

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:40 p.m. on March 12, 2001 in Room 313-S of the Capitol.

All members were present except: Representative Tony Powell, Excused

Committee staff present: Theresa M. Kiernan, Revisor of Statutes  
Russell Mills, Legislative Research Department  
Shelia Pearman, Committee Secretary

Conferees appearing before the committee:

Representative Daniel Thimesch  
Robin Tropper, LINK, Hays  
Jennifer Schwartz, Lawrence  
Gary Bates - SKIL, Parsons  
Alan Bowes - Tenants to Homeowners Executive Director, Lawrence  
Steve Hinds - Independent Living Resource Center, Wichita  
Bob Mikesic - I. I., Lawrence  
Jim Feaster, Silver-Haired Legislator  
Martha Neu Smith, Kansas Manufactured Housing Association  
Larry Eller, City of Parsons  
Janet Stubbs, Kansas Building Industry Association

Others attending: See attached list

Chairman Mays opened the hearing on **HB 2020 - Handicapped accessibility standards; certain dwellings.**

Representative Thimesch expressed his concern and encouraged his support as both a builder and legislator. Because of his sister's paralysis as well as the aging of the baby boomers, he stated this bill asks for some very common sense changes (Attachment #1). Access ramps are most obvious change being required. These modifications would apply only to housing if public assistance funding is utilizing in financing and would be confined to the area being remodeled, i.e., bathroom would not be effected unless modifying the bathroom.

Ms. Tropper (Attachment #2) noted similar legislation was passed in the 2000 Senate session Substitute for SB 304. Last session, this committee referred for the bill for further study to the Special Committee on Federal and State Affairs which recommended the bill. The negligible costs for these changes do not begin to compare to the social costs when family members with difficulty walking are excluded from easy accessibility to all homes. Multi-family housing is already addressed by Kansas Act Against Discrimination and the Fair Housing Act as amended, however the Americans with Disability Act (ADA) does not apply to housing. The five essential features required by this bill would fill a gap. **HB 2020** will not be applied to individual home-owner occupants nor large entitlement communities. She noted despite enhanced marketability of these structures, nationwide opposition has been encountered. Texas and Georgia have laws similar to this bill.

Ms. Schwartz discussed her 9 year old daughter's inability to visit her grandmother due to the housing unit being inaccessible to her power chair. (Attachment #3) She also commented it is more cost effective to include these features during construction rather than modifying the structure after it is built. This bill would increase accessibility for future generations and provide housing for all individuals including those with disabilities.

Mr. Bates noted the significance of **HB 2020** providing perfect vision for people with disabilities in the 21<sup>st</sup> Century. (Attachment #4) After relocating to southeast Kansas due to employment, he had difficulty locating semi-accessible housing for which he spends 41 percent of his wages for rent.

Mr. Hinds remarked as a housing specialist in Wichita, he received four to five calls per week looking for accessible housing which does not exist. (Attachment #5) Because doors are not wide enough, some

individuals have difficulty getting into their bathroom and bedrooms. According to the 1992 Economic & Statistics Administration of the United States Department of Commerce, with a 10.25 percent increase in three years this would estimate 66 million people with disabilities currently live in the United States.

Mr. Bowes a non-profit housing developer adopted these standards last year and has two homes constructed with these features.

Mr. Mikesic noted the ADA requirements apply to multi-family housing with four or more units per dwelling. (Attachment #6) It is a fair, cost-effective way of using public financial assistance to create more housing with basic accessibility features. HUD endorses visitability construction.

Mr. Feaster remarked that original construction modifications at the request of a family member were approximately \$50 more. Yet had these changes been done during a remodel project, the costs would have been thousands of dollars. As a representative of the Silver-Haired Legislature which passed **HCR 5004** (Attachment #7), he encouraged the 2001 Legislature to pass **HB 2020**.

Mr. Eller declared that **HB 2020** is an unfunded state mandate which creates additional costs of approximately \$2,000 - \$6,000 to families attempting to qualify for first-time home-buyer grants. Additionally, Parsons lost 97 homes during a tornado on April 19, 2000 and is presently rebuilding. Because many families did not have insurance, the funding from the State has assisted numerous families begin to rebuild their life. However, this bill would lower the number of families that would qualify for assistance because of the additional costs.

He also discussed the logistics of ramps and that manufactured homes are higher from the ground than constructed housing. (Attachment #8) The varying soil conditions encountered throughout the state are additional factors involved in state construction. He also stated this bill does not apply uniformly to all Kansas cities due to the various methods of obtaining funding. Because this bill would be retroactive, it would require additional costs for ramps would added to buildings already being constructed.

Ms. Stubbs and the associational members oppose **HB 2020** and any other state mandated residential building code. They believe the local governing bodies are better able to access the needs and the local conditions (Attachment #9) than someone at the State level. Due to the variation of soil conditions, not all housing codes are applicable to all locations within the state. She provided material and labor costs comparison for universal design housing vs. non-universal design houses which will be distributed to each member (Attachment #10).

Ms. Smith advised the Manufactured Homes Association is aware of the needs of individuals with disabilities and is able to address the specifications described in this bill.

Mr. Mills advised this bill was a product of the Interim committee and is discussed in the *Reports of Special Committee on Federal and State Affairs* to the 2001 Kansas Legislature (Attachment #11)

Written testimony was submitted by the following:

- Senator Lana Oleen (Attachment #12)
- Brian Atwell, Living Independently in Northwest Kansas (Attachment #13)
- Tyrone Bush (Attachment #14)
- John Carey, Modern Home Sales (Attachment #15)
- Gene Clausing, Showcase Homes (Attachment #16)
- Terry Fraker, Independent Living Coordinator, Chanute (Attachment #17)
- Lesli Girard, Topeka Parent Center (Attachment #18)
- Tessa Goupil (Attachment #19)
- Karen Hiller, Housing and Credit Counseling Executive Director (Attachment #20)
- Gary Howard, Western Kansas Assn. on Concerns of Disabled (Attachment #21)
- Sharon Huffman, Dept. of Human Resources Legislative Liaison (Attachment #22)
- Shannon Jones, Independent Living Council of Kansas Dir. (Attachment #23)
- Blake Knoll (Attachment #24)
- Gina McDonald, Kansas Assn. of Centers for Independent Living (Attachment #25)

CONTINUATION SHEET

Mike Oxford, Topeka Independent Living Resource Center Exec.Dir. (Attachment #26)  
Steve Richardson, Topeka Independent Living Resource Center (Attachment #27)  
R.C. Schlatter, Hutchinson Housing Commission (Attachment #28)  
Jamie Thorstenberg, Wichita Independent Living Resource Ctr. (Attachment #29)  
Becca Vaughn, Disabilities Rights Action Coalition for Housing (Attachment #30)  
Terry Wilkinson, LeCompton (Attachment #31)

The hearing on HB 2020 was closed.

The committee meeting adjourned at 3:15 p.m. The next scheduled meeting is March 13, 2001.

# HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

## COMMITTEE GUEST LIST

DATE: 3/12/01

NAME	REPRESENTING
Judy Jaquet	CKM
Larry Ellen	City of Parsons
Leroy Bell	PIHR Hutchinson
Phil Bradley	KLBA
Steve Richardson	KDRACH
Steve Hinds	ILRC Wichita
Kelly Nightengale	Independence, Inc. Lawrence
Jennifer Schwantz	Lawrence
Tonya Cruse	KDRACH
Karen Jones	KDRACH
Dennis Jackson	TILRC/ADAPT
Mike Goyall	TILRC/ADAPT
Randy Fisher	KCDC
Jim Teaster	Silverman Legislation
Susan Briggs	TILRC
Blake Knell	CILSWS Liberal, Ks.
Alan Bowes	TTH, Inc. Lawrence KS
Roger Franze	KBC
Kendra Benton	Independent Corporation





DAN THIMESCH  
 REPRESENTATIVE 93RD DISTRICT  
 30121 WEST 63RD STREET SOUTH  
 CHENEY, KANSAS 67025  
 (316) 531-2995

STATE CAPITOL  
 ROOM 278-W  
 TOPEKA, KANSAS 66612-1504  
 (785) 296-7680  
 1-800-432-3924  
 (DURING SESSION)



TOPEKA

HOUSE OF  
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 CAPITOL RESTORATION  
 SOUTH CENTRAL SEDGWICK COUNTY DELEGATION  
 GULF WAR ADVISORY BOARD

March 12, 2001

TESTIMONY - HB 2020  
 HOUSE FEDERAL AND STATE COMMITTEE

I am here today to ask for your favorable support for HB 2020. I was on the summer interim dealing with this issue of accessibility.

As we are all getting older, the baby boomers are ageing, a number of us are physically handicapped or will be.

Government in the past, has supported reasonable changes to help those that need accessibility.

Most of us may never become physically handicapped or have problems with accessibility, and I hope you don't.

I grew up understanding the problem. My older sister has been paralyzed since 1959. There were many barriers to accessibility.

Our Country has made great improvements.

I am asking you to consider a few changes that are very common sense.

If public financial assistance is given for single family dwellings then we should require

- an entrance ramp
- accessible doors "32"
- 36' hallways
- accessible light switches, outlets, control
- and backing for grab bars.

These requirements are reasonable. If planned for, the benefits will far out way the small costs. I know because I have built for over 30 years.

Please support HB 2020.

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# Kansas Disability Rights Action Coalition for Housing

2401 E. 13<sup>th</sup> Street  
Hays, KS 67601

(785) 625-6942 (V/TTY)  
(785) 625-2334 (fax)

Testimony to the House Committee on Federal and State Affairs,  
Representative Doug Mays, Chairman,  
In Support of House Bill 2020  
by Robin Tropper, Coordinator, Kansas DRACH  
March 12, 2001

Thank you Chairman Mays and Committee members for hearing my testimony today as a proponent of HB 2020, requiring basic accessibility (visit-ability) in single-family, duplex and triplex housing built or rehabilitated with financial assistance administered by the State. I'm Robin Tropper, Coordinator of the Kansas Disability Rights Action Coalition for Housing (KDRACH), a state-wide grassroots, cross-disability group of individuals and organizations working to ensure that the civil rights of people with disabilities are fully honored in all housing in Kansas.

KDRACH authored this bill with the conviction that public funding must be used in a manner that is made equally available to all people – not based on skin color, not based on religion, not based on whether a person can walk. We are examining an issue concerning equality, equality of opportunity to enjoy housing subsidized with public dollars, an issue of civil rights. Last session, a nearly identical bill, Sub. SB 304, passed overwhelmingly in the Senate by a 30-8 margin; after a hearing in this committee, the bill was referred for further study to the Special Committee on Federal and State Affairs, that unanimously voted to re-introduce it this session.

Proponents of this legislation will testify that the added monetary cost of constructing housing with basic access features is typically negligible or minimal, and I concur with those determinations. I also urge you to consider the following questions: What is the social cost to our state when we continue funding construction of homes that do not allow all people to enter them? What is the cost to all of us and to our communities when we continue excluding people who have difficulty walking from becoming our neighbors, when we exclude certain young and elderly individuals from visiting friends and family members, or when we preclude our loved ones from "aging in place" in their own homes? Can we even weigh the fiscal cost of making changes that create equality against the human cost of not making them – of perpetuating exclusion and isolation?

Federal and state laws already set accessibility standards for multifamily housing. The proposed bill would fill a gap by requiring five essential features, based on well-established standards, for one-, two-, and three-family housing constructed by developers who choose to access public dollars. HB 2020 will not apply to individual homeowner-occupants, nor to any direct federal funding received by large entitlement communities. Should there be a need for further clarity in the bill concerning what housing would or would not be covered, then KDRACH certainly may support further revisions clarifying how "public financial assistance" is defined.

These requirements need to be made statutory. The Kansas Department of Commerce and Housing currently does not have accessibility requirements in place consistently across all funding streams available to housing developers, and such policies are subject to periodic change. Moreover, people with disabilities cannot depend on voluntary efforts by the building industry to incorporate visit-able design, despite the enhanced re-marketability of homes having these features. In fact, nationwide, the industry has resisted change and has fought hard to chip away at the fair housing rights people with disabilities have gained in recent years. Like statutes enacted last year in the states of Texas and Georgia, HB 2020 will ensure that public financing for housing will not be spent erecting new architectural barriers to people with disabilities.

I urge this committee to vote in favor of HB 2020, to support a vision that future generations of publicly financed housing will provide everyone with equal residential choices and the ability to invite all people into their homes. I would be happy to address any questions. Thank you.

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House Committee on Federal and State Affairs  
Jennifer and Jessica Schwartz-Testimony on House Bill 2020  
March 12, 2001

Our family was excited to learn that the House Committee on Federal and State Affairs is reviewing basic wheelchair accessibility in homes as proposed in HB 2020. This bill would impact our family in many ways.

My daughter, Jessica is a 9-year-old, third grader who uses a wheelchair for mobility. Using a power chair enables Jessica to determine for herself where and when to go, allowing her to strive for the greatest level of independence possible. The lack of accessibility in housing has considerably limited the places we can visit. As our family moves closer to becoming first time home buyers House Bill 2020 would increase the amount of accessible housing available to those of us who might qualify for a first time home owners loan through the state. If housing is built with basic features of accessibility it is much more cost effective than doing those modifications after the home or complex is built.

Legislation requiring basic wheelchair accessibility in single-family, duplex, and triplex dwellings built or rehabilitated with state financial assistance is a necessity. It is unjust to build barriers for future generations with our tax dollars. This bill would increase access to housing opportunities for both adults with disabilities and families that include a child with a disability. Housing needs to be available for all individuals, including those with disabilities. House Bill 2020 will improve the quality of life for our family and many others in countless ways. At this time Jessica's grandmother lives in subsidized housing that is not visitable. Jessica can't visit her grandmother and use her wheelchair, because the townhouse is not accessible. Although this bill may not immediately impact this housing development, it will open up opportunities in those complexes that are newly constructed or renovated.

We do realize that this bill wouldn't cover all housing, but it is an appropriate step and would be greatly appreciated. In conclusion, we urge this committee to favorably pass House Bill 2020 requiring basic wheelchair accessibility and visitability in homes built or rehabilitated with state financial assistance, so there will come a time when Jessica, and future generations, can not only have friends over to visit but also she may play at their houses. House Bill 2020 will bring us a step closer to a fully inclusive and accessible community, not just for people with disabilities, but for all people.

Thank you for your time.

Jennifer and Jessica Schwartz  
2529 Maverick Lane  
Lawrence, KS 66046  
(785) 832-8353

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Testimony Provided to House on Federal and State Affairs  
Presented by Gary D. Bates  
March 12, 2001

Good Afternoon Chairman Mays and Members of the Committee

I'm here to ask for your support in House Bill 2020. A bill perfectly numbered. Think about it, 2020 signifies perfect vision. House Bill 2020 is a vision for people with disabilities in the 21<sup>st</sup> Century. House Bill 2020 would prevent old barriers from being rebuilt.

People with disabilities are in our communities and need access to friends and family. I have several friends that I cannot access their houses without risk of injury to myself.

If you look outside the box you will see that this would solve a lot of the accessible housing problems we encounter everyday. I moved to Southeast Kansas in September to take on a new job. When I went to look for housing I could not find any accessible houses. I thought I would have to forfeit my job offer. I finally found an apartment that is not very accessible, but it was my only choice. I went from being able to get ready for work in 1.5 hours to 4 hours, plus I spend 41% of my wages on rent. There is a contractor in Parsons who is starting to implement the guidelines that would be set forth by House Bill 2020 because he recognizes the need for people with disabilities to socialize with friends and family. My only wish is that others would have his vision. I don't think that it is too much to ask for equal access!

Thank you for your time.

Respectfully yours  
Gary D. Bates

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Representative Doug Mays  
Chairman-Federal and State Affairs Committee  
Sub. HB 2020

Steve Hinds  
Consumer Advocate  
Independent Living Resource Center  
Wichita KS

As a Consumer Advocate and Housing Specialist working with people with disabilities, I face the ever-increasing problem of finding housing with even the most basic features of accessibility. I receive an average of four or five calls a week for accessible housing, housing that does not exist. Although we are able to get ramps for accessible entry, persons in wheelchairs are not able to get into the bathroom, and in many cases can not get through the bedroom door.

Housing & Credit Counseling Inc. in Topeka has listed five impediments to fair housing, the number one impediment is the lack of accessible housing. The Kansas Department of Commerce & Housing Fair Housing Action Plan 1997-2000 reports the leading impediment to fair housing as "difficulty in finding suitable and accessible housing." According to Elizabeth Julian, former HUD Assistant Secretary for Fair Housing and Equal Opportunity, "people with disabilities have the worst-case needs in this country and there is still wide-spread noncompliance with the accessibility requirements of the Fair Housing Act."

