

Approved April 29, 1992

**MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.**

The meeting was called to order by Senator August "Gus" Bogina, Chairperson, at 11:40 a.m. on April 10, 1992 in Room 123-S of the Capitol.

All members were present except:

Senator Harder

Conferees appearing before the committee:

Alan Decker, Citizens' Utility Ratepayer Board  
Gerald Carter, Division of Architectural Services  
Sharon Huffman, Commission on Disability Concerns  
Bobbi Mariani, Division of Personnel Services  
Bob Wunsch, Legislative Liaison, University of Kansas Medical Center

**SB 776 - Establishment of fee schedule for criminal history record information.**

It was moved by Senator Gaines and seconded by Senator Doyen that SB 776 be recommended favorable for passage. The motion carried on a roll call vote.

**HB 788 - An act concerning the citizens' utility ratepayer board; relating to certain contracts for professional services.**

Alan Decker, Consumer Counsel, appeared before the Committee in support of SB 788 and reviewed Attachment 1. He told members that CURB has three staff members who perform much of the contracting for consulting services.

It was moved by Senator Feleciano and seconded by Senator Parrish that HB 788 be recommended favorable for passage. The motion carried on a roll call vote.

**HB 2602 - Handicapped accessibility standards; conformance with 1990 federal law.**

Gerald Carter, Division of Architectural Services, testified in support of HB 2602 and reviewed Attachment 2. He made available to the Committee written testimony from the Attorney General's office and the Kansas State Historical Society (Attachments 3 and 4) which were supportive of HB 2602.

Mr. Carter told members that HB 2602 adopts the exact standards as set forth in the federal bill. He stated that he was aware of some elements such as tactile warning that the disabled community would prefer to strengthen, but the intent is to adopt those ideas as rules and regulations once the basic statute is in place. In answer to a question, he said that the bill authorizes rules and regulations.

Sharon Huffman, Kansas Commission on Disability Concerns, appeared before the Committee in opposition to HB 2602 and reviewed Attachment 5.

It was moved by Senator Parrish and seconded by Senator Brady that HB 2602 be amended by deleting the elevator exemption.

There was lengthy discussion about the cost of complying with the elevator requirement. Mr. Carter stated that the cost of installing an elevator is approximately \$45,000 per floor. He noted that Congress included provisions to address excess costs. If the cost of making a building accessible exceeds 20% of the value of the building, the businessman could apply for a waiver. No waivers are granted on new construction, however, because those buildings must be completely accessible. In answer to a question, Mr. Carter stated that hotels, motels and apartment structures throughout the state would have to consider installing an elevator if the existing buildings were renovated although exceptions for this type of structure exist if a certain number of units within the complex are accessible.

Senator Winter complimented the cooperative effort of the agencies in drafting this legislation. He stated that last year, conforming legislation for the American with Disabilities Act was passed that made Kansas much more restrictive than intended, and he cautioned the Committee against overreacting. He stated his opinion that legislators may have been misled in making that decision and, although he would not support a motion to reverse the decision, he urged those persons who are interested in advancing the cause of the disabled to understand the progress that has been made.

Senator Brady withdrew his second. The primary motion died for lack of a second.

It was moved by Senator Gaines and seconded by Senator Salisbury that HB 2602 be recommended favorable for passage. The motion carried on a roll call vote.

**HB 2782 - State civil service board; additional compensation for chairperson, eliminated.**

Bobbi Mariani, Division of Personnel Services, appeared before the Committee in support of HB 2782 and reviewed Attachment 6.

It was moved by Senator Gaines and seconded by Senator Feleciano that HB 2782 be recommended favorable for passage. The motion carried on a roll call vote.

**HB 3088 - State agency procedures for acquisition of data processing equipment and services.**

Senator Gaines moved to conceptually amend HB 3088 by deleting the reference to exemption of the Regents from the provisions of this act. Senator Parrish seconded the motion.

Senator Winter offered a substitute motion to conceptually amend HB 3088 by including the regents and any purchase by any governmental agency of a computer system purchased in part of whole by state agencies. The substitute motion was seconded by Senator Gaines.

Senator Winter explained that his motion would include Washburn University, vocational education schools, county appraisers, etc. Senator Kerr opposed the motion, noting his opinion that it was overreacting. The substitute motion failed on a voice vote.

