

Approved: 3/30/10

Date

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:05 a.m. on March 15, 2010, in Room 784 of the Docking State Office Building.

All members were present except:

Representative Jo Ann Pottorff- excused

Committee staff present:

Art Griggs, Office of the Revisor of Statutes

Renae Jefferies, Office of the Revisor of Statutes

Dennis Hodgins, Kansas Legislative Research Department

Stephen Bainum, Committee Assistant

Others attending:

See attached list.

**HB 2669**     **Disabilities; Kansas employment first initiative act and Kansas employment first oversight committee**

Dennis Hodgins gave a chart on **HB 2669** (Attachment 1). The chart shows the major statewide agencies and organizations involved in disabilities issues, where they are housed, what they do and issues of potential complications. It also shows the roles of selected state agencies in supporting employment of Kansans with Disabilities. Finally it charts the barriers to integrated employment by agency and gives examples of how agencies do not work together to support employment of Kansans with disabilities. The second handout is from SRS and shows the advisory Boards that are involved with services for the disabled (Attachment 2).

Representative Quigley asked what the column called "Potentially Conflicted Out?" meant. Robyn Herzog said that because of Federal laws that provide funding for some of the different councils they are under the control of their funding source.

Representative Brunk asked if we pass **HB 2669** would that replace what is going on in the chart or are we just adding another line to the chart. Robyn said this was a group that would look at all the policies, practices and programs related to employment and make sure they are all consistent with employment.

Representative Schwab said that this is the reason he likes the sunset provision in the Rocky Nichols Amendment. This is not just a commission to do a study. It is a commission to change a culture so that now we have taxpayers and not just tax users.

Representative Schwab made a motion to accept Rocky Nichols Balloon Amendment 2. The motion was seconded by Representative Garcia. The motion carried.

Representative Schwab made a motion to amend the sunset from 2015 to 2013. Representative Quigley seconded the motion.. The motion carried

Representative Schwab made a motion to pass **HB 2669** favorably as amended. Representative Grant seconded the motion.

Renae Jefferies, assistant revisor, made a suggestion that because of the many changes in the bill it should be passed out as a substitute bill.

Representative Schwab amended his motion to pass **Sub for HB 2669** favorably as amended. The change in the motion was agreed to by the second, Representative Grant. The motion carried.

**HB 2658**     **State fair board; purchase of workers compensation insurance authorized**

The Chairman said that the Committee still had some questions about this bill. The Committee had received some information from Denny Stoecklein by e-mail showing how much the premiums were that they paid out and what their obligations were.

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CONTINUATION SHEET

Minutes of the House Commerce and Labor Committee at 9:05 a.m. on March 15, 2010, in Room 784 of the Docking State Office Building.

Representative Grant said that if we are going to do this we have one of the best agencies to do it with. This would save them and the state money. We could put a three year sunset on it like we did with the last bill.

The majority of the Committee did not want to work the bill.

The next meeting is scheduled for March 16, 2010.

The meeting was adjourned at 9:50 a.m.

COMMERCE & LABOR COMMITTEE

DATE: 3-15-10

NAME	REPRESENTING
Nick Wood	DISABILITY RIGHTS CENTER
Jane Rhye	K-C Council on Dev. Disabilities
Mary Ellen Cuytt	KHPA
Michael Donnelly	SGL
Bill Brady	Cap. Strategies
Maucha Gubhart	Com. on Disability Concerns
Megan Bottenberg	KDOL
Wigh Keck	Huin Law Firm
Peggy Wolf	Great Bend, Ks.
Betty Chumsky	Chumsky Square Great Bend, Ks.
Ron Seebor	KARA
In Bruning	OP Chamber <del>OP Chamber</del>
Scott Heidner	KSIA
