

SENATE BILL No. 333

By Committee on Federal and State Affairs

1-10

1 AN ACT concerning ~~the state use law~~ persons with disabilities; relating
2 to employment thereof; ~~removing~~ providing hiring, promotion and
3 retention preferences for such persons for certain executive branch
4 state government positions; *extending* the expiration provision for the
5 state use law committee; amending K.S.A. 75-3322c and repealing the
6 existing section.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 **New Section 1.** Sections 1 through 3, and amendments thereto,
10 shall be known and may be cited as Kathy's bill.

11 **New Sec. 2.** For purposes of sections 1 through 3, and
12 amendments thereto:

13 (a) "Disability" means a physical or mental impairment that
14 substantially limits one or more major life activities of an individual.

15 (b) "Major life activities" includes, but is not limited to, the
16 activities of caring for oneself, performing manual tasks, seeing,
17 hearing, eating, sleeping, walking, standing, lifting, bending, speaking,
18 breathing, learning, reading, concentrating, thinking, communicating
19 and working. "Major life activities" also includes the operation of
20 major bodily functions, including, but not limited to, the immune
21 system, normal cell growth, digestive system, bowel, bladder,
22 neurological system, brain, respiratory system, circulatory system,
23 endocrine system and reproductive system.

24 (c) "Reasonable accommodation" means:

25 (1) Making existing facilities used by employees readily accessible
26 and usable by individuals with disabilities; and

27 (2) job restructuring, part-time or modified work schedules,
28 reassignment to a vacant position, acquisition or modification of
29 equipment or devices, appropriate adjustment or modifications of
30 examinations, training materials or policies, the provision of qualified
31 readers or interpreters or other similar accommodations for
32 individuals with disabilities.

33 (d) "State government" means any department, bureau, division,
34 board, authority, agency, commission or institution of this state, except

1 the judicial and legislative branches of state government and political
2 subdivisions of the state.

3 **New Sec. 3. (a) Persons with disabilities shall be preferred for**
4 **employment and promotion in the state government of Kansas if**
5 **qualified, with or without a reasonable accommodation, to meet the**
6 **performance standards of the position. In the event that a person with**
7 **a disability meeting the requirements of this act and a veteran meeting**
8 **the requirements of the veteran's preference established by K.S.A. 73-**
9 **201, and amendments thereto, apply for the same position, the person**
10 **having the highest qualifications meeting the performance standards**
11 **of the position shall receive the primary preference.**

12 **(b) State government job opening notices and application forms**
13 **shall state that the position is subject to the disability preference and**
14 **explain how applicants with disabilities may take advantage of the**
15 **preference, including information regarding the documentation of a**
16 **disability that shall be provided pursuant to subsection (c) and the**
17 **process that will be used for selection.**

18 **(c) An applicant who is a person with a disability shall provide**
19 **documentation of the person's disability to the state government**
20 **hiring authority when applying for the disability preference by**
21 **providing a copy of one of the following documents:**

22 **(1) Supplemental security income or social security disability**
23 **insurance determination letter;**

24 **(2) letter from a managed care organization or a qualified**
25 **medical professional attesting to the disability;**

26 **(3) home and community-based services waiver approval letter;**
27 **or**

28 **(4) vocational rehabilitation letter from a vocational**
29 **rehabilitation counselor.**

30 **(d) The state government hiring authority shall offer an interview**
31 **to a person who has applied for an open position who is qualified, with**
32 **or without reasonable accommodation, to meet the performance**
33 **standards of the position and who has presented proof of disability as**
34 **provided in subsection (c).**

35 **(e) In any reduction in personnel by the state government**
36 **employer, employees who are persons with disabilities shall be**
37 **retained in preference to all other employees in the same job**
38 **classification or job title with equal qualifications, seniority, status and**
39 **performance reviews.**

40 **(f) A person with a disability has the right to not disclose that**
41 **person's disability at the time of hire but may not assert a right to a**
42 **retention preference pursuant to subsection (e) at a later date unless**
43 **the disability is disclosed prior to the announcement of a layoff by**

1 **submission of documentation as provided in subsection (c). Disclosure**
2 **may be made to the state government human resources office where**
3 **the employee is employed and shall remain confidential unless**
4 **disclosure is required for the provision of a reasonable**
5 **accommodation for the person with a disability or for emergency**
6 **preparedness planning.**