Senator Winter objected to the primary motion, stating that if the Regents system is included, all educational systems should be required to go through the same process. He also questioned assigning oversight of computer purchases to the Department of Administration in light of their "demonstrated irresponsibility" in computer acquisitions.

The Chairman stated that the motion would be tabled until a later date because of time constraints.

**HB 3172 - Visiting clinical professor license under Kansas healing arts act for certain physicians at KUMC.**

Robert Wunsch appeared on behalf of the University of Kansas Medical Center in support of HB 3172 and reviewed Attachment 7. In answer to a question, Mr. Wunsch stated that the visiting clinical professor would bear the full cost of coverage, but there was no language in the bill requiring the maximum coverage.

Senator Parrish moved to make a conceptual amendment to require the licensee to have coverage in the amount of \$1 million per claim up to a total of \$3 million and include the balloon on Attachment 7-3. Senator Feleciano seconded the motion which carried on a voice vote.

It was moved by Senator Salisbury and seconded by Senator Hayden that HB 3172 as amended be recommended favorable for passage. The motion carried on a roll call vote.

**HB 3175 - Law enforcement training, central registry of officers, notice of terminations.**

It was moved by Senator Kerr and seconded by Senator Rock that HB 3175 be recommended favorable for passage. The motion carried on a roll call vote.

HB 3177 - State board of regents authorized to sell certain real property on behalf of the University of Kansas.

It was moved by Senator Winter and seconded by Senator Rock that HB 3177 be recommended favorable for passage. The motion carried on a roll call vote.

The Chairman adjourned the meeting at 12:50 p.m.



PRESENTATION BEFORE  
THE SENATE WAYS AND MEANS COMMITTEE  
ON  
SENATE BILL NO. 788  
BY THE CITIZENS' UTILITY RATEPAYER BOARD  
ALAN W. DECKER, CONSUMER COUNSEL  
APRIL 10, 1992

CURB supports Senate Bill No. 788 because it returns CURB to using the contracting procedures CURB has historically used. The historical professional services contracting procedures gave CURB and its consultants more time to prepare for rate cases than the newly prescribed procedures. CURB changed its contracting procedures to comply with a recent Attorney General's opinion.

Under the old procedures, CURB initiated Requests for Proposals (RFP) and convened the negotiating committees to obtain professional service assistance in rate cases.<sup>1</sup> Under the new procedures, CURB must request that the Department of Administration initiate an RFP, administer the RFP, coordinate inquiries, and convene the negotiating committee.<sup>2</sup> Although the delay associated with coordinating an RFP with the Department of Administration may not be a problem in most circumstances, any delay during the rate case process is crucial to CURB because the delay reduces the amount of time CURB and its consultants have to

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<sup>1</sup>K.S.A. 66-1513.

<sup>2</sup>K.S.A. 75-3799.

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investigate rate cases.

By statute, the Commission must complete a rate case within 240 days of filing.<sup>3</sup> Typically, within that period, the Commission must provide for an investigation and audit, testimony preparation, public hearings, technical hearings, a briefing period, Commission review of all evidence, and time to prepare the final order. If contracting procedures delay CURB from obtaining assistance, CURB's effectiveness will be reduced. Not only will a delay in obtaining consulting assistance reduce CURB's ability to respond to the Commission's schedule, but it will reduce the quality of CURB's investigation. Moreover, any delay in the contracting process is particularly troubling to CURB because CURB uses consultants for a large portion of its cases.

A brief history of CURB and its contracting experience will explain how the current situation developed.

CURB was formed in 1988 as a part of the state corporation commission. When CURB was a part of the Commission, it contracted for professional services in the same manner as the Commission.<sup>4</sup> In June 1989, as a result of legislation, CURB became an independent, separate agency. However, CURB's enabling legislation did not clarify how CURB was to contract for professional services. Thus, CURB continued to use the same procedures as the Commission since both agencies were using the same type of services in the same proceedings. In 1991, the

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<sup>3</sup>K.S.A. 1991 Supp. 66-117.

<sup>4</sup>K.S.A. 66-1513.

legislature further clarified CURB's funding mechanism and budget process. Again, however, CURB's contracting procedures were not addressed.