Data collected in 1992 by the Economic & Statistics Administration of the United States Department of Commerce showed nearly 49 million people with a disability, 24.1 million of these were severe. Three years later approximately 54 million, or 1 in 5 reported a disability, 1 in 10 disabilities were severe. This is a 10.25% increase in the number of people with disabilities in just three years. Using this rate of increase there are approximately 66 million people with disabilities in the United States today.

With a 1 in 5 disability rate Kansas has approximately 530,810 people with a disability, Wichita alone has 65,850 people with a disability. The Independent Living Resource Center serves 689 people on the Physical Disability waiver alone. Independent Living Centers across the state serve approximately 3200 people with a physical disability through Home and Community Based Services. There are many more with physical and mental disabilities not receiving these services, as well as the frail and elderly that would benefit from basic accessibility in housing.

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All members of the household would benefit from safer homes that impose fewer constraints on daily activities. Families would be able to live together in their own home instead of facing the emotional and economic costs of moving or institutionalizing a family member. Households can "age in place" over the life cycle without incurring significant remodeling expenses. People with mobility impairments will be able to visit their friends and family because the barriers that keep them out will no longer exist. People without disabilities will benefit also, bringing in the baby strollers and groceries, or moving furniture and other awkward or heavy items into and within the home will be easier.

Please, do not say no to basic accessibility for thousands of Kansas residents who are now in need, and those in the future who will be in need of this basic right, to live and function safely in their own home. To be able to go outdoors with ease, to not feel trapped by not being able to leave their own porch or to visit friends and family.

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**House Committee on Federal and State Affairs  
 Testimony in Support of House Bill 2020  
 Bob Mikesic, Advocacy/ADA Coordinator  
 Independence, Inc.**

Thank you Chairperson Mays for the opportunity to speak in favor of House Bill 2020. The bill's requirements for basic accessibility in housing constructed or rehabilitated with public financial assistance is the most logical, ethical and needed extension of fair housing rights for people with disabilities since the 1988 amendments to the Fair Housing Act. As you all know, the Fair Housing Act (FHA) and the Kansas Act Against Discrimination (KAAD) prohibit discrimination in housing based on disability, and they require basic accessibility features in multifamily housing with 4 or more units per dwelling. This went into effect under the FHA in 1991, and under the KAAD in 1992.

Even with existing requirements for accessibility in multifamily housing, the vast majority of housing in Kansas is not even close to being accessible due to the longstanding, traditional practice of constructing housing with steps at the entrance and narrow bathroom doorways. People with disabilities would like to have more choices of housing that already has basic accessibility features. HB 2020 is a responsible approach to this situation, state funds should be used to construct housing that is accessible to all Kansans.

The current Kansas Consolidated Plan for FY 2000-2001 clearly identifies the need for more housing with basic accessibility features. "In 1990, statewide there were about 107,000 households headed by person who were 75 years old or older, a good indication of the scale of the frail elderly population. Kansas also contained over 36,000 persons, not living in group quarters, with mobility impairments indicating the vast need for housing accessible to the disabled." (Kansas Consolidated Plan, p.129)

The Kansas Department of Commerce and Housing, Fair Housing Task Force, in their "Kansas Analysis of Impediments to Fair Housing," listed first the following major fair housing impediment:

**People with Disabilities Have Difficulty Finding Accessible Housing**

The 1990 Census reported that approximately 105,000 Kansans have mobility problems or self-care limitations. More than 50 percent of those reporting each type of limitation were persons age 65 and older. People with disabilities experience the worse case housing needs, and there is widespread noncompliance with the accessibility requirements of the Fair Housing Act. Nearly 57 percent of the respondents agreed that the disabled confront difficulties finding accessible

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housing. Ninety percent of disabled respondents felt that they confront difficulties locating accessible housing. Persons with disabilities, and single parent households, continue to experience both blatant and subtle forms of housing discrimination in Kansas communities and across the nation.

It's time that housing design in Kansas not just address the life cycle of the housing structure, but the life cycle of people as well. Visitability benefits people of all ages, sizes and abilities.

Please act favorably on House Bill 2020. It is a fair, cost-effective way of using public financial assistance to create more housing with basic accessibility features. Thank you for your time and consideration.

**Testimony to the House Committee  
on Federal and State Affairs  
Rep. Doug Mays, Chairman  
House Bill 2020  
By Jim Feaster, Silver-Haired Legislator  
From Syracuse, Kansas  
March 12, 2001**

My warmest regards to Chairman Mays and Committee members for letting me testify on behalf of the Silver-Haired Legislators and myself on proposed legislation to "establish accessibility standards for certain dwellings". Enclosed is a copy of Resolution #1708 passed last October at our annual meeting in Topeka.

I have a brother-in-law that has been confined to a wheelchair since about 1970. When we built our house in Syracuse in 1987, he told me to make the doors wide enough to get a wheelchair in each room. We did this at his request, because I wanted him and my sister to visit us. If he had not told me about having wider doors, we would have put in regular doors that the house plans called for. The cost at the time of building probably did not go over \$50.00; however, if we had to tear out and put in wider doors, the cost would be in the thousands of dollars.

My father-in-law is 96 years old and resides at the Extended Care in Hamilton County Hospital. He is confined to a wheelchair, but when he comes to our home he can wheel around from one room to another. One thing that we over-looked was having a ramp going up the front sidewalk. We have to lift him up the steps, but if we had been thinking at the time of building the house, it would probably not cost us \$20.00 to have incorporated a gradual slant in the sidewalk to accommodate a wheelchair.

Last year my son-in-law built a great two-story house with a basement, but he did not make the entrance or bathrooms handicap accessible. My son-in-law is about 38 years old and thinking about being handicap accessible is not even remotely possible to him, so he built it according to the blueprint, which did not figure in doors or support handles to get around in when he gets older. I can look back 35 years and never dreamed I would be 70, so I do not criticize him for not providing a handicap facility. Before he can realize it, though, he will be a senior citizen and need a house that he can live in since his chances of living over 100 years is a realistic possibility. We need House Bill #2020 to save us from ourselves. If the State or Federal government passes a bill like this, then blueprints will show putting an extra stud to accommodate a handrail or making doors a little wider to accommodate a wheelchair; and the beauty is that the house will be worth more because most people do not wish to go to a rest home or other type of managed living. They lose part of their freedom when they leave home. If they want to smoke or have a little toddy or invite a lady friend over, it is not tolerated in a managed care facility. "There is no place like home."

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Recently I read an article that in Atlanta, Georgia, there are whole communities where homes were built even to the point of having showers made to accommodate a wheelchair.

The resolution passed by the Silver-Haired Legislator has the technical reasons for passing accessible standards for dwellings. From my experience, passing this legislation is only common sense for the 2000 homes. It will cost the state practically nothing—it is like casting bread on the water and getting back a hundred fold.

House Concurrent Resolution No. 5004

By Representative Myers  
(By Request)

1-10

A CONCURRENT RESOLUTION urging the expansion and development of housing assistance programs in the Department of Commerce and Housing to provide universal housing opportunities for all Kansans and urging the creation of incentives to promote the construction of universally designed housing.

WHEREAS, Demographically, the population of the United States is growing older; according to the United States Bureau of the Census, nationally there are almost 34,000,000 Americans aged 65 and over, roughly 12% of all Americans; the elderly population increased eleven-fold from 1900 to 1994, while the nonelderly increased only three-fold; if Census Bureau predictions prove accurate, the American population will increase by almost 50% from 1995 to 2050, while the 65 and over age group will increase by 135%; and

WHEREAS, In Kansas, the aging trend is more pronounced; according to 1990 census statistics, nearly 15% of Kansans were age 65 or older; in addition, among the fifty states, Kansas has the fifth highest percentage of citizens aged 85 and over; according to the Kansas Division of the Budget, the number of the state's citizens aged 85 or more will double in the next 10 years; and

WHEREAS, A significant number of elderly Kansans live in rural areas; according to the United States Department of Agriculture, 35% of Kansans aged 65 and over lived in communities with a population of less than 2,500; and

WHEREAS, Many of the elderly live on fixed incomes; Social Security was the major source of income for older couples and individuals in 1992, providing 40% of the total household income and providing at least half of the total income for 63% of beneficiaries in 1992. The median income of older persons in 1995 was \$16,684 for males and \$9,626 for females and more than half of all elderly persons over age 75 who lived alone had incomes below \$10,000 in 1992 and 86% had incomes below \$20,000; and

WHEREAS, The Governor's 1999 Housing Task Force identified many deficiencies in the state's housing inventory noting a critical lack of

affordable housing and a genuine deficiency of housing of any nature in rural areas; and

WHEREAS, Growth in the elderly population has outpaced growth in the supply of nursing home beds. While the supply of nursing home beds for people 75 years and over dropped 17% from 1987 to 1996, functional disability has increased. While almost 72% of 1987 nursing home residents needed help with three or more activities of daily living 83% of such residents needed assistance in 1996; and

WHEREAS, Living in their own homes enables the elderly to maintain their independence, with security, comfort and dignity, while at the same time reducing the demand for institutional bed space; and

WHEREAS, Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The intent of universal design is to simplify life for everyone by making products, communications, and the built environment more usable by as many people as possible at little or no extra cost. Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That existing housing assistance programs of the Department of Commerce and Housing, including the State Housing Trust Fund, interim development loans and private activity bonds, be expanded in an effort to increase the state's housing inventory; and

Be it further resolved: That additional housing assistance programs of the Department of Commerce and Housing, including the Homeowner Emergency Rehabilitation Opportunities (HERO) Program, the Homeowner Rehabilitation of Existing Property Program and the Weatherization Assistance Program, be expanded and that additional strategies and programs be developed and implemented to provide universal housing opportunities for all Kansans to meet the increasing demand for such housing due to demographic shifts; and

Be it further resolved: That the Kansas Legislature be urged to create monetary incentives to promote the development of universally designed homes and that the restrictions placed on the adaptive housing tax credit contained in K.S.A. 79-32.175 with respect to level of income and handicapped occupancy be eliminated.

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# Testimony Kansas House Federal and State Affairs Committee

Monday, March 12, 2001  
1:30 p.m.

Larry R. Eller, Director of Community Development

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## The Impact of House Bill 2020 on our Affordable Housing Program

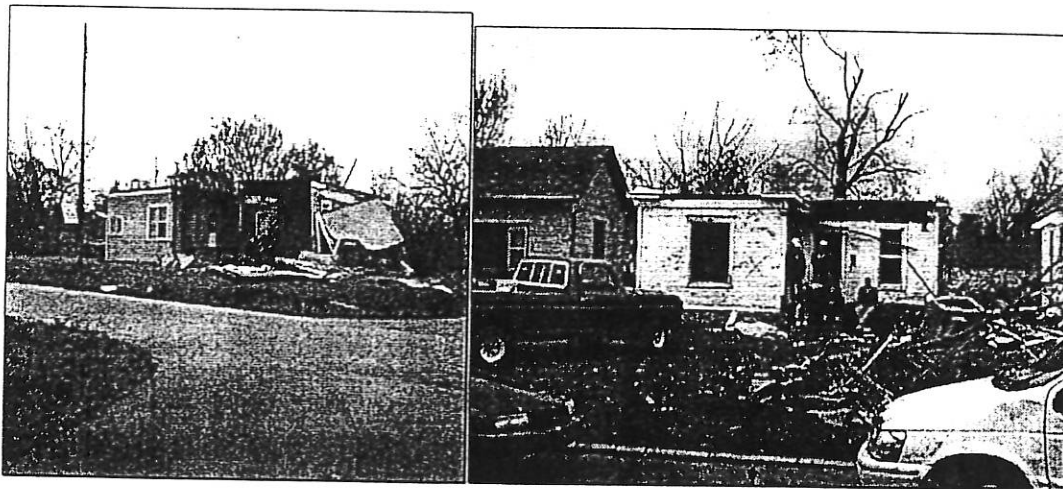
### Our History of Building Affordable Single Family Homes

Over the last 20 years, the City in cooperation with local realtor, builders, and manufactured homes dealers has been directly responsible for the construction of 91 new affordable single family homes in Parsons. The City has used a variety of federal and state financial resources to make new home affordable to low and very low income families.

### The Impact

Currently, the City is in a partnership with local industries and a manufactured home dealer to place manufactured homes on vacant city lots in redevelopment neighborhoods. The importance of our program has only increased recently with the destruction of over 100 homes by a tornado of April 19, 2000. President Clinton has declared the City of Parsons and surrounding areas as federal disaster areas.

**Unfortunately, the tornado destroyed over 80 homes owned by low and very low incomes.** These families have limited incomes and rebuilding is very difficult.



**Pictures of Homes Destroyed in Parsons by the April 19, 2000 Tornado.**

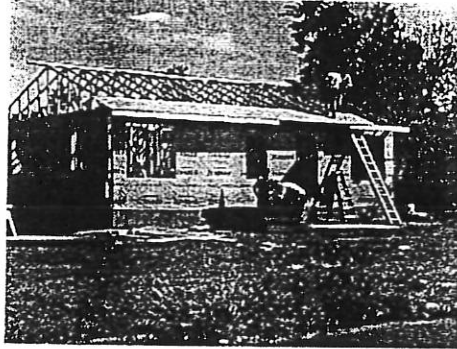
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The City of Parsons is in a rebuilding process. Mennonite and Amish volunteers through Christian Aid Ministries is in the process of building 5 small new homes for tornado victim families who had little or no insurance.



New Home  
for a  
Tornado  
Victim  
Being Built  
by Christian  
Aid  
Ministries.

Over the last 2 years, the City of Parsons has been working with local industries to provide affordable housing for working class families. Industries have been very supportive our program and have donated or agree to donate \$320,000 to provide soft 2<sup>nd</sup> mortgages to reduce the cost of housing to affordable levels. Currently, we are providing a 3 bedroom, 2 bath homes, with a carport for approximately \$54,000. These homes are 1,300 square foot in size.

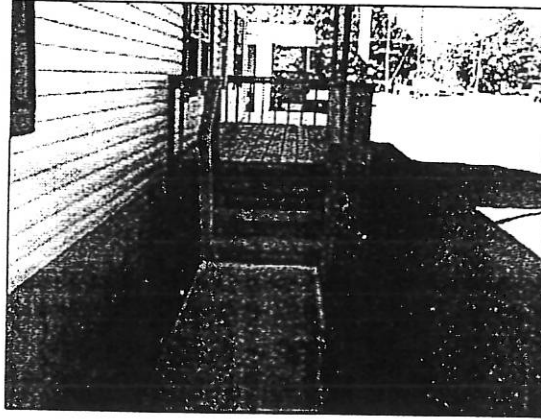


One of the New Homes Built Under our City Affordable Housing Program.

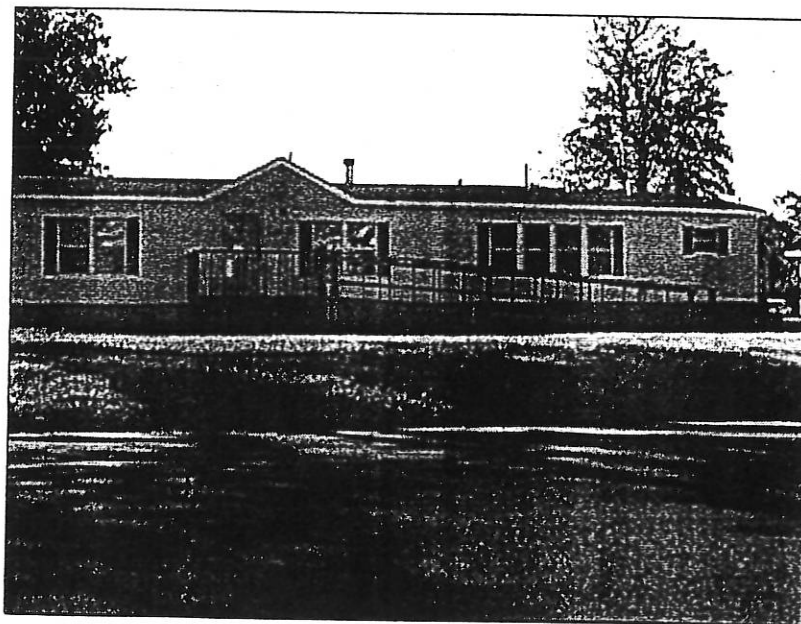
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In order to comply with the proposed requirements of House Bill 2020, the City estimates that we will have to increase the price of our homes by at least \$6,000.



