

## HOUSE BILL No. 2299

By Committee on Education

Requested by Representative Estes

2-5

1 AN ACT concerning discrimination; relating to the attorney general;  
2 prohibiting discriminatory practices at public educational institutions;  
3 authorizing the attorney general to investigate and assess penalties;  
4 authorizing the human rights commission to refer complaints to the  
5 attorney general for investigation and initiation of legal proceedings;  
6 amending K.S.A. 44-1001, 44-1004, 44-1005 and 44-1009 and  
7 repealing the existing sections.  
8

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

10 New Section 1. (a) (1) It is declared to be the policy of the state that  
11 public educational institutions that receive and expend tax dollars are  
12 prohibited from engaging in practices or implementing policies that:

- 13 (A) Discriminate or cause prejudice on the basis of religion; or  
14 (B) promote or tolerate antisemitism or antisemitic acts.

15 (2) This section shall not be construed to prohibit any coursework  
16 that is dedicated to the education and study of world religions or cultures  
17 in public educational institutions.

18 (b) (1) A person aggrieved by a violation of subsection (a) may file a  
19 complaint with the attorney general. If the person aggrieved is under the  
20 age of 18, a parent or guardian may file a complaint on behalf of the  
21 person.

22 (2) The attorney general may investigate any complaint received  
23 under paragraph (1). During the course of such investigation, the attorney  
24 general may:

- 25 (A) Subpoena witnesses, evidence, records, documents or other  
26 material related to the complaint;  
27 (B) take testimony under oath;  
28 (C) examine or cause to be examined any records or other material  
29 that is relevant to the complaint;  
30 (D) require a person to attend any proceeding and provide testimony  
31 under oath regarding any material that is relevant to the complaint;  
32 (E) serve interrogatories; and  
33 (F) administer oaths and affirmations.

34 (3) (A) If the attorney general issues a subpoena or interrogatory  
35 under this section, service shall be made:

1 (i) By certified mail, return receipt requested, to the last known place  
2 of business or residence; or

3 (ii) in the manner provided in article 3 of chapter 60 of the Kansas  
4 Statutes Annotated, and amendments thereto.

5 (B) If a person intentionally refuses to respond to a subpoena,  
6 interrogatory or any other request made by the attorney general that is  
7 authorized by this section, the attorney general may, after notice, file a  
8 petition with the appropriate district court for a hearing. If the court finds  
9 that the person is required to respond to the subpoena, interrogatory or  
10 request, the court may:

11 (i) Issue an order requiring such person to respond to the subpoena,  
12 interrogatory or request; or

13 (ii) hold such person in contempt until such person responds to the  
14 subpoena, interrogatory or request.

15 (4) (A) After investigating a complaint, if the attorney general finds  
16 by a preponderance of the evidence that a public educational institution  
17 violated the provisions of subsection (a), the attorney general shall assess a  
18 civil penalty against the public educational institution in an amount not to  
19 exceed \$10,000 for each violation. Any civil penalty recovered under this  
20 paragraph shall be deposited into the state general fund.

21 (B) A public educational institution may appeal a penalty assessed  
22 under subparagraph (A) in accordance with the Kansas judicial review act.

23 (c) As used in this section:

24 (1) "Antisemitism" or "antisemitic" means the same as defined by the  
25 international Holocaust remembrance alliance's working definition of  
26 antisemitism, including the contemporary examples, as in effect on May  
27 26, 2016. "Antisemitism" or "antisemitic" includes:

28 (A) Encouraging, supporting, praising, participating in or threatening  
29 violence or vandalism against Jewish people or property;

30 (B) wearing masks to conceal a person's identity with the intent to  
31 harass or discriminate against Jewish students, faculty or employees on  
32 school property; and

33 (C) incorporating or allowing funding of antisemitic curriculum or  
34 activities in any domestic or study abroad programs or classes.

35 (2) "Public educational institutions" means any elementary or  
36 secondary school operated by a unified public school district under the  
37 laws of this state, a community college established in accordance with  
38 chapter 71 of the Kansas Statutes Annotated, and amendments thereto,  
39 Washburn university, Washburn institute of technology, a technical college  
40 established under the laws of this state or a state educational institution as  
41 defined in K.S.A. 76-711, and amendments thereto.

