sition of board of pension trustees appointed thereby.

Sen. Mulich appeared before the committee on this bill and said he had been requested to introduce the legislation by a retiree of the Board of Public Utilities. He was unaware at the time that the pension board was opposed to this bill. They were opposed to having a retiree on the board.

Jody Boeding, representing the Board of Pension Trustees said this was the same bill which had been introduced in the House last year and the bill died. This bill would change the composition of the Board from 6 members to 7, the extra one being a retiree. The Board thinks administration of this would be too difficult. The retiree's group is a social group and another retiree group might also want to be represented and then which group would be recognized? The retirees are free to come to Board meetings. They are free to speak and do not have to get on the agenda. Nothing can be done to increase their benefits. Any increase in income would have to come out of the Board of Utilities and not the Board of Trustees. Last year 600 members signed a petition in opposition to the bill and they would sign it again this year. Five members of the Board of Trustees are here today in opposition to this bill.

HEARING ON S.B. 102 - Relating to handicapped parking

Ray Petty said there was an overhaul of handicapped parking legislation last year and this is some clean-up legislation. They are very pleased with S.B. 429 which was passed last year. He spoke of some minor changes. One deals with doing away with the "laundry list" of disabilities and have the "traveling unassisted more than 200 ft." the criteria. He requested the Revisor to come up with the proper definition to accomplish what is intended.

He also requested personalized license plates for the handicapped and provision to allow a person to obtain both a special license plate and a placard upon request. Also, they wanted to make it a violation of handicapped parking to block the adjacent wheelchair ramp. The police could use their discretion on this. A copy of his statement is attached. (Att. 1).

Mr. Petty had also talked to people in the Department of Revenue about the City of Hutchinson. They have city permits. The Department of Revenue

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
room 254-E, Statehouse, at 9:00 a.m. ~~xxx~~ on February 11, 19 87

has asked for the Attorney General's opinion as to whether the city has the authority to issue such a permit.

JoAn Watson, Rehabilitation Services, also spoke in support of the bill. She strongly supported the functional limitation, rather than working from a list. She said they should stay away from diagnoses and focus on ability to walk. A copy of her statement is attached. (Att. 2).

Bruce Kinzie was requested to draft the amendments requested by Mr. Petty.

A motion was made by Sen. Francisco and was seconded by Sen. Hayden to adopt the proposed amendments. Motion carried.

The Chairman said he had received a request from the bicyclists for a bill again this year. A motion was made by Sen. Hayden and was seconded by Sen. Martin to introduce their bill as a committee bill. Motion carried. The Chairman said he would appoint Sen. Bond to chair a subcommittee on the bill with other members to be appointed later.

ACTION ON S.B. 115 - Brokers licenses; requirements

A motion was made by Sen. Francisco and was seconded by Sen. Doyen to adopt the conceptual amendments made by Terry Humphreys at yesterday's hearing regarding allowance for the continued practice of manufactured home brokerage. Motion carried.

A motion was made by Sen. Francisco and was seconded by Sen. Doyen to recommend S.B. 115, as amended, favorable for passage. Motion carried.

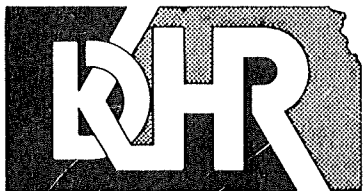
Meeting was adjourned at 9:40 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 2-11-87 Place 254-E Time 9:00

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Juan Watson	Topeka	Rehabilitation SW/SRS
Dennis Stockley	KCK	City of KCK
Lygare Sue	Garden City	ABATE
Roy Petty	Topeka	KACEH/DHR
Bob Jiffri	Topeka	Kansas Highway Patrol
Jody Bording	KCK	Board of Public Utilities
Jama 1 Byrd	K.C.K	B.P.U.
Joe McInerney	K.C.K	B.P.U.
Byron E Couch	K.C.K	B.P.U.
Stephen T. Rehn	KCK	BPU
Gary Swader	KCK	B.P.U.
Ed DeSignie	Topeka	KDOT
Harry Ross	Wichita	Bicycle Kansas



ADVISORY COMMITTEE ON EMPLOYMENT  
OF THE HANDICAPPED

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John Carlin, Governor

Larry E. Wolgast, Secretary

Testimony in support of Senate Bill No. 102  
regarding handicapped parking

presented to

Senate Transportation and Utilities Committee

by Ray Petty, Legislative Liaison, KACEH

February 11, 1987

Senate Bill 429, which originated in this committee following interim study in 1985, and signed into law last year, made a number of favorable changes in Kansas' handicapped parking law. Following the enactment of that legislation, the new law was codified at K.S.A. 8-1,124 et. seq. I would like to say again, that we are very pleased with the recent changes, and appreciate the time this committee spent in improving our law in this area.

