

Approved

3/31/92  
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative John Solbach at  
Chairperson

3:30 ~~xxx~~ ~~am~~ /p.m. on March 24, 1992 in room 313-S of the Capitol.

All members were present except:

Representative Allen, Carmody and Lawrence who were excused.

Committee staff present:

Jerry Donaldson, Legislative Research  
Jill Wolters, Revisor of Statutes  
Judy Goeden, Committee Secretary

Conferees appearing before the committee:

Jerry Carter, Architectural Services  
Martha Gabehart, Kansas Commission on Disability Concerns  
Barbara Anderson, Kansas State Historical Society  
Mary Jane Stattelmann, Assistant Attorney General  
Bob Mikesic, Independence, Inc.

The chairman called the meeting to order.

Hearing on HB 2602, handicapped accessibility standards; conformance with 1990 Federal law was opened.

Jerry Carter, Architectural Services, testified in favor of HB 2602. (Attachment #1) In answer to a member's question he said in the event this bill were not passed Kansas would be left with outmoded standards.

The chairman asked for discussion, debate and action on the following bills: Sub HB 2426, SB 508, SB 732, SB 649, SB 650, and SB 742.

Sub HB 2426 was re-referred back to the Judiciary Committee. Rep. Heinemann moved to recommend Sub HB 2426 favorably for passage. Rep. Macy seconded the motion. Motion carried.

Rep. Smith moved to report SB 508 favorably for passage. Rep. Pauls seconded the motion. Motion carried.

Rep. Macy moved to recommend SB 732 favorably for passage. Rep. Smith seconded the motion. Motion carried.

Rep. Pauls moved to recommend SB 649 favorably for passage. Rep. Smith seconded the motion.

Rep. Vancrum made a substitute motion to amend SB 649 on line 19 by putting a "." after the word "device" and strike the rest of the sentence. Rep. Heinemann seconded the substitute motion. Motion failed.

On the original motion of Rep. Pauls to report SB 649 favorably for passage, the motion carried.

Rep. Hamilton moved to conceptually amend SB 650 by expanding the definition of custody. Rep. Pauls seconded the motion. Motion carried.

The revisor indicated that the concept embodied in the above motion may already be in the bill in which no amendment would be necessary.

Rep. Smith moved to recommend SB 650 as amended favorably for passage. Rep. Parkinson seconded the motion. Motion carried.

Rep. Pauls moved to recommend SB 742 favorably for passage. Rep. Smith seconded the motion. Motion carried.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,

room 313-S, Statehouse, at 3:30 ~~xxx~~ p.m. on March 24, 1992.

The chairman asked Rep. Smith for the subcommittee report on HB 2502. Rep. Smith presented the report to the committee. (Attachment #2) Discussion followed.

Rep. Smith moved committee adoption of the subcommittee report on HB 2502. Rep. Hochhauser seconded the motion. Motion carried.

Testimony on HB 2602 was resumed.

Martha Gabehart, Executive Director of Kansas Commission on Disability Concerns, testified in favor of HB 2602. (Attachment #3)

Barbara Anderson testified on behalf of Dr. Ramon Powers, Executive Director of Kansas State Historical Society, in favor of HB 2602. (Attachment #4)

Mary Jane Stattelmann, Assistant Attorney General, testified in favor of HB 2602. (Attachment #5)

Bob Mikesic, Independence, Inc., testified in favor of HB 2602. (Attachment #6) He answered committee members questions.

The meeting adjourned at 5:00 P.M.



## DEPARTMENT OF ADMINISTRATION

Division of Architectural Services

JOAN FINNEY,  
GovernorJ. DAVID DeBUSMAN,  
Director625 Polk  
Topeka, Kansas 66603-3288  
(913) 233-9367  
(913) 233-9398 FAX

Testimony of  
Gerald R. Carter, AIA  
Deputy Director of Planning and Project Management  
Division of Architectural Services  
March 24, 1992

Mr. Chairman, Madam Vice-Chairman, Members of the Judiciary Committee, I appreciate the opportunity to present our Division's testimony on House Bill 2602 to you this afternoon. This bill focuses on the concerns our office regularly considers in providing accessibility for persons with disabilities to buildings and facilities. The Legislature provided measures many years ago which set a minimal standard for accessibility into and around governmental and public facilities. Today I am going to ask you to modify and improve our existing statutes to reflect the most current standards for providing accessible buildings and facilities. This is an issue which I, and the others who will testify, have spent many hours in review and discussion. It is difficult to present concise information about a sweeping subject in the time allowed for today's testimony. However, I will be as brief as possible, and as always, appreciate your consideration of our comments and proposed balloon amendment to House Bill 2602.

Many of you are aware the Americans with Disabilities Act of 1990 (ADA) is one of the most sweeping pieces of federal legislation since the landmark Civil Rights Act of 1964 and its companion the Rehabilitation Act of 1973. The Americans with Disabilities Act gives, to individuals with disabilities, civil rights protections, with respect to discrimination, that are parallel to those provided to individuals on the basis of race, color, national origin, sex and religion. It provides these comprehensive protections in the areas of employment, public accommodations, State and local government services and telecommunications. It is not my intention, however, to review all of the rulemaking history of the ADA during my testimony this afternoon. Instead I will focus on House Bill 2602 and the proposed modifications being brought to your attention which, if incorporated into this bill and enacted, will bring our existing architectural accessibility statutes into conformance with the ADA. A balloon of the proposed amendments is attached to my testimony. In developing these proposed revisions, we have worked with the Attorney General's office, the Kansas Commission on Disability Concerns, and the Kansas State Historical Society.

#JC  
24-92  
#1  
108 25

The unique perspective each of our agencies have of our individual statutory responsibilities were brought to the table as we dissected the ADA. These amendments before you reflect our combined understanding of the ADA, insofar as it affects buildings and facilities in the state, as well as those items which need to be incorporated into our statutes to meet the intent of the ADA. In brief the following items have been suggested for modification and/or inclusion in House Bill 2602.

1. Language - Anywhere there existed a reference to "handicapped" persons that has been changed to read "persons with a disability".
2. Standards for Design - All references to the Americans National Standards Institute (ANSI) A117.1-1980, handicapped accessibility standards have been deleted. In their place are new references, appropriately cited, to the Americans with Disability Act - Accessibility Guidelines (ADA-AG). The ADA-AG is much more specific and covers many more building/facility types than ANSI. It was written in the same format as ANSI, to the point of using the exact ANSI language with the new language shown in italics to differentiate between the newer and older versions. It would establish one set of common architectural accessibility standards as the minimum requirements for all federal, state, county, municipality, school district and private sector projects undertaken in the State of Kansas.
3. Parking Spaces - Some entities believe only one parking space needs to be provided to disabled individuals since that is the minimum number our current statute requires. Our new language clearly establishes a higher standard of accessible parking stalls based on the total number of cars in a parking lot.
4. Definitions - Outmoded definitions have been changed to reflect the exact definitions contained in the ADA-AG. Definitions which did not previously exist in the statutes have been added. These definitions are required to set the same basis of understanding and application of the standards for design into our statutes that exist in the current federal regulations.
5. Application of the Act/Intent - The language of these sections have been modified to reflect the aspects of this Civil Rights legislation which directly affect buildings and facilities.
6. Consideration of Waiver Procedures (General) - Modest changes to the current statutes which also reflect ADA-AG scoping provisions have been made in specific areas.
7. Consideration of Waiver Procedures (Historic Properties) - A new section detailing the authority of the state's Historic Preservation Officer to consider the historic significance of a building or facility when

HJC  
3-24-92  
#1  
2025

modifications for accessibility are proposed. These provisions not only meet the requirements of the ADA but also conform to the guidelines of the National Park Service and the Department of the Interior.

8. Standards for Hotels, Motels and Multi-Family Dwellings - These standards were revised to include each of the previously mentioned items and conform to the requirement of the Federal Fair Housing Act of 1968 as well as the ADA.
9. Miscellaneous - There are other statutes which deal with tax credits for making portions of buildings or facilities accessible to persons with a disability. We are proposing language changes only in these statutes.

