

SESSION OF 2010

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR HOUSE BILL NO. 2669**

As Amended by House Committee of the Whole

Brief*

Sub. for HB 2669 would create the Kansas Employment First Initiative Act and would bring the Kansas Act Against Discrimination into compliance with the federal Americans with Disability Act Amendments Act.

**Kansas Employment First
Initiative Act**

The bill would require state programs and services which support employment of persons with disabilities to consider, as their first option, competitive and integrated employment for persons with disabilities.

The bill would require all state agencies to follow the policy for employment by coordinating and collaborating efforts among agencies. In addition, agencies would have to share data and information whenever possible across systems in order to track progress. State agencies would be authorized to adopt rules and regulations to implement the act.

The bill would create the Kansas Employment First Oversight Commission, which would establish measurable goals and objectives to insure implementation of the act. The Commission would be required to track measurable progress of public agencies, and all state agencies would be required to cooperate with and provide data to the Commission. 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>

Commission would consist of five members, four of whom would be persons with a disability or who are knowledgeable of disability issues and who are not state employees. Of these four members, one would be appointed by the Speaker of the House, one by the Minority Leader of the House, one by the President of the Senate, and one appointed by the Minority Leader of the Senate. The fifth member would be appointed by the Governor and would be experienced with employment programs but not a state employee. Any member who is disabled or has a family member who is disabled and is not a state employee would be paid mileage and expenses under KSA 75-3212.

The Commission would be required to issue an annual report to the Governor and the Legislature which details progress towards goals and objectives and identifies barriers for achieving outcomes and effective strategies and policies to help realize the Employment First Initiative Act.

The bill would terminate the Commission on July 1, 2013.

Under the bill, the Department of Social and Rehabilitation Services would be the lead agency responsible for compiling data and coordinating the preparation of the annual report.

Kansas Act Against Discrimination

Sub. for HB 2669 would bring the Kansas Act Against Discrimination into compliance with the federal Americans with Disabilities Act Amendments Act that became effective on January 1, 2009. The bill would prevent employers that fall within the jurisdiction of both acts from having to operate under two laws with different definitions and standards, and allow consistent definitions and standards to be applied to all Kansas employers.

Background

The House Committee of the Whole amended the provisions of HB 2533 into the Substitute for HB 2669.

HB 2669

Proponents of the original HB 2669 included representatives of Disability Rights Center of Kansas, Kansas Council on Developmental Disabilities, Department of Social and Rehabilitation Services, Association of Community Mental Health Centers of Kansas, Inc., KETCH, Self Advocate Coalition of Kansas, Families Together, Inc., Kansas Rehabilitation Services, University of Kansas Working Healthy Evaluation Team, Extreme Recycling, Community Health Centers of Kansas, National Alliance on Mental Illness, Kansas University Center on Developmental Disabilities, STAND and Johnson County Development Services. Several individuals testified as proponents. Written testimony in support of the original HB 2669 was submitted by representatives of Self Advocate Coalition of Kansas, The Arc of Douglas County, Class, Ltd, The Kansas Commission on Disability Concerns, SILCK, and the National Alliance on Mental Illness.

No opponents testified.

The House Committee on Commerce and Labor amended the bill to delete the requirement that private employers be subject to the act, decrease membership in the Commission from 21 to five, and require that only disabled members who were not state employees would be reimbursed for expenses. Because these changes were substantive to the bill, a substitute bill was recommended.

The fiscal note from the Division of Budget would not be applicable to the substitute bill because the original bill was based upon expenses for a 21-member commission.

Representatives from the Disability Rights Center of Kansas and the Kansas Council on Developmental Disabilities

testified that the University of Kansas Life Span Institute at Parsons, Kansas, would agree to house the Commission at the Life Span Institute in Parsons, Kansas, and the Kansas Health Policy Authority stated that the Authority will provide federal money to defer costs for expenses incurred by the Commission which would result in no state dollars being required to house or maintain the Commission.

HB 2533

The Kansas Act Against Discrimination applies to employers with four or more employees, while the federal Americans with Disability Act and amendments apply to employers with 15 or more employees. By conforming the two laws, Kansas will continue to be eligible to receive federal funding of approximately \$130,000 annually which goes to the Kansas Human Rights Commission.

Proponents for HB 2533 included representatives from the Commission on Disability Concerns, Kansas Human Rights Commission, Kansas Association for the Blind and Visually Impaired, and the Disability Rights Center of Kansas. Written testimony supporting the bill was provided by the Community Health Centers of Kansas, Interhab, Kansas Council on Disabilities, Kansas Association of Centers for Independent Living, and the Statewide Independent Living Council of Kansas.

There were no opponents to the bill.

Two changes were made in the bill by the House Committee. First, language that was inadvertently left out was added to further conform Kansas law with federal law in regard to ensuring that covered employers are not required to reasonably accommodate or reasonably modify policies, practices and procedures for an person who solely meets a statutory definition of disability. Second, certain current language was stricken in order to remove the provision that "the absence of a physical or mental impairment but regarding or

treating an individual as though such an impairment exists “ is no longer needed in law

The fiscal note on the bill as introduced that was submitted by the Director of the Budget indicates that passage of this bill may have a fiscal impact, but that it is impossible to determine what that effect might be.