Although I have not traveled much lately - wherein I would have the opportunity to brag and share these improvements with others - I have responded to requests for information about the law, both from within state and without. So word is getting out about the progress we made. And here I would like to commend the Department of Revenue and newspapers throughout the state - the Wichita Eagle-Beacon and the Topeka Capital-Journal in particular - for promoting public awareness of the law.

As I said when I requested the bill before us last month, there are a few relatively minor changes which require attention this session. Since I believe they are fairly straightforward, I will touch on each one only briefly, but I will be glad to go into more detail should that be desired. I have to attend a workers' compensation hearing scheduled at this same time, so I will need to leave immediately after my testimony. If further questions arise, I will be glad to return at a later date if that will be of help.

The first requested changed is in lines 24-26 of the bill. In defining "handicapped person" the previous law spoke of "mobility impairment" without limiting that to a consideration of walking ability. We suggested the criterion (taken from the Paralyzed Veterans of America model) of "inability to travel unassisted more than 200 feet" to offer physicians some guidance as to how severe the impairment should be to justify authorization of the permit. (Some have said this is an arbitrary guideline. Yes, maybe. But virtually any criterion which is applied to all disabilities will be somewhat arbitrary. But I do not believe this rule of thumb is capricious. It serves a purpose).

The new definition of "handicapped person" is being interpreted by the Department of Revenue in a way other than was intended. "Travel(ing) unassisted more than 200 feet" is not being applied to the shopping list of conditions "including partial paralysis . . . rheumatism" but only to "or other debilitating condition". In other words, one condition for obtaining handicapped parking privileges is simply to have arthritis, another is having rheumatism . . . and lastly having some other debilitating condition which limits such person's walking ability and results in an inability to travel 200 feet unassisted, etc.

Frankly, I don't see how anyone who sat through the hearings last year could have gotten the impression that that is what was intended. Be that as it may, the Department of Revenue requested a staff attorney's opinion on the matter. That opinion was rendered by Bill Edds and hinged upon the grammatical construction of the definition. Even now, with my proposed amendment, there are apparently conflicting opinions. So let me add two possible constructions, and let the revisor beware. (In any case I understand that Revenue will reinterpret the definition in the correct way, but I want the public to read it unambiguously.) So here goes: 1. change line 26 to read "condition and which limits such person's walking", or 2. add ": (a)" after "means" in line 23 and add ", and (b)" after "condition" in line 26.

Second, and in lines 53-56, it should be made explicit that a person can obtain a personalized handicapped parking plate. There are several good reasons to do this, the principal one being that such plates have already been issued. By adding this language into the law, the same application procedures will apply, as will the parking privileges. Otherwise, those plates with wheelchair symbols and someone's name or initials or whatever five other characters one chooses, and which meet in combination conventional standards of good taste I might add, are technically not handicapped parking devices in Kansas. The second and third good reasons for legalizing these plates is to bring in revenue and to avoid objections that not allowing disabled persons to participate equitably in the personalized plate program is discriminatory.

Third, and in lines 83-84, we need to restore the provision allowing a person to obtain both a special license plate and a placard upon request. Last year a floor amendment in the House, which was intended to correct an apparently ungrammatical construction in the bill, instead did away with a provision that had specifically been added to the law in 1984. The change last year was inadvertent and no objection has been raised to restoring this allowance.

Last, but not least, and in lines 101-103 is to make it a violation of handicapped parking to block the adjacent wheelchair ramp, rather than the actual parking space itself. It makes little sense to allow someone to knowingly - and it would be knowingly because the sign would make it obvious to any cognizant being - park in or block the access aisle. Of course, police will use their own discretion in deciding if the violation is flagrant.

State Department of Social and Rehabilitation Services

Statement Regarding S.B. 102

1. Title -- An act concerning motor vehicles; relating to handicapped parking; amending K.S.A. 1986 Supp. 8-1,124, 8-1,125 and 8-1,129 and repealing the existing sections.
2. Purpose -- The purpose of this bill is to provide a choice on personalized Licenses plates for handicapped persons, as do non-disabled Kansans. The bill also strengthens the existing law related to handicapped parking.
3. Background -- The bill provides for choices on personalized license plates and strengthens enforcement of handicapped parking privileges.
4. Effect of Passage -- The effect of passage will be to provide choices for "handicapped persons" on personalized license plates and ensure enforcement of handicapped parking violations.

Robert C. Harder  
Secretary  
Social and Rehabilitation Services  
296-3271  
February 11, 1987