42 Sec. 2. K.S.A. 44-1001 is hereby amended to read as follows: 44-  
43 1001. This act shall be known as the Kansas act against discrimination. It

1 shall be deemed an exercise of the police power of the state for the  
2 protection of the public welfare, safety, health and peace of the people of  
3 this state. The practice or policy of discrimination against individuals in  
4 employment relations, in relation to free and public accommodations, in  
5 housing by reason of race, religion, color, sex, disability, national origin or  
6 ancestry or in housing by reason of familial status is a matter of concern to  
7 the state, since such discrimination threatens not only the rights and  
8 privileges of the inhabitants of the state of Kansas but menaces the  
9 institutions and foundations of a free democratic state. It is hereby  
10 declared to be the policy of the state of Kansas to eliminate and prevent  
11 discrimination in all employment relations, to eliminate and prevent  
12 discrimination, segregation, or separation in all places of public  
13 accommodations covered by this act, and to eliminate and prevent  
14 discrimination, segregation or separation in housing.

15 It is also declared to be the policy of this state to assure equal  
16 opportunities and encouragement to every citizen regardless of race,  
17 religion, color, sex, disability, national origin or ancestry, in securing and  
18 holding, without discrimination, employment in any field of work or labor  
19 for which a person is properly qualified, to assure equal opportunities to all  
20 persons within this state to full and equal public accommodations, and to  
21 assure equal opportunities in housing without distinction on account of  
22 race, religion, color, sex, disability, familial status, national origin or  
23 ancestry. It is further declared that the opportunity to secure and to hold  
24 employment, the opportunity for full and equal public accommodations as  
25 covered by this act and the opportunity for full and equal housing are civil  
26 rights of every citizen.

27 *It is also declared to be the policy of this state that public institutions*  
28 *that receive and expend tax dollars are prohibited from engaging in*  
29 *practices or implementing policies that are antisemitic or otherwise*  
30 *promote antisemitism. It is further declared to be the policy of the state*  
31 *that no person shall be required to participate in programing or training*  
32 *that promotes or degrades any one religion and that governmental entities*  
33 *are prohibited from enacting policies that promote or degrade any one*  
34 *religion.*

35 To protect these rights, it is hereby declared to be the purpose of this act  
36 to establish and to provide a state commission having power to eliminate  
37 and prevent segregation and discrimination, or separation in employment,  
38 in all places of public accommodations covered by this act, in housing  
39 because of race, religion, color, sex, disability, national origin or ancestry  
40 and in housing because of familial status, either by employers, labor  
41 organizations, employment agencies, realtors, financial institutions or  
42 other persons as hereinafter provided.

43 Sec. 3. K.S.A. 44-1004 is hereby amended to read as follows: 44-

1 1004. The commission shall have the following functions, powers and  
2 duties:

3 ~~(1)~~(a) To establish and maintain its principal office in the city of  
4 Topeka, and such other offices elsewhere within the state as it may deem  
5 necessary.

6 ~~(2)~~(b) To meet and function at any place within the state.

7 ~~(3)~~(c) To adopt, promulgate, amend and rescind suitable rules and  
8 regulations to carry out the provisions of this act, and the policies and  
9 practices of the commission in connection therewith.

10 ~~(4)~~(d) To receive, initiate, investigate and pass upon complaints  
11 alleging discrimination in employment, public accommodations and  
12 housing because of race, religion, color, sex, disability, national origin or  
13 ancestry and complaints alleging discrimination in housing because of  
14 familial status.