There are unique problems associated with making manufactured homes accessible to disabled persons. I-beams support the floors of the homes and the houses must be elevated approximately 4 block high, or 33" from the bottom of the ground. To meet ADA requirements of a 1 to 12 slope on ramps, a rather massive ramp must be constructed on the front of the homes. See the picture following.



**Massive 30' ramp placed on manufactured home in Parsons to Provide Access for a Disabled Person.**

# Interior Modification Costs

Our program currently utilizes manufactured homes constructed by Spirit Homes of Conway, Arkansas. Unfortunately, the door openings on the interiors of the homes do not meet House Bill 2020 requirements. Additional modifications would have to be made at the factory for increasing the wall supports in bathrooms to comply with the requirements of the proposed new law.

Spirit Homes has indicated to our dealer some reservations and potential problems with modifying their homes to meet the proposed new state requirements. **In order to comply with the new law, our dealer has recommended purchasing a comparable Schult manufactured home at a cost increase of \$3,750.00.** The Schult home more nearly meets the new standards.

## **Financial Impact of House Bill 2020 on the Parsons Affordable Housing Program.**

**The City estimates that we would have to increase our new home cost by at least \$5,000 to comply with the proposed new requirements of House Bill 2020. Obviously, a price increase of this nature will "price out" many families who would otherwise be eligible to purchase a new home under our affordable housing program.**

## **Rehabilitation of Existing Housing-House Bill 2020-Impacts**

Rehabilitating substandard existing homes in Kansas became more difficult on September 16, 2000, when new HUD (federally imposed) lead based paint requirements became effective for Kansas cities and towns. The State of Kansas CDBG Program currently allows a maximum of \$17,000 in rehabilitation costs per home. As a result of the new lead paint requirements, the State has increased funds available for housing rehabilitation by \$5,000 per house to address lead paint risk reduction. Unfortunately, many cities feel that the additional \$5,000 per house allocation may not be adequate to address this new federal mandate.

Enactment of House Bill 2020 will **greatly complicate matters.** Forcing cities to increasing "turn down" property owner requests for housing rehabilitation assistance. Since no new state or CDBG dollars will be allocated to pay for the new accessibility requirements of House Bill 2020, cities will be forced to cut rehabilitation costs in other places such as roofs, wiring, and other health and safety areas. **In my opinion the bill hurts more Kansas residents than it helps.** The costs to address lead paint issues mandated by federal regulations are enormous and placing new accessibility costs "on the backs" of cities will force many cities to quite rehabilitating single family homes through out the state.

# Why House Bill 2020 is Bad Public Policy And Should Not Be Enacted.

- House Bill 2020 represents an **unfunded state mandate** on local government. At the last hearing of the Joint Committee-Federal and State Affairs, proponent witnesses testified that the cost of mandated ramps would be \$100 a foot. For a 30' ramp, the cost would be over \$3,000. Someone must absorb this increased cost! The proponents of this legislation say they don't care what it costs to achieve compliance; for the most part **they are not paying these costs.**
- House bill 2020 **discriminates** against small Kansas cities. Using the same federal funds larger Kansas cities (over 50,000) are exempt from the requirements of House Bill 2020 because they receive their funding directly from the federal government. This legislation creates an unfair dual standard, which we feel violates the **equal protection rights of small Kansas cities.**
- Since the bill represents an unfunded mandate, **the cost of compliance will be borne by the poorest residents of the State of Kansas who cannot afford to pay for the improvements required under this bill.** Enactment of the bill will add new costs to homes, which will disqualify many low-income Kansas residents from the opportunity to buy their own home. In the City of Parsons' manufactured home program, the cost of requirements mandated by House Bill 2020 would raise monthly mortgage payments by **\$50.00 per month. Enforcing provisions of this bill on the Parsons manufactured housing program would raise house costs by 17% to our low-income participating families. Many hard working Kansas families cannot afford this increase in costs and will be disqualified from receiving home loans due to bank underwriting standards.**
- **The bill is not needed** because existing State programs are already providing funding to make homes accessible to persons with disabilities. The KAMP program provides \$5,000 grants under the Kansas First Time Homebuyers' Program to make accessibility improvements on homes purchased by persons with disabilities.
- Under local government housing rehabilitation programs, the enactment of House Bill 2020, and its associated increased costs will result in many low-income families **being disqualified** from receiving CDBG housing rehabilitation assistance. Currently, the State CDBG program places a \$17,000 cap on housing rehabilitation costs. If the front porch of a rehabilitated home must be removed, cities will have no choice but to replace the steps to the front porch of a house with a ramp that could cost from \$3,000 to \$4,000. If the house needs extensive rewiring, new plumbing, new roof, foundation work, etc, and the cost for these improvements is \$17,000, the City will have no choice but to inform the property owners that **the house cannot be economically rehabilitated.** The requirements of House Bill 2020 would increase rehab costs to \$20,000 making the property owner **ineligible** to receive a grant because his house could not be economically rehabilitated. **Result-the property owner and children continue to live in substandard housing because of the enactment of House Bill 2020.**

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- **The bill's impact is clearly inappropriate for young families who do not want wheel chair ramps of the fronts of their homes.** Of the 120 families I assisted in buying new homes only 2 families needed accessibility improvements. These improvements were provided under existing state programs. Young families with small children may not want the mandated wheel chair ramps of the fronts of their homes. After they purchase the homes, the ramps will probably be removed. Massive wheel chair ramps are unsightly, and detract from the "curb appeal" of homes. **My handout shows a massive 30' ramp constructed on the front of one of our manufactured homes. Would you want a massive ramp like this in front of your home?**
- **The bill does not take into consideration varying soil conditions throughout the State of Kansas.** In Southeast Kansas soils are not suited for building on concrete slabs. Of the 90 homes I have assisted the private sector in building, all of the homes were built on a concrete block foundation, with a crawl space under the house. This being the case all of the homes would have been required to have wheel chair ramps in order to comply with the provisions of House Bill 2020. All of builders under the City of Parsons affordable home program have stated that due to soil conditions, they do not wish to construct homes on concrete slabs. The result would be that all new homes would be constructed on block foundations, necessitating the need for wheel chair ramps on the front of each home. Please do not hamper our community's efforts to rebuild 97 homes destroyed by the tornado of April 19, 2000 by passing House Bill 2020 and adding increased costs to our program.
- **The bill has little or no respect for private property owner rights.** If House Bill 2020 passes, private property owners will have no choice in defining improvements made to their own homes. If young families' front porch steps need to be replaced, the Bill provides no choice but to replace the steps with a ramp. This in spite of the fact that the young family may not want a wheel chair ramp on the home they paid for through years of hard work.
- **Penalties for violating provisions of the House Bill 2020 are far too severe.** If a City violates any provision of House Bill 2020, all of their state grant requests would have to be denied. Forever? This provision of the bill is **ridiculous** and should establish a graduated fine procedure before the City is placed on a state black list.
- **The proposed bill is unfair because it is retroactive.** It does not "grandfather in" programs which have already been approved by the State of Kansas. Cities did not budget the increased costs of bill mandates into their budgets on programs already approved by the State.

# LEGISLATIVE



# TESTIMONY



2206 SW 29th, Terr., Topeka, KS 66611 ♦ 785-267-2936 Fax 785-267-2959 ♦ E-mail: janetstubbs@worldnet.att.net

## HOUSE FEDERAL & STATE AFFAIRS COMMITTEE March 12, 2001

### HB 2020

#### CHAIRMAN MAYS, VICE-CHAIR HUTCHINS AND COMMITTEE:

My name is Janet Stubbs, appearing on behalf of the Kansas Building Industry Association, a trade association with approximately 1700 developers, general contractors, subcontractors, and other businesses associated with the residential and light commercial construction industry throughout Kansas.

The KBIA is opposed to HB 2020 just as we oppose any state mandated residential building code as we believe Local authorities are better able to assess and meet the needs of their citizens. It was our understanding during interim testimony by the Division of Housing that the requirements contained in HB 2020 are currently being met by the Division through contractual arrangements with contractors. If this is indeed true, why are the proponents adamantly promoting language in the Kansas statutes?

As this testimony is prepared, I am uncertain how many residential units this would cover in Kansas. What are the financial ramifications? Will fewer units be available due to additional requirements which may or may not be necessary?

It is my understanding that, at least this was true 6 months ago, no state has adopted such laws. Atlanta, Georgia, and a city in Texas had implemented such ordinances in their

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cities. This was true in spite of staged sit-ins and protests by the activist groups in other states.

Opposition to HB 2020 is a difficult position because of the emotionalism of the issue and the visual stimulus which drive the issue. However, we believe Kansas should leave decisions of this type to the people who are handling the issue "hands on" UNLESS there is evidence of a need which is being ignored. There are many considerations which come into play that we see no need to put language in the statute which is being met without such an amendment.

The leadership of the Kansas Building Industry Association met with advocates of the handicapped last April 6<sup>th</sup> to view their video and discuss SB 304 of the 2000 Session. We pledged our active dissemination of their video to our membership which we have done. Our 2000 year president wrote a letter soon after that meeting to all local chapters of the Kansas and National associations urging them to be cognizant of this issue when selecting plans and sites for speculative houses which they might build. It has been discussed at length on several occasions at our board of directors meetings over the past year. The position of the KBIA remains unanimously the same. We oppose a statutory mandate.

Many of us in the KBIA have experienced housing and caring for wheel chair bound loved ones. We are not hardened and unsympathetic. We firmly believe that less government is better AND that individuals in the Kansas Division of Housing, charged with handling the funds available for residential construction, should be capable and understanding enough to take this issue into account, which they appear to be doing. If evidence is presented to the contrary in the future, it can be fixed at that time.

# Material & Labor Cost Comparison

for Homes Built with Universal Design Features

HB 2020

		Project Cost Difference
Change exterior door hardware from knobs to commercial with large key bows and thumb switches or electronic keyless entry	\$53.68	\$161.04
Change interior hardware from knobs to lever handsets	\$9.98	\$319.26
Install all exterior doors with accessible thresholds	\$21.91	\$122.70
Upgrade all interior passage doors from 2-6 to 3-0	\$4.07	\$40.70
Change all lavatory faucets to single lever handles with pullout sprayers	\$19.00	\$57.00
Change kitchen faucet to single lever handles with pullout sprayers and built-in filter	\$75.00	\$75.00
Add hand-held shower with single lever action in bath	\$215.04	\$215.04
Install taller toilets in two baths	\$42.85	\$85.70
Add roll-out trays in lower cabinets and vanities	N/A	\$268.53
Add under-cabinet lighting	N/A	\$217.17
Add sound insulation in strategic locations to reduce background noise	N/A	\$165.00
Install large, lighted rocker electric switches	\$12.51	\$137.61
Add designer grab bars in bathing area	varies by size	\$311.84
Add power casement window operator and switch for window above kitchen sink	N/A	\$187.00
Ramp exterior walk, increase width to 5 feet, texture to improve traction, and edge with brick to provide visual definition	N/A	\$1,320.00
<b>Total Additional</b>	<b>\$1.73 sq. ft.</b>	<b>\$3,802.59 sq. ft.</b>

NOTE: This table illustrates costs incurred to make changes from one product spec to another. It does not list all the universal changes that are possible. The cost differences are negligible for some changes that could be made, and, therefore, not included here. The cost of most items listed here reflect vendor program pricing. These costs are not exact but are accurate for illustration and comparison.



foundation is critical for cost conserving universal design housing.

Overcoming grade changes after construction is much more involved for proper universal design than simply adding steps to the front porch. Plan now or pay later.

There is a positive side to the cost issue. Much like energy-efficient homes, there may be operational savings for universal design homes. Theoretically, they may be less expensive to maintain, reduce costly accidents in the home, and allow one to age in place. To that end, several insurance companies have undertaken campaigns to promote use of universal design products noting the effects in actuarial tables. Perhaps soon we may even see reduced home owner premiums for universal design homes.

## A Small Builder's Experience

The Philip Stephen Companies, Inc. (PSC) has spec-built six universal design homes on scattered sites ▶

that is, well-designed. As consumers increasingly demand these easy to use, state-of-the-art products, the price for them will continue to go down, and the availability will increase, and any institutional stigma will evaporate.

Generally, hard costs increase between 3 percent and 4 percent, accounting for about 1.7 percent of a home's sale price.

Home square footage and site development costs are the most significant cost factors to understand. Regarding home size, universal design homes are typically more generous in maneuvering, bathing, and task areas. And additional square footage does cost more.

This is somewhat of a non-issue for active adult buyers since they most often choose plans that have open, comfortable and flexible spaces, but fewer rooms. This is consistent with universal design thought. Universal design homes are not always bigger either. Instead, the flowing designs are more generous in some areas, but more efficient in others.

On a square-foot basis, universal design homes are competitive, and given the added conveniences, are a better value. There is, however, potential for extra costs if a home is not properly sited to account for grade changes. Properly preparing a site and understanding pathways and slopes before

Reports of the  
Special Committee on Federal and  
State Affairs  
to the  
2001 Kansas Legislature

**CHAIRPERSON:** Senator Lana Oleen

**VICE-CHAIRPERSON:** Representative Tony Powell

**RANKING MINORITY MEMBER:** Senator Sherman Jones

**OTHER MEMBERS:** Senators U. L. "Rip" Gooch, Nancey Harrington, and Ben Vidricksen; Representatives Joann Freeborn, Ruby Gilbert, Gary Hayzlett, Broderick Henderson, Becky Hutchins, Lloyd Stone, and Dan Thimesch

**STUDY TOPICS**

The reduced role and importance of the duties of the Division of Alcoholic Beverage Control of the Department of Revenue and liquor enforcement efforts in recent years

Gambling policy—fiscal, law enforcement, and social ramifications, including especially Indian gambling in Northeast Kansas and "Lucky Shamrock" machines

Handicapped accessibility for dwellings

Mediation and alternative dispute resolution

Review of the policy contained in SB 666, which would have enacted the Plumbing, Mechanical, Heating, Refrigeration, Air-Conditioning, and Ventilation Certification Law and Protection Act

Underage drinking generally, including beer keg registration

*December 2000*

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# SPECIAL COMMITTEE ON FEDERAL AND STATE AFFAIRS

## ALCOHOLIC BEVERAGE CONTROL

### CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends that liquor law enforcement efforts be enhanced through the addition of new enforcement positions to handle the increased workload of Alcoholic Beverage Control (ABC). To finance this expansion, the Committee recommends that a fee increase be enacted on six specific license fees and that the additional revenues be earmarked exclusively for liquor law enforcement efforts. The Committee also recommends that the refund system for liquor licensees be eliminated; that the Director of ABC become a member of the Governor's Substance Abuse Prevention Council; and that the Legislative Post Audit Committee consider approving a follow-up audit concerning expenditures from the Local Alcoholic Liquor Fund by cities and counties.

**Proposed Legislation:** The Committee recommends one bill on this topic.

### BACKGROUND

The Legislative Coordinating Council (LCC) charged the Special Committee on Federal and State Affairs to examine "the reduced role and importance of the duties of the Division of Alcoholic Beverage Control (ABC) of the Department of Revenue and liquor enforcement efforts in recent years."

### COMMITTEE ACTIVITY

The Committee received briefings by staff regarding the organization and funding of the ABC Division of the Kansas Department of Revenue (KDOR). The staff memorandum reviewed the evolution of the agency since the late 1940s and noted that the agency grew to 78.0 FTE positions by 1954. Five years later in FY 1960, ABC had been reduced to 55.0

FTE positions, a count that was maintained until the FY 1980 when the staffing level was 50.0 FTE positions. Another growth in staffing occurred throughout the 1980s and early 1990s as nonalcoholic beverage duties (bingo and the drug tax) were assigned to ABC and revised liquor laws were passed (such as county option liquor by the drink). During the 1990s, reductions and transfers of staff out of ABC reduced the staffing level to 32.0 FTE positions by FY 2001. For FY 2001, the approved ABC budget is \$2.047 million with 32.0 FTE positions authorized. For FY 2001, the Governor recommended and the Legislature approved a restructuring of the tax fraud unit in ABC, resulting in the elimination of 4.0 FTE positions.

The Committee also received a briefing by staff of the Division of Legislative Post Audit who reviewed a 1998 perfor-



mance audit entitled Reviewing the Regulatory Activities of the Division of Alcoholic Beverage Control (No. 98-41). The 1998 audit reached three main conclusions regarding the enforcement efforts of the ABC Division:

- Because of the many non-liquor-related duties assigned to liquor control agents in recent years, agents now spend much less time on liquor enforcement.
- Given the new duties and the decrease in staff time devoted to liquor enforcement, some things have suffered while efforts to identify sales to minors has improved.
- Kansas liquor licensees' high noncompliance rates with laws prohibiting sales to minors suggest that additional enforcement efforts could or should be taken to identify and penalize violators.