The provisions for enforcement of these items have not been significantly changed, with the exception of the Historical Society which has increased responsibilities. Each of our departments or agencies maintain their respective spheres of responsibility. Some minor changes in enforcement were made to deal with our increased interdependence on each other to fairly and equitably administer these proposed provisions. Indeed, if this committee accepts these balloon amendments, the Department of Administration and the Attorney General's office are preparing a proposal of an innovative method of providing skilled architectural personnel to augment the Attorney General's staff in the enforcement of the design and construction aspects of these proposed amendments.

The Congress of the United States provided the state with a unique opportunity in the technical provision of the ADA, the chance to enact our own accessibility standards for public and governmental, which meet or exceed the ADA-AG requirements. The Congress also established procedures which would allow Federal certification of our statutes as meeting, or exceeding, the minimum accessibility requirements of the Act. As you know, in enforcement proceedings, this certification will constitute rebuttable evidence that our statutes meet or exceed the ADA's requirements.

In this manner, the people of the state would benefit by having one certified accessibility standard used on all federal, state, county, municipality, school district and private project for the design and construction of buildings and facilities.

The opportunities for the state are considerable as are our obligation to those citizens with disabilities. The balloon amendment we propose to House Bill 2602 recognizes the opportunity as well as the obligation. I urge your favorable consideration of our proposal. Again, thank you for this opportunity to address you. Are there any questions?

HJC  
3-24-92  
#1  
308 25

# HOUSE BILL No. 2602

By Committee on Appropriations

3-25

8 AN ACT concerning public and governmental buildings and facilities;  
 9 relating to ~~handicapped~~ accessibility standards; amending K.S.A.  
 10 58-1301 and 58-1311 and K.S.A. 1990 Supp. 58-1304 and repealing  
 11 the existing sections.

architectural

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 58-1301 is hereby amended to read as follows:

14 58-1301. (a) ~~All public buildings and facilities in this state, and ad-~~  
 15 ~~ditions thereto, and all governmental buildings and facilities in this~~  
 16 ~~state, and additions thereto, shall conform to the American national~~  
 17 ~~standards institute specifications *Minimum Guidelines and Re-*~~  
 18 ~~*quirements for Accessible Design, 36 CFR Part 1190, as in effect*~~  
 19 ~~*on February 3, 1989, and the Uniform Federal Accessibility Stand-*~~  
 20 ~~*ards, 49 Federal Register 31528, as required by the public accom-*~~  
 21 ~~*modations title of the Americans With Disabilities Act of 1990, 42*~~

Except as provided in K.S.A. 58-1307, all

22 ~~*USCA 12101 et seq., enacted on July 26, 1990, for making buildings*~~  
 23 ~~*and facilities accessible to, and usable by, the physically handicapped,*~~  
 24 ~~*which specifications were approved March 3, 1980, by the*~~  
 25 ~~*American national standards institute, 1430 Broadway, New*~~  
 26 ~~*York, N.Y. 10018, and as. Such standards may be modified by*~~

following federal regulations: Nondiscrimination in State and Local Government Services, 28 CFR Part 35, and Nondiscrimination on the Basis of Disability by Public Accommodations and Commercial Facilities, 28 CFR Part 36, as required by

27 ~~*rules and regulations adopted by the secretary of administration in*~~  
 28 ~~*accordance with the provisions of K.S.A. 77-415 et seq., and amend-*~~  
 29 ~~*ments thereto. Any public building or facility or any governmental*~~  
 30 ~~*building or facility, or any addition to any such building or facility,*~~  
 31 ~~*to which the provisions of this section were applicable prior to July*~~  
 32 ~~*1, 1981 1991, shall be governed by the provisions of this section*~~  
 33 ~~*which were in effect on the date the contract for the construction*~~  
 34 ~~*or renovation of such public building or facility or such governmental*~~  
 35 ~~*building or facility, or addition thereto, was entered into.*~~

January 26, 1992

36 (b) A building or facility for which a standard has been waived  
 37 or modified pursuant to K.S.A. 58-1307, *and amendments thereto,*  
 38 shall be deemed to conform to the standards established pursuant  
 39 to this section if such building or facility conforms to all such stand-  
 40 ards which have not been waived or modified and to any modified  
 41 standard approved for such building or facility pursuant to K.S.A.  
 42 58-1307, *and amendments thereto.*  
 43

Handwritten notes and initials in the bottom left corner.

(a) and 58-1311, [ ] 1 Sec. 2. K.S.A. 1990 Supp. 58-1304 is hereby amended to read  
 [ ] 2 as follows: ~~58-1304~~. The responsibility for enforcement of K.S.A. 58-  
 [ ] 3 1301 to 58-1309, inclusive, and amendments thereto, shall be as  
 [ (1) ] 4 follows: ~~(a)~~ For all school building construction or renovation, the  
 [ ] 5 state board of education, by plan approval as required by K.S.A.  
 [ (2) ] 6 31-150, and amendments thereto;  
 [ ] 7 ~~(b)~~ for all construction or renovation for which *state federal, state*  
 on state property [ ] 8 *or private* funds are utilized, the secretary of administration;  
 [ (3) ] 9 ~~(c)~~ for all construction or renovation where funds of a county,  
 [ ] 10 municipality or other political subdivision are utilized, the governing  
 [ (4) ] 11 body thereof or an agency thereof designated by the governing body;  
 [ ] 12 ~~(d)~~ for all other construction or renovation of buildings or facilities  
 [ ] 13 which are subject to the provisions of K.S.A. 58-1301 to 58-1309,  
 [ ] 14 inclusive, and amendments thereto, the building inspector or other  
 [ ] 15 agency or person designated by the municipality in which the build-  
 [ ] 16 ing or facility is located.

(b) The attorney general of the state of Kansas shall oversee the enforcement of this act by the persons listed in paragraphs (1), (2), (3) and (4) of subsection (a).

[ ] 17 Sec. 3. K.S.A. 58-1311 is hereby amended to read as follows:  
 [ ] 18 58-1311. From and after January 1, 1979, every building or facility  
 [ ] 19 which is used by or open to the public and which was constructed  
 [ ] 20 in whole or in part by moneys appropriated by the state or any  
 [ ] 21 political or taxing subdivision thereof shall be provided with ~~at least~~  
 [ ] 22 ~~one parking space, easily accessible to such building, which is~~  
 [ ] 23 clearly marked as being reserved for ~~handicapped persons~~ or persons  
 [ ] 24 responsible for the transportation of a ~~handicapped person~~. *Parking*  
 [ ] 25 *spaces or zones for handicapped people and accessible passenger*  
 [ ] 26 *loading zones, that serve particular buildings, shall be located closest*  
 [ ] 27 *to the nearest accessible entrance on an accessible route.*

with a disability [ ]

persons with a disability [ ]

[ ] 28 Sec. 4. K.S.A. 58-1301 and 58-1311 and K.S.A. 1990 Supp. 58-  
 [ ] 29 1304 are hereby repealed.

[ ] 30 Sec. 5. This act shall take effect and be in force from and after  
 [ ] 31 its publication in the statute book.

[ ] parking spaces in conformance with the following federal regulation: section 4.1.2 of appendix A to part 36; Nondiscrimination on the Basis of Disability by Public Accommodations and Commercial Facilities, 28 CFR Part 36, as required by the Americans with Disabilities Act of 1990, 42 USCA 12101 et seq.; which are

Handwritten notes: 5/21/92, H. J. [unclear]

Article 13.—PUBLIC BUILDINGS

~~HANDICAPPED~~ ACCESSIBILITY STANDARDS

architectural

**58-1301a.** Standards for governmental or public buildings or facilities; definitions. As used in K.S.A. 58-1301 to 58-1309, inclusive, and amendments thereto:

persons with a disability

(a) "Governmental building or facility" means: (1) Any building, structure, recreational area, street, curbing or sidewalk, and access thereto, which is used by the public, or in which ~~physically handicapped persons~~ may be employed, and which is constructed, purchased, leased or rented in whole or in part by moneys appropriated by the state or any political subdivision thereof and, to the extent not required otherwise by federal law or regulations or not beyond the power of the state to regulate, all buildings and structures used by the public which are constructed, purchased, leased or rented in whole or in part by use of federal funds; or

an alteration or a change in a building or facility that affects or could affect the usability of the building or any part thereof.