15 ~~(5)~~(e) To subpoena witnesses, compel their appearance and require  
16 the production for examination of records, documents and other evidence  
17 or possible sources of evidence and to examine, record and copy such  
18 materials and take and record the testimony or statements of such persons.  
19 The commission may issue subpoenas to compel access to or the  
20 production of such materials, or the appearance of such persons, and may  
21 issue interrogatories to a respondent to the same extent and subject to the  
22 same limitations as would apply if the subpoena or interrogatories were  
23 issued or served in aid of a civil action in the district court. The  
24 commission shall have access at all reasonable times to premises and may  
25 compel such access by application to a court of competent jurisdiction  
26 provided that the commission first complies with the provisions of article  
27 15 of the Kansas bill of rights and the fourth amendment to the United  
28 States constitution relating to unreasonable searches and seizures. The  
29 commission may administer oaths and take depositions to the same extent  
30 and subject to the same limitations as would apply if the deposition was  
31 taken in aid of a civil action in the district court. In case of the refusal of  
32 any person to comply with any subpoena, interrogatory or search warrant  
33 issued hereunder, or to testify to any matter regarding which such person  
34 may be lawfully questioned, the district court of any county may, upon  
35 application of the commission, order such person to comply with such  
36 subpoena or interrogatory and to testify. Failure to obey the court's order  
37 may be punished by the court as contempt. No person shall be prosecuted  
38 or subjected to any penalty or forfeiture for or on account of any  
39 transaction, matter or thing concerning which such person testifies or  
40 produces evidence, except that such person so testifying shall not be  
41 exempt from prosecution and punishment for perjury committed in so  
42 testifying. The immunity herein provided shall extend only to natural  
43 persons.

1       ~~(6)~~(f) To act in concert with other parties in interest in order to  
2 eliminate and prevent discrimination and segregation, prohibited by this  
3 act, by including any term in a conciliation agreement as could be included  
4 in a final order under this act.

5       ~~(7)~~(g) To apply to the district court of the county where the  
6 respondent resides or transacts business for enforcement of any  
7 conciliation agreement by seeking specific performance of such  
8 agreement.

9       ~~(8)~~(h) To issue such final orders after a public hearing as may remedy  
10 any existing situation found to violate this act and prevent its recurrence.

11       ~~(9)~~(i) To endeavor to eliminate prejudice among the various ethnic  
12 groups and people with disabilities in this state and to further good will  
13 among such groups. The commission in cooperation with the state  
14 department of education shall prepare a comprehensive educational  
15 program designed for the students of the public schools of this state and  
16 for all other residents thereof, calculated to emphasize the origin of  
17 prejudice against such groups, its harmful effects and its incompatibility  
18 with American principles of equality and fair play.

19       ~~(10)~~(j) To create such advisory agencies and conciliation councils,  
20 local, regional or statewide, as in its judgment will aid in effectuating the  
21 purposes of this act; to study the problem of discrimination in all or  
22 specific fields or instances of discrimination because of race, religion,  
23 color, sex, disability, national origin or ancestry; to foster, through  
24 community effort or otherwise, good will, cooperation and conciliation  
25 among the groups and elements of the population of this state; and to make  
26 recommendations to the commission for the development of policies and  
27 procedures, and for programs of formal and informal education, which the  
28 commission may recommend to the appropriate state agency. Such  
29 advisory agencies and conciliation councils shall be composed of  
30 representative citizens serving without pay. The commission may itself  
31 make the studies and perform the acts authorized by this paragraph. It may,  
32 by voluntary conferences with parties in interest, endeavor by conciliation  
33 and persuasion to eliminate discrimination in all the stated fields and to  
34 foster good will and cooperation among all elements of the population of  
35 the state.

36       ~~(11)~~(k) To accept contributions from any person to assist in the  
37 effectuation of this section and to seek and enlist the cooperation of  
38 private, charitable, religious, labor, civic and benevolent organizations for  
39 the purposes of this section.

40       ~~(12)~~(l) To issue such publications and such results of investigation  
41 and research as in its judgment will tend to promote good will and  
42 minimize or eliminate discrimination because of race, religion, color, sex,  
43 disability, national origin or ancestry.

1       ~~(13)~~(m) To render each year to the governor and to the state  
2 legislature a full written report of all of its activities and of its  
3 recommendations.

4       ~~(14)~~(n) To adopt an official seal.

5       ~~(15)~~(o) To receive and accept federal funds to effectuate the purposes  
6 of the act and to enter into agreements with any federal agency for such  
7 purpose.

8       (p) *To refer complaints to the attorney general for review,*  
9 *investigation and initiation of legal proceedings.*

10       Sec. 4. K.S.A. 44-1005 is hereby amended to read as follows: 44-  
11 1005. (a) Any person claiming to be aggrieved by an alleged unlawful  
12 employment practice or by an alleged unlawful discriminatory practice,  
13 and who can articulate a prima facie case pursuant to a recognized legal  
14 theory of discrimination, may, personally or by an attorney-at-law, make,  
15 sign and file with the commission a verified complaint in writing,  
16 articulating the prima facie case, which shall also state the name and  
17 address of the person, employer, labor organization or employment agency  
18 alleged to have committed the unlawful employment practice complained  
19 of or the name and address of the person alleged to have committed the  
20 unlawful discriminatory practice complained of, and which shall set forth  
21 the particulars thereof and contain such other information as may be  
22 required by the commission.