The Committee also received a detailed briefing by the Acting Director of Alcoholic Beverage Control and members of his staff, as well as comments by the Secretary of Revenue. In his presentations, the Acting Director reviewed the mission of ABC and provided a history of the organization and staffing of the agency. The Acting Director also discussed the current organization and structure of the ABC Division, as well as the liquor-related duties of ABC. These liquor-related duties include licensing, industry regulation, underage enforcement, brand registration/gallonage tax, licensee administrative actions, and administrative hearings. The Acting Director noted that enforcement activities include controlled buy investigations, Cops In Shops, bar checks, licensee contacts, routine inspections, complaint investigations, license application investi-

gations, training, and delinquent tax collection efforts. The Acting Director also reviewed the compliance and licensing activities of ABC, as well as the current budget of the Division. Lastly, the Acting Director discussed the additional duties assigned to ABC, which include tobacco regulation, bingo regulation, the drug tax program, and the criminal tax fraud program.

The Committee also received testimony from representatives of the liquor industry, as well as other interested conferees. The testimony of representatives of the liquor industry generally indicated a dissatisfaction with the restructuring of ABC by various Secretaries of Revenue and the assignment of non-liquor-related duties to ABC enforcement agents. Several industry representatives mentioned problems with the Department of Revenue's telephone system, lack of computer services, delays in processing and renewing the various licenses and permits, and a shortage of appropriate funding to allow ABC to properly carry out its assigned duties.

The Chairman also appointed a three-member Subcommittee on ABC to receive input from both the ABC Director and staff, and representatives of the liquor industry. The Subcommittee met on two occasions to hear testimony. The Acting Director of ABC compared Kansas liquor enforcement efforts to those in the surrounding states, as well as the various taxes and fees generated in those states. The Acting Director also reviewed the various Kansas liquor taxes which generate approximately \$73.5 million annually, while the various license fees generate about \$2.5 million annually, although some \$900,000 of this is transferred to the Department of Social and Rehabilitation Services. At the request of the Chairman, the Acting Director had prepared a budget

proposal which would add 19.0 FTE positions to ABC. The Acting Director stated that these additional positions would allow the Division to function at a high level of efficiency.

Representatives of the liquor industry presented a proposed "Restructuring Plan" regarding the ABC Division for review by the Subcommittee. The proposed restructuring plan contained three major components:

- The creation of a liquor licensee fee fund to fund statutorily-assigned ABC functions, and the return of ABC to its previous independent status, under the KDOR umbrella;
- It is estimated by the Department that additional funds from industry taxes might be necessary to perform the required statutory functions because such functions exceed traditional licensee services by including general public health and welfare services, *i.e.*, underage consumption and industry tax collections; the additional operating revenues would originate from a state dollar-for-dollar match of licensee fees; and
- The use of ABC agents on duties not assigned by statute only when statutory authority is obtained and funding is placed in the fee fund to offset the costs of providing this service.

### CONCLUSIONS AND RECOMMENDATIONS

The Committee concludes that ABC has, in recent years, experienced a reduced role and importance of its duties and liquor enforcement efforts. This reduced role has come about as a result of two actions:

- Staff reductions and transfers of staff out of ABC reduced the staffing level to 32.0 FTE positions in FY 2001; and
- The assignment of additional duties to ABC agents, including tobacco regulation, bingo regulation, the drug tax program, and the criminal tax fraud program.

The first action (staff reductions) was reviewed and approved by the Legislature through the appropriation process. The second action (assignment of additional duties) was largely the result of administrative decisions by the various Secretaries of Revenue. As a result of these two actions, the enforcement efforts of the ABC agents have been diluted and liquor law enforcement efforts have suffered.

The Committee recommends that liquor law enforcement efforts be enhanced through the addition of new enforcement positions to handle the increased workload of ABC. To finance this expansion, the Committee recommends that a fee increase be enacted on six specific license fees and the additional revenues be earmarked exclusively for liquor law enforcement efforts. The Committee also recommends that the refund system for liquor licensees be eliminated; that the Director of ABC become a member of the Governor's Substance Abuse Prevention Council; and that the Legislative Post Audit Committee consider approving a follow-up audit concerning expenditures from the Local Alcoholic Liquor Fund by cities and counties. The Committee recommendations are discussed in detail in the following paragraphs.

**Additional Revenues for Enforcement.** The Committee believes that additional revenue is necessary to allow for enhanced enforcement efforts regarding the liquor laws and an expansion of the



enforcement staff positions. The Committee recommends that the additional staff be devoted exclusively to enforcement of the liquor laws. The Committee also recommends a fee increase be enacted for six of the liquor license fees, as follows:

- Liquor license application fee:
  - Initial—from \$50 to \$100
  - Renewal—from \$10 to \$100
- Supplier's permit fee—from \$25 to \$100
- Brand registration fee—from \$25 to \$50
- Salesman's permit fee—from \$10 to \$25
- Cereal malt beverage license stamp fee—from \$25 to \$50

The Committee proposal is estimated to result in additional license fee revenue of \$661,315 which would be earmarked for enhanced enforcement of the liquor laws. Under current law, all license fee revenues go into the State General Fund. Under the Committee recommendation, the current license fees would continue to be deposited in the State General Fund; however, the new revenues resulting from the fee increase would flow into a new ABC General Fees Fund to be used for liquor enforcement efforts. There would be no loss to State General Fund receipts.

The Committee also became aware that most liquor licensees are eligible for a refund of the license fee should they decide to cease operations at some point during the license period. The Committee believes that such a system of license fee refunds is not needed and creates additional work for the license staff. The Committee proposal will eliminate this refund system.

### **Expansion of Liquor by the Drink.**

The Committee notes that five counties approved liquor by the drink at the November 7, 2000, election, which will result in an additional enforcement workload for the Division of Alcoholic Beverage Control.

Allen, Cheyenne, Pratt, and Rooks counties approved the sale of liquor by the drink with the stipulation that establishments must make at least 30 percent of their money from food sales. Brown County approved liquor by the drink with no food sale requirement.

Kansas now has 51 counties authorized to sell liquor by the drink with a food sales requirements, 13 counties serving liquor with no other requirements and 41 dry counties.

**Governor's Substance Abuse Prevention Council.** The Committee received a briefing on the role of the Governor's Substance Abuse Prevention Council, which was created by Executive Order No. 98-9 by the Governor on October 14, 1998. The mission of the Council is to promote the development, implementation, maintenance, and evaluation of a coordinated interagency system in order to maximize resources and encourage partnerships, both public and private, for the purpose of eliminating the abuse of alcohol and drugs. The Council, which is co-chaired by the Secretary of Social and Rehabilitation Services and the Commission of Juvenile Justice Authority, includes the agency heads of the Departments of Corrections, Health and Environment, Transportation, and other agencies as requested by the co-chairs. The Commissioner of Education and the Attorney General are requested to serve on the Council.

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The Committee recommends to the Governor and the co-chairs that the Director of ABC be invited to serve on the Council and provide an additional resource for input into this area.

**Liquor Taxes Earmarked for Treatment and Prevention.** The Committee notes that current law presently earmarks a portion of several of the liquor taxes for treatment and prevention purposes. For example, 10 percent of the gallonage tax on spirits and 5 percent of the drink tax (clubs and drinking establishments) are earmarked for the Community Alcoholism and Intoxication Programs Fund; receipts to this fund in FY 2000 were \$695,000 and \$1.13 million, respectively. This fund is expended by the Secretary of SRS to provide financial assistance to community-based alcoholism and intoxication treatment programs.

In addition, 70 percent of the drink tax (clubs and drinking establishments) is earmarked for the Local Alcoholic Liquor Fund; receipts to this fund in FY 2000 were \$15.9 million. This funding is distributed back to local cities and counties and is to be used, as directed by statute, in three areas: general fund, parks and recreation, and special alcohol and drug programs funds. The Committee notes that a 1995 audit (No. 95-45) conducted by the Division of Post Audit found that about 11 percent of the expenditures made by local units did not fit the criteria outlined in the law. The Committee recommends that the Legislative Post Audit Committee consider whether a follow-up audit in this area may be warranted.

Also, any revenues generated by a local option sales tax imposed on liquor retailers by cities or townships goes into the local unit's general fund. Lastly, 50 percent of the revenue generated by the

Club, Drinking Establishment, and Caterer Annual License Fees goes into the Alcoholism Treatment Fund; FY 2000 receipts to this fund were \$1.0 million. This funding is used by the Secretary of SRS to implement the Secretary's responsibilities to establish, coordinate, and fund programs for the prevention and treatment of alcohol abuse.

**Education and Training.** The Committee is aware that most of the programs for education and training for retailers and servers are conducted by the industry. The Committee believes that these educational effort should remain in the private sector. While the ABC Division does offer some assistance to these programs, the Committee recommends that the state agency not become directly involved in education and training programs.

**ABC Memorandum of Agreement.** The Committee became aware that a memorandum of agreement had been drafted to delineate and define the duties and responsibilities of the Division of ABC and the Customer Relations Core Process of Tax Operations of the Department of Revenue (CR). The agreement sets forth in some detail the relationship between ABC and CR with regard to various duties and licensing responsibilities. Of particular interest to the Committee are provisions in the agreement transferring the Licensing Segment from CR to the ABC Division. The location of the Licensing Segment in CR was a source of concern for many representatives of the liquor industry. The agreement also specifies that the Brand Registration Marketing Section will transfer from the Licensing Segment and will report directly to the Director of ABC. The Committee notes that the agreement was signed by the Secretary of Revenue, the Director of ABC, and the CR Core Process

Manager on December 8, 2000. The Committee also notes that the Secretary of Revenue has since resigned. The Committee expresses its support for this agreement which realigns some duties and

gives ABC more control over the licensing process. The Committee urges the new Secretary of Revenue to follow both the letter and spirit of the agreement.

## GAMBLING POLICY

### CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends the introduction of legislation to establish registration for "Lucky Shamrock" machines similar to the registration requirements for cigarette and tobacco vending machines.

**Proposed Legislation:** The Committee recommends one bill on this topic.

### BACKGROUND

At its meeting on August 23, 2000, the Legislative Coordinating Council (LCC) transferred a study topic from the Legislative Budget Committee to the Special Committee on Federal and State Affairs. A portion of the transfer relating to "Lucky Shamrock" machines had been requested by Chairman Oleen and Vice Chairman Powell. The LCC took action to allow the Special Committee to study the following charge:

*Gambling policy—fiscal, law enforcement, and social ramifications, including especially Indian gambling in Northeast Kansas and "Lucky Shamrock" machines.*

### COMMITTEE ACTIVITY

The Special Committee determined that, because of time constraints and the number of assigned topics, the Committee would not be able to conduct a broad study of gambling policy in Kansas. The

Special Committee decided to limit the scope of this study to the issue of "Lucky Shamrock" machines. The Committee received a briefing on this topic from Committee staff and from a Deputy Attorney General.

The material below is summarized from Attorney General Opinion No. 97-26, which discussed the legality of a machine known as the "Lucky Shamrock Phone Card Dispenser." According to the opinion, Lucky Shamrock Emergency Phone Cards are sold in dispensing machines around the state. A patron wanting to purchase a Lucky Shamrock Emergency Phone Card inserts \$1 into the machine and receives a card good for one minute of long distance telephone time. In addition to receiving the telephone card, *and for no additional cost*, the purchaser may participate in a Lucky Shamrock sweepstakes promotion. Such phone card contains nine symbols which entitle winning combinations to receive money prizes ranging in value from \$1 to \$1,000. The symbols also are coded on

the back of the card and can be read by the dispensing machine. The opinion noted that a person does not have to purchase the phone card in order to play the sweepstakes, as sweepstakes tickets are available free from the retail outlet and also through the mail.

The Deputy Attorney General who drafted Attorney General Opinion No. 97-26 reviewed the opinion for the Special Committee. The opinion, dated March 17, 1997, contains the following synopsis: *If the element of consideration is absent from the Lucky Shamrock Phone Card game in that no purchase is necessary for participation in this sweepstakes promotion, it is our opinion that the game is not a lottery. Furthermore, the Lucky Shamrock Phone Card Dispenser, as described herein, does not meet the statutory definition of a gambling device. This conclusion assumes that the machine and the game will be operated as described herein and not used in an illegal way. (Citations omitted.)*

The opinion notes that there are three essential elements of a lottery: (1) consideration; (2) prize; and (3) chance. The opinion relies heavily on the notion that, because no purchase is necessary to play the sweepstakes, there is no element of consideration present. The opinion also concluded, under the facts presented to the Attorney General's office, that the Lucky Shamrock machines do not meet the statutory definition of a gambling device. The opinion noted that any deviation from the facts presented could result in a different conclusion.

The Committee also was advised that there have been two requests asking the Attorney General to reconsider and revise or withdraw the opinion. These requests were made by a county attorney (December 9, 1997), and a state Senator (March

31, 2000). The Attorney General has declined to either revise or withdraw the opinion because of her belief that the opinion states the law accurately. However, the Attorney General in a letter dated June 12, 2000, states that:

*I have since learned that not all retailers are offering free tickets as I was informed they would, yet the distributor of the machine has taken portions of my opinion, possibly out of context, and placed it on the machine making it appear to be an endorsement of the machine.*

A listing was developed of known locations of these machines in Kansas. This listing was forwarded to the Kansas Department of Revenue (KDOR) with the Committee's request that KDOR investigate to determine whether the appropriate taxes are being paid on these machines.

The Special Committee also received testimony from a distributor who has provided for the placement of Lucky Shamrock machines in Kansas since March of 1997. The distributor stated that the machines have a payout of 60 to 70 percent of gross receipts; that the manufacturer and distributors do police the operation of the games at the retail locations; that there are approximately 150 Lucky Shamrock machines in Kansas; that the retail store owner is responsible for paying sales tax on the tickets; and that the retail store owner usually splits the net profit 50/50 with the distributor.

Representatives of the Kansas Department of Revenue (KDOR) presented a report on the inquiry which the Committee had requested on the operation of these games in Kansas. The report by the KDOR representatives concluded that:

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- The tickets are supposed to be available for free, but the investigators did find locations where the retailers' employees were not complying with this;
- The machines and tickets are manufactured by a California company, Diamond Game Enterprises, Inc., and have been placed in truck stops, bars, bingo parlors, and restaurants throughout the state;
- The retailers generally have the keys and handle all the money from the machines, and the company that owns the machines makes money by selling rolls of tickets (prepaid phone cards) to the retail locations;
- The retailers collecting money from the machines should be remitting sales tax on those gross receipts, and most retail outlets contacted appeared to be remitting the sales tax;
- Some retailers were remitting sales tax on net proceeds, which is improper, or were not remitting the appropriate sales tax, but, in those instances, the discrepancies appeared to be due to lack of knowledge and not any attempt to evade taxes; and

- The parties contacted were generally cooperative with the investigators and the Kansas Truck Stop Association stated that it is willing to help make sure that its members are in compliance with Kansas tax laws.

## CONCLUSIONS AND RECOMMENDATIONS

The Committee concludes that a higher degree of state regulation than that which exists today is needed with regard to the Lucky Shamrock and other similar machines. The Committee believes that, at the least, KDOR should know the locations of these machines in order to conduct investigations and audits to determine whether the appropriate taxes are being paid.

The Committee recommends that legislation be introduced to establish registration requirements for these machines similar to the registration requirements for tobacco and cigarette vending machines. The registration requirements also would include accessibility restrictions to keep underage youth from "playing" these machines. The legislation would include any type of vending machine operation which includes a cash "prize."

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# HANDICAPPED ACCESSIBILITY FOR DWELLINGS

## CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends the introduction of a new bill, similar to 2000 Sub. for SB 304, to establish accessibility standards for certain publicly-funded dwellings.

**Proposed Legislation:** The Committee recommends one bill on this topic.

## BACKGROUND

The request to study the topic of handicapped accessibility for publicly-funded dwellings was made by Representative Powell. The House Federal and State Affairs Committee held hearings on Sub. for SB 304 during the 2000 Session. The bill became very controversial because of concerns about the actual costs of implementing the proposal. In his letter to the Legislative Coordinating Council, Representative Powell stated, "Because of the seriousness of this issue, and the sensitivity we must have towards accessibility in public housing for the disabled, I believe that further study of this issue was warranted. Specifically, the Legislature needs to have definitive information with regard to the true costs of this proposal."

### 2000 Sub. for SB 304

Sub. for SB 304 would have established accessibility standards for certain dwellings. The bill would have required that any single family residence and each individual living unit in a duplex or triplex which is constructed, reconstructed or structurally remodeled or rehabilitated with public financial assistance would have to meet certain accessibility standards. The required accessibility standards include an accessible entrance on an accessible route, accessible doors and doorways, accessible routes within the dwelling, reinforcement in

walls for future installation of grab bars and accessible light switches, electrical outlets and other controls.