(1) Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangements in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

(2) An alteration that affects or could affect the usability of or access to an area of a facility that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.

(e) A "primary function" is a major activity for which the facility is intended. Areas that contain a primary function are those in which the activities of the entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms are generally not areas containing a primary function.

(2) any entrance to or accommodation in any building, structure or recreational area described in paragraph (1) of this subsection, which is available for use by the public or employees, including bathrooms, toilet stalls, dining areas, drinking fountains, phone booths and lodging rooms or quarters.

(b) ~~"Physically handicapped person"~~ includes any person having a physical handicap due to any nonambulatory, semiambulatory, sight, hearing or any disability of incoordination or aging.

(c) (1) "Public building or facility" means: (A) Any building, structure, recreational area, street, curbing or sidewalk, and access thereto, which is used by the public, or in which ~~physically handicapped persons~~ may be employed, and which is constructed, purchased, leased or rented by the use of private funds; or

(B) any entrance to or accommodation in any building, structure, or area described in paragraph (1) of this subsection which is available for use by the public or employees, including bathrooms, toilet stalls, dining areas, drinking fountains, phone booths and lodging rooms or quarters.

(2) "Public building or facility" does not include any private single-family dwelling or duplex or any entrance thereto or accommodation therein.

(d) "Renovate" means ~~reconstruct or remodel in an amount equal to 25% or more of the replacement value of a building or facility but shall not include construction of an addition to a building or facility or acquisition and installation of insulation, as defined by K.S.A. 79-32,117, and amendments thereto, or of a solar system, as defined by K.S.A. 79-32,160, and amendments thereto.~~

History: L. 1986, ch. 208, § 1; July 1.

H JC  
3-24-92  
#1  
6825



(f) The phrase "to the maximum extent feasible," as used in this section, applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

(g) Path of travel. (1) A "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.

(2) An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior and exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements.

(3) For the purpose of this part, the term "path of travel" also includes the restrooms, telephones, and drinking fountains serving the altered area.

HSC  
3-24-92  
#1  
7825

(h) Disproportionality. (1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.

(2) Costs that may be counted as expenditures required to provide an accessible path of travel may include:

(i) Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;

(ii) Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes or installing accessible faucet controls;

(iii) Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a telecommunications device for deaf persons (TDD);

(iv) Costs associated with relocating an inaccessible drinking fountain.

(i) For purposes of this legislation, a historic building or facility is one listed in, or eligible for listing in, the National Register of Historic Places under the National Preservation Act (16 U.S.C. 470 et seq.) or one that is designated as historic under state or local law.

17 JC  
3-24-92  
#1  
8825

**58-1303. Legislative intent.** It is intended to ~~make all buildings and facilities covered by this act accessible to, and functional for, the physically handicapped to, through, and within their doors, without loss of function, space or facilities where the general public is concerned.~~

History: L. 1968, ch. 216, § 3; July 1.

prohibit discrimination on the basis of disability by public entities and public accommodations. All buildings and facilities covered by this act are to be designed, constructed and altered to be readily accessible to and usable by persons with a disability.

**58-1305. Application of act.** ~~The provisions of this act shall not apply to governmental or public buildings or facilities existing or under construction or renovation pursuant to a contract let prior to January 1, 1979, but such provisions shall be applicable to any such governmental buildings or facilities which are renovated pursuant to a contract let after December 31, 1978.~~

History: L. 1968, ch. 216, § 5; L. 1978, ch. 213, § 8; Jan. 1, 1979.

(a) Public buildings or facilities shall remove architectural barriers where such removal is readily achievable as further defined in 28 CFR Part 36.

(b) Governmental buildings or facilities shall conform to the provisions set forth in 28 CFR Part 35 except where it would result in a fundamental alteration in the nature of the program offered in said building, or facility or in undue financial and administrative burdens.

(c) Historic buildings or facilities shall conform to the provisions set forth in K.S.A. 58-1307(b) where conformance with provisions set forth in 28 CFR Part 35 or 28 CFR Part 36 would threaten or destroy the historical significance of the building or facility.

**58-1306. Display of international symbol.** ~~The international symbol of access to the physically handicapped shall be permanently displayed at the entrance of buildings and facilities that are in compliance with the standards established pursuant to this act.~~

History: L. 1978, ch. 213, § 3; Jan. 1, 1979.

persons with a disability

HJC  
3-24-92  
#1  
9025

**1307. Waiver and modification of standards.** If a person or governmental entity undertaking the construction or renovation of any building or facility which is subject to the provisions of K.S.A. 58-1301 through 58-1309, and amendments thereto, determines that full compliance with any standard established pursuant to K.S.A. 58-1301 and amendments thereto is impractical or unreasonable in that it would defeat the purpose of such construction or renovation, such person or governmental entity may apply to the person, agency or governing body responsible for the enforcement of the provisions of this act with respect to such construction or renovation for a waiver or modification of such standard. The application for waiver or modification shall be accompanied by reasons for the determination and a proposal setting forth the maximum extent of compliance with the particular standard which is believed practical. The application shall include all relevant data that may be helpful in evaluating the request for waiver or modification, including cost of the total project, cost of construction and facilities necessary to comply with standards established pursuant to K.S.A. 58-1301 and amendments thereto, and one copy of the building plans for the applicable areas of the construction or renovation.

(a)

The person, agency or governing body responsible for enforcement shall consider the submitted application and any other data it may find helpful, including data collected from on-site inspection of the construction or renovation project. Such person, agency or governing body shall investigate the application and determine the estimated building costs and the incremental cost of construction or renovation to conform to the standards established pursuant to K.S.A. 58-1301 and amendments thereto.

Upon the basis of the findings of the investigation, the person, agency or governing body responsible for enforcement ~~shall~~ may waive or modify a particular standard if: (a) The purpose of K.S.A. 58-1301 through 58-1309, and amendments thereto, can be fulfilled by an acceptable alternative to the particular standard, ~~or~~ (b) the incremental construction cost to conform to the standards exceeds ~~7%~~ 20% of the total construction or renovation costs. Such person, agency or governing body shall notify the applicant for waiver or modification of its action thereon. Any action by a state officer or agency pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. Any action pursuant to this section by another person or entity is subject to review by the district court of the county where the building or facility is located.

may

20%

**History:** L. 1978, ch. 213, § 5; L. 1986, ch. 208, § 5; L. 1986, ch. 318, § 79; July 1.

(b) If a person or governmental entity undertaking a renovation of a historic building or facility which is subject to the provisions of K.S.A. 58-1301 through 58-1309, and amendments thereto, determines that full compliance with any standard established pursuant to K.S.A. 1301 and amendments thereto would threaten or destroy the historical significance of the building or facility, such person or governmental entity may apply to the state state historic preservation officer for a waiver or modification of such standard. The application for waiver or modification shall be accompanied by reasons for the

HJC  
3-24-92  
#10925

determination and a proposal setting forth the maximum extent of compliance with the particular standard which is believed possible without threatening or destroying the historical significance of the building or facility. The application shall contain all relevant data that may be helpful in evaluating the request for waiver or modification, including descriptions of alternative methods of providing access, one copy of the building plans (with dimensions) for the applicable areas of the renovation, and photographs of the existing conditions.

The state historic preservation officer shall evaluate the submitted request for waiver or modification of standards and any other relevant data including additional information solicited from the applicant and gathered through on-site inspection of the historic building or facility and consult with the Kansas Commission on Disability Concerns, or other suitable entity with a primary responsibility to ensure non-discrimination on the basis of physical disabilities. The state historic preservation officer, on the basis of the evaluation and consultation, will allow waivers and modifications of the standards to the extent necessary to eliminate, or where elimination is not possible to minimize, threats to, or the destruction of, the historical significance of the building or facility.

The state historic preservation officer shall initiate evaluation and consultation regarding properly submitted applications for waiver or modification of standards within 30 days from the date of receipt of applications.

Any action by a state officer or agency pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. Any action pursuant to this section by another person or entity is subject to review by the district court of the county where the building or facility is located.