23       (b) (1) The commission upon its own initiative or the attorney general  
24 may, in like manner, make, sign and file such complaint. Whenever the  
25 attorney general has sufficient reason to believe that any person as herein  
26 defined is engaged in a practice of discrimination, segregation or  
27 separation in violation of this act, the attorney general may make, sign and  
28 file a complaint. Any employer whose employees or some of whom, refuse  
29 or threaten to refuse to cooperate with the provisions of this act, may file  
30 with the commission a verified complaint asking for assistance by  
31 conciliation or other remedial action.

32       (2) (A) *In addition to making, signing and filing a complaint, the*  
33 *attorney general may investigate the alleged unlawful employment*  
34 *practice or alleged unlawful discriminatory practice. During the course of*  
35 *such investigation, the attorney general may:*

36       (i) *Subpoena witnesses, evidence, records, documents or other*  
37 *material related to the complaint;*

38       (ii) *take testimony under oath;*

39       (iii) *examine or cause to be examined any records or other material*  
40 *that is relevant to the complaint;*

41       (iv) *require a person to attend any proceeding and provide testimony*  
42 *under oath regarding any material that is relevant to the complaint;*

43       (v) *serve interrogatories; and*

1       (vi) *administer oaths and affirmations.*

2       (B) *The attorney general may file a petition in the district court*  
3 *where the alleged unlawful employment practice or alleged unlawful*  
4 *discriminatory practice occurred seeking damages in an amount not to*  
5 *exceed \$10,000 for each violation.*

6       (c) Whenever any problem of discrimination because of race,  
7 religion, color, sex, disability, national origin or ancestry arises, or  
8 whenever the commission has, in its own judgment, reason to believe that  
9 any person has engaged in an unlawful employment practice or an  
10 unlawful discriminatory practice in violation of this act, or has engaged in  
11 a pattern or practice of discrimination, the commission may conduct an  
12 investigation without filing a complaint and shall have the same powers  
13 during such investigation as provided for the investigation of complaints.  
14 The person to be investigated shall be advised of the nature and scope of  
15 such investigation prior to its commencement. The purpose of the  
16 investigation shall be to resolve any such problems promptly. In the event  
17 such problems cannot be resolved within a reasonable time, the  
18 commission may issue a complaint whenever the investigation has  
19 revealed a violation of the Kansas act against discrimination has occurred.  
20 The information gathered in the course of the first investigation may be  
21 used in processing the complaint.

22       (d) After the filing of any complaint by an aggrieved individual, by  
23 the commission, or by the attorney general, the commission shall, within  
24 seven days after the filing of the complaint, serve a copy on each of the  
25 parties alleged to have violated this act, and shall designate one of the  
26 commissioners to make, with the assistance of the commission's staff,  
27 prompt investigation of the alleged act of discrimination. If the  
28 commissioner shall determine after such investigation that no probable  
29 cause exists for crediting the allegations of the complaint, such  
30 commissioner, within 10 business days from such determination, shall  
31 cause to be issued and served upon the complainant and respondent written  
32 notice of such determination.

33       (e) If such commissioner after such investigation, shall determine that  
34 probable cause exists for crediting the allegations for the complaint, the  
35 commissioner or such other commissioner as the commission may  
36 designate, shall immediately endeavor to eliminate the unlawful  
37 employment practice or the unlawful discriminatory practice complained  
38 of by conference and conciliation. The complainant, respondent and  
39 commission shall have 45 days from the date respondent is notified in  
40 writing of a finding of probable cause to enter into a conciliation  
41 agreement signed by all parties in interest. The parties may amend a  
42 conciliation agreement at any time prior to the date of entering into such  
43 agreement. Upon agreement by the parties the time for entering into such

1 agreement may be extended. The members of the commission and its staff  
2 shall not disclose what has transpired in the course of such endeavors.