Subject to the exclusions provided by the act, the term "public financial assistance" is defined to include:

- A building contract with any state agency;
- Any real estate received by the owner through a donation by the state;
- Tax credits, exemptions, or rebates;
- Grant assistance from state funds;
- State loan guarantees; and
- Federal funds administered by the state or a state agency.

The act would not apply to a:

- Private residence which is owner-occupied;
- Private residence for which an individual tax credit or rebate is received;
- Private residence which is financed under certain specified federal housing programs;

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- Private residence for which rental vouchers or certificates are accepted under a specific federal program; or
- Dwelling which is financed with public funds other than state or federal funds.

The bill also would have established accessibility standards for the structural reconstruction, rehabilitation or remodeling of certain dwellings which were constructed prior to July 1, 2000. However, the term "reconstruction, rehabilitation or remodeling" would not include replacement of roofs or gutters, painting, siding work, plumbing work, weatherization or storm windows or other remodeling work excluded pursuant to rules and regulations adopted by the Secretary of Administration.

Persons receiving public financial assistance for dwellings covered by this act would be required to sign an affidavit of intent to comply with the requirements of the act. Any person who accepts public financial assistance and fails to comply with the act would be ineligible to receive public financial assistance in the future.

The Secretary of Administration is authorized to waive any requirement of the act, upon application for such waiver. If the Secretary determines that compliance with the act is financially or environmentally impractical, the Secretary may waive the requirement. The Secretary must render a decision on any requested waiver within 60 days. The Secretary is directed to adopt rules and regulations for the implementation of this section.

The Senate Committee of the Whole amended the bill during the 2000 Session to:

- Require the Secretary of Administration to give notice of all waiver applications to the Secretary of Commerce and Housing, who is authorized to submit recommendations and comments concerning the waiver requests to the Secretary of Administration;
- Provide that proceedings to consider a waiver request will be conducted in accordance with the Kansas Administrative Procedures Act and appeals from the decisions of the Secretary of Administration will be governed by the act for Judicial Review and Civil Enforcement of Agency Actions; and
- Exempt from the act
  - Any dwelling which is under contract for occupation by the owner; or
  - Any dwelling the design or construction of which commenced prior to July 1, 2000.

2000 for SB 304 passed the Senate and was referred to the House Committee on Federal and State Affairs. That Committee held hearings on the bill and several members expressed concerns about the actual costs of implementing the proposal and its financial impact on construction costs for dwellings. The bill died in the House Committee.

#### COMMITTEE ACTIVITIES

Proponents who presented testimony in favor of the bill included representatives of the Kansas Disability Rights Action Coalition for Housing (KDRACH); Living Independently in Northwest Kansas (LINK); the Topeka Independent Living Resource Center (TILRC); Tenants to Homeowners, Inc; the Wichita Independ-

ent Living Resource Center; and Stardusters Crime Prevention. A representative of the Department of Administration, while neutral on the bill, expressed several concerns and recommendations. A representative of the Kansas Manufactured Housing Association provided information on manufactured housing and accessibility. A representative of the Kansas Building Industry Association expressed opposition to a state mandate for a housing code of any type and pointed out a number of concerns with specific provisions of the bill. The Director of Community Development for the City of Parsons expressed the concern that the city would have to increase the price of its new homes in order to comply with the requirements contained in the bill. A representative of the Department of Commerce and Housing also provided requested information to the Committee. Estimates of the additional costs of complying with the new requirements contained in 2000 Sub. for SB 304 ranged from minimal (T. Wilkinson, LLC) to \$5,000 (City of Parsons).

## CONCLUSIONS AND RECOMMENDATIONS

The Committee concludes that there is a need for legislation in Kansas to ensure that certain dwellings which include public funding should meet the five minimal "visitability" standards contained in 2000 Sub. for SB 304.

The Committee approved, without dissent, a motion to introduce a new bill essentially similar to 2000 Sub. for SB 304 to require that certain dwellings meet these accessibility standards. The new bill contains essentially the same provisions as Sub. for SB 304 with one change: the waiver procedure will be the responsibility of the Department of Commerce and Housing and the waiver provision applies only to the requirement of an accessible entrance. Other changes in the new bill are technical and clarifying in nature. (A detailed explanation of the provisions of Sub. for SB 304 is found in the front of this report.)

# MEDIATION AND ALTERNATIVE DISPUTE RESOLUTION

## CONCLUSIONS AND RECOMMENDATIONS

The Committee supports the concept of mandatory mediation that can be ordered by the court under the Dispute Resolution Act. Further, the Committee concludes that a provision of law should be enacted to deal with the avoidance of mediation, when ordered, and the consequences of bad faith in complying with an order of mediation which can result in the award of reasonable attorney fees to the other party.

In the area of labor disputes, the Committee recommends an amendment to allow the Secretary of Human Resources to pay for the costs of mediation.

The Committee further directs that statutory language be drafted to direct the Kansas Supreme Court to adopt rules regarding standards for mediation.

All three of these recommendations are to be incorporated into one bill.

**Proposed Legislation:** The Committee recommends one bill on this topic.

## BACKGROUND

Early in the 2000 Interim the topic of mediation and alternative dispute resolution was submitted to and approved for study by the Legislative Coordinating Council. The topic was then assigned to the 2000 Interim Committee on Federal and State Affairs to do the following:

- Analyze current practices in this area;
- Explore the possibility of legislative expansion in mediation and in alternative dispute resolution;
- Review what other states are doing with these issues; and
- Consider other specific issues that may develop regarding mediation and alternative dispute resolution.

In addition, the 2000 Legislature passed SB 150 which deals with domestic

relations, including parenting and child custody matters.

One of the provisions in SB 150 allowed courts to order mediation for the division of property, typically the family home. Custody can hinge on which party gets the house. Until this time, courts could only order mediation for child custody, residency, and parenting arrangements.

In general, mediation and alternative dispute resolution measures are defined and scattered throughout the Kansas statutes, specifically, in Chapter 5, the Dispute Resolution Act, and Chapter 23 dealing with domestic relations.

Statutorily, the types of cases that may be accepted for dispute resolution include the following:

- Civil claims and disputes, including, but not limited to, consumer and commercial complaints and disputes:

involving allegations of shoplifting, between neighbors, between business associates, between landlords and tenants, involving matters under the Small Claims Procedure Act, involving farmers-lenders within communities;

- Disputes concerning child custody and visitation rights and other areas of domestic relations;
- Juvenile offenses and disputes involving juveniles;
- Disputes between victims and offenders, in which the victims voluntarily agree to participate in mediation;
- Disputes involving allegations of unlawful discrimination under state or federal laws;
- Disputes referred by county attorneys or district attorneys;
- Disputes involving employer and employee relations under KSA 72-5413 through 72-5432, and amendments thereto, or KSA 75-4321 through 75-4337, and amendments thereto; and
- Disputes referred by a court, an attorney, a law enforcement officer, a social service agency, a school or any other interested person or agency, including the request of the parties involved.

### COMMITTEE ACTIVITIES

The Committee heard from several individuals experienced in mediation. These included Art Thompson, the Dispute Resolution Coordinator with the Office of Judicial Administration (OJA);

Larry Rute, the Director of Litigation for Kansas Legal Services, Inc. (KLS); District Court Judge Robert W. Fairchild; Jeanne Erickson, mediator; George Wolf, Chief of Appeals and Alternative Dispute Resolution, Kansas Department of Human Resources; Tom Laing, InterHab and Martha Hodgesmith, Director of Community Supports and Services, Department of Social and Rehabilitation Services (SRS).

Mr. Thompson informed the Committee about the requirements of the Dispute Resolution Act and the major projects by the Advisory Council on Dispute Resolution currently underway. One project, which includes a survey of judges, mediators, and a random sample of attorneys is intended to lead to recommendations to the Supreme Court on ways to improve and expand the use of dispute resolution. The Council also is conducting a series of meetings to determine how to proceed with the development of mediation centers as contained in the act. Further, in cooperation with the University of Kansas, the OJA is conducting a research project on the effects of child custody and parenting time mediation on courts. OJA is also at work, with other organizations, on the use of kinship care mediation with an effort to place children in extended family placements who otherwise might have been placed in foster care.

Mr. Thompson indicated efforts are underway to expand the use of mediation in western Kansas. He further acknowledged that the Council has approved a small grant to train judges in the use of settlement conferences and to offer training to provide more mediators, especially bilingual mediators, in the domestic relations area. Finally, Mr. Thompson explained that the Council is developing a dispute resolution training program to be offered to court employees to assist in addressing disputes with parties who

frequent local courts. He provided information regarding the importance of confidentiality in mediation and dispute resolution. According to Mr. Thompson, states using mediation in an expanded capacity include Texas, Oklahoma, Colorado, and Nebraska. Mr. Thompson recommended legislation to expand the ability of the court to order mediation in specific cases labeled as "bad faith" deliberate and intentional avoidance of ordered mediation. A party found to be acting in bad faith could be subjected to pay the reasonable attorney fees of the other party.

Mr. Thompson recommended a statutory amendment to provide that, in labor disputes, the costs of mediation and related factfinding services would be covered by the Secretary of the Department of Human Resources, when officially requested to do so.

Mr. Rute presented testimony about mediation services for the low-income population and on behalf of the Kansas Human Rights Commission. He recommended the Legislature provide funding to permit one or more mediation centers, as a pilot project, to serve as a one stop service provider, to those persons involved in family law matters.

District Court Judge Robert W. Fairchild, Lawrence, a judge/mediator explained that he was one of the first attorneys in Kansas to use mediation frequently in his practice. Judge Fairchild is currently the Chairman of the Dispute Resolution Council for the Kansas Supreme Court. He was supportive of efforts to expand the use of mediation.

Jeanne Erickson, a nonjudge mediator, addressed the Committee regarding the merits of mediation as well as some of the problems inherent in the mediation process.

George Wolf, Chief of Appeals and Alternative Dispute Resolution, Kansas Department of Human Resources, focused on how mediation can be used effectively in government. The conferee shared information regarding the varied measures that can be used in problem solving activities within communities. He stated that his staff could be effective in educating other state agency personnel how to resolve conflict.

#### CONCLUSIONS AND RECOMMENDATIONS

The Committee supports the concept of mandatory mediation that can be ordered by the court under the Dispute Resolution Act. Further, the Committee concluded that a provision should be enacted to deal with the avoidance of mediation, when ordered, and the consequences of bad faith in complying with an order of mediation which could result in the award of reasonable attorney fees to the other party.

In the area of labor disputes, the Committee recommends an amendment to allow the Secretary of Human Resources to pay for the costs of mediation.

The Committee further directs that statutory language be drafted to direct the Kansas Supreme Court to adopt rules regarding standards for mediation.

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**PLUMBING, MECHANICAL, HEATING, REFRIGERATION,  
AIR-CONDITIONING, AND VENTILATION  
CERTIFICATION LAW AND PROTECTION ACT**

**CONCLUSIONS AND RECOMMENDATIONS**

The Committee recommends the Plumbing, Mechanical, Heating, Refrigeration, Air Conditioning, and Ventilation Certification Law and Protection Act not be enacted.

The Committee further recommends that community colleges and area vocational technical schools, in conjunction with plumbing and mechanical trades' associations and professions, develop a statewide training program for these trades and professions.

**Proposed Legislation:** None.

**BACKGROUND**

**2000 SB 666**

The Special Committee on Federal and State Affairs was charged by the Legislative Coordinating Committee (LCC) to review the policy contained in SB 666, which would have enacted the Plumbing, Mechanical, Heating, Refrigeration, Air Conditioning, and Ventilation Certification Law and Protection Act.

SB 666 was introduced by the Senate Committee on Federal and State Affairs during the 2000 Legislative Session. The Committee took no action on the bill after its hearing. The bill's subject was suggested as an interim topic by Senator Oleen.

The bill would require the Board of Technical Professions to certify plumbers, mechanical, heating, ventilation, and air conditioning (HVAC) contractors, and refrigeration contractors. The Board of

Technical Professions would establish requirements for master and journeyman certifications, including a certification fee, examination, and continuing education programs.

The bill would establish an advisory board to advise the State Board of Technical Professions regarding the plumbing and mechanical system contracting trades. The advisory board would consist of 13 members appointed by the Governor for three year terms. The Board would be composed of: four certified masters and journeyman plumbers; four mechanical system contractors with at least five years of experience; one vocational educator; two plumbing and mechanical system code inspectors; one mechanical engineer; and one ex officio member.

Violations of the act could result in a \$500 fine for each act of violation and for each day of such violation.

The Board of Technical Professions estimated an annual revenue generated from fees of \$5,000,000 and a total operating budget of \$416,907.



## COMMITTEE ACTIVITIES

The Special Committee heard from representatives of Kansas Department of Health and Environment, the Kansas State Board of Technical Professions, the League of Kansas Municipalities, the American Institute of Architects in Kansas, the Kansas Society of Professional Engineers, and the Kansas Consulting Engineers, all of whom spoke in opposition to the state regulation of these trades and professions. They cited the loss of local government's authority to license and regulate these trades and professions, the lack of resources of the Board of Technical Professions to handle the increased workload for certification, the financial cost required to regulate these professions, and the additional bureaucracy that would be created, as the main reasons for opposing the enactment of the provisions of 2000 SB 666.

Representatives from the Kansas/Missouri Chapter of the International Association of Plumbing and Mechanical Officials, the City of Wellington, and the Kansas Plumbing, Heating, Cooling Contractors Association spoke in favor of statewide regulation of the plumbing and mechanical trades. They cited the dis-

crepancies in the qualifications of plumbers and mechanical contractors due to the lack of required minimum apprenticeship training, especially in small towns and counties where licenses are not required, and the lack of uniformity in standards to insure safe and accurate work as reasons to support the enactment of the provisions of 2000 SB 666. They also supported the creation of a stand-alone plumbing/mechanical board or a General Board of Building Trades to administer a uniform state certification for these trades and professions.

## CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends the Plumbing, Mechanical, Heating, Refrigeration, Air Conditioning, and Ventilation Certification law and Protection Act not be enacted.

The Committee further recommends that community colleges and area vocational technical schools with plumbing and mechanical trades' associations and professions develop a statewide training program for these trades and professions.

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# UNDERAGE DRINKING—INCLUDING KEG REGISTRATION

## CONCLUSIONS AND RECOMMENDATIONS

The Committee concludes that underage drinking is a problem which is prevalent throughout the state. The Committee recommends that education efforts, prevention efforts, and law enforcement efforts should be enhanced and coordinated. The Committee took no action on the issue of beer keg registration.

**Proposed Legislation:** None.

## BACKGROUND

The Legislative Coordinating Council (LCC) charged the Special Committee on Federal and State Affairs to conduct an interim study on the topic of “underage drinking, including keg registration.” The original request for this study came from Representative Tony Powell on behalf of the House Committee on Federal and State Affairs. That Committee had held hearings on the topic of beer keg registration during the 2000 Session. In his request letter, Chairman Powell noted that:

This study should take a broad view of the topic, including an assessment of the enforcement efforts of the Division of Alcoholic Beverage Control, a review of the educational and drug resistance programs operated by state agencies and private entities, and hearings to receive input from officials of the Kansas Department of Revenue and liquor licensees who are regulated by the ABC. One component of this study should be to examine the policy of beer keg registration.

Representative Lloyd Stone also submitted a request that a task force or interim study committee be appointed to

study the issue of underage drinking.

## The Legal Drinking Age in Kansas

In 1880, the voters approved an amendment to the *Kansas Constitution* prohibiting the manufacture and sale of intoxicating liquors in Kansas (Article 15, Sec. 10). That provision remained unchanged in the *Constitution* for 68 years.

In 1937, the Kansas Legislature enacted a new law that categorized beer with an alcoholic content of 3.2 percent or less by weight as cereal malt beverage (CMB). This law authorized the sale of CMB for both on- and off-premise consumption throughout the state. This law set the minimum legal age for the purchase and consumption of CMB at 18 years.

In 1948, the voters approved a constitutional amendment that authorized the Legislature to “. . . regulate, license and tax the manufacture and sale of intoxicating liquor . . . (and) regulate the possession and transportation of intoxicating liquor.” (Article 15, Sec. 10) The amendment also “forever prohibited” the open saloon. The amendment meant that package liquor sales could be authorized and regulated, but that the sale of liquor by the drink in public places was prohibited.

