

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Sen. Don Montgomery at
Chairperson

9:00 a.m./~~p.m.~~ on March 4, 1991 in room 531-N of the Capitol.

All members were present except:

Senators Daniels and Gaines

Committee staff present:

Theresa Kiernan, Revisor of Statutes
Mike Heim, Legislative REsearch
Shirley Higgins, Committee Secretary

Conferees appearing before the committee:

Anne Smith, Kansas Association of Counties
Dick Koerner, Department of Corrections
Gina McDonald, Kansas Association of Centers for Independent Living
Martha Gabehart, Commission on Disability Concerns

SB 306 - Concerning the law enforcement communications committee; relating to the membership thereof and the powers and duties thereof.

Anne Smith, Kansas Association of Counties, testified in support of the bill. (Attachment 1).

The Chairman asked who appoints members to the ASTRA committee. Ms. Smith answered that it is accomplished by statute.

Dick Koerner, Department of Corrections, followed in support. (Attachment 2). He also asked for the inclusion of a representative of the Department of Corrections as a member of the Kansas Law Enforcement and Civil Defense Communications Committee. The Chairman asked Ms. Smith's opinion of this request. She was uncertain if the Department of Corrections is a proper placement on the ASTRA board because it is not a mandated terminal. The Chairman asked her to visit with the Department of Corrections regarding this request. With this, the hearing on SB 306 was concluded.

SB 298 - Concerning accessibility of public buildings; relating to enforcement thereof.

Gina McDonald, Kansas Association of Centers for Independent Living, testified in support of the bill. (Attachment 3).

Sen. Allen asked if "facility" on line 42 of the bill refers back to a government facility. Ms. McDonald said it refers to all possibilities.

Martha Gabehart, Commission on Disability Concerns, followed with more testimony in support of the bill. (Attachment 4).

A representative from the Attorney General's office stated that they have met with these individuals requesting the bill, and the Attorney General supports the concept of the bill.

Mr. Heim asked if anyone had thought of giving county and district attorneys clear power to do this also rather than depending on rules and regulations. A short discussion followed in which it was determined that it would be better to make this explicit in the law. The committee was in agreement that staff should prepare the language to accomplish this effect. This concluded the hearing on SB 298.

The Chairman called the committee's attention to SB 318, previously heard, concerning rural water districts. He reminded the committee of the stricken language on page 3 of the bill suggested by the rural water districts.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT,
room 531-N, Statehouse, at 9:00 a.m./p.m. on March 4, 1991.

Sen. Lee made a motion to recommend SB 318 favorable for passage as amended, Sen. Allen seconded, and the motion carried.

Attention was turned to Substitute for SB 94 introduced by Sen. Petty and previously heard. Sen. Petty noted that staff had made the corrections regarding the IRB's in lieu of payment question raised by Sen. Steineger and had corrected the cite.

Sen. Petty made a motion to recommend Sub. for SB 94 favorable for passage with the suggested corrections done by staff, Sen. Lee seconded, and the motion carried.

Sen. Frahm asked if the committee would take action on SB 349 concerning the general fund for Jennings, Kansas, which had been previously heard.

Sen. Frahm made a motion to report SB 349 favorable for passage with a clarification amendment, Sen. Burke seconded, and the motion carried.

The minutes of March 1 were approved.

The meeting was adjourned at 9:45 a.m.



"Service to County Government"

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Executive Director

John T. Torbert

March 4, 1991

To: Senate Local Government Committee
Chairman Don Montgomery

From: Anne Smith
Director of Legislation

Re: SB 306

The Kansas Association of Counties introduced this legislation on behalf of its affiliate, the Kansas Sheriffs Association.

The ASTRA board, (Automated State-wide Telecommunications and Records Access), is a law enforcement and civil defense communications committee. The committee is currently made up of three members: the Secretary of Administration or designee; the Director of the Kansas Bureau of Investigation or designee; and the Superintendent of the Kansas Highway Patrol or designee.

This legislation would allow for two additional law enforcement agencies on the ASTRA board: the Kansas Sheriffs Association and the Kansas Chiefs of Police Association.

Further, the legislation requires that the ASTRA board approve all substantive changes made by any state agency or other agency to a data base or communication format of the law enforcement and civil defense communications network.

The Kansas Sheriffs Association felt changes to the communications network were being implemented without an adequate understanding of their communications network needs or of the budgeting of revenue required for such changes. A recent change to the computer system makes the system not as accessible to sheriffs departments and this change in format was implemented in the middle of the counties' fiscal year.

We urge your favorable consideration of this legislation so that fair and equitable decisions are made regarding all law enforcement agencies.

Senate L.G.
3-4-91
Attachment 1

STATE OF KANSAS



DEPARTMENT OF CORRECTIONS

OFFICE OF THE SECRETARY

Landon State Office Building
900 S.W. Jackson—Suite 400-N
Topeka, Kansas 66612-1284
(913) 296-3317

Joan Finney
Governor

Steven J. Davies, Ph.D.
Secretary

DATE: March 4, 1991
TO: Senate Committee on Local Government
FROM: Steven J. Davies, Ph.D., Secretary of Corrections
SUBJ: Senate Bill #306

The Kansas Department of Corrections supports Senate Bill 306.

I am here today to ask the Committee to include a representative of the Kansas Department of Corrections as a member of the Kansas Law Enforcement and Civil Defense Communications Committee.

Currently, the Kansas Department of Corrections houses over 5,500 felony offenders in 11 different cities throughout the state. Within the next 10 months, two new correctional facilities will be opened in El Dorado and Larned. In addition to those felony offenders who are incarcerated, the Kansas Department of Corrections provides supervision to over 5,000 parolees in virtually every corner of the state.