As a result of CURB's legislation, there was a question of what contracting procedures CURB should use. CURB sought an Attorney General's opinion on this issue. The Attorney General's opinion states that current statutes require CURB to use a different contracting procedure than it has historically used.<sup>5</sup>

CURB supports adoption of Senate Bill No. 788 because it will restore CURB's previous contracting procedures and insure CURB adequate time to prepare for rate cases. Accordingly, CURB respectfully requests approval of Senate Bill No. 788.

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<sup>5</sup>Attorney General Opinion No. 91-152.



**C. U. R. B.**  
Rec'd NOV 26 1991  
Consumer Counsel

STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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

ROBERT T. STEPHAN  
ATTORNEY GENERAL

November 26, 1991

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ATTORNEY GENERAL OPINION NO. 91- 152

Dr. Stanley Ollar, Jr., Chairperson  
Citizens' Utility Ratepayers Board  
1500 Southwest Arrowhead Road  
Topeka, Kansas 66604-4027

Re: Public Utilities--Miscellaneous  
Provisions--Citizens' Utility Ratepayers Board

Synopsis: Short of legislative directive indicating how CURB should contract for professional services, CURB should comprise its negotiating committee pursuant to the general statute, K.S.A. 75-3799. Cited herein: K.S.A. 1990 Supp. 66-1222, 66-1225, as amended by L. 1991, ch. 205 §§ 1 and 2; K.S.A. 66-1513; 75-3799.

\* \* \*

Dear Dr. Ollar:

As chairperson for the citizens' utility ratepayers board (hereinafter CURB) you inquire whether the agency should contract for professional services using the negotiating committee structures found in K.S.A. 66-1513 or those found in K.S.A. 75-3799.

You indicate that CURB used K.S.A. 66-1513 when it was a part of the Kansas corporation commission (KCC). CURB became a separate entity in June of 1989 (L. 1989, ch. 162, sec. 3) but continued to utilize the negotiating committee structure utilized by the KCC (as prescribed by K.S.A. 66-1513) because both CURB and the KCC extensively utilize consultants to act as technical experts in investigating and



presenting testimony and exhibits in utility regulatory matters. These consultants usually are selected through a bidding process, and the successful bid is selected by a negotiating committee as described in K.S.A. 66-1513(b) (1983). The negotiating committee has been comprised of curb counsel (as the designee of the KCC general counsel), a member of CURB (as a designee of the KCC chairperson), an individual from the department of administration, division of budget, and an individual from the department of administration, division of accounts and reports. Generally state agencies (other than the KCC) select bids for services using a negotiating committee described in K.S.A. 75-3799(b) (1984). That negotiating committee, in contrast to the one described above, is comprised of an individual from the department of administration, purchasing division, an individual from the agency seeking the contract, and an individual from accounts and reports.

The legislature did not direct the use of either of the statutes in question when it made CURB a separate entity. Our issue is thus one of legislative intent to be gleaned from a perusal of both statutes.

K.S.A. 75-3799 which applies to state agencies when contracting for professional services states:

"Upon request of the chief administrative officer of a state agency and subject to approval of the secretary of administration, the director of purchases may convene a financial services negotiating committee to obtain financial services for the state agency under this section."

Subsection (b) of this statute prescribes the negotiating committee structure as described above.

The statute that CURB currently uses, K.S.A. 66-1513, applies only to the KCC and states :

"(a) In accordance with the provisions of subsection (b), the state corporation commission is hereby authorized to contract for professional services, including but not limited to the services of engineers, accountants, attorneys and

economists, to assist in investigations and appraisals under K.S.A. 66-1502, and amendments thereto, which assistance may include preparation and presentation of expert testimony, when the expenses of such professional services are required to be assessed under that statute against the public utilities involved."

Subsection (b) of this statute prescribes the negotiating committee structure as described above.

In determining legislative intent we may look to the historical background and changes made in the statutes to be considered. If possible, we must give effect to the entire act and reconcile different provisions so as to make them consistent, harmonious and sensible. State v. Adee, 241 Kan. 825 (1987); Taylor v. Department of Health and Environment, 230 Kan. 283 (1981); Kansas Racing Management, Inc. v. Kansas Racing Comm'n, 244 Kan. 343 (1989).