In response to the 1948 amendment, the 1949 Legislature enacted the Liquor Control Act. The act authorized package sale of liquor in counties in which the 1948 amendment had been approved. The act created a system of regulating, licensing, and taxing those package sales. The Office of State Director of Alcoholic Beverage Control—which latter became the Division of Alcoholic Beverage Control (ABC)—was created to enforce the act. The act prohibited the sale to or consumption of liquor by any minor, which was defined in other statutes as a person under the age of 21 years.

In response to a federal mandate which required states to adopt a uniform minimum drinking age of 21 or face the possible loss of federal highway funding, the 1985 Legislature raised the minimum age for consumption of cereal malt beverage to 21 for persons born after July 1, 1966. The increased minimum drinking age was actually phased-in over a three-year period. Persons born before July 1, 1966, were able to consume CMB at age 19. Another bill enacted in 1985 created new penalties for the underage purchase or consumption of alcoholic liquor or CMB.

### **The Minimum Age for Employment**

Individuals who sell and dispense alcoholic liquor generally must be 18 years of age or older. Persons under 21 must, in most cases, be under the supervision of someone who is 21 or older. The following summarizes the age requirements for several types of employment.

A liquor retailer (liquor store) must be 21 years of age to be eligible for licensure.

A person must be 18 to work in an establishment selling CMB for off-premise

consumption. For on-premise sales of CMB, an employee must be 18 in a restaurant, but 21 to work in a bar.

In clubs and drinking establishments, an employee must be 18 for the serving of liquor, and 21 for the mixing and dispensing of liquor. Both must be under the supervision of a person over the age of 21. The same provisions apply to employment in a microbrewery or farm winery.

The statutes do not impose any restrictions on employees of liquor manufacturers or distributors.

### **Beer Keg Registration Bills**

In recent years, the Kansas Legislature has considered several bills which would have established a requirement for the registration of beer kegs by the retailer. Two such bills were considered by the 2000 Legislature: SB 394 by Senator Stephens and HB 2604 by Representative Stone. The two bills are briefly summarized below.

**SB 394.** The bill would have established a new requirement on beer and cereal malt beverage retailers that the retailer affix an identification number to all kegs having a capacity of four or more gallons. The bill would have required the retailer to maintain certain records to establish the identity of the purchaser. The bill would have provided for the suspension, by the Director of ABC or by the licensing city or county, of a retailer's license for five business days upon violation of the new requirement. The bill would have created a penalty of a class B nonperson misdemeanor to possess an unregistered beer keg or to remove or deface the required keg identification number. The bill would have allowed for inspections by law enforcement personnel at any reasonable times. The Depart-

ment of Revenue indicates that the bill would have had no fiscal impact.

**HB 2604.** The bill is identical to SB 394 with one additional provision. HB 2604 contained a provision not found in SB 394 which provided that it shall be a defense to any criminal prosecution or civil action if the defendant sold beer or CMB in compliance with the requirements of the bill. The Department of Revenue indicates that the bill would have had no fiscal impact.

### **Local Action by Cities and Counties**

It appears that at least five counties have enacted county resolutions mandating keg registration. These counties are Lyon, Coffey, Marion, Morris, and Chase. Several cities, including Emporia, have also adopted local ordinances which mandate keg registration. In addition, the League of Kansas Municipalities has developed a sample ordinance to be used by cities in adopting keg registration requirements.

### **COMMITTEE ACTIVITIES**

The Special Committee received testimony from representatives of the following groups and organizations:

- Law enforcement organizations;
- Providers of alcohol education programs and alcohol safety action programs;
- The Department of Social and Rehabilitation Services;
- Academics who have conducted studies on the issue especially the study commissioned by the Kansas Department of Transportation;

- The liquor industry, including retailers and wholesalers; and
- The Kansas Department of Revenue's Division of ABC;

The Committee also received several briefings by Committee staff on the legal issues associated with the topic of underage drinking.

The Director of ABC stated that there are three areas of agency focus: industry regulation, revenue collection, and underage enforcement. He noted that the ABC enforcement activities with regard to underage drinking include controlled buy investigations, Cops in Shops, bar checks, licensee contacts, routine inspections, complaint investigations, and training for both the industry and law enforcement. He stated that underage drinking is prevalent and a problem in the state. He also discussed a proposed "Underage Drinking Reduction Initiative" which will be included in the ABC FY 2002 budget request.

Various representatives of the liquor industry reviewed their efforts to combat underage drinking, which include education programs and cooperation with the ABC. Many industry representatives noted the increasing problem of fake ID cards, many versions of which are available on the Internet. A representative of the brewing industry stated that, while teen drinking rates have declined in recent years, underage drinking generally and illegal drinking on college campuses need sustained attention. Retailer representatives discussed the training program called "Techniques of Alcohol Management" or "TAM" to help licensees and their employees to understand what the alcohol laws are, how to obey them, how to handle the sale of alcohol legally, and



how to minimize the problems faced in refusing an alcohol sale. Representatives of the Kansas Association of Beverage Retailers expressed opposition to legislation on beer keg registration.

A Wichita State University (WSU) professor reviewed a recent study done by WSU for the Kansas Department of Transportation on the issue of underage drinking in Kansas. The professor reviewed a number of the findings contained in the report *Safe, Sound, and Legal: The Kansas Enforcing the Underage Drinking Project: Needs Assessment and Leadership Conference Report*. One of the findings contained in the report states that Kansas has enacted most of the laws recommended by underage drinking enforcement and prevention experts, with the exception of legislation on keg registration. Another finding stated that the establishment of the Governor's Substance Abuse Prevention Council holds promise for the development of coordinated prevention efforts.

A representative of the Juvenile Justice Authority (JJA) stated that JJA approaches the issue of underage drinking in five ways: case management and juvenile intensive supervised probation; juvenile intake and assessment services; prevention block grant programs; federal grants; and placement into custody or juvenile community corrections.

A representative of the Department of Social and Rehabilitation Services (SRS) discussed SRS' concept of prevention and SRS' efforts toward prevention activities in Kansas communities. The Kansas Association of Addiction Professionals

expressed support for beer keg legislation, as did Emporians for Drug Awareness and the Emporia Police Department.

## CONCLUSIONS AND RECOMMENDATIONS

The Special Committee concludes that underage drinking is a problem which is prevalent throughout the state. The Committee believes that education efforts, prevention efforts, and law enforcement efforts by the Division of ABC need to be enhanced and coordinated. The Committee is supportive of the appointment of the Governor's Substance Abuse Prevention Council and is optimistic that this Council will enhance the coordination of the various agencies and groups involved in the prevention and education areas.

Regarding enhanced enforcement efforts by the Division of ABC, the Committee is recommending (under its study *Alcoholic Beverage Control*) that several liquor license fees be increased and that the additional revenue be dedicated to liquor law enforcement efforts, including underage drinking enforcement. The fee increase proposal approved by the Committee will generate an additional \$660,000 earmarked for liquor law enforcement efforts. (For a detailed discussion of this proposal, see the Special Committee's report *Alcoholic Beverage Control*).

The Committee took no action on the issue of beer keg registration.

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# State of Kansas

LANA OLEEN  
SENATOR, 22ND DISTRICT  
GEARY AND RILEY COUNTIES  
(785) 296-2497

COMMITTEE ASSIGNMENTS  
CHAIR: CONFIRMATION OVERSIGHT  
VICE CHAIR: ORGANIZATION, CALENDAR & RULES  
MEMBER: STANDING & JOINT COMMITTEES



## Majority Leader Kansas Senate

SENATE CHAMBER, STATE CAPITOL  
TOPEKA, KANSAS 66612-1504

### TESTIMONY HOUSE FEDERAL & STATE AFFAIRS COMMITTEE MONDAY, MARCH 12, 2001 HB 2020

Chairman Mays and Members of Committee: I appreciate the opportunity to offer written testimony in support of HB 2020, which concerns accessibility of Kansas citizens to public-funded homes.

The Senate Federal & State Affairs Committee, and the Special Committee on Federal & State Affairs this past 2000 interim studied and both have endorsed this measure. These committees have had extensive opportunity to closely examine the components of this bill. The interim committee approved, without dissent, a motion to recommend this legislation favorably. Last session the Senate passed similar legislation with an overwhelming margin.

HB 2020 will benefit all Kansans. When the public's dollars are expended for housing, the expectation is that all members of the public should have physical access to those state-funded homes. If for-profit contractors do not wish to accommodate the modest features of accessibility in the homes they construct, they can elect to not participate in state-financed housing. Affordable, accessible housing is in short supply--this bill would ease that shortage. Additionally, it has been said many times that Kansas has an aging population and HB 2020 would help prepare Kansas for its future. HB 2020 is a sound piece of legislation that will result in good public policy.

I encourage favorable passage of HB 2020 because it is the right course of action.

Respectfully submitted,

Senator Lana Oleen

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Living Independently in Northwest Kansas

2401 E. 13th Street  
(785) 625-6942(V/TT)

Hays, KS 67601  
(785) 625-2334 (FAX)

Brian Atwell  
March 12, 2001 Testimony to the  
House Committee on Federal & State Affairs  
Representative Doug Mays, Chair  
House Bill 2020

Thank you Chairperson Mays and committee members for allowing me to testify in support of the Kansas Visitability Bill, House Bill 2020. I am pleased to hear that this committee is reviewing basic accessibility in dwellings.

I am excited about the potential of this bill to increase accessibility options in dwellings which are constructed, remodeled, or rehabilitated with public financial assistance. Growing up in rural western Kansas and having a life experience with a disability has put me in many situations where access into dwellings has been a large barrier. Even the smallest improvements in access afforded by this bill will be a great improvement over no access at all. People with disabilities will not be isolated if basic access features such as no step accessible entrance, accessible route and interior doorways, reinforced bathroom walls and accessible placement of switches, outlets and controls are included in these effected dwellings. By making houses visitable, people with disabilities will be able to visit friends and families whom may have these five accessibility features in their homes.

Thank you for your time, I will stand for any questions you may have.

*Brian M Atwell*  
LINK Director

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LINK, Inc. also has offices in Hill City, Colby, Osborne and Great Bend

Written Testimony  
HB 2020  
Visitability  
Federal and State Affairs  
Tyrone Bush  
March 12, 2001

My name is Tyrone Bush. I live at 3831 SW South Park Ave., Lot C-16, Topeka, KS 66609. I am a person with a disability and have been following HB 2020. I am a constituent in Chairman Mays' district, and as you know Chairman and other committee members, HB 2020 is an important bill for people with disabilities and those that know them. I think this is a great bill and would urge the committee to pass the bill out of committee and on to the full floor.

I also have many friends with disabilities. Therefore, I know how this bill could affect the lives of people with disabilities. It would make it easier for people with disabilities to not only visit each other, but also visit family and friends without disabilities. As things are now people with disabilities can't visit people they would like to because they can't get into the house, or if they can make it in the door, the hallways and bathrooms are not accessible. This prevents people with disabilities from doing something that those without disabilities take for granted. Chairman Mays and committee, I would like to thank you for your support of HB 2020.

# Modern Home Sales

601 SW 57th  
Topeka, KS 66609  
Phone: 785-862-1426  
Fax: 785-862-5630

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March 09, 2001

Becca Vaughn  
Topeka Independent Living Resource Center  
Kansas Disability Rights Action Coalition for Housing  
501 SW Jackson  
Topeka, KS 66603

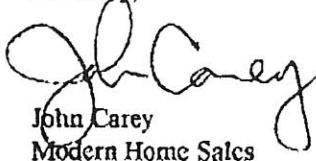
Dear Becca,

I am writing in regards to your letter pertaining to HB 2020 which pertains to the visitability issue as it applies to manufactured housing.

As you are aware, all aspects of our industry are governed by the HUD code. If a manufactured home builder can make the interior changes required to meet the visitability requirements without a re-draw of the home, the hard costs of doing this would be minimal. However, if a re-draw of the print and accompanying approvals would be required, the industry average would range between \$1,500.00 to \$3,000.00. Some of the floorplans we have available would not require a re-draw but a considerable amount of them would in order to fully comply.

In regards to the issue of one no step exterior entrance, the cost would depend entirely on how the manufactured home was sited. If the manufactured home is sited in a manufactured home community (rental community), this cost would be higher because of the height the home would be off of the ground. This would require extensive ramping. The average height in a rental community would be in the 30" to 32" range. This would require a ramp of 30' to 32'. However, if the home is sited on a foundation on private property, then the height from the door to the ground is much more controllable resulting in shorter ramping and far less cost.

Sincerely,

  
John Carey  
Modern Home Sales

House Fed. &  
State Affairs  
Date 3/12/2001  
Attachment No. 15  
Page 1 of 1



## SHOWCASE HOMES

140 E. 9th St., Box 7  
Auburn, Kansas 66402  
Phone (785)256-2418  
ccj0127@msn.com

February 1, 2001

Representative Doug Mays  
Chairperson, House Committee on Federal and State Affairs  
Room 170 W  
State Capitol  
Topeka, KS 66612  
Fax 1-785-368-6365

**RE:** Support of HB 2020

Dear Chairperson Mays and Committee Members.

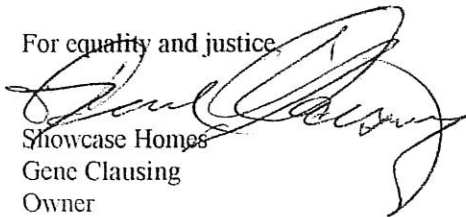
I am writing on behalf of Showcase Homes, in support of basic accessible housing (Visitability), as contained in HB 2020. Showcase Homes is a General Contractor. We believe in the dignity of all people to live in a home of their own.

The legislation as presented in HB 2020 requiring basic accessibility features in all new construction or rehabilitated housing, built or reconstructed with our public dollars is a long time in coming. For too many years our public tax dollars be it federal or state derived have too often built affordable housing which literally kept people with mobility disabilities out in the cold. When we use public funds we must hold projects to a higher level of accountability and vigorously defend the idea of justice.

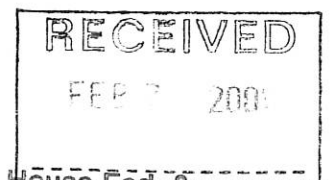
The state must continue its historic record of providing equal opportunity for people with disabilities. This legislation will extend far beyond the immediate housing access needs of people with disabilities, in that all people will have greater use and increased safety with a no-step entrance.

On behalf of the board of directors, the staff and consumers of Showcase Homes, I ask for this committee to support legislation toward the making of a great Kansas law requiring "Visitability". Thank you for supporting HB 2020.

For equality and justice,



Showcase Homes  
Gene Clausing  
Owner



House Fed. &  
State Affairs  
Date 3/12/2001  
Attachment No. 16  
Page 1 of 1

*Southeast Kansas Independent Living Resource Center, Inc.*

*222 W. Main, Suite D*

*Chanute, KS 66720*

*(316) 431-0757*

*Fax: (316) 431-7274*

---

March 12, 2001

Dear Chairman Mays and Members of the Committee for HB2020:

I'm a Independent Living Coordinator and I work with disabled people everyday in Southeast Kansas. We have a real problem with the shortage of housing in Southeast Kansas besides accessible and affordable housing. I sincerely ask for your support on House Bill 2020. I believe that it is a good thing and support it fully.

Most of the people that I work with have a income of anywhere from \$500.00 to \$800.00 a month. Some of these people are trying to raise families on this income. Sadly to say, I have a income that well exceeds this and find it hard to maintain my family of four. So I hope that you can see the need and have the compassion to vote for and support the House Bill 2020.

By supporting House Bill 2020 you will be helping make the lives of the disabled individuals better by additional housing available and accessible. The opportunity to remodel existing homes will be more attainable. This bill will be making housing accessible to everyone and will set requirements housing developers to follow.

Please vote in support of House Bill 2020. It is the right thing to do.

Sincerely,



Terry Fraker  
I. L. Coordinator

House Fed. &  
State Affairs

Date 3/12/2001

Attachment No. 17

Page 1 of 1





# Families Together, Inc.

Parent Training & Information Centers for Kansas

Home Page:  
<http://www.kansas.net/-family>

January 31, 2001

Wichita Parent &  
Administrative Center  
3340 W Douglas, Suite 102  
Wichita, KS 67203  
Voice/TDD (316) 945-7747  
1-888-815-6364  
Fax (316) 945-7795  
e-mail: [fmin@feist.com](mailto:fmin@feist.com)

Representative Doug Mays  
Chairperson, House Committee on Federal and State Affairs  
Room 170 W  
State Capitol  
Topeka, KS 66612

Re: Support of HB 2020

Dear Chairperson Mays and Committee Members,

I am writing on behalf of Families Together, Inc., the Parent Training and Information Center for Kansas, in support of basic accessible housing (Visitability), as contained in HB 2020. Families Together serves families that include a child with a disability. Our organization strongly believes in the dignity of all people to live in a home of their own. Many of the families we work with comment that housing for their sons and daughters is one of their major concerns.

