

March 7, 2011

The Honorable Steve Brunk, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Brunk:

SUBJECT: Fiscal Note for HB 2335 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2335 is respectfully submitted to your committee.

HB 2335 would amend the Kansas Act Against Discrimination (KAAD) to be consistent with the federal Americans with Disabilities Act Amendments Act of 2008 (ADAAA), formerly the Americans with Disabilities Act of 1990 (ADA). The bill states that it is the Legislature's intent that the KAAD is consistent with federal law, except where the state law offers greater protections. The ADAAA amended the ADA's definition of "disability" to more broadly encompass impairments that substantially limit a major life activity and clarified that mitigating measures such as assistive devices, auxiliary aids, and other accommodations have no bearing in determining whether a disability qualifies under the law.

These actions shifted the focus from determining if the person is disabled to whether a qualified individual with a disability can be reasonably accommodated or has otherwise been unlawfully discriminated against. HB 2335 would bring the KAAD into conformity with the ADAAA, eliminating instances in which the Kansas Human Rights Commission (KHRC) and the federal Equal Employment Opportunity Commission (EEOC) issue different findings on a complaint because the laws each is governed by are dissimilar.

The Kansas Human Rights Commission indicates that it received 236 employment complaints on disability in FY 2009 that were jointly filed with the EEOC. The EEOC pays the Commission \$550 for the investigation of each case, which totaled \$129,800 (236 x \$550). The Commission indicates that HB 2335 would have no fiscal effect on state revenues or expenditures. However, the Commission estimates that if the bill does not pass, it could experience a reduction in federal grant monies of \$129,800 in FY 2012 if the EEOC refuses to

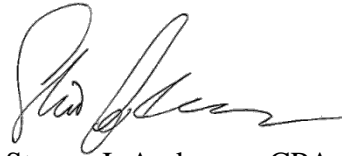
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contract with the KHRC for the investigation of complaints based on disability because the KAAD is not consistent with the ADA.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Ruth Glover, Human Rights Commission