

Approved: February 24, 2010

Date

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 1:30 p.m. on February 9, 2010, in Room 346-S of the Capitol.

All members were present except:

Representative Rob Olson- excused
Representative Mike Peterson- excused
Representative Dale Swenson- excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Jason Long, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Nikki Feuerborn, Committee Assistant

Conferees appearing before the Committee:

Martha Gabehart, Kansas Commission on Disability Concerns (Attachment 1)
Michelle Sweeney, Policy Analyst, Association of CMHCs of Kansas, Inc. (Attachment 2) (written only)
Joseph P. Mastrosimone, Chief Legal Counsel, Kansas Human Rights Commission (Attachment 3)
Michael Byington, CEO, Kansas Association for the Blind and Visually Impaired (Attachment 4)
Nick Wood, Systems Change Advocacy Coordinator, Disability Rights Center of Kansas (Attachment 5)
Matt Fletcher, Associate Director, InterHab (Attachment 6) (written only)
Jane Rhys, Executive Director, Kansas Council on Developmental Disabilities (Attachment 7) (written only)
Anne-Marie Hughey, Legislative Policy Advocate for SKIL Resource Center, Kansas Association of Centers for Independent Living (Attachment 8) (written only)

Others attending:

See attached list.

Representative Knox moved for the introduction of legislation regarding municipalities franchising solid waste. Motion was seconded by Representative Fund. Motion carried.

Representative Brown moved for the introduction of legislation regarding rural loan bank guarantees and a second introduction on loan deposits. Motion was seconded by Representative Fund. Motion carried.

Hearing on HB 2533 - Kansas act against discrimination; disability amendments.

Mike Heim, Office of the Revisor of Statutes, explained the bill which would ease the restrictions on protection of rights for people with disabilities and put the Kansas statutes in compliance with the federal Americans with Disabilities Act As Amended (ADAAA).

Martha Gabehart, Executive Director of the Kansas Commission on Disability Concerns, offered testimony in support of the bill (Attachment 1). The current Kansas Act Against Discrimination (KAAD) sets a different, narrower protection of the rights of Kansans with disability than the American with Disabilities Act (ADA) Amendments Act that President Bush signed into law in 2008. She reviewed the changes made in the bill and offered an amendment after line 17 on page 5:

K.S.A. 44-1006 (d) covered employers are not required to reasonably accommodate or reasonably modify policies, practices and procedures for any person who solely meets the definition of disability under K.S.A. 44-1002 (j)(3)

Michelle Sweeney, Policy Analyst for the Association of Community Mental Health Centers of Kansas, Inc., provided written testimony in support of the bill (Attachment 2).

Joseph P. Mastrosimone, Chief Legal Counsel of the Kansas Human Rights Commission (KHRC), appeared in support of the bill which would amend the disability discrimination provisions of KAAD (Attachment 3). The passage of the bill would ensure the continued flow of vital federal money to support the KHRC's



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operations, eliminate confusion and reduce compliance costs for Kansas businesses, and provide for consistent protection for Kansas employees from unlawful discrimination based on disability. The KHRC is in support of the Gabehart amendment. The agency is seeing a backlog in cases due to budget cuts and it appears more cases are being filed. They are handling the 950 backlog of cases on a first in first out basis without designating the most serious violations. The state allows the individual to sue if the case is not closed in 300 days.

Michael Byington, CEO (volunteer) of the Kansas Association for the Blind and Visually Impaired, shared with the Committee a significant Supreme Court decision that made it necessary for the U.S. Congress to revise the ADA (Attachment 4). Due to state civil rights enforcement and investigatory agencies being asked to assist with federal investigations, it is very important to bring state anti-discrimination laws into line with federal laws. If the state is not in compliance with federal law, Kansas may lose \$130,000 in funding.

Nick Wood, Systems Change Advocacy Coordinator for the Disability Rights Center of Kansas, spoke in support of the bill and offered the following amendment on Page 3 (Attachment 5):

- (1) "Regarded as having such an impairment" means ~~(1) The absence of a physical or mental impairment but regarding or treating an individual as though such an impairment exists.~~
(2) (1) An individual meets the required of "being regarded as having such an impairment" if the individual establishes that the individual has been subjected to an action prohibited under this act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
(3) (2) Paragraph (1) shall not apply to impairment that are transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.