The legislation as presented in HB 2020 requiring basic accessibility features in all new construction or rehabilitated housing, built or reconstructed with our public dollars, is a long time in coming. For too many years our public tax dollars have too often built affordable housing which literally kept people with mobility disabilities out in the cold.

On behalf of our board of directors, our staff, and families in Kansas we serve, I ask for this committee to support legislation toward the making of a great law requiring "Visitability". Thank you for supporting HB 2020.

Sincerely,

Lesli Girard  
Coordinator  
Topeka Parent Center

Enclosure

House Fed. &  
State Affairs  
Date 3/12/2001  
Attachment No. 18  
Page 1 of 1

Topeka Parent Center  
501 Jackson, Suite 400  
Topeka, KS 66603  
Voice/TDD (785) 233-4777  
1-800-264-6343  
Fax (785) 233-4787  
e-mail: [family@inlandnet.net](mailto:family@inlandnet.net)

Garden City Parent Center  
111 Grant  
Garden City, KS 67846  
Voice/TDD (316) 276-6364  
1-888-820-6364  
Espanol (316) 276-2380  
Fax (316) 276-3488  
e-mail: [famtogether@gcnet.com](mailto:famtogether@gcnet.com)

Kansas City Parent Center  
3811 W 63rd St., Suite 204  
Overland Park, KS 66202  
Voice/TDD (913) 384-6783  
1-877-499-5369  
Fax (913) 384-5887

Statewide Spanish Parent Line  
1-800-499-9443

**Visitability**  
**HB 2020**  
**House Committee on Federal and State Affairs**  
**March 12, 2001**

*Testimony by Tessa L Goupil*  
*1917 SE Ohio Ave, Topeka KS*

I am a homeowner with a disability. I use a wheelchair, as does my husband. When we were looking for a house, there were none available that we could just go in and look at. My husband drove around looking for possibilities. Then he would go with our realtor to look at a house. He had to use crutches and leave his chair outside to even see inside the place. Then if he found one that looked promising, they would come get me and the realtor would carry me inside. She wasn't exactly built for carrying around another human being, but she was determined to help us. She had a daughter with a disability and knew some of the obstacles we face. Because of her we were able to find a house we could work with. Most people with disabilities looking for homes aren't as lucky. HB 2020 would alleviate those problems for future homeowners.

Even after finding a house, we had to build a ramp and enlarge the bathroom door. I couldn't leave the house until the ramp was finished. I also spent several months being carried from the hallway into the bathroom with pants around my ankles, until the bathroom door was enlarged. This was in plain view of whoever was in the living room at the time. If these features had been built that way in the first place the additional cost would have been minimal if any at all. But instead we had to tear stuff up and start over with a lot more expenses. Having this visitability law in place would have prevented these indignities in my own home. A no step entrance would have prevented the access problem, as would 32" interior doors.

HB 2020 calls for:

- ❖ One no-step entrance
- ❖ All interior doorways wide enough for wheelchair passage
- ❖ An accessible route through the main floor
- ❖ Reinforcement of specific bathroom walls to allow for future installation of grab bars
- ❖ Light switches, electrical outlets and other environmental controls in accessible locations

When planned for from the beginning these basic access features are economical and practical for everyone. They would make life easier for seniors, for someone carrying groceries or pushing a baby stroller, as well as for people with disabilities.

Please support HB 2020. Thank you for your time.



1195 SW Buchanan  
Suite 101  
Topeka, Kansas  
66604-1183  
(785) 234-0217  
FAX (785) 234-0237



P.O. Box 4369  
Topeka, Kansas  
66604-0369  
(Main Office)  
(785) 234-0217

Lawrence, Kansas  
(785) 749-4224

Manhattan, Kansas  
(785) 539-6666

Emporia, Kansas  
(316) 342-7788



MEMBER

ACCREDITED



Member of the International  
Association of Housing Counselors  
and Creditors, Inc.



HUD Comprehensive  
Counseling Agency



United Ways of  
Greater Topeka, Douglas, Flint Hills  
and Riley Counties

February 7, 2001

Representative Doug Mays  
Chairperson, House Committee on Federal and State Affairs  
Room 170 W  
State Capitol  
Topeka, KS 66612  
Fax: 1-785-368-6365

RE: Support of HB 2020

Dear Chairperson Mays and Committee Members:

I am writing on behalf of Housing and Credit Counseling, Inc., in support of basic accessible housing (Visitability), as contained in HB 2020. HCCI is a non-profit housing counseling agency that works particularly with tenants, landlords and first-time homebuyers in its housing counseling. Based in Topeka, HCCI provides counseling and classes for consumers all over the state of Kansas. We believe in the dignity of all people to live in a home of their own.

The legislation as presented in HB 2020 requiring basic accessibility features in all new construction or rehabilitated housing, built or reconstructed with our public dollars is a long time in coming. For too many years our public tax dollars, be it federal or state derived, have too often built affordable housing which literally kept people with mobility disabilities out in the cold. When we use public funds we must hold projects to a higher level of accountability and vigorously defend the idea of justice.

The state must continue it's historic record of providing equal opportunity for people with disabilities. This legislation will extend far beyond the immediate housing access needs of people with disabilities, in that all people will have greater use and increased safety with a no-step entrance.

On behalf of the board of directors, the staff and consumers of HCCI, we encourage your committee to support legislation toward the making of a great Kansas law requiring "Visitability". Thank you for supporting HB 2020.

Sincerely,

Karen A. Hiller  
Executive Director

House Fed. &  
State Affairs

Date 3/12/2001

Attachment No. 20

Page 1 of 1



# Western Kansas Association on Concerns of the Disabled

2401 East 13th • Hays, Kansas 67601 • (785) 625-6942

*Access + Opportunity = Independence*

*Celebrating More Than 20 YEARS of Civil Rights Advocacy*

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Testimony to  
House Committee on Federal and State Affairs  
Representative Doug Mays, Chairperson  
House Bill 2020  
By  
Gary Howard  
Western Kansas Association on Concerns of the Disabled  
March 12, 2001

Thank you, Chairperson Mays and Committee members for allowing me to testify today as a supporter of House Bill 2020. My name is Gary Howard. I have been president of WKACD for a couple of years and also served as Vice President for several years before that. WKACD is a grassroots, advocacy and socialization organization that has worked toward including people with disabilities in all areas of society.

There are several reasons that I am asking for your support on this bill. The first is the need for accessible housing. This is one of the more difficult barriers to adapting to life with mobility impairments, as more and more people are doing. Second, this would help counteract the isolation felt by people with disabilities because they are unable to visit friends and families. You can easily understand how important this is for anyone to be able to turn to their loved ones in times of crisis.

This bill would *not* affect any owner-occupied private homes, just housing developers. If my tax dollars are going to be used to build or rehabilitate public housing, I would like to know that there will be accessibility requirements for that new construction or remodeling being done. This is an ideal time to start the change and HB 2020 is a good way to accomplish this goal.

Thank you for your time, and if you have any questions about this, I can be contacted at (785) 625-6942.



United Way Agency

House Fed. &  
State Affairs

Date 3/12/2001

Attachment No. 21

Page 1 of 1





# KANSAS

Bill Graves  
Governor

DEPARTMENT OF HUMAN RESOURCES  
*Kansas Commission on Disability Concerns*

Richard E. Beyer  
Secretary

## TESTIMONY TO HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE HB 2020

Sharon Huffman, Legislative Liaison  
March 12, 2001

Thank you for the opportunity to testify regarding HB 2020. The Kansas Commission on Disability Concerns (KCDC) is an advisory commission that provides information and education to the legislature and governor on issues of importance to Kansans with disabilities. The mission statement of KCDC is: The Kansas Commission on Disability Concerns believes that all people with disabilities are entitled to be equal citizens and equal partners in Kansas society. The purpose of the Kansas Commission on Disability Concerns is to involve all segments of the Kansas community through legislative advocacy, education and resource networking to ensure full and equal citizenship for all Kansans with disabilities.

HB 2020 would require owners of single-family, duplex and triplex dwellings receiving financial assistance from the state, including federal funds administered through the state, to provide basic accessibility when building or rehabilitating the dwelling. Owners of multi-family dwellings (four or more units) would not be covered because they are already covered under the federal Fair Housing Amendments Act and the Kansas Act Against Discrimination. This act also would not apply to individual owners or occupants of private homes.

The basic accessibility features that would be required in this bill are:

1. One accessible entrance
2. All interior doorways wide enough for wheelchair passage
3. An accessible route through the main floor
4. Reinforcement of specified bathroom walls to allow for future installation of grab bars
5. Light switches, electrical outlets and other environmental controls in accessible locations

This bill would not require owners to immediately renovate dwellings to comply with the five features mentioned. It would require features undergoing rehabilitation to be made accessible rather than rebuilding non-accessible features.

It has been well documented in both the *Kansas Consolidated Plan 1999-2002* and *the Analysis of Impediments to Fair Housing Choice 1997* by the Department of Commerce and Housing that Kansas has a severe shortage of housing that is accessible to persons with disabilities. The latter document identified this problem as the number one impediment to fair housing choice in the state.

KCDC urges this committee to support passage of HB 2020.

House Fed. &  
State Affairs  
Date 3/12/2001  
Attachment No. 22  
Page 1 of 1



**Testimony Presented to  
House Federal & State Affairs  
HB2020  
March 12, 2001**

My name is Shannon Jones. I am the director of the Statewide Independent Living Council of Kansas ( SILCK). The SILCK is mandated by the federal Rehabilitation Act as amended in 1998 to study existing services for people with disabilities and make recommendations to improve or expand services that will enable Kansans with disabilities to achieve their optimum level of independence and improve their quality of life.

The SILCK strongly supports HB2020, the "visitability" concept. Today Kansas has the fourth highest aging population in the country. As we age, we acquire disabilities. This means the need for accessibility will not go away. We need to address a long-range plan for how we will address our aging and disabled population. While more people are choosing to stay in their homes, they do not want to be prisoners in their homes. According to a study done by the Kansas Department of Health and Environment, "Behavioral Risk Factor Surveillance Survey", between 16 – 18% of adult Kansans identify themselves as having some form of a mobility impairment.

**BASIC ACCESS IMPROVES THE LIVES OF EVERYONE IN OUR COMMUNITIES.**

In addition, Kansas has been a national leader in implementing home and community based services across the state to ALL populations. The result has been that more and more people are choosing to stay in their homes and receive services. The passage of this bill would greatly enhance the community services system.

The SILCK urges this committee to favorably support HB2020 requiring basic wheelchair access to all housing built or rehabilitated with public funds in the state of Kansas.

Testimony to  
Committee on Federal and State Affairs  
on HB2020  
By  
Blake Knoll  
March 12, 2001

Thank you Committee members for allowing me this time to speak to you in support of HB 2020. I'm Blake Knoll from Liberal KS. I have lived in Liberal for 39 years, and have been in the wheelchair for the past 20 years. I would like to share some of my experiences with you, and why the passing of HB 2020 is necessary.

When I was 23 years of age I got married and had to try and find us a place to live. Being that there was no accessible housing in Liberal, I had to rent an apartment that was not accessible and modify it to make it useable. I had to spend around \$2000.00 to make this apartment accessible for me. At the age of 25 I needed to find a bigger place to live, because we now had a baby and needed more room. I still couldn't find an accessible house for us to live in, so I purchased a mobile home. The purchase price of the home was \$19,000.00 and I still had to put out another \$5000.00 into it to make this home accessible for me to live in. At the age of 31 we got divorced and had to sell the home. So there I was again looking for an accessible house to live in. I got another home where I am presently. I had to spend another \$5000.00 to make this home accessible to live in. People ask me why I spent the money to make all of these homes accessible when I could have gotten some assistance. I told them that I had no choice. There are very few programs out there to help make homes accessible. If HB2020 is passed, the 5 required features would make many more rental homes much more accessible for me to begin with. I may have to make only minor changes to live in a house with these basic features.

As far as being able to go out to visit family and friends in their homes, I can't do this because their homes are not accessible for me to get into, move about within their homes, or to be able to use the restrooms. I now have a girlfriend, but I cannot get into her home because it is not accessible. This upsets her, but I cannot afford to spend the money to make her place accessible for me. I was happy to hear about HB 2020 to make new housing accessible. Access features would allow me to visit anyone in the community whose house is covered by HB 2020.

I believe HB 2020 will give more people a choice of where they would like to live within their own community, and that more of them will be able to participate within their own communities.

Thank you for giving me your time in listening to me. If you have any questions. I may be contacted at 409 W. Pine Liberal, Kansas 67901, or 316-624-7789



**Gina McDonald**  
President/CEO

**Member Agencies:**

**Center for Independent Living for Southwest Kansas**  
Garden City, KS  
316/276-1900 Voice

**Coalition for Independence**  
Kansas City, KS  
913/287-0999 Voice/TT

**ILC of Northeast Kansas**  
Atchison, KS  
913/367-1830 Voice

**ILC of Southcentral Kansas**  
Wichita, KS  
316/942-6300 Voice/TT

**Independence, Inc.**  
Lawrence, KS  
785/841-0333 Voice  
785/841-1046 TT

**Independent Connection**  
Salina, KS  
785/827-9383 Voice/TT

**LINK, Inc.**  
Hays, KS  
785/625-6942 Voice/TT

**Prairie Independent Living Resource Center**  
Hutchinson, KS  
316/663-3989 Voice

**Resource Center for Independent Living, Inc.**  
Osage City, KS  
785/528-3105 Voice

**Southeast Kansas Independent Living, Inc.**  
Parsons, KS  
316/421-5502 Voice  
316/421-6551 TT

**The Whole Person, Inc.**  
Kansas City, MO  
816/561-0304 Voice  
816/531-7749 TT

**Three Rivers ILC**  
Wamego, KS  
785/456-9915 Voice

**Topeka Independent Living Resource Center**  
Topeka, KS  
785/233-4572 Voice/TT

Testimony to  
House Federal and State Affairs  
Doug Mays, Chairperson  
HB 2020  
March 12<sup>th</sup>, 2001

My name is Gina McDonald and I represent the Kansas Association of Centers for Independent Living (KACIL). KACIL represents 13 Centers for Independent Living (CIL's). Centers provide services to people with disabilities of all ages. Centers for Independent Living also provide assistance to businesses and all other entities in the community to assist them in offering services to people with disabilities. We advocate at a state and national level for the rights of all people with disabilities to live in the communities of their choice.

Thank you for the opportunity to offer our support for HB 2020.

As we listen to testimony in the Futures Committees we hear over and over again that our state is aging. Overall in the next ten years many counties in Kansas will be among the nations oldest counties in terms of citizens.

Further, we hear repeatedly about the need for state and federal assistance for seniors and people with disabilities to remodel their homes so they can remain in the community. The alternative to remodeling their homes is costly care in Nursing Facilities. Were it not for access in their homes many could remain in place.

It makes so much more sense to build houses that contain basic accessibility features in the first place so that we can all remain in our homes as we age and/or become disabled.

It would reduce the costs that the state is now paying to put in ramps, widen doors and remodel bathrooms for seniors and people with disabilities.

It is smart from the perspective of builders to build for the demographics that will be in place in this state in the future.

KACIL supports HB 2020 and asks that you pass it out favorably.

Thank you for your consideration and vision on this most important concept.

If you have any questions, I can be reached at the number on this letterhead.

House Fed. &  
State Affairs

Date 3/12/2001

Attachment No. 25

Page 1 of 1



Offices located in  
the Historic Crawford Building

# Topeka Independent Living Resource Center

785-233-4572 v/TTY • FAX 785-233-1561 • TOLL FREE 1-800-443-2207  
501 SW Jackson Street • Suite 100 • Topeka, KS 66603-3300

March 12, 2001

**Testimony in Support of House Bill 2020  
Presented to  
House Committee  
On  
Federal and State Affairs  
By  
Mike Oxford  
Executive Director**

This is a sensible piece of legislation that needs to become law. As Kansas continues its commitment to offering choices to individuals between institutions and home and community services and as more and more people exercise this choice, the need for more accessible housing will continue to grow. House Bill 2020 aligns housing policy with long term services policy.

Currently, there is a severe paucity of accessible, affordable housing around the state. Now is the time to remedy this problem. Basic accessibility in housing is not just a disability issue. This issue affects senior citizens, people with young children as well as friends and family of people with disabilities. If this bill is passed now, then over the next decades, our State will become more inclusive and friendly to all citizens. This is particularly important given the demographics of aging of the population of Kansas.