H JC  
3-24-92  
#1  
11/9/25

~~DISAPABLED ACCESSIBILITY STANDARDS;  
HOTELS, MOTELS AND APARTMENT  
COMPLEXES~~

architectural

multi-family dwellings

**58-1316.** Standards for hotels, motels and apartment complexes; definitions. As used in this act:

(a) ~~"Apartment complex" means a multi-family dwelling contained in one or more contiguous buildings;~~

"multi-family dwelling" means any building containing more than ~~two~~ <sup>four</sup> dwelling units

(b) "hotel" or "motel" means every building or group of buildings or other structure or group of structures which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a ~~cabin camp, tourist cabin~~ or other type of lodging unit;

structures;

an inn, boarding house, dormitory, resort

transient

(c) "person" means an individual, partnership, corporation or other association of persons;

persons with a disability

(d) "municipality" means any city or county of this state;

(e) ~~"physically handicapped person" means any person having a physical handicap due to any nonambulatory, semiambulatory, sight, hearing or any disability of incoordination or aging;~~

an alteration or a change in a building or facility that affects or could affect the usability of the building or any part thereof.

(f) ~~"renovate" means reconstruct or remodel in an amount equal to 25% or more of the replacement value of an apartment complex, hotel or motel but shall not include construction of an addition to an apartment complex, hotel or motel or acquisition and installation of insulation, as defined by K.S.A. 70-22,117, and amendments thereto, or of a solar system, as defined by K.S.A. 70-22,169, and amendments thereto.~~

(1) Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangements in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

(2) An alteration that affects or could affect the usability of or access to an area of a facility that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.

History: L. 1986, ch. 205, § 1; July 1.

(g) A "primary function" is a major activity for which the facility is intended. Areas that contain a primary function are those in which the activities of the entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms are generally not areas containing a primary function.

HJC  
13-24-92  
#1  
12825

(h) The phrase "to the maximum extent feasible," as used in this section, applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

(i) Path of travel. (1) A "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.

(2) An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior and exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements.

(3) For the purpose of this part, the term "path of travel" also includes the restrooms, telephones, and drinking fountains serving the altered area.

HJC  
3-24-92  
#1  
12225

(j) Disproportionality. (1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.

(2) Costs that may be counted as expenditures required to provide an accessible path of travel may include:

(i) Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;

(ii) Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes or installing accessible faucet controls;

(iii) Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a telecommunications device for deaf persons (TDD);

(iv) Costs associated with relocating an inaccessible drinking fountain.

(k) For purposes of this legislation, a historic building or facility is one listed in, or eligible for listing in, the National Register of Historic Places under the National Preservation Act (16 U.S.C. 470 et seq.) or one that is designated as historic under state or local law.

HJC  
3-24-92  
#1  
14925



58 7. Same; uniform buildi code stand

(a) All apartment complexes, hotels and motels which consist of more than 20 units shall conform to the Uniform Building Code standards for making buildings and facilities accessible to, and usable by the physically handicapped, published May 1, 1985, by the International conference of building officials, 5360 South Workman Mill Road, Whittier, California, 90601, and as may be modified by rules and regulations adopted by the secretary of administration in accordance with the provisions of K.S.A. 77-415 et seq., and amendments thereto. Any apartment complex, hotel or motel, or any addition to any such building, to which the provisions of K.S.A. 58 1301 et seq., and amendments thereto, were applicable prior to July 1, 1986, shall be governed by the provisions of K.S.A. 58 1301 et seq., and amendments thereto, which were in effect on the date the contract for the construction or renovation of apartment complex, hotel or motel, or addition thereto, was entered into.

(b) An apartment complex, hotel or motel for which a standard has been waived or modified pursuant to K.S.A. 1986 Supp. 58 1321, shall be deemed to conform to the standards established pursuant to this section if such apartment complex, hotel or motel conforms to all such standards which have not been waived or modified and to any modified standard approved for such apartment complex, hotel or motel pursuant to K.S.A. 1986 Supp. 58 1321.

History: L. 1986, ch. 205, § 2; July 1.

architectural accessibility

shall conform to the following federal regulation: Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, 28 CFR Part 36, as required by the Americans with Disabilities Act of 1990, 42 USCA 12101 et seq. Such standards

Provisions of KSA.44-1016 et seq. and the

new and renovated (b) All multi-family dwellings shall conform to the following federal regulation: Fair Housing Accessibility Guidelines, 24 CFR, Subchapter A, Appendix 2, as required by the Fair Housing Act of 1968, as amended, 42 U.S.C. 3601-3631 et seq. All multi-family dwellings shall be designed and constructed to ensure the following features are accessible.

(1) A building entrance on an accessible route;

(2) The public and common use areas are readily accessible to and usable by persons with disabilities;

(3) All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by persons with disabilities in wheelchairs;

(4) All premises within covered multi-family dwelling units contain the following features of adaptable design:

(a) An accessible route into and through the covered dwelling unit;

(b) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

(c) Reinforcements in bathroom walls to allow later installation of grab bars around the toilet, tub, shower stall and shower seat, where such facilities are provided; and

(d) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Such standards may be modified by rules and regulations adopted by the secretary of administration in accordance with the provisions of K.S.A. 77-415 et seq., and amendments thereto.

(c) Establishments located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor are exempt from (a) and

(b)

HJC 3-24-92 #1 150325

(d) All accessible sleeping rooms or suites shall comply with the following federal regulations: Article 9 of Appendix A to 28 CFR Part 36.

HJC  
3-24-92  
#1  
16925

**119.** Same; application of act. The provisions of this act shall not apply to any ~~apartment complex, hotel or motel existing or under construction or renovation pursuant to a contract let prior to July 1, 1986, but such provisions shall be applicable to any apartment complex, hotel or motel which are renovated pursuant to a contract let after June 30, 1986.~~

History: L. 1986, ch. 205, § 4; July 1.

(a) Hotels and motels shall remove architectural barriers where such removal is readily achievable as further defined in 28 CFR Part 36.

(b) Multi-family dwellings, hotels and motels that qualify as historic buildings or facilities shall conform with the provisions set forth in K.S.A. 58-1321(c) where conformance with provisions set forth in 28 CFR Part 36 or 24 CFR, Subchapter A, Appendix 2 would threaten or destroy the historical significance of the building or facility.

**58-1320.** Same; display of international symbol. The international symbol of access to the ~~physically handicapped~~ shall be permanently displayed at the entrance of any ~~apartment complex, hotel or motel~~ that is in compliance with the standards established pursuant to this act.

[ ] persons with a disability

[ ] multi-family dwelling

**58-1323.** Same; recreational facilities. If any ~~apartment complex, hotel or motel~~ is required to have a ~~handicapped~~ accessible unit pursuant to this act then any recreational facility in such ~~apartment complex, hotel or motel~~ shall be ~~handicapped~~ accessible.

[ ] multi-family dwelling

[ ] an

[ ] multi-family dwelling

[ ] to persons with a disability.

History: L. 1986, ch. 205, § 8; July 1.

HJC  
3-24-92  
#1  
17925

**121. Same; waiver and modification of standards.** (a) If a person undertaking the construction or renovation of any ~~apartment complex~~, hotel or motel which is subject to the provisions of this act determines that full compliance with any standard established pursuant to K.S.A. 1986 Supp. 58-1316 is impractical or unreasonable in that it would defeat the purpose of such construction or renovation or that there is a lack of need for compliance with the provisions of this act, such person may apply to the governing body of the municipality through its building inspector or the agency or person responsible for the enforcement of the provisions of this act with respect to such construction or renovation for a waiver or modification of such standard. The application for waiver or modification shall be accompanied by reasons for the determination and a proposal setting forth the maximum extent of compliance with the particular standard which is believed practical. ~~If the waiver is requested on a basis of lack of need for compliance with the provisions of this act, documentation showing no need for the handicap accessible units shall be included in the application for waiver.~~ The application shall include all relevant data that may be helpful in evaluating the request for waiver or modification, including cost of the total project, cost of construction and facilities necessary to comply with standards established pursuant to this act and one copy of the building plans for the applicable areas of the construction or renovation.

multi-family dwelling

, and amendments thereto,

(b) The person or agency responsible for enforcement of the provisions of this act shall consider the submitted application and any other data it may find helpful, including data collected from on-site inspection of the construction or renovation project. Such person or agency shall investigate the application and determine the estimated building costs and the incremental cost of construction or renovation to conform to the standards established pursuant to this act. If the waiver is requested on a basis of lack of need for compliance with the provisions of this act, such person or agency shall conduct a need survey when considering the application.

may

20%

Upon the basis of the findings of the investigation, the person or agency responsible for the enforcement of the provisions of this act ~~shall~~ waive or modify a particular standard if: (a) The purpose of this act can be fulfilled by an acceptable alternative to the particular standard, ~~or~~ (b) the incremental construction cost to conform to the standards exceeds ~~7%~~ of the total construction or renovation costs. The person or agency responsible for the enforcement of the provisions of this act shall notify the applicant for waiver or modification. Denial of an application for waiver or modification of a standard may be appealed to the district court having jurisdiction in the county where the ~~apartment complex~~, hotel or motel is located.