Like other branches of the criminal justice system, the Kansas Department of Corrections relies heavily upon its communication network. During emergency situations, whether they be institution related or natural disasters affecting a wide area, the ability of the Kansas Department of Corrections to communicate with other law enforcement agencies is vital to our success in protecting public safety. Similarly, the Kansas Department of Corrections relies heavily upon its information data base in the day to day management of the population it supervises. Inclusion of the Kansas Department of Corrections in a statewide data base would allow for an effective reciprocal exchange of information.

In conclusion, the Kansas Department considers itself to be an important branch in the criminal justice/law enforcement family. Given the offender population with which it works, we feel it is in the best interest of public safety for the Kansas Department of Corrections to be included in the membership of the Law Enforcement and Civil Defense Communications Committee.

SJD:RDK:bam

Senate L.G.
3-4-91
Attachment 2

KANSAS ASSOCIATION OF CENTERS FOR INDEPENDENT LIVING

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

TESTIMONY

Gina McDonald
Executive Director

Presented to
Senate Committee on Local Government
by

Gina McDonald, Executive Director

Member agencies:

ILC of Southcentral Kansas
Wichita, Kansas
(316) 942-8079

The Kansas Association of Centers for Independent Living (KACIL) represents nine (9) Independent Living Centers across the state and the people they serve.

Independence, Inc.
Lawrence, Kansas
(913) 841-0333

Among the activities KACIL sponsors is the Kansas Disability Caucus. This is a gathering of disability advocates from Kansas who meet to determine specific issues they will address in the legislative process annually. Among the priorities identified by the disability caucus delegates in September 1990 was the Kansas Accessibility statute. Our feeling is that the Americans with Disabilities Act of 1990, a landmark piece of federal legislation which will insure the civil rights of individuals with disabilities, was no good to persons covered if accessibility were not achieved throughout all communities. The Kansas Attorney General, Robert Stephan, in his presentation to the delegates committed his office to enforcing not only the Kansas statute but also the final regulations developed by the Architectural & Transportation Barriers Compliance Board.

Independent Connection
Salina, Kansas
(913) 827-9383

LINK, Inc.
Hays, Kansas
(913) 625-2521

Resource Center for
Independent Living
Osage City, Kansas
(913) 528-3105

Senate Bill 298 amends the Kansas Accessibility law to make clear that the Attorney General has the power to oversee enforcement. It further makes it clear that mandatory injunctive relief may be used to enforce the provision of the law. This bill simply supports the need for explicit regulations that do not tolerate non-compliance. As you continue to hear input from all sectors, business and the disability communities alike, keep in mind that THE priority for persons with disabilities in Kansas is free and equal access to all publicly used buildings, services, products, goods and facilities in all communities.

Resource Network
for the Disabled
Atchison, Kansas
(913) 367-6367

The WHOLE PERSON, Inc.
Kansas City, Missouri
(816) 361-0304

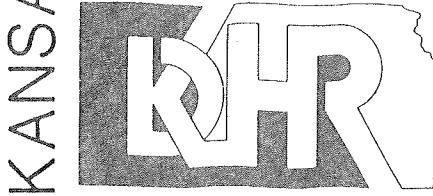
Three Rivers Independent
Living Resource Center
Wamego, Kansas
(913) 456-9915

KACIL appreciates the opportunity to present this priority and to support SB 298 on behalf of the 1990 Kansas Disability Caucus.

Topeka Independent
Living Resource Center
Topeka, Kansas
(913) 267-7100

Senate L.G.
3-4-91
Attachment

KANSAS DEPARTMENT OF HUMAN RESOURCES



Commission on Disability Concerns

1430 S.W. Topeka Boulevard, Topeka, Kansas 66612-1877

913-296-1722 (Voice) -- 913-296-5044 (TDD)

913-296-4065 (Fax)

Joan Finney, Governor

Michael L. Johnston, Secretary

Testimony on SB 298 to the
Senate Local Government Committee
by Martha K. Gabehart,
Acting Executive Director
Kansas Commission on Disability Concerns
March 4, 1991

The opinions stated here are those of the Kansas Commission on Disability Concerns (KCDC) and do not necessarily reflect the opinions of the administration.

Thank you for the opportunity to testify in support of SB 298, the amendments to the Kansas Handicapped Standards law. The amendments give the Attorney General authority over the other enforcement authorities cited in the law.

For several years KCDC has received inquiries from individuals with disabilities who have concerns about inaccessible public buildings and enforcement authorities who will not take complaints when new buildings are built inaccessible. The reasons usually given by the enforcement authorities are that the law isn't clear concerning authority to handle complaints or that the complaint has to be filed before construction is completed for injunctive relief to be available. In answer to the later reason, a recent Attorney General's opinion indicates that mandatory injunctive relief is available and would require modifications to be made if the building was completed and was inaccessible.

*Senate L.G.
3-4-91
Attachment 4*

SB 298
March 4, 1991
Page 2

Because there is hesitancy on the part of building inspectors and county attorneys to accept complaints and force compliance, it is necessary for there to be an oversight authority. The Attorney General has expressed his concern about the issue of accessibility and his desire to be able to enforce the law. However, he cannot without this change in the law.

The recently passed Americans with Disabilities Act (ADA) requires that new buildings be built so that they are accessible and that existing buildings be modified to allow access. Kansas is ahead of other states with our handicapped standards law, however, it needs to be more enforceable.

Access is a right, not a privilege.

KCDC urges your support for SB 298.

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