



Disability Rights Center of Kansas

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Testimony to Amend the Substitute Bill for SB 195

Madam Chair and Honorable members of the Senate Commerce Committee:

Thank you for your time today. My name is Rocky Nichols, Executive Director of the Disability Rights Center of Kansas (DRC). DRC is a non-profit, 501(c)(3) organization. We are designated by the State of Kansas to be the Protection and Advocacy System for Kansans with disabilities. We are empowered by federal law and federal funding to protect and advocate for Kansans with disabilities, including advocating for increasing competitive and integrated employment. Personally, I am a member of the Employment First Oversight Commission, however I am also a disability advocate through my employment at DRC.

First, let me say that DRC is very appreciative that the Substitute Bill for SB 195 being brought by Senator Kerschen maintains the Employment First Oversight Commission. As you know, SB 195 as originally introduced would have eliminated the Commission, which was something very much opposed by the disability community. We want to acknowledge and thank Senator Kerschen for his efforts and leadership to maintain the Commission.

DRC respectfully offers an amendment to the Substitute Bill for SB 195 that is complementary to the Substitute bill and does not fundamentally change the direction of the underlying Substitute Bill. Rather, the amendment ensures that the new changed Oversight Committee will be effective enough to better ensure success of the law.

We offer this amendment out of respect because the Employment First law and the Oversight Commission are important to Kansans with disabilities. Why? Employment First is an incredibly empowering law for Kansans with disabilities that ensures that competitive and integrated employment is the first option for people with disabilities when they interact with the many state programs that assist with employment for people with disabilities. Employment First is fiscally responsible, because it helps people with disabilities be employed in competitive and integrated settings --- or real jobs, at real wages in real places. When people with disabilities are not making sub-minimum wage in segregating settings they are more empowered, more independent and less dependent on taxpayer funded programs like Medicaid, Social Security and many other government funded services.

As you can see, Employment First is a very important law to people with disabilities. An effective independent Employment First Oversight Commission is important to making that law a reality. Making certain that the scope, direction and authority of the Oversight Commission is effective is a cornerstone to making the promise of Employment First and everyday reality.

After consulting with numerous stakeholders in the disability community we have crafted this amendment to ensure the effectiveness of the Oversight Commission.

We believe that this amendment is complementary to the Substitute Bill. Without fundamentally changing the underlying direction for the Commission in the Substitute bill, the amendment does the following:

- Places as one focus for the Commission engagement with stakeholders, such as the business community and the disability community. With the changes in the Substitute bill in duties and role of the Commission, the disability community believes that a focus must be placed on stakeholder engagement going forward. This engagement is an important and appropriate role, and one that should be defined in the law as the rest of the Substitute bill modifies the role and makes other changes to the Commission.
- Ensures that the focus of the Commission and its outputs are effective by:
 - Uses consistent language and form to ensure that effective cooperation with the state agencies occurs (in the Substitute “cooperate” is used once, and “in conjunction” is used once ... we believe cooperate is the right word).
 - Maintains measureable goals and objectives – The original law requires that “measurable” goals and objectives be set for Employment First. The substitute deleted that word. This amendment to the Substitute bill adds “measureable” back. Having measurable goals and objectives is far superior than having them not be measurable.
 - Ensures a written report be produced – The expectation has always been that the Commission issues a written report. Although the tracking and assessment function continues to be is adjusted under the Amendment, the report would include information from stakeholders to assist in this effort, which would be a positive adjustment.
- Makes two technical amendments (quorum and appointment to conform with original law)
- Continues the addition of two new members appointed by the Governor and all other adjustments in focus and direction for the Commission as contained in the Substitute bill for SB 195. These are continued although there is concern by many in the disability community with some of these changes. However, DRC is willing to accept these other changes with the amendment.

These adjustments will better ensure effective oversight of the law, which will better ensure an effective law. Effective independent oversight and accountability are incredibly important to the success of Employment First.

Given the state of employment first implementation, oversight and the Commission are more important now than ever before. The promise of employment first needs to become an everyday reality in Kansas. DRC is hopeful that by adopting these amendments to the Substitute Bill for SB 195 that Kansas can begin fulfilling that promise.