

Approved: February 20, 2006
Date

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:40 A.M. on January 24, 2006, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Michael Corrigan, Revisor of Statutes Office
Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Reagan Cussimano, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Carolyn Rampey, Kansas Legislative Research Department
Judy Bromich, Chief of Staff
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Julene Miller, Deputy Attorney General, Office of the Attorney General
Kerrie Bacon, Legislative Liaison, Kansas Commission on Disability Concerns
Ray Petty, Chairman, Legislative Committee for the Kansas Commission on Disability Concerns
Jane Rhys, Executive Director, Kansas Council on Developmental Disabilities
Kathy Lobb, Legislative Liaison, Self-Advocate Coalition of Kansas
David P. Calvert, Attorney, Wichita, Kansas

Others attending:

See attached list.

Bill Introductions

Senator Barone moved, with a second by Senator Emler, to introduce a bill concerning calendar day compensation for member of the Senate; relating to absences from senate sessions (5rs1627). Motion carried on a voice vote.

Senator Emler moved, with a second by Senator Morris, to approve the minutes of the meetings of January 9 and January 10, 2006. Motion carried on a voice vote.

Chairman Umbarger opened the public hearing on:

SB 309--Accessibility standards for public buildings, enforcement of act; appointment of an additional assistant attorney general

Staff briefed the committee on the bill (Attachment 1).

The Chairman welcomed the following conferees:

Julene Miller, Deputy Attorney General, testified in support of **SB 309** (Attachment 2). She explained that the Kansas Commission on Disability Concerns communicated to them their desire that the Attorney General have a more pronounced role in enforcing the Kansas Architectural Accessibility Act. Ms. Miller noted that at the Commission's request they assisted in drafting the language to provide the Attorney General the authority, and funding, for a full time attorney position.

Kerri Bacon, Legislative Liaison, Kansas Commission on Disability Concerns, spoke in support of **SB 309** (Attachment 3). Ms. Bacon explained that the Commission urges support of **SB 309**, and specifically, lines 39-41. She mentioned that the requested amendment in lines 40 and 41 of **SB 309** is intended to expand the

CONTINUATION SHEET

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Attorney General's capacity for investigating, mediating, and filing injunctions for violations of this law. She noted that it also clarifies the legislature's intent that the Attorney General of Kansas should actively enforce this important law.

Ray Petty, Chairman, Legislative Committee, Kansas Commission on Disability Concerns, testified in support of **SB 309** (Attachment 4). Mr. Petty explained that the bill was introduced last year to fix an enforcement problem with the Kansas accessibility standards, a statute that has been on the books for over 25 years. He noted that active promotion of accessibility by the Attorney General will go a long way to see to it that local government entities pay closer attention to the law and that over the next decade continued improvements in access will be seen.

Jane Rhys, Executive Director, Kansas Council on Developmental Disabilities, spoke in support of **SB 309** (Attachment 5). Ms. Rhys explained that the Council supports the bill because it would increase the ability of the Attorney General's Office to enforce the Kansas accessibility standards.

Kathy Lobb, Legislative Liaison, Self-Advocate Coalition of Kansas (SACK), testified in support of **SB 309** (Attachment 6). Ms. Lobb mentioned that SACK supports full community inclusion for people with disabilities and noted that it is important that public places are accessible for everyone. Ms. Lobb explained that she felt that it was a good idea to have the Attorney General's Office monitor compliance with the Americans with Disabilities Act (ADA).

David P. Calvert, Attorney, Wichita, spoke in opposition to **SB 309** in its present form (Attachment 7). Mr. Calvert suggested to the Committee that a simple amendment to the Kansas Accessibility Act providing for a private cause of action is the preferable solution, unless the Committee is willing to invest \$172,000 of taxpayer money to provide both solutions. In closing, Mr. Calvert noted that he would support amending **SB 309** to allow for a private cause of action.

There being no further conferees to appear before the Committee, the Chairman closed the public hearing on **SB 309**.

Committee questions and discussion followed. Senator Emler explained that what is being talked about is public. It was noted that he disagreed with the proposal to add this to the Attorney General's staff and that the proposed language in Mr. Calvert's testimony "it is a person with a disability or organization of persons with disabilities" should be stricken, and should not be limited to the private attorney. Senator Emler suggested striking the amendment as the committee has it in **SB 309** and to amend it as proposed by Mr. Calvert and strike the statement "if it is a person with a disability or organization of persons with disabilities." The Chairman asked Senator Emler to have a balloon amendment drawn up and mentioned that the Committee will consider the bill at a later date.

The meeting adjourned at 11:50 a.m. The next meeting was scheduled for January 25, 2006.