Finally, the costs of building new, publicly funded housing with basic access features are negligible. It is much more efficient and cost effective to design and build access features in from the ground up, than to try to retrofit later. Basic access never hinders anyone from getting into and around the home. Lack of accessibility does.

Please pass House Bill 2020. If we start now, senior and disabled citizens and families with young children will have better lives in the years to come.

Thank you for considering this important change in our States' housing laws.

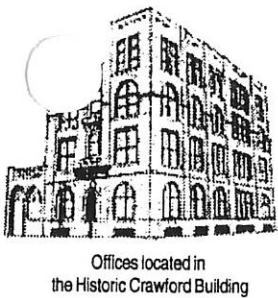
House Fed. &  
State Affairs

Date 3/12/2001

Attachment No. 26

Page 1 of 1

***Advocacy and services provided by and for people with disabilities.***



Offices located in  
the Historic Crawford Building

# Topeka Independent Living Resource Center

785-233-4572 v/TTY • FAX 785-233-1561 • TOLL FREE 1-800-443-2207  
501 SW Jackson Street • Suite 100 • Topeka, KS 66603-3300

Testimony in Support of Accessible Housing (HB 2020)  
Presented to the Special Committee of Federal and State Affairs  
By Steve Richardson  
March 12, 2001

My name is Steve Richardson. I am the Project Manager for the Housing Justice for All, fair housing project and an Independent Living Specialist with the Topeka Independent Living Resource Center (TILRC). TILRC is a center for independent living who is owned, operated and governed by and for people with all types of disabilities. We provide advocacy and self directed services to any person with a disability in the state who requests assistance.

I have been very active with working for the passage of Substitute SB 304 and have met with many of you on this important bill. I wanted to share with you some material cost that I gathered, because last session this was a concern for some of you in this committee. I have given you copies of cost estimates attached with my testimony. As you can see there is little difference in the cost of buying a 32" door and a 36". The cost of a smaller, 30" inaccessible door at 38.95 is a couple of dollars difference.

The other features of the bill should have little or no additional cost in new construction. I built houses for many years and know with just a little site planning the no-step entrance can be achieved with little if any extra cost. A few dollars seems a small price to assure homes that our tax dollars are building will be useable for all people.

I recently bought a house which needed accessible entry ramps and a wider bathroom door. I was able to add these features at a cost of less than a hundred dollars, and little labor on the part of me and my friends. My home is an older, ranch style home and can now be used fully by me and others. This bill would require similar features, for the rehab of homes, that I needed at a very low cost. It can be done affordably and it is the right thing to do with our tax dollars.

Thank you for your attention and I urge this committee to support HB 2020 or "Visitability".

House Fed. &  
State Affairs

Date 3/12/2001

Attachment No. 27

Page 1 of 4

*Advocacy and services provided by and for people with disabilities.*





# QUOTE

Store 2207 TOPEKA  
5900 SW HUNTOON  
TOPEKA, KS 66604

Phone: (785) 272-5949  
Salesperson: FJN30  
Reviewer:

<b>SOLD TO</b>	Name <b>RICHARDSON STEVE</b>		Home Phone <b>(785) 233-4572</b>
	Address <b>501 JACKSON</b>		Work Phone ( ) -
	City <b>TOPEKA</b>		Company Name
	State <b>KS</b> Zip <b>66603</b>		Job Description <b>QUOTE</b>
	County <b>SHAWNEE</b>		

2000-10-03 12:22  
Prices Valid Thru: 10/04/2000

House Fed. &  
State Affairs  
Date 3/12/2001  
Attachment No. 27  
Page 2 of 4

### CUSTOMER PICKUP #1

### MERCHANDISE AND SERVICE SUMMARY

We reserve the right to limit the quantities of merchandise sold to customers.

REF #W06 SKU #515-664 Customer Pickup / Will Call

#### STOCK MERCHANDISE TO BE PICKED UP:

REF #	SKU	QTY	UM	DESCRIPTION	TAX	PRICE EACH	EXTENSION
R01	663-624	1.00	EA	36"H501 RH FLUSH STL UTILITY -NO B,M/	Y	\$95.00	\$95.00
R02	422-425	1.00	EA	36"LH LAUAN PREHUNG 4-9/16" PINE JAMB/	Y	\$39.98	\$39.98
R03	421-640	1.00	EA	32"LH LAUAN PREHUNG 4-9/16" PINEJAMB /	Y	\$38.63	\$38.63
R04	161-640	2.00	EA	2X4-96 WHITEWOOD STUD-DRY /	Y	\$1.67	\$3.34
R05	941-557	1.00	EA	POLO ENTRY-PB /	Y	\$11.84	\$11.84

SCHEDULED PICKUP DATE: 10/04/2000

**MERCHANDISE TOTAL:** \$188.79

**END OF CUSTOMER PICKUP - REF #W06**

### TOTAL CHARGES OF ALL MERCHANDISE & SERVICES

<b>ORDER TOTAL</b>	\$188.79
<b>SALES TAX</b>	\$12.84
<b>TOTAL</b>	\$201.63
<b>BALANCE DUE</b>	\$201.63

END OF ORDER No. 12118

LOWE'S HOME CENTERS, INC.  
 ESTIMATE

CUSTOMER NAME: RICHARDSON, STEVE

SALESPERSON: CARNES

DATE ESTIMATED: 10/03/2000

SALES #: 000043402

QTY	UNIT	ITEM #	DESCRIPTION	PRICE	EXT PRICE
1	EA	14680	36" PROSTEEL FLUSH RH UNIT	94.00	94.00
1	EA	14682	36" PROSTEEL FLUSH RH UNIT	99.00	99.00
1	EA	21906	36"INT LAUAN DR UT RH FJ NO D88	42.00	42.00
1	EA	21908	36"INT LAUAN DR UT RH FJ NO D88	39.98	39.98
TOTAL FOR ITEMS					274.98
DELIVERY CHARGES					0.00
TAX AMOUNT					18.70
TOTAL ESTIMATE					293.68

THIS ESTIMATE IS VALID UNTIL 10/10/2000

\_\_\_\_\_  
 MANAGER SIGNATURE DATE  
 THIS ESTIMATE IS NOT VALID WITHOUT A MANAGER'S SIGNATURE

THIS IS AN ESTIMATE ONLY. DELIVERY OF ALL MATERIALS CONTAINED IN THIS ESTIMATE ARE SUBJECT TO AVAILABILITY FROM THE MANUFACTURER OR SUPPLIER. QUANTITY, EXTENSION, OR ADDITION ERRORS SUBJECT TO CORRECTION. CREDIT TERMS SUBJECT TO APPROVAL BY LOWE'S CREDIT DEPARTMENT.

LOWE'S IS A SUPPLIER OF MATERIALS ONLY. LOWE'S DOES NOT ENGAGE IN THE PRACTICE OF ENGINEERING, ARCHITECTURE, OR GENERAL CONTRACTING. LOWE'S DOES NOT ASSUME ANY RESPONSIBILITY FOR DESIGN, ENGINEERING, OR CONSTRUCTION; FOR THE SELECTION OR CHOICE OF MATERIALS FOR A GENERAL OR SPECIAL USE; FOR QUANTITIES OR SIZES OF MATERIALS; FOR THE USE OF INSTALLATION OF MATERIALS; OR FOR COMPLIANCE WITH ANY BUILDING CODE OR STANDARD OF WORKMANSHIP.

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**Building Materials  
and Lumberyard**

PAYLESS CASHWAYS - FURROW - LUMBERJACK  
HUGHESWOODS/KNOX - #019  
CONTRACTOR SUPPLY  
P.O. BOX 250017  
TOPEKA, KS 66675  
PHONE 8163812332-7249

ESTIMATE

PAGE DATE TIME ORDER #  
1 10/03/00 11:46 AM 0012-000070

ACCOUNT: 1110000004

SOLD TO:  
IL

SHIP TO:  
IL

TOPEKA, KS 66611

HOME PHONE : 111-1111

EXPIRATION DATE : 10/17/00

SALESPERSON: JAMES T.

Item	Item Description	UM	Quantity	Unit Price	Extended Total	
167048	32" 1-3/8 LH LAUAN HC PH DOOR	EA	1	39.99	39.99	DO NOT LOAD
167230	32" 1-3/8 LH LAUAN HC PH DOOR	EA	1	41.99	41.99	DO NOT LOAD
957777	06725 366T3CPAL TYLD PRIVACY P82	EA	1	9.99	9.99	DO NOT LOAD
100835	EYAXE STD & BTR SPF	EA	2	1.99	3.98	DO NOT LOAD
				Subtotal	\$ 95.95	
				Tax	\$ 5.57	
				Total	\$ 101.52	ESTIMATE ONLY

SUBJECT TO THE PROJECT ESTIMATE TERMS AND CONDITIONS ON THE REVERSE SIDE

ORDER 000070

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ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS INVOICE WITHIN 60 DAYS.

ACCOUNTING COPY

March 9, 2001

Representative Doug Mays, Topeka District 85  
Room 170-W  
State Capitol  
Topeka, Ks 66612

Dear Chairman Mays,

Members of the Hutchinson Housing Commission wish to support the ideas and concepts of the proposed HB2020. Accessible housing is needed in our community and by requiring accessible features in new construction it can help alleviate the need for this type of housing. Members of the Housing Commission voiced concern about the rehabilitation portion of the bill but do support the concept.

Thank you for your time and consideration of this matter.

Sincerely,



R.C. Schlatter  
Housing Commission Chair

Representative Doug Mays  
Chairman-Special Committee on Federal and State Affairs  
HB 2020

Jamie Thorstenberg  
ADA Enforcement Specialist  
Independent Living Resource Center  
Wichita, KS

I see the lack of accessibility everyday in housing. Though I mostly do accessibility checks on area businesses I know how difficult it is to find accessible housing in the Wichita area. That is why it is important that we pass HB 2020. It gets us off to a good start. By encouraging "visitability" you are allowing not only people with disabilities to go visit a friend or a loved one, you make it possible to help everyone get around easier. Visitability is not only for accessibility it is for everyday functions of life. People can bring in heavy groceries or roll the stroller up to the door, carry in other items without the fear of tripping over steps. We must always remember that accessibility does not only affect people with disabilities. Accessibility is for everyone. We seem to forget that. One day we hope to see total accessibility in every house and the passing of HB 2020 will be a good start down that road. I encourage you to think of the future even your own future. You never know when a disability might happen. Thank you for your support. "Visitability" means progress.

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Disability Rights Action Coalition for Housing  
*A national grassroots coalition for housing justice.*



Written Testimony  
In Support of  
HB 2020  
Presented by Becca Vaughn  
March 12, 2001

Honorable Federal and State Affairs Committee Chairperson and Members,

**HB 2020** is not a complicated or confusing bill. What **HB 2020** says is if you want our state tax dollars you will need to give us something back in return. That something is five basic features of universal design or "Visitability", which allow all our community members to equally use and enjoy the housing that is built with our public funds. Not so different than requiring energy efficiency features or proper electrical and plumbing features.

**HB 2020** does not require "expensive" (as described by some Representatives) accessibility features, such as lowered counters, grab bars, automatic door openers, roll in showers or raised toilets. Of the five required features of universal design or "Visitability", two of them (36" passage through the main floor and a minimum 32" entry door, the industry standard is actually 36" for entry doors) are already standard building industry practice. Please find the attached support (Sub.SB 304) letter from Kan Build which addresses this issue further.

Did you know that **HB 2020** was recommended for legislation by an interim Special Joint Committee of Federal and State Affairs in November of 2000. **HB 2020** contains the same legislation as last sessions **Sub. SB 304**, which passed out of the Senate on a **30 in favor, 8 against vote**. Sub. SB 304 died in this committee late last session after then chairperson Powell conducted hearings but did not work the bill in committee. He did however recommend Sub. SB 304 for an interim study and was among the unanimous votes to introduce HB 2020.

This is not a **disability or "handicapped"** issue. This is a community issue, a moral question of including all members of a community, not just the "**special**" few that do not have toddlers, aging parents, grandparents, family or friends who have had accidents, which left them with a mobility limitation. HB 2020 is cost efficient, is the right thing to do and will allow all Kansans access to affordable, accessible and integrated housing.

Thank you for your support of HB 2020.

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**House Committee on Federal and State Affairs  
Testimony in Support of HB 2020  
Terry Wilkinson, LeCompton, Kansas  
March 12, 2001**

Thank you Chairperson Mays for the opportunity to express support for House Bill 2020. I have worked in the construction and home remodeling business for 21 years. I have done a number of remodeling jobs over the last 8 years to improve accessibility for people with disabilities in Lawrence, Kansas. I support this bill because it's needed and I believe the costs are reasonable given the end product, which benefits everyone.

The most frequent accessibility modifications I have made are: building ramps to the front entrance; pouring sidewalk additions; widening doorways and installing new doors and trim to match other existing doors; installing pocket doors; installing accessible sinks; and installing grab bars in the bathroom. I know these modifications make a big difference in the daily life of people who really need accessibility.

It is a lot more cost effective to include basic accessibility features in newly constructed housing built with public financial assistance, rather than modifying it later. Since I thought you might be looking closely at the costs involved in building or remodeling housing to include basic accessibility, I put some estimates on the next two pages for your consideration.

Changes that HB 2020 would bring about would benefit everyone. Thank you for the opportunity to express my support for HB 2020.

**Estimated Costs for Basic Accessibility in New Construction**  
**Re: House Bill 2020**  
**by**  
**Terry Wilkinson, LeCompton, Kansas**  
**(785) 423-6762**

**1. At least one accessible entrance on an accessible route.**

Estimated New Construction Cost:

- Ground Level, no step entrance. No cost unless would have to change the grade of the land leading to the entrance. No cost for garage entrance.
- Ramp, rarely needed in new construction. Average cost \$100 per linear foot.

**2. An accessible entrance door with a minimum clear opening of 32".**

"The accessible entrance may be any entrance at the front, side, back or garage of the dwelling that is served by an accessible route."

Estimated New Construction Costs:

No additional cost. The standard for entrance doors is already a door that is at least 36" wide.

**3. All doors within the dwelling shall provide a minimum 32 inch clear opening, except those serving closets less than 15 sq. ft.**

Estimated New Construction Costs:

- There may be some labor costs, \$50-100 for installing a 36" door & trim.
- Material costs are about \$2 to \$5 more for each door and trim package.  
Source: Payless Cashways: Comparing Mahogany, 6-panel hardwood & birch 32" and 36" doors and trim.

**4. An accessible route within the dwelling at least 36" wide.**

Estimated New Construction Costs:

- No additional cost. Hallways at least 36" wide is already the min. standard.

**5. Reinforcements in bathroom walls for future installation of grab bars, when needed, by the tub, shower and water closet.**

Estimated New Construction Costs:

- At most, \$100 per bathroom.

**6. Light switches, outlets, thermostat, and other controls in accessible locations.** If multiple controls for same element, only one to be accessible.

Estimated New Construction Costs:

- No additional cost.

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**Estimated Costs for Basic Accessibility in Reconstruction,  
Rehabilitation or Remodeling  
Re: House Bill 2020**

**by  
Terry Wilkinson, LeCompton, Kansas  
(785) 423-6762**

- 1. Include a no-step accessible entrance to the dwelling, if the proposed work includes structural remodeling or rehabilitation or reconstruction of an entrance to the dwelling.**

Estimated Cost:

- At existing ground level entrance: Install two 12"-18" long threshold ramps (aluminum or synthetic rubber) = \$200
- Ramp construction, average cost = \$100 per linear ft. & \$75 per linear ft. for concrete sidewalk transition from ramp to existing sidewalk or driveway.

- 2. Provide interior doorways, including doorways to the bathroom, which are accessible (provide a minimum 32 inch clear opening), if the proposed work includes remodeling, rehab or reconstruction of such interior doorway.**

Estimated Costs:

- Widening a doorway, installing a new door and trim = \$700 - 800 each.

- 3. Provide an accessible route through the main floor of the dwelling, if the proposed work includes the structural remodeling, rehabilitation or reconstruction of an interior route.**

Estimated Costs:

- Should be no additional cost. Most existing housing has hallways at least 36" wide. Would be impossible to estimate an average cost - case by case.

- 4. Reinforce the bathroom walls for future installation of grab bars, if the proposed work includes the structural remodeling, rehabilitation or reconstruction of bathroom walls by the tub, shower and water closet.**

Estimated Costs:

- At most, \$100 per bathroom.

- 5. Provide light switches, electrical outlets, the thermostat, and other controls in accessible locations, if such items are directly affected by structural remodeling, rehab or reconstruction.**

Estimated Costs:

- \$50 each

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