7 **(g) The provisions of sections 1 through 3, and amendments**
8 **thereto, shall not apply to positions that are filled by elected officers or**
9 **vacancies in such elected offices, personal secretaries of such officers,**
10 **members of boards and commissions, persons employed on a**
11 **temporary basis, positions held by patients in state institutions,**
12 **inmates in the custody of the secretary of corrections, students**
13 **enrolled at a state educational institution, heads of departments,**
14 **positions that require licensure as a physician and positions that**
15 **require that the employee be admitted to practice law in Kansas.**

16 ~~Section 4.~~ **Sec. 4.** K.S.A. 75-3322c is hereby amended to read as
17 follows: 75-3322c. (a) There is hereby established within the department
18 of administration, the state use law committee, hereafter referred to as the
19 committee, to advise the director of purchases on issues surrounding the
20 purchase of products and services provided by blind or disabled persons,
21 which shall consist of nine members.

22 (b) The state use law committee shall be composed of the following
23 members:

24 (1) Two members shall be appointed by the united school
25 administrators of Kansas, one of whom shall represent small unified
26 school districts and one of whom shall represent large unified school
27 districts.

28 (2) One member shall be appointed by the state board of regents.

29 (3) One member shall be appointed by the state director of purchases.

30 (4) One member, who is an advocate for the blind and disabled in
31 Kansas, shall be appointed by the governor.

32 (5) Two members who are qualified vendors shall be appointed by the
33 governor.

34 (6) Two members of the Kansas legislature, one legislator shall be a
35 member of the majority party and one legislator shall be a member of the
36 minority party, and shall be appointed by the governor.

37 (c) Members shall serve for terms of two years and may be
38 reappointed. On July 1 of each year, or as soon thereafter as possible, the
39 committee shall elect a member to serve as a chairperson of the committee.
40 Subsequent appointments shall be made as provided for original
41 appointments for the unexpired terms.

42 (d) Members of the committee who are members of the Kansas
43 legislature shall be paid amounts as provided in K.S.A. 75-3223(e), and

1 amendments thereto. Otherwise, members of the committee shall serve
2 without reimbursement.

3 (e) The committee shall be responsible for advising the director of
4 purchases on issues surrounding the provisions of K.S.A. 75-3317 through
5 75-3322, and amendments thereto, including, but not limited to, the
6 following functions:

7 (1) The development of waiver guidelines to be followed by
8 qualifying agencies and unified school districts for participation under the
9 provisions of K.S.A. 75-3317 through 75-3322, and amendments thereto.

10 (2) Product and service eligibility process used by the director of
11 purchases for state use law products and services.

12 (3) Review the threshold dollar amount of purchases by state
13 agencies or unified school districts for state use law to apply.

14 (4) Review provisions of K.S.A. 75-3317 through 75-3322, and
15 amendments thereto, on any purchase from a qualified vendor that is
16 determined by the director of purchases to be a substantially higher cost
17 than the purchase would have cost had it been competitively bid.

18 (5) Adopt rules, regulations and policies to assure fair and effective
19 implementation of this act, including appropriate rules and regulations
20 relating to violations of K.S.A. 75-3317 through 75-3322, and
21 amendments thereto.

22 (6) Establish procedures for setting fair market prices for items
23 included on the procurement list and revision of products and prices in
24 accordance with the changing market conditions to assure that the prices
25 established are reflective of the market.

26 (7) Assist qualified vendors in identifying and improving marketing
27 efforts of the products manufactured or processed and offered for sale and
28 services offered under K.S.A. 75-3317 through 75-3322, and amendments
29 thereto, to state agencies and unified school districts.

30 (8) Encourage and assist the director of purchases, state agencies and
31 unified school districts to identify additional commodities and services that
32 may be purchased from qualified nonprofit agencies not participating in
33 the state use law catalog.

34 (9) Any other issue identified by any interested party.

35 (f) The committee shall maintain a registry of entities which meet the
36 definition of qualified vendor, as defined by K.S.A. 75-3317, and
37 amendments thereto.

38 (g) The director of purchases shall convene quarterly meetings with
39 qualified vendors, the state use law committee and agencies to discuss
40 activity occurring under the state use law.

41 ~~(h) On July 1, 2024, the state use law committee is hereby abolished.~~

42 ***(h) On July 1, 2029, the state use law committee is hereby***
43 ***abolished.***

- 1 Sec. ~~2~~ **5.** K.S.A. 75-3322c is hereby repealed.
- 2 Sec. ~~3~~ **6.** This act shall take effect and be in force from and after its
- 3 publication in the statute book.