3 (f) In case of failure to eliminate such practices by conference and  
4 conciliation, or in advance thereof, if in the judgment of the commissioner  
5 or the commission circumstances so warrant, the commissioner or the  
6 commission shall commence a hearing in accordance with the provisions  
7 of the Kansas administrative procedure act naming as parties the  
8 complainant and the person, employer, labor organization, employment  
9 agency, realtor or financial institution named in such complaint,  
10 hereinafter referred to as respondent. A copy of the complaint shall be  
11 served on the respondent. At least four commissioners or a presiding  
12 officer from the office of administrative hearings shall be designated as the  
13 presiding officer. The place of such hearing shall be in the county where  
14 respondent is doing business and the acts complained of occurred.

15 (g) The complainant or respondent may apply to the presiding officer  
16 for the issuance of a subpoena for the attendance of any person or the  
17 production or examination of any books, records or documents pertinent to  
18 the proceeding at the hearing. Upon such application the presiding officer  
19 shall issue such subpoena.

20 (h) The case in support of the complaint shall be presented before the  
21 presiding officer by one of the commission's attorneys or agents, or by  
22 private counsel, if any, of the complainant, and the commissioner who  
23 shall have previously made the investigation shall not participate in the  
24 hearing except as a witness. Any endeavors at conciliation shall not be  
25 received in evidence.

26 (i) Any complaint filed pursuant to this act must be so filed within six  
27 months after the alleged act of discrimination, unless the act complained of  
28 constitutes a continuing pattern or practice of discrimination in which  
29 event it will be from the last act of discrimination. Complaints filed with  
30 the commission may be dismissed by the commission on its own initiative,  
31 and shall be dismissed by the commission upon the written request of the  
32 complainant, if the commission has not issued a finding of probable cause  
33 or no probable cause or taken other administrative action dismissing the  
34 complaint within 300 days of the filing of the complaint. The commission  
35 shall mail written notice to all parties of dismissal of a complaint within  
36 five days of dismissal. Any such dismissal of a complaint in accordance  
37 with this section shall constitute final action by the commission which  
38 shall be deemed to exhaust all administrative remedies under the Kansas  
39 act against discrimination for the purpose of allowing subsequent filing of  
40 the matter in court by the complainant, without the requirement of filing a  
41 petition for reconsideration pursuant to K.S.A. 44-1010, and amendments  
42 thereto. Dismissal of a complaint in accordance with this section shall not  
43 be subject to appeal or judicial review by any court under the provisions of



1 K.S.A. 44-1011, and amendments thereto. The provisions of this section  
2 shall not apply to complaints alleging discriminatory housing practices  
3 filed with the commission pursuant to K.S.A. 44-1015 et seq., and  
4 amendments thereto.

5 (j) The respondent may file a written verified answer to the complaint  
6 and appear at such hearing in person or otherwise, with or without counsel,  
7 and submit testimony. The complainant shall appear at such hearing in  
8 person, with or without counsel, and submit testimony. The presiding  
9 officer or the complainant shall have the power reasonably and fairly to  
10 amend any complaint, and the respondent shall have like power to amend  
11 such respondent's answer. The presiding officer shall be bound by the rules  
12 of evidence prevailing in courts of law or equity, and only relevant  
13 evidence of reasonable probative value shall be received.

14 (k) If the presiding officer finds a respondent has engaged in or is  
15 engaging in any unlawful employment practice or unlawful discriminatory  
16 practice as defined in this act, the presiding officer shall render an order  
17 requiring such respondent to cease and desist from such unlawful  
18 employment practice or such unlawful discriminatory practice and to take  
19 such affirmative action, including but not limited to the hiring,  
20 reinstatement, or upgrading of employees, with or without back pay, and  
21 the admission or restoration to membership in any respondent labor  
22 organizations; the admission to and full and equal enjoyment of the goods,  
23 services, facilities, and accommodations offered by any respondent place  
24 of public accommodation denied in violation of this act, as, in the  
25 judgment of the presiding officer, will effectuate the purposes of this act,  
26 and including a requirement for report of the manner of compliance. Such  
27 order may also include an award of damages for pain, suffering and  
28 humiliation which are incidental to the act of discrimination, except that an  
29 award for such pain, suffering and humiliation shall in no event exceed the  
30 sum of ~~\$2,000~~ \$10,000.

