

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
BILL NO. 397**

As Amended by Senate Committee of the Whole

Brief*

Sub. for SB 397 would replace statutory references to mental retardation and similar terms with "intellectual disability," as well as terms such as mentally retarded with "person or people with intellectual disability," and would enact new law to establish the change in terminology as the official state policy. The term "handicap" would be replaced by "disability" in the statutes addressed by the bill currently referencing mental retardation. The bill also would direct that when the terms "mental retardation" or "retardation" appear in the Kansas Administrative Regulations, the state agencies read and use the term "intellectual disability." Further, the bill would direct state agencies to update terminology to reflect the state policy, as rules and regulations are naturally updated.

Background

The bill was introduced by the Senate Committee on Ways and Means. Testimony in favor of the bill before the Senate Committee on Public Health and Welfare was provided by representatives of the Disability Rights Center of Kansas, End the Wait Campaign, Kansas Council on Developmental Disabilities, Self Advocate Coalition of Kansas (SACK), a disability advocate, and a Manhattan High School student and sibling of a person with intellectual disability. Written testimony in favor of the bill was provided by representatives of the Self Advocate Coalition of Kansas. The

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

proponents testified about the need to replace the term "mentally retarded" in statutes, which people with intellectual disabilities find offensive, with "person first" language which shows respect to persons who happen to have a disability. Representatives of the Disability Rights Center of Kansas and the Kansas Council on Developmental Disabilities proposed new language be added to the bill to establish the change in terminology as the official policy of the state. Both of these representatives suggested the elimination of a definition section which referenced onset age and adaptive skill areas not consistent with federal law and standards. No neutral or opposing testimony was presented to the Senate Committee.

The Senate Committee on Public Health and Welfare recommended a substitute bill to incorporate amendments suggested by proponents to the original bill. Among the adopted amendments were: replacing the terms "mentally retarded" and "mental retardation" with "person or people with intellectual disability" and "intellectual disability"; replacing the terms "handicap" or "handicapped" with "other disabilities"; deleting the section defining "intellectual disability" or "intellectually disabled"; and replacing the definition section with one establishing the terminology change as a new state policy. The original bill would have replaced the terms "mental retardation" and "mentally retarded" with "intellectual disability" and "intellectually disabled."

The Senate Committee of the Whole made a technical amendment to the bill to correct one instance of an omitted change in terminology.

The fiscal note prepared by the Division of the Budget on the original bill states passage of the bill would have no fiscal effect.