Historically it made sense to use K.S.A. 66-1513 because CURB originated under the KCC and because the statute more specifically addresses the needs of the agency. This statute, however, authorizes the KCC to procure contracts but does not authorize CURB. CURB's authority comes from the agency's own enabling statutes.

The most recent legislative change to the CURB statutes evidences a legislative intent to provide the agency with some autonomy. K.S.A. 1990 Supp. 66-1225, as amended by L. 1991, ch. 205, sec. 2 states:

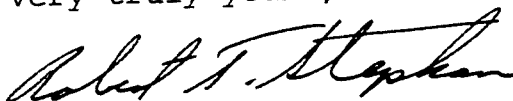
"All budgeting, purchasing and related management functions of the citizens' utility ratepayer board shall be administered under the direction and supervision of the board. All vouchers for expenditures from appropriations made for the use of the board shall be approved by the chairperson of the board or by a person or persons designated by the chairperson for such purpose. The budget of the board shall be financed in the same manner as the budget of the state corporation commission is financed, except that no assessments for financing the

budget of the board shall be levied against electric or telephone cooperatives specified in K.S.A. 1990 Supp. 66-1224, and amendments thereto.

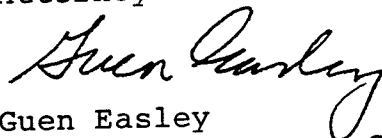
The statute directs that budgeting, purchasing and related management functions be administered by the board and expenditures be approved by the chairperson or by his designee.

In our judgment this provision indicates a clear legislative intent to provide CURB a wide latitude of authority in its management functions that include the contracting for professional services. And while neither K.S.A. 66-1513 nor 75-3799 serve this purpose ideally, only the general statute K.S.A. 75-3799 may be used, given that the other statute authorizes only the KCC to act. For this reason it is our opinion that short of legislative directive indicating how CURB should contract for professional services, CURB should comprise its negotiating committee pursuant to the general statute, K.S.A. 75-3799.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Guen Easley  
Assistant Attorney General

RTS:JLM:GE:jm



DEPARTMENT OF ADMINISTRATION

Division of Architectural Services

JOAN FINNEY,  
Governor

J. DAVID DeBUSMAN,  
Director

625 Polk  
Topeka, Kansas 66603-3288  
(913) 233-9367  
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Testimony of  
Gerald R. Carter, AIA  
Deputy Director of Planning and Project Management  
Division of Architectural Services  
April 10, 1992

Mr. Chairman, Mr. Vice-Chairman, Members of the Ways and Means Committee, I appreciate the opportunity to present our Division's testimony on House Bill 2602 to you today. 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 on 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 today. Instead I will focus on House Bill 2602 which will bring our existing architectural accessibility statutes into conformance with the ADA. In developing this legislative proposal, we have closely worked with the Attorney General's office, the Kansas Commission on Disability Concerns, and the Kansas State Historical Society.

The unique perspective each of our agencies have of our individual statutory responsibilities were brought to the table as we dissected the ADA. The bill before you reflects our combined understanding of the ADA, with one exception, 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 are incorporated in House Bill 2602.

1. Language - Anywhere there existed a reference to "handicapped" persons was changed to read "persons with a disability".

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Attachment 2*

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 and 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 need 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 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. Elevator Exemption: One member of our group, the Kansas Commission on Disability Concerns, felt an elevator exemption, which exists in the ADA for certain small privately owned buildings or facilities, should be stricken in our legislative proposal - House Bill 2602. (You should note this exemption does not apply to governmental buildings or facilities only privately owned buildings or facilities under three stories in height or under 3,000 square feet per story.) We felt it was the prerogative of the legislature to place this additional requirement on the owners of private property not the Department of Administration. Thus the Commission independently asked the House Judiciary Committee to amend line 10 of page 8 of the Bill to include language which would strike this exemption in the Federal Law. The Judiciary Committee agreed with the Commission however the full house did not and the proposed amendment was itself stricken. The Commission feels strongly this exemption needs to be stricken and would like the proposed amendment to be restored as

the Judiciary Committee approved it. We continue to feel this is an issue for you to decide as removing this exemption will have an impact on small property owners in the State. Should you desire to consider the Commissions request to restore the language shown on line 10 of page 7 of the Bill we have additional information which may impact your decision of this item.