31 (l) Any state, county or municipal agency may pay a complainant  
32 back pay if it has entered into a conciliation agreement for such purposes  
33 with the commission, and may pay such back pay if it is ordered to do so  
34 by the commission.

35 (m) If the presiding officer finds that a respondent has not engaged in  
36 any such unlawful employment practice, or any such unlawful  
37 discriminatory practice, the presiding officer shall render an order  
38 dismissing the complaint as to such respondent.

39 (n) The commission shall review an initial order rendered under  
40 subsection (k) or (m). In addition to the parties, a copy of any final order  
41 shall be served on the attorney general and such other public officers as the  
42 commission may deem proper.

43 (o) The commission shall, except as otherwise provided, establish

1 rules of practice to govern, expedite and effectuate the foregoing  
2 procedure and its own actions thereunder. The rules of practice shall be  
3 available, upon written request, within 30 days after the date of adoption.

4 Sec. 5. K.S.A. 44-1009 is hereby amended to read as follows: 44-  
5 1009. ~~(a)~~ It shall be an unlawful employment practice:

6 ~~(1)~~(a) For an employer, because of the race, religion, color, sex,  
7 disability, national origin or ancestry of any person to refuse to hire or  
8 employ such person to bar or discharge such person from employment or  
9 to otherwise discriminate against such person in compensation or in terms,  
10 conditions or privileges of employment; to limit, segregate, separate,  
11 classify or make any distinction in regards to employees; or to follow any  
12 employment procedure or practice which, in fact, results in discrimination,  
13 segregation or separation without a valid business necessity.

14 ~~(2)~~(b) For a labor organization, because of the race, religion, color,  
15 sex, disability, national origin or ancestry of any person, to exclude or to  
16 expel from its membership such person or to discriminate in any way  
17 against any of its members or against any employer or any person  
18 employed by an employer.

19 ~~(3)~~(c) For any employer, employment agency or labor organization to  
20 print or circulate or cause to be printed or circulated any statement,  
21 advertisement or publication, or to use any form of application for  
22 employment or membership or to make any inquiry in connection with  
23 prospective employment or membership, which expresses, directly or  
24 indirectly, any limitation, specification or discrimination as to race,  
25 religion, color, sex, disability, national origin or ancestry, or any intent to  
26 make any such limitation, specification or discrimination, unless based on  
27 a bona fide occupational qualification.

28 ~~(4)~~(d) For any employer, employment agency or labor organization to  
29 discharge, expel or otherwise discriminate against any person because such  
30 person has opposed any practices or acts forbidden under this act or  
31 because such person has filed a complaint, testified or assisted in any  
32 proceeding under this act.

33 ~~(5)~~(e) For an employment agency to refuse to list and properly  
34 classify for employment or to refuse to refer any person for employment or  
35 otherwise discriminate against any person because of such person's race,  
36 religion, color, sex, disability, national origin or ancestry; or to comply  
37 with a request from an employer for a referral of applicants for  
38 employment if the request expresses, either directly or indirectly, any  
39 limitation, specification or discrimination as to race, religion, color, sex,  
40 disability, national origin or ancestry.

41 ~~(6)~~(f) For an employer, labor organization, employment agency, or  
42 school which provides, coordinates or controls apprenticeship, on-the-job,  
43 or other training or retraining program, to maintain a practice of

1 discrimination, segregation or separation because of race, religion, color,  
2 sex, disability, national origin or ancestry, in admission, hiring,  
3 assignments, upgrading, transfers, promotion, layoff, dismissal,  
4 apprenticeship or other training or retraining program, or in any other  
5 terms, conditions or privileges of employment, membership,  
6 apprenticeship or training; or to follow any policy or procedure which, in  
7 fact, results in such practices without a valid business motive.

8 ~~(7)~~(g) For any person, whether an employer or an employee or not, to  
9 aid, abet, incite, compel or coerce the doing of any of the acts forbidden  
10 under this act, or attempt to do so.