Written testimony in support of the bill was received from:

Matt Fletcher, Associate Director, InterHab, (Attachment 6).

Jane Rhys, Executive Director, Kansas Council on Developmental Disabilities (Attachment 7).

Anne-Marie Hughey, Legislative Policy Advocate for SKIL Resource Center, Kansas Association of Centers for Independent Living (KACIL) (Attachment 8).

Shannon Jones, Executive Director, Statewide Independent Living Council of Kansas (Attachment 9).

Chairman Neufeld closed the hearing on **HB 2533**.

Action on HB 2533 - Kansas act against discrimination; disability amendments

Representative Loganbill moved for the adoption of both the proposed amendments to HB 2533. Motion was seconded by Representative Tietze. Motion carried.

Representative Ruiz moved to report **HB 2533** as amended as favorable for passage. Motion was seconded by Representative Kiegrel. Motion carried.

Briefing on HB 2669 - Disabilities, Kansas employment first initiative act

Mike Heim, Office of the Revisor of Statutes, explained this bill would create a new act, state policy, and establish a new commission.

Shelly May, Grants Manager for the Kansas Council on Developmental Disabilities, reported they have been involved with the Kansas Employment First SRS Taskforce from its beginning (Attachment 10). With passage of the Kansas Employment First Initiative, they could coordinate their efforts with state agencies to encourage employment, establish goals and report their progress to the oversight commission as proposed in the bill.

Nick Wood, Systems Change Advocacy Coordinator, Disability Rights Center of Kansas, testified Employment First is the right public policy for the state (Attachment 11). He explained that the bill has three main points:

- Sets as the official Kansas policy that integrated, competitive employment shall be the first option.

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- Ensures collaboration among agencies
- Sets up an oversight commission to set goals, outcomes, and objectives and make an annual report to the Legislature.

Tom Laing, Executive Director of InterHab, explained the wide-range of employment and training services currently available through the Developmentally Disabled network (Attachment 12). The passage of this bill would encourage competitive employment of DD's as a priority of the state and encourage a higher aspiration for our society. Suggested changes to HB 2669 would include:

- Section 3: Direct the state departments to effectuate the recommendations of the committee or to report to the Commission why such recommendations were not workable.
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- Section 4: Two position on the Commission be reserved for an employer who has hired DD's and one position for an employment professional who has been involved with the placement of DD's.
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- Section 5: Earlier reporting date so Legislature can budget recommendations from the Commission.
- Section 6: Include in Commissions report assigned parties for the implementation of recommendations, fiscal note, time lines for recommendations.

Martha Gabehart, Executive Director of the Kansas Commission on Disability Concerns, explained that her agency works toward preparing people with disabilities to work and play and have an active role in society (Attachment 13). This proposed legislation would require that all public programs provide services based on the assumption that persons with disabilities will go to work and receive the support they need in the process. Working persons have fewer health issues, receive fewer government services, and pay taxes.

Michael Donnelly, Director of Kansas Rehabilitation Services, explained that SRS has four program that focus on employment services, three of which serve only persons with disabilities (Attachment 14). Vocational Rehabilitation (VR) is the primary SRS program designed to assist persons with disabilities to obtain, maintain or regain employment. The Employment First Initiative is being developed in many states. He explained the purpose and activities of the SRS Task Force. When asked if the SRS Task Force is currently doing what the proposed Commission would do, he replied that SRS was not taking a position at this time.

The next meeting is scheduled for February 16, 2010.

The meeting was adjourned at 3:00 p.m.

FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: Feb 9

NAME	REPRESENTING
Tom Laing	InterLab
Maatta Gallehart	KCDC
Ruth Glover	Ks. Human Rights Com.
Ann Byington	KABVI
Michael Byington	KABVI
Joan Zieser	Ks. Optometric Assoc.
Lyrene Mead	JCRS
Michael DeBenedetto	SRJ
Steve Sibley	OCCK
Pat Torick	CPRP
Margaret Ziller	SKS
Judy Fowler	KHRC
Joe McShosimone	KLRG
NICK WOOD	DRC
John Beebe	KID
Levi Henry	Sandstone Group
Natalie Byt	Coalition for Affair