10. 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 this House Bill, the Department of Administration and the Attorney General's office are prepared to propose 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 bodies, 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, House Bill 2602 recognizes the opportunity as well as the obligation. I urge your favorable consideration of this bill. Again, thank you for this opportunity to address you. Are there any questions?



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April 9, 1992

The Honorable Gus Bogina  
Chairman - Senate Ways and  
Means Committee  
Room 123-S  
State Capitol Building  
Topeka, KS 66612

Re: HB 2602

Dear Senator Bogina and Members of the Committee:

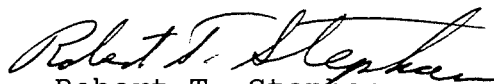
It was my understanding that your Committee planned to meet prior to the end of the session and consider the above-referenced bill. I wanted you to know of my support for it. For too long we have been calloused to the needs of handicapped persons. In my own building, the Judicial Center, since 1979, I have asked that handicapped accessibility issues be addressed. Finally, it is my understanding that this year the automatic doors and other facilities are being installed to make the Judicial Center more accessible. I believe it is also important that our own Handicapped Accessibility Standards Act be consistent with the Americans With Disabilities Act.

Under present law, the Attorney General has oversight responsibilities to see that those who are ultimately responsible for enforcement of the State Handicapped Accessibility Standards Act do their job. With the expansion of that act, HB 2602 continues that role. I would note that we have not been requested to provide a fiscal note on HB 2602, as it was amended by the House Committee. I believe some additional funding will be necessary to ensure that the act is enforced. We have been

*SWAM*  
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*Attachment 3*

in discussions with the Division of Architectural Services over this matter and will work together to offer an enforcement proposal.

Very truly yours,

  
Robert T. Stephan  
Attorney General

RTS/NAW/clk



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.

*SWAM*  
*April 10, 1992*  
*Attachment 4*



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# Kansas Department of Human Resources

Joan Finney, Governor  
Joe Dick, Secretary

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## 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 IN OPPOSITION TO HB 2602 TO SENATE WAYS AND MEANS COMMITTEE APRIL, 1992

Thank you for the opportunity to testify in opposition to HB 2602, the amendments to the Kansas Handicapped Accessibility Standards.

The problem HB 2602 intends to solve is to have a single standard for making new buildings and alterations of existing buildings accessible to people with disabilities instead of the double set of accessibility standards builders in Kansas currently have to comply with.

K.S.A. 58-1301 et seq. requires use of the American National Standards Institutes' specifications for making buildings and facilities accessible to and usable by people with disabilities. This standard requires alterations and new construction to be accessible and that all accessible spaces be on an accessible route. This means if accessible spaces are on floors other than the ground floor, there must be an accessible means to get to those other floors. Generally this requires an elevator. However, it does not preclude the use of a ramp which meets the required slope specifications.

HB 2602 would replace the ANSI standards with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). ADAAG is required as the MINIMUM accessibility

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Testimony in Opposition to HB 2602  
Kansas Commission on Disability Concerns  
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standard for all states. ADAAG requires all altered areas and all new construction to be accessible. ADAAG also has an elevator exemption which states that if a building which is owned by a private business has less than 3 stories or less than 3,000 square feet per floor and does not house medical professional offices, five or more retail sales stores or a public transportation depot, then an elevator is not required even though all areas on each floor have to be accessible.

This is blatant discrimination against people with mobility impairments who cannot use stairs. The Kansas Commission on Disability Concerns cannot in any way support HB 2602 in its present form.

There is only one way we can support HB 2602. That is to amend out the exemption and require all newly constructed and altered buildings to make every floor accessible.

There is no way KCDC can support passage of HB 2602 without removal of the elevator exemption. KCDC asks the committee to either kill HB 2602 or amend out the elevator exemption for public buildings.

\2602sen.w&m

"Cowardice asks the question, Is it safe?  
Expediency asks the question, Is it politic?  
Vanity asks the question, Is it popular?  
But conscience asks the question, Is it  
right? And there comes a time when one  
must take a position that is neither safe,  
nor politic, nor popular, but he must make  
it because his conscience tells him that it  
is right..." ----- Martin Luther King

Testimony To The  
SENATE WAYS AND MEANS COMMITTEE

By

Division of Personnel Services  
Department of Administration

Re: HB 2782

Mr. Chairperson, members of the Committee, thank you for the opportunity to appear in support of House Bill 2782.

