

SESSION OF 2011

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2335

As Amended by House Committee on
Judiciary

Brief*

HB 2335 would amend the Kansas Act Against Discrimination (KAAD). Specifically, in KSA 44-1002, it would amend a provision in the definition of "disability" that relates to being regarded as having a physical or mental impairment by striking "by the person or entity alleged to have committed the unlawful discriminatory practice complained of." It also would add language expanding the definition of "regarded as having such an impairment" and clarifying that reasonable accommodation or a reasonable modification of policies, practices, or procedures need not be provided to a person regarded as having a physical or mental impairment. Further, the bill would define "major life activities."

In KSA 44-1006, the bill would provide that the KAAD definition of "disability" should be construed in favor of broad coverage of individuals to the extent permitted by the KAAD. Additionally, it would provide that an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability, and that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. Finally, it would provide that the determination of whether an impairment substantially limits a major life activity should be made without regard to the ameliorative effects of mitigating measures such as medication, equipment, or technology. Ordinary eyeglasses and contact lenses, however, would be considered.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

In the House Committee on Judiciary, representatives of the Kansas Commission on Disability Concerns, the Kansas Human Rights Commission, Independence, Inc. of Lawrence, the Disability Rights Center of Kansas, and the Kansas Council on Developmental Disabilities appeared in support of HB 2335. The Committee also received written testimony in support of the bill from the Statewide Independent Living Council of Kansas, the Kansas Association of Centers for Independent Living, and Self Advocate Coalition of Kansas. No opponents offered testimony.

The House Committee on Judiciary amended the bill by making a technical amendment and striking new language in KSA 44-1006 giving further direction as to how the KAAD should be construed.

The fiscal note indicates that passage of HB 2335 would have no fiscal effect on the Kansas Human Rights Commission, but failure to pass the bill could lead to loss of \$129,800 in federal grant funds.