

SENATE BILL No. 333

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

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

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

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

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

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

(c) "Reasonable accommodation" means:

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

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

(d) "State government" means any department, bureau, division, board, authority, agency, commission or institution of this state, except the judicial and legislative branches of state government and political subdivisions of the state.

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

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

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

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

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

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

(4) vocational rehabilitation letter from a vocational rehabilitation counselor.

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

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

(f) A person with a disability has the right to not disclose that person's disability at the time of hire but may not assert a right to a retention preference pursuant to subsection (e) at a later date unless the disability is disclosed prior to the announcement of a layoff by submission of documentation as provided in subsection (c). Disclosure may be made to the state government human resources office where the employee is employed and shall remain confidential unless disclosure is required for the provision of a reasonable accommodation for the person with a disability or for emergency preparedness planning.

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

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

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

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

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

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

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

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

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

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

(d) Members of the committee who are members of the Kansas legislature shall be paid amounts as provided in K.S.A. 75-3223(e), and amendments thereto. Otherwise, members of the committee shall serve without reimbursement.

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

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

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

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

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

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

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

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

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

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

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

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

(h) On July 1, ~~2024~~ 2029, the state use law committee is hereby abolished.

Sec. 5. K.S.A. 75-3322c is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

\_\_\_\_\_

SENATE concurred in  
HOUSE amendments \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

Passed the HOUSE  
as amended \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*