11 ~~(8)~~(h) For an employer, labor organization, employment agency or  
12 joint labor-management committee to: ~~(A)~~(1) Limit, segregate or classify a  
13 job applicant or employee in a way that adversely affects the opportunities  
14 or status of such applicant or employee because of the disability of such  
15 applicant or employee; ~~(B)~~(2) participate in a contractual or other  
16 arrangement or relationship, including a relationship with an employment  
17 or referral agency, labor union, an organization providing fringe benefits to  
18 an employee or an organization providing training and apprenticeship  
19 programs that has the effect of subjecting a qualified applicant or  
20 employee with a disability to the discrimination prohibited by this act; ~~(C)~~  
21 (3) utilize standards criteria, or methods of administration that have the  
22 effect of discrimination on the basis of disability or that perpetuate the  
23 discrimination of others who are subject to common administrative  
24 control; ~~(D)~~(4) exclude or otherwise deny equal jobs or benefits to a  
25 qualified individual because of the known disability of an individual with  
26 whom the qualified individual is known to have a relationship or  
27 association; ~~(E)~~(5) not make reasonable accommodations to the known  
28 physical or mental limitations of an otherwise qualified individual with a  
29 disability who is an applicant or employee, unless such employer, labor  
30 organization, employment agency or joint labor-management committee  
31 can demonstrate that the accommodation would impose an undue hardship  
32 on the operation of the business thereof; ~~(F)~~(6) deny employment  
33 opportunities to a job applicant or employee who is an otherwise qualified  
34 individual with a disability, if such denial is based on the need to make  
35 reasonable accommodation to the physical or mental impairments of the  
36 employee or applicant; ~~(G)~~(7) use qualification standards, employment  
37 tests or other selection criteria that screen out or tend to screen out an  
38 individual with a disability or a class of individuals with disabilities unless  
39 the standard, test or other selection criteria, as used, is shown to be job-  
40 related for the position in question and is consistent with business  
41 necessity; or ~~(H)~~(8) fail to select and administer tests concerning  
42 employment in the most effective manner to ensure that, when such test is  
43 administered to a job applicant or employee who has a disability that

1 impairs sensory, manual or speaking skills, the test results accurately  
2 reflect the skills, aptitude or whatever other factor of such applicant or  
3 employee that such test purports to measure, rather than reflecting the  
4 impaired sensory, manual or speaking skills of such employee or applicant  
5 (except where such skills are the factors that the test purports to measure).

6 (9)(i) For any employer to:

7 (A)(1) Seek to obtain, to obtain or to use genetic screening or testing  
8 information of an employee or a prospective employee to distinguish  
9 between or discriminate against or restrict any right or benefit otherwise  
10 due or available to an employee or a prospective employee; or

11 (B)(2) subject, directly or indirectly, any employee or prospective  
12 employee to any genetic screening or test.

13 ~~(b) It shall not be an unlawful employment practice to fill vacancies~~  
14 ~~in such way as to eliminate or reduce imbalance with respect to race,~~  
15 ~~religion, color, sex, disability, national origin or ancestry.~~

16 ~~(c) It shall be an unlawful discriminatory practice:~~

17 ~~(1) For any person, as defined herein being the owner, operator,~~  
18 ~~lessee, manager, agent or employee of any place of public accommodation~~  
19 ~~to refuse, deny or make a distinction, directly or indirectly, in offering its~~  
20 ~~goods, services, facilities, and accommodations to any person as covered~~  
21 ~~by this act because of race, religion, color, sex, disability, national origin or~~  
22 ~~ancestry, except where a distinction because of sex is necessary because of~~  
23 ~~the intrinsic nature of such accommodation.~~

24 ~~(2) For any person, whether or not specifically enjoined from~~  
25 ~~discriminating under any provisions of this act, to aid, abet, incite, compel~~  
26 ~~or coerce the doing of any of the acts forbidden under this act, or to~~  
27 ~~attempt to do so.~~

28 ~~(3) For any person, to refuse, deny, make a distinction, directly or~~  
29 ~~indirectly, or discriminate in any way against persons because of the race,~~  
30 ~~religion, color, sex, disability, national origin or ancestry of such persons~~  
31 ~~in the full and equal use and enjoyment of the services, facilities,~~  
32 ~~privileges and advantages of any institution, department or agency of the~~  
33 ~~state of Kansas or any political subdivision or municipality thereof.~~

34 Sec. 6. K.S.A. 44-1001, 44-1004, 44-1005 and 44-1009 are hereby  
35 repealed.

36 Sec. 7. This act shall take effect and be in force from and after its  
37 publication in the statute book.