I am employed by the Department of Administration's Division of Personnel Services. Under the Kansas Civil Service Act the director of the Division of Personnel Services acts as the secretary of the state civil service board or may designate a person to serve as the secretary.

House Bill 2782 proposes to delete a provision within the civil service act authorizing the annual payment of \$2,400, payable monthly, to the chairperson of the board while that member holds that office.

The state civil service board is a five-member body with jurisdiction under the state civil service act to hear appeals taken to it pursuant to K.S.A. 75-2940, 75-2949 and 75-3747 concerning dismissal, demotion or suspension of a permanent employee in the classified service, or concerning refusal to

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Attachment 6

examine an applicant or to certify a person as eligible for a job class, and concerning disciplinary actions taken in violation of K.S.A. 75-2973, the "whistle blower" act.

Board members are private citizens appointed from each congressional district by the governor and confirmed by the senate to four year terms of office unless appointed to fill the vacancy created when a member resigns before the end of a term. Board members organize annually by electing one member as chairperson and one as vice-chairperson.

Members are paid compensation of \$70 a day for each day of attendance at a meeting of the board. A member residing more than 100 miles from the place of a meeting is also paid \$35 for each day in travel to or from the meeting if such travel is on a day other than the day of the meeting. Members also receive subsistence and mileage under the provisions of K.S.A. 75-3223.

Per diem compensation paid to members of the state civil service board is among the highest paid to members of a state board or commission comprised of members who are not full time.

Currently the chairperson receives an additional amount of compensation at the rate of \$2,400 per annum payable monthly during the chairperson's service in that office.

The matter before you today is the revocation of the authority to pay the chairperson of the board the annual compensation of \$2,400. The annual salary for the chairperson was established in 1985. Adoption was recommended at that time because the chairperson of the board devoted a significant amount of time administering the management functions of the board. The annual salary of \$2,400 was proposed to compensate the chairperson for this time.

Subsequently, the management functions of the board have been assigned to a staff person in the division of personnel services. As a result, the amount of time the chairperson now spends on management functions has decreased, thereby, eliminating the need to compensate the chairperson for additional responsibilities associated with the board.

The current board chairperson was contacted about the change and did not oppose it. She will not be affected by the revision as her term as chairperson expires at the same time the bill would become effective. The other members of the board, including the prospective chairperson, are aware of the proposed change and have not expressed any discontent.

Thank you for allowing me this time. I would be happy to respond to any questions you might have.

Testimony Before the Senate Ways and Means Committee  
House Bill 3172  
Robert S. Wunsch  
KUMC

Thank you Chairman Bogina

This bill provides that a visiting clinical professor license may be issued by the Board of Healing Arts to a physician who is qualified for a license to practice medicine and surgery under the Kansas Healing Arts Act. Such physician might be a Kansas resident who now exclusively practices medicine out of state or a non-resident practicing exclusively in his/her state of residency.

An application for a visiting clinical professor license would be accompanied by a statement from the Medical Center that the applicant is under contract with the Medical Center or one of the affiliated private practice foundations to provide patient care and clinical teaching at the Medical Center. The Medical Center is required to verify that the information on the application is correct. This verification will be of assistance to the Board of Healing Arts in the issuance of a license.

The applicant is to further provide proof that he/she has the same level of professional liability insurance required of a Kansas Health Care Provider. In this connection it is the intent of the Medical Center to require of the applicant 1,000,000/3,000,000 coverage. Such liability insurance would be maintained during the time the visiting clinical professor's license is valid. A visiting clinical professor by definition is not to be considered a health care provider as the term is used in KSA 1991 Supp. 40-3401. The teaching and practice of such visiting clinical professor would be restricted to the Medical Center of one of the affiliated private practice foundations at the Medical Center. Full-time physicians at the Medical Center would not be eligible for this visiting clinical professor license.