(c) If a person or governmental entity undertaking a renovation of a historic building or facility which is subject to the provisions of K.S.A. 58-1316, and amendments thereto, determines that full compliance with any standard established pursuant to K.S.A. 58-1316 through 58-1324, and amendments thereto would threaten or destroy the historical significance of the building or facility, such person or governmental entity may apply to the state historic preservation officer for a waiver or modification of such standard. The application for waiver or modification shall be accompanied by reasons for the determination and a proposal setting

History: L. 1986, ch. 205, § 6; July 1.

multi-family dwelling

HJC-92  
3-24-92  
#1  
18925

forth the maximum extent of compliance with the particular standard which is believed possible without threatening or destroying the historical significance of the building or facility. The application shall contain all relevant data that may be helpful in evaluating the request for waiver or modification, including descriptions of alternative methods of providing access, one copy of the building plans (with dimensions) for the applicable areas of the renovation, and photographs of the existing conditions.

The state historic preservation officer shall evaluate the submitted request for waiver or modification of standards and any other relevant data including additional information solicited from the applicant and gathered through on-site inspection of the historic building or facility and consult with the Kansas Commission on Disability Concerns, or other suitable entity with a primary responsibility to ensure non-discrimination on the basis of physical disabilities. The state historic preservation officer, on the basis of the evaluation and consultation, will allow waivers and modifications of the standards to the extent necessary to eliminate, or where elimination is not possible to minimize, threats to, or the destruction of, the historical significance of the building or facility.

The state historic preservation officer shall initiate evaluation and consultation regarding properly submitted applications for waiver or modification of standards within 30 days from the date of receipt of applications.

Any action by a state officer or agency pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. Any action pursuant to this section by another person or entity is subject to review by the district court of the county where the building or facility is located.

HJC  
3-24-92  
#1  
19825

**123. Accessible parking spaces;**  
marking. (a) Notwithstanding the provisions of  
K.S.A. 8-2003, and amendments thereto, all  
designated accessible parking spaces shall be  
clearly marked by vertically mounted signs  
bearing the international symbol of access.  
Such signs shall be displayed with the bottom  
of the sign not less than 32 inches above the  
surface of the roadway.

26, 1992

(b) As of January 1, ~~1987~~, any owner of  
private property available for public use estab-  
lishing a new parking space or relocating an  
existing parking space for persons with a dis-  
ability, shall conform to ~~section 4.6.3 of ANSI~~  
~~117.1-1980, a published standard for specifi-~~  
~~cations for making buildings and facilities ac-~~  
~~cessible to and usable by physically~~  
~~handicapped people, which is available from~~  
~~the American national standards institute, 1430~~  
~~Broadway, New York, N.Y. 10018.~~

the following federal regulation: section 4.6  
of appendix A to part 36; Nondiscrimination on  
the Basis of Disability by Public Accommoda-  
tions and Commercial Facilities, 28 CFR  
Part 36, as required by the Americans with  
Disabilities Act of 1990, 42 USCA 12101 et seq.

History: L. 1986, ch. 36, § 5; L. 1991, ch.  
35, § 6; July 1.

HJC  
3-24-92  
#125  
209

**31-150. Fire safety and prevention; school buildings; construction requirements; ~~accessibility to physically handicapped~~; building plans, certification and approval; exceptions; rules and regulations.**

architectural accessibility for persons with a disability

(a) Except as otherwise provided in subsection (b), the construction of school buildings shall comply with the requirements of the 1985 edition of the uniform building code, volume I, and the 1985 edition of the uniform mechanical code, of the international conference of building officials. All electric wiring shall conform to requirements of the 1984 issue of the national electric code of the national fire protection association. Minimum plumbing requirements shall meet the 1985 edition of the uniform plumbing code issued by the international association of plumbing and mechanical officials.

(b) The construction of mobile, modular, portable or relocatable school buildings shall conform to the requirements of the 1985 edition of the life safety code as adopted by the national fire protection association. Minimum plumbing requirements shall meet the 1985 edition of the uniform plumbing code issued by the international association of plumbing and mechanical officials.

(c) The construction of all school buildings shall ~~include reasonable provision for making buildings and facilities accessible to, and usable by, the physically handicapped, as approved by the state board of education.~~

conform to the provisions

persons with a disability, as required by K.S.A. 58-1301 to 58-1311.

(d) No contract shall be let for the construction of any school building, and it shall be illegal to pay out any public funds for the construction of a school building until the plans for such building shall: (1) Bear the seal of an architect or a professional engineer licensed by the state board of technical professions of the state of Kansas certifying that the plans meet the applicable requirements of this act; and (2) be submitted to the state board of education for approval as to compliance with such requirements.

(e) The provisions of subsections (c) and (d) of this section shall not apply to any building or structure operated or used for any purpose by, or located upon the land of any institution under the control and supervision of the state board of regents.

(f) The relocation of school buildings to which the provisions of subsection (b) apply shall not be construed to be construction or reconstruction under the provisions, or for the purposes, of this section.

(g) The construction or reconstruction of any school building to which the provisions of this section were applicable prior to ~~July 1, 1986~~, shall be governed by the provisions of this section which were in effect on the date the contract for such construction or reconstruction was entered into.

January 26, 1992

HJC  
3-24-92  
#1  
21825

(h) The state fire marshal shall adopt rules and regulations specifying those subsequent editions of the codes enumerated in subsections (a) and (b) which the state fire marshal has determined provide protection equivalent to those editions specified herein. Compliance with any subsequent edition specified by such rules and regulations shall be considered compliance with the edition of the code specified by this section.

**History:** L. 1972, ch. 157, § 19; L. 1978, ch. 150, § 1; L. 1978, ch. 336, § 1; L. 1979, ch. 115, § 1; L. 1981, ch. 343, § 2; L. 1984, ch. 149, § 1; L. 1986, ch. 147, § 1; July 1.

**Source or prior law:**  
72-4604.

#### CASE ANNOTATIONS

1. Board of regents not subject to building code ordinances of Kansas City for construction at K.U. Medical Center. State, *ex rel.* Schneider v. City of Kansas City, 228 K. 25, 30, 31, 612 P.2d 578.
2. When statute comes into play as to damaged buildings discussed; role of state architect in approving repair plans also examined. U.S.D. No. 285 v. St. Paul Fire and Marine Ins. Co., 6 K.A.2d 244, 247, 250, 627 P.2d 1147.

HJC  
3-24-92  
#1  
22925



**79-32,175. Definitions.** As used in this act:

(a) "Accessible to the ~~handicapped~~" means in conformity with the ~~specifications for making buildings and facilities accessible to and usable by the physically handicapped which were approved October 31, 1961, and revised on March 3, 1980, by the American national standards institute, 1430 Broadway, New York, N.Y. 10018, or modifications of such specifications adopted by rules and regulations of the director of architectural services pursuant to K.S.A. 1982 Supp. 58 1301 and amendments thereto.~~

[persons with a disability

[following federal regulation: Nondiscrimination on the Basis of Disability by Public Accommodations and Commercial Facilities, 28 CFR Part 36, as required by the Americans With Disability Act of 1990, 42 USCA 12101 et seq.

(b) "Building or facility" means any building, structure, recreational area, street, curbing or sidewalk, or access thereto, or any accommodation in any building, structure or recreational area, including bathrooms, toilet stalls, dining areas, drinking fountains, phone booths and lodging rooms or quarters. Such term shall not include any addition made to an existing building or facility.

