

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 333

As Amended by House Committee on
Commerce, Labor and Economic Development

Brief*

SB 333, as amended, would extend the sunset date to July 1, 2029, for the State Use Law Committee, which is organized within the Department of Administration.

[*Note:* Under current law, the State Use Law Committee is set to sunset on July 1, 2024.]

The bill would also enact Kathy's Bill, a statutory state employment hiring preference for persons with disabilities and make changes to existing hiring preferences for certain disabled military veterans and surviving spouses.

Kathy's Bill

The bill would provide that persons with disabilities, as defined by the bill, be given preference for hiring in state government positions, provided that they meet the qualifications of the position. For the purposes of the bill, "state government" would not include the judicial or legislative branches nor political subdivisions of the state.

For the purposes of the bill, meeting the qualifications of a position would be specified as not depending on the need for reasonable accommodation, as defined by the bill.

The bill would require hiring authorities for such positions to offer an interview to persons with disabilities who

*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>

meet the qualifications of the position. If a situation occurs in which a disabled veteran, surviving spouse of a deceased disabled veteran, or surviving spouse of a prisoner of war applies for the same position, preference would go to the individual with the highest qualifications.

Disabled persons, when applying to such a position, would be required to provide documentation of their disability by submitting a copy of:

- Their Supplemental Security Income or Social Security Disability Insurance determination letter;
- Their Home and Community Based Services waiver approval letter; or
- A letter from a managed care organization, qualified medical professional, or vocational rehabilitation counselor.

The bill would require the notice and application form for state government job openings to provide an explanation of the preference and the information required by the applicant for the documentation of a disability.

The bill would also provide that persons with disabilities would be given preference for retention in any reductions in state government personnel, with respect to employees who are equally situated in terms of position, qualifications, and performance.

The bill would specify that persons with disabilities have the right not to disclose their disability at the time of hire, but would not be able to assert the right to preference for retention unless the disability is disclosed in the manner required by the bill prior to the announcement of a reduction of personnel. Disclosure of a disability to a human resources office would be required to remain confidential until required for provision of reasonable accommodation or for emergency preparedness planning.

The bill would specify that its provisions would not apply to elected officials or their personal secretaries; members of boards or commissions; temporary employees; positions held by patients, inmates, or students in state institutions; or positions requiring credentials to practice as a physician or to practice law in Kansas.

Background

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Faust-Goudeau.

SB 333

Senate Committee on Commerce

In the Senate Committee hearing on February 13, 2024, **proponent** testimony was provided by representatives of the Cerebral Palsy Research Foundation of Kansas and Envision. The proponents generally stated the Kansas State Use Law encourages state and local units of government to support adults with disabilities to find and sustain employment, and the State Use Law Committee brings together stakeholders to collaborate on ways to improve this process.

The Senate Committee amended the bill to extend the sunset provision for five years.

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing on March 5, 2024, **proponent** testimony was provided by Senator Faust-Goudeau and a representative of Envision. The proponents generally stated the State Use Law Committee connects

vendors, the State, and other stakeholders to provide opportunities for adults with disabilities.

Written-only proponent testimony was provided by representatives of Goodwill Industries of Kansas, Interhab, and the National Federation of the Blind Kansas.

The House Committee amended the bill to include the contents of HB 2725, which is generally similar to HB 2253.

The background for both HB 2725 and HB 2253 follows below.

HB 2725

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of Representative Xu on behalf of Representative Highberger on behalf of the Kansas Commission on Disability Concerns.

House Committee on Commerce, Labor and Economic Development

The House Committee recommended HB 2725 favorably for passage on February 13, 2024, but did not hold a hearing on the bill because its contents were generally similar to HB 2253, which the House Committee previously recommended for passage during the 2023 Legislative Session, but was stricken from the House Calendar by Rule 1507 on February 23, 2023.

HB 2725 was stricken from the House Calendar by Rule 1507 on February 23, 2024.

HB 2253

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of a representative of the Self Advocate Coalition of Kansas.

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing on February 9, 2023, **proponent** testimony was provided by representatives of the Disability Rights Center of Kansas, Kansas Commission for the Deaf and Hard of Hearing, Kansas Commission on Disability Concerns, Kansas Council on Developmental Disabilities, and a private citizen. The proponents generally stated the bill would promote increased employment opportunities for individuals with disabilities.

Written-only proponent testimony was provided by a representative of the Department of Administration and two private citizens.

Neutral testimony was provided by a representative of the Kansas Chapter of the Military Officers Association of America. The testimony generally provided suggested improvements to the bill's language.

Written-only opponent testimony was provided by a representative of the Kansas Association of the Deaf.

The House Committee amended the bill to include changes to the existing state employee hiring preference for disabled military veterans and surviving spouses. [*Note:* This amendment was not retained in HB 2725.]

Fiscal Information

According to the fiscal notes prepared by the Division of the Budget on SB 333, HB 2725 and HB 2253, as introduced,

the Department of Administration indicates enactment of the bills would have no fiscal effect.

State Use Law Committee; employment preference; persons with disabilities; Kathy's Law; veterans