Currently there are a number of physicians, residents and non-residents, who presently do not practice in Kansas but are interested in helping with the clinical and teaching programs at the Medical Center. Their assistance would be beneficial, not only to medical students but to patients. The Medical Center does not now have the availability of these physicians because under current law the cost of liability insurance which these physicians would have to obtain to be able to teach and practice part-time at the Medical Center is prohibitive. The cost of this liability coverage, in effect, denies the Medical Center a source of physicians practicing in other states that would otherwise be available to teach and practice part-time at the Medical Center.

The Hospital Administration at the Medical Center advises that there currently are physicians in Missouri and Colorado, as well as in Louisiana who would be interested in applying for this visiting clinical professor license to assist in our emergency department. There has been and continues to be a need in our emergency department for services such as these physicians would provide. The Medical Center would utilize

SWAM  
April 10, 1992  
Attachment 7



the provisions of this bill outside the emergency department as well. As an illustration, when the Medical Center conducted its first liver transplant we obtained the assistance of a physician from Canada to be present as a "backup". Qualifying this physician was ultimately accomplished but not without considerable effort and cooperation from the Board of Healing Arts and others involved. If the provisions of this bill had been law at the time, this would have occurred with dispatch and ease.

For almost a year now, the Medical Center has been working in conjunction with the Board of Healing Arts and the Department of Insurance to create the proposed visiting clinical professor license. The Board of Healing Arts advised the House Public Health and Welfare Committee that they supported the bill with the House Committee amendments. No one from the Insurance Commissioner's Office appeared at the time the bill was heard in committee. The Medical Center understands that the Commissioner of Insurance is ready to assist in any way possible in the administration of the bill feeling that undoubtedly the bill, once implemented, would be beneficial to the Medical Center in a variety of ways and on a number of occasions.

KUMC believes, based upon insurance company contacts made by the former director of the Medical Center's emergency department, that insurance coverage limited to visiting clinical professor services at the Medical Center or at one of the affiliated private practice foundations is available and at a cost that is not prohibitive.

Some of the adopted House Committee amendments did not get included in the bill when it was reprinted. They are attached to my testimony. I failed to catch the omission when the bill was on General Order in the House. I would ask that you so amend the bill now.

1 and surgery who holds a full-time appointment at the university of  
2 Kansas medical center when such person is providing health care.

3 (i) "Sexual act" or "sexual activity" means that sexual conduct  
4 which constitutes a criminal or tortious act under the laws of the  
5 state of Kansas.

6 Sec. 3. K.S.A. 1991 Supp. 65-2852 is hereby amended to read  
7 as follows: 65-2852. The following fees shall be established by the  
8 board by rules and regulations and collected by the board:

9 (a) For a license, issued upon the basis of an examination given  
10 by the board, in a sum of not more than \$150;

11 (b) for a license, issued without examination and by endorsement,  
12 in a sum of not more than \$150;

13 (c) for a license, issued upon a certificate from the national  
14 boards, in a sum of not more than \$150;

15 (d) for the annual renewal of a license, the sum of not more than  
16 \$150;

17 (e) for a temporary permit, in a sum of not more than \$30;

18 (f) for an institutional license, in a sum of not more than \$150;

19 (g) for a visiting professor temporary license, in a sum of not  
20 more than \$25;

21 (h) for a certified statement from the board that a licensee is  
22 licensed in this state, the sum of not more than \$15;

23 (i) for any copy of any license issued by the board, the sum of  
24 not more than \$15;

25 (j) for any examination given by the board, a sum in an amount  
26 equal to the cost to the board of the examination;

27 (k) for application for and issuance of a special permit under  
28 K.S.A. 65-2811a and amendments thereto, the sum of not more than  
29 \$30;

30 (l) for an exempt license or renewal of an exempt license, the  
31 sum of not more than \$150;

32 (m) for conversion of an exempt license to a license to practice  
33 the healing arts, the sum of not more than \$150;

34 (n) for reinstatement of a revoked license, in a sum of not more  
35 than \$1,000;

36 (o) for a visiting clinical professor license, in a sum of not more  
37 than \$25.

or renewal of a visiting clinical  
professor license

38 Sec. 4. K.S.A. 1991 Supp. 40-3401 and 65-2852 are hereby  
39 repealed.

\$150

40 Sec. 5. This act shall take effect and be in force from and after  
41 its publication in the ~~statute book.~~

[delete] Kansas Register.