(c) "Expenditures for the purpose of making all or any portion of an existing building or facility accessible to the ~~handicapped~~" includes only those expenditures specifically attributable to the elimination or adaptation of an existing architectural barrier, which elimination or adaptation is for the purpose of making an existing building or facility accessible to the ~~handicapped~~. Such term shall not include any part of any expense paid or incurred in connection with the construction or comprehensive renovation of a building or facility or the normal replacement of depreciable property.

[persons with a disability

[persons with a disability

(d) "Expenditures for the purpose of making all or any portion of a building or facility or of equipment usable for the employment of the ~~handicapped~~" includes only those expenditures specifically attributable to the modification or adaptation of a building or facility or of equipment, which modification or adaptation is for the purpose of employing the ~~handicapped~~.

[persons with a disability

[persons with a disability

**History:** L. 1978, ch. 409, § 1; L. 1981, ch. 388, § 1; July 1.

HJC  
3-24-92  
#1  
23925

**79-32,176.** Credit against tax for making taxpayer's principal dwelling or property used in connection therewith accessible to ~~handi-~~  
~~capped persons~~; amount; carryover to subse-

persons with a disability

quent taxable years; credit refundable, when.  
(a) Any resident individual taxpayer who makes expenditures for the purpose of making all or any portion of an existing building or facility accessible to ~~the handicapped~~, which building or facility is used as, or in connection with, such taxpayer's principal dwelling, shall be entitled to claim a tax credit in an amount equal to the applicable percentage of such expenditures or \$1,250, whichever is less, against the income tax liability imposed against such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated. The applicable percentage of such expenditures eligible for credit shall be as set forth in the following schedule:

persons with a disability

Taxpayers Kansas Adjusted Gross Income	% of expenditures eligible for credit
\$0 to \$20,000 .....	100%
Over \$20,000 but not over \$25,000 .....	90%
Over \$25,000 but not over \$30,000 .....	80%
Over \$30,000 but not over \$35,000 .....	70%
Over \$35,000 but not over \$40,000 .....	60%
Over \$40,000 but not over \$50,000 .....	50%
Over \$50,000 .....	0

Such tax credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the taxable year in which the expenditures are made.

(b) Notwithstanding the provisions of subsection (a), if the amount of the taxpayer's tax liability is less than \$312.50 in the first year in which the credit is claimed under this section, an amount equal to the amount by which 1/4 of the credit allowable under this section exceeds such tax liability shall be refunded to the taxpayer and the amount by which such credit exceeds such tax liability less the amount of such refund may be carried over for the next three succeeding taxable years. If the amount of the taxpayer's tax liability is less than \$312.50 in the second year in which the credit is claimed under this section, an amount equal to the amount by which 1/3 of the amount of

HJC  
3-24-92  
#1  
24925

the credit carried over from the first taxable year exceeds such tax liability shall be refunded to the taxpayer and the amount by which the amount of the credit carried over from the first taxable year exceeds such tax liability less the amount of such refund may be carried over for the next two succeeding taxable years. If the amount of the taxpayer's tax liability is less than \$312.50 in the third year in which the credit is claimed under this section, an amount equal to the amount by which 1/2 of the amount carried over from the second taxable year exceeds such tax liability shall be refunded to the taxpayer and the amount by which the amount of the credit carried over from the second taxable year exceeds such tax liability less the amount of such refund may be carried over to the next succeeding taxable year. If the amount of the credit carried over from the third taxable year exceeds the taxpayer's income tax liability for such year, the amount thereof which exceeds such tax liability shall be refunded to the taxpayer.

**History:** L. 1978, ch. 409, § 2; L. 1981, ch. 388, § 2; L. 1989, ch. 298, § 1; July 1.

**79-32,177.** Credit against tax for making certain property used in trade or business or held for production of income accessible to or usable in the employment of ~~handicapped persons~~; amount; carryover to subsequent taxable years. Any taxpayer who makes expenditures for the purpose of making all or any portion of an existing building or facility accessible to ~~the handicapped~~, or who makes expenditures for the purpose of making all or any portion of a building or facility or of equipment usable for the employment of ~~the handicapped~~, which building, facility or equipment is on real property located in this state and used in a trade or business or held for the production of income, shall be entitled to claim an income tax credit in an amount equal to 50% of such expenditures or, the amount of \$10,000, whichever is less, against the income tax liability imposed against such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated. Such tax credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the taxable year in which the expenditures are made.

**History:** L. 1978, ch. 409, § 3; L. 1981, ch. 388, § 3; July 1.

persons with a disability

persons with a disability

HJC  
3-24-92  
#1  
25925

March 19, 1992

To: Chairman John Solbach

From: Representative Don Smith

Re: Report of the Subcommittee on the Old Supreme Court Chambers  
in the Statehouse

Background:

During the 1991 Session, I introduced H.B. 2502 as a vehicle to initiate discussion of the deplorable condition of the Old Supreme Court chambers in the Statehouse. The bill does not substantially alter the substance of the statute protecting the historical integrity of the Supreme Court chambers; however, I was successful in securing information that may lead to the resolution of this issue.

The full committee heard testimony on H.B. 2502 on February 5, 1992. Dr. Ramon Powers, Executive Director of the Kansas State Historical Society appeared and presented testimony. He recommended that the Committee recommend that the Legislative Coordinating Council (LCC) authorize the development of a "Preservation Plan" for the Statehouse. Such a plan would identify the significant historic features of the building, address appropriate uses and treatments, and provide a sound basis for responding to requests from individuals and groups for the addition

HJC  
3-24-92  
#HJC #2  
105

of new features to the Statehouse, as well as for evaluating the requests for other changes to the building. He offered to assist the Committee and the LCC in developing the preservation plan.

The subcommittee met in the west lounge on the 5th floor on February 28 to review the issues. At that meeting, Emil Lutz, Director of Legislative Services, and Dr. Ramon Powers and Vance Kelley with the Kansas State Historical Society, discussed the need to consider specific projects already scheduled for the Old Supreme Court Room and the necessity of a preservation plan for the Capitol. It was agreed that the subcommittee should meet again in the Old Supreme Court Room and review the option available and include proposals from the Division of Facilities Management of the Department of Administration.

On March 3, 1992, Subcommittee chair Representative Don Smith met with the following: Dr. Ramon Powers and Vance Kelley with the Kansas State Historical Society; Orion Jordan, Barry Greis and Bill Groth with the Division of Facilities Management; and Emil Lutz Legislative Administrative Services. The purpose of the meeting was to review specific proposals and uses planned for the Old Supreme Court Room and to consider whether a preservation plan for the Capitol should be recommended.

Orin Jordan and Bill Groth reviewed the plans for the Old Supreme Court Room renovations which totaled an estimated \$116,000 which included the items listed in attachment A. Additional

HJC  
3-24-92  
A Hach #2  
200 5

furnishings would increase the total cost to \$142,000. Included in the estimate is ;the cost of replacing the existing public address system, reducing the exposure of electrical and other cords, and provision for "built-in" television monitors and PA systems in the south wing area outside the Old Supreme Court Room to accommodate overflow audiences as well as ability to monitor House and Senate proceedings when needed.

It was agreed by all present that the goal of any plan for renovation of the Old Supreme Court Room is to allow for full use of the space (it is the largest room available in the Capitol for meetings) as a committee meeting room and overflow space for both chamber galleries while at the same time preserving the historical integrity of the room by careful preservation work and proper management of the use of the room.

Funding for the Old Supreme Court Room preservation is not included in the Governor's budget for FY 1993. The proposed work is part of the 5 year capitol improvements plan for the State Capitol. To undertake any of the projects on the attached list in FY 1993 would require additional appropriations to the Department of Administration this Session. It should be noted that very little money was included in the special maintenance fund for maintaining the entire statehouse as well as other buildings such as the Governor's Mansion.

Dr. Powers reviewed the Pennsylvania legislation that provides

HJC  
3-24-92  
Attach # 2  
3 of 5

for a Capitol Preservation Committee and the development of a preservation plan for that state's capitol building. There was general agreement that the Secretary of Administration and the Division of Legislative Administrative Services would appreciate assistance in preservation of the spaces in the Capitol building which each manages; in addition, all parties agreed to work together in developing a management plan for the use of spaces in the Capitol.

**Subcommittee recommendations:**

The subcommittee recommends that funding be sought for the list of projects designed to preserve the Old Supreme Court Room in attachment B.

The subcommittee also recommends that a bill be introduced that would provide for coordinated management of the Capitol by the Legislative Coordinating Council and the Department of Administration. In addition, the bill should provide for the development of a preservation plan for the Capitol Building. Further, we suggest that the bill be recommended for interim study by the Joint Building Committee.

HJC  
3-24-92  
Attach # 2  
4 of 5

# PROPOSED "OLD" SUPREME COURT RENOVATIONS

## GENERAL CONSTRUCTION

Re-carpet	\$13,800
Repair and refinish all woodwork	\$24,900
Repair and paint plaster walls	\$ 5,500
Remove acoustical tile, repair plaster and paint ceiling	\$11,200
Restore existing lights and add supplemental lighting	\$12,000
Install sound system with permanent outside media hookup	\$30,000
Install TV and audio hookup to Senate & House Chambers	\$ 1,500
Relocate Wood Rail to original historical location	\$ 1,600
Furnish and install a bronze commemorative plaque	\$ 5,000
	<hr/>
	\$105,500
	+10% contingency 10,500
	=====
TOTAL CONSTRUCTION COST	\$116,000

## FURNISHINGS:

T.V. Monitors (2)	\$ 1,600
Re-upholster seven (7) judges chairs	\$ 7,000
Repair ten (10) committee chairs	\$ 3,000
Replace 120 chairs	\$12,000
	<hr/>
	\$23,600
	+10% contingency 2,400
	=====
TOTAL FURNITURE COST	\$26,000

TOTAL PROJECT COST \$142,000

HJC  
3-24-92  
Attach #2  
585





# Kansas Department of Human Resources

Joan Finney, Governor  
Joe Dick, Secretary

## 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)

## TESTIMONY ON HB 2602 TO HOUSE JUDICIARY COMMITTEE

given by

Martha K. Gabehart, Executive Director  
Kansas Commission on Disability Concerns  
March 24, 1992

Thank you for the opportunity to testify in support of HB 2602. The Kansas Commission on Disability Concerns (KCDC) supports the move to make the Kansas Handicap Accessibility Standard consistent with the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

Since the passage of the Americans with Disabilities Act (ADA) we have received many calls from building inspectors, contractors and architects requesting the ADAAG and voicing their concerns about having two different accessibility standards to comply with. Now that the ADAAG is final, we support making it the state requirement for accessibility specifications.

We have worked with the State Architect's office, the Historical Society and the Attorney General's office and are in agreement with all aspects except the elevator exemption for private businesses in buildings under three stories or with floor space of less than 3000 square feet. We recommend an amendment to exclude the elevator exemption for private businesses under Title III of the ADA.

HJC  
3-24-92  
Attach #3  
1 of 3

Testimony on HB 2602  
Page 2

Maintaining this exemption perpetuates the attitude that accessibility is something special and extra businesses have to do for people who are different. Accessibility needs to become the standard in new construction and renovations. It must become so routine it is automatic and no one feels infringed upon or forced to do it. We never question the height of electrical plug-ins or the presence of stairs or doorway widths. These are a standard and it's always been done that way. That's the attitude we need to adopt concerning building accessibility.

I have attached a copy of the regulations which deal with the exemption which has been highlighted and a discussion of those points.

Thank you for the opportunity to testify in support of HB 2602. I would be happy to answer any questions you have.

\2602

## Discussion of Elevator Exemption Title II, Americans with Disabilities Act

"§ 36.404 Alterations: Elevator Exemption" in the regulations for Title III of the Americans with Disabilities Act (ADA) states a private business which is altering their building which has less than three stories or less than 3,000 square feet per floor, does not have to install an elevator. This exemption is not available to malls, professional health care providers' offices, a terminal, depot or other station used for public transportation or an airport passenger terminal. This exemption was included in the standards as a compromise with small businesses so they would support the ADA for passage.

All alterations to all floors are required to conform with the accessibility standards whether or not there is access to the floor with an elevator. So if the bathrooms are renovated on second floor, they must provide access including grab bars, wider doors and a five foot turning space. It doesn't matter whether or not a person in a wheelchair can get up to the second floor.

"§ 36.403 Alterations: Path of Travel" states the alterations which provide an accessible path of travel to the altered area shall be deemed disproportionate if the cost exceeds 20 percent of the cost of the alteration of the primary function area.

The first priority in providing a path of travel is access into the building. This includes parking, ramps and entrances. If the renovation is small, this priority may be the only one which can be done.

The second priority is access to the altered areas. The cost of the first priority is added to the cost of the second priority. If

HJC  
3-24-92  
Attach #3  
2 of 3

ADA Elevator Exemption  
Page 4

the cost of an elevator is too high, here is where a private business would not be required to install one.

Total renovations of smaller buildings are costly and the installation of an elevator should be considered a part of that renovation unless the cost is disproportionate to the cost of the renovation.

\2602

(iv) Installing a computer center in an accounting firm.

(2) For the purposes of this section, alterations to windows, hardware, controls, electrical outlets, and signage shall not be deemed to be alterations that affect the usability of or access to an area containing a primary function.

(d) *Landlord/tenant*: If a tenant is making alterations as defined in § 36.402 that would trigger the requirements of this section, those alterations by the tenant in areas that only the tenant occupies do not trigger a path of travel obligation upon the landlord with respect to areas of the facility under the landlord's authority, if those areas are not otherwise being altered.

(e) *Path of travel*. (1) A "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.

(2) An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements.

(3) For the purposes of this part, the term "path of travel" also includes the restrooms, telephones, and drinking fountains serving the altered area.

(f) *Disproportionality*. (1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.

(2) Costs that may be counted as expenditures required to provide an accessible path of travel may include:

(i) Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;

(ii) Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;

(iii) Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a telecommunications device for deaf persons (TDD);

(iv) Costs associated with relocating an inaccessible drinking fountain.

**(g) Duty to provide accessible features in the event of disproportionality.**

(1) When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.

(2) In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order:

- (i) An accessible entrance;
- (ii) An accessible route to the altered area;
- (iii) At least one accessible restroom for each sex or a single unisex restroom;
- (iv) Accessible telephones;
- (v) Accessible drinking fountains; and
- (vi) When possible, additional accessible elements such as parking, storage, and alarms.

(h) *Series of smaller alterations*. (1) The obligation to provide an accessible path of travel may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking.

(2) (i) If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to the primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.

(ii) Only alterations undertaken after January 26, 1992, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alterations.

**§ 36.404 Alterations: Elevator exemption.**

(a) This section does not require the installation of an elevator in an altered facility that is less than three stories or has less than 3,000 square feet per story, except with respect to any facility that houses a shopping center, a shopping mall, the professional office of a health care provider, a terminal, depot, or other station used for specified public transportation, or an airport passenger terminal.

(1) For the purposes of this section, "professional office of a health care provider" means a location where a person or entity regulated by a State to

provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility that houses a "professional office of a health care provider" only includes floor levels housing by at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

(2) For the purposes of this section, shopping center or shopping mall means—

- (i) A building housing five or more sales or rental establishments; or
- (ii) A series of buildings on a common site, connected by a common pedestrian access route above or below the ground floor, that is either under common ownership or common control or developed either as one project or as a series of related projects, housing five or more sales or rental establishments. For purposes of this section, places of public accommodation of the types listed in paragraph (5) of the definition of "place of public accommodation" in § 36.104 are considered sales or rental establishments. The facility housing a "shopping center or shopping mall" only includes floor levels housing at least one sales or rental establishment, or any floor level designed or intended for use by at least one sales or rental establishment.

(b) The exemption provided in paragraph (a) of this section does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in this subpart. For example, alterations to floors above or below the accessible ground floor must be accessible regardless of whether the altered facility has an elevator.

**§ 36.405 Alterations: Historic preservation.**

(a) Alterations to buildings or facilities that are eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470 *et seq.*), or are designated as historic under State or local law, shall comply to the maximum extent feasible with section 4.1.7 of appendix A to this part.

(b) If it is determined under the procedures set out in section 4.1.7 of appendix A that it is not feasible to provide physical access to an historic property that is a place of public accommodation in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided pursuant to the requirements of subpart C of this part.

with the requirements of this section is not required where an entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

(2) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.

(3) If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.

(d) *Elevator exemption.* (1) For purposes of this paragraph (d)—

(i) *Professional office of a health care provider* means a location where a person or entity regulated by a State to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility housing the "professional office of a health care provider" only includes floor levels housing at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

(ii) *Shopping center or shopping mall means—*

(A) A building housing five or more sales or rental establishments; or

(B) A series of buildings on a common site, either under common ownership or common control or developed either as one project or as a series of related projects, housing five or more sales or rental establishments. For purposes of this section, places of public accommodation of the types listed in paragraph (5) of the definition of "place of public accommodation" in section § 36.104 are considered sales or rental establishments. The facility housing a "shopping center or shopping mall" only includes floor levels housing at least one sales or rental establishment, or any floor level designed or intended for use by at least one sales or rental establishment.

(2) This section does not require the installation of an elevator in a facility that is less than three stories or has less than 3000 square feet per story, except

with respect to any facility that houses one or more of the following:

(i) A shopping center or shopping mall, or a professional office of a health care provider.

(ii) A terminal, depot, or other station used for specified public transportation, or an airport passenger terminal. In such a facility, any area housing passenger services, including boarding and debarking, loading and unloading, baggage claim, dining facilities, and other common areas open to the public, must be on an accessible route from an accessible entrance.

(3) The elevator exemption set forth in this paragraph (d) does not obviate or limit, in any way the obligation to comply with the other accessibility requirements established in paragraph (a) of this section. For example, in a facility that houses a shopping center or shopping mall, or a professional office of a health care provider, the floors that are above or below an accessible ground floor and that do not house sales or rental establishments or a professional office of a health care provider, must meet the requirements of this section but for the elevator.

#### § 36.402 Alterations.

(a) *General.* (1) Any alteration to a place of public accommodation or a commercial facility, after January 26, 1992, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(2) An alteration is deemed to be undertaken after January 26, 1992, if the physical alteration of the property begins after that date.

(b) *Alteration.* For the purposes of this part, an alteration is a change to a place of public accommodation or a commercial facility that affects or could affect the usability of the building or facility or any part thereof.

(1) Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

(2) If existing elements, spaces, or common areas are altered, then each such altered element, space, or area shall comply with the applicable provisions of appendix A to this part.

(c) *To the maximum extent feasible.* The phrase "to the maximum extent feasible," as used in this section, applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

#### § 36.403 Alterations: Path of travel.

(a) *General.* An alteration that affects or could affect the usability of or access to an area of a facility that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.

(b) *Primary function.* A "primary function" is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer services lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms are not areas containing a primary function.

(c) *Alterations to an area containing a primary function.* (1) Alterations that affect the usability of or access to an area containing a primary function include, but are not limited to—

(i) Remodeling merchandise display areas or employee work areas in a department store;

(ii) Replacing an inaccessible floor surface in the customer service or employee work areas of a bank;

(iii) Redesigning the assembly line area of a factory; or

HJC  
3-24-92  
DHack #3  
3 of 2

Testimony of  
Dr. Ramon Powers  
Executive Director  
Kansas State Historical Society  
March 24, 1992

Thank you for the opportunity to present testimony on House Bill 2602 regarding the state's architectural accessibility standards. We support efforts to make public accommodations accessible to persons with disabilities. I come here today to support this bill. For over a year, we have worked with the Department of Administration and the Kansas Commission on Disability Concerns to shape the proposal before you today. Our interest in this legislation is a result of our statutory mandate to foster preservation of significant historic properties in Kansas.

The proposed amendments to the state's architectural accessibility standards allow a balance between its commitment to provide access for persons with disabilities and its commitment to the preservation of significant historic properties. The proposed revisions to the existing statute include a definition of historic property and a waiver process for owners of historic properties who determine that full compliance with the accessibility standards would threaten or destroy the historical significance of the property. The proposed amendments allow these waivers, or modifications, of standards to be granted by the State Historic Preservation Officer after investigation and consultation with the Kansas Commission on Disability Concerns, or other suitable entity with a primary responsibility to ensure non-discrimination on the basis of physical disabilities. The waivers, or modifications, to the standards are to be granted only to the extent necessary to eliminate or minimize threats to, or the destruction of, the historical significance of the property. The Americans With Disabilities Act of 1990 and the implementing regulations and guidelines do not specifically define special considerations for historic properties. The proposal before you may lead the way in creating a balance between the need to eliminate barriers that discriminate against persons with disabilities and the need to preserve our cultural resources.

HJC  
3-24-92  
\*Huch #24



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN  
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
TELECOPIER: 296-6296

Testimony on Behalf of  
Attorney General Robert T. Stephan  
Presented by  
Mary Jane Stattelmann  
Assistant Attorney General

House Judiciary Committee  
Re: House Bill No. 2602  
March 24, 1992

On behalf of Attorney General Stephan, I am here to testify in favor of House Bill No. 2602. The Attorney General supports the amendments and adoption of a single standard contained in House Bill No. 2602.

Last year the Attorney General was placed in the position of overseeing the enforcement of the Kansas Handicapped Accessibility Standards provisions. In attempting to fulfill this responsibility in light of our budgetary restraints, we sent information to all those statewide officials who are initially responsible for the enforcement of this act. Currently, the Attorney General's budget has been approved to allow a three-quarters time attorney position to be increased to a full-time position to provide an additional 10 hours a week to this issue.

*HJC*  
*3-24-92*  
*Attach #5*  
*1 of 2*



The expansion of the responsibilities required by this office and the Division of Architectural Services will require additional appropriations in an amount of \$50,000-75,000 for the first year. After this initial transition, and as the job increases, the budget for fiscal year 1994 will require other things such as support staff, outside office space and perhaps an additional architect and/or attorney.

Finally, it must be kept in mind that the amendments that are made are only as effective as the enforcement staff. Only if this bill is funded adequately can the enforcement be effective. The Attorney General asks that if we are given such a large and important task that our office be given the necessary funding to properly carry out the task. Thank you.

HJC  
3-24-92  
Attach #5  
2 of 2



HOUSE BILL 2602  
HOUSE JUDICIARY COMMITTEE

Testimony by  
Bob Mikesic, Advocacy Coordinator  
Independence Inc.

March 24, 1992

Thank you for this opportunity to speak in support of House Bill 2602. I am the Advocacy Coordinator at Independence Inc. in Lawrence, Kansas. We are one of the nine non-profit Independent Living Centers in Kansas who provide services to people with disabilities that lead to a more integrated and accessible community.

We support the move of HB 2602 to adopt the Americans With Disabilities Act Accessibility Guidelines (ADAAG) as the state standard for making public and government buildings accessible to and usable by people with disabilities. Having state requirements for accessibility essentially the same as those at the federal level should make compliance easier to accomplish. Adopting ADAAG as the state standard will also result in more accessible and usable buildings, whenever new construction and alterations occur.

There is unanimous agreement among members of Independence Inc.'s Access Task Force that the Americans With Disabilities Act Accessibility Guidelines is an excellent standard, a real improvement over the ANSI A117.1 standard. The Americans With Disabilities Act emphasis on integration and full participation is reflected throughout the ADAAG requirements, except in the elevator exemption, which we recommend be excluded from Kansas law. Full accessibility should become the state standard for all new construction and major alterations.

Independence Inc. is currently working with Gene Shaughnessy, the City of Lawrence Building Inspector, on amendments to the local code to make it consistent with the accessibility requirements of the ADA and the Fair Housing Amendments Act of 1988. If the state law would accomplish this first it would certainly make it easier and faster for local governments to follow suite.

The many people with disabilities in Lawrence support House Bill 2602 and hope you will work for passage of this advancement for buildings and facilities used by all people in Kansas.

Lawrence Independent Living Resource Center • 1910 Haskell • Lawrence, Kansas 66046 • 913-841-0333

**INDEPENDENCE INC.**

HJC  
3-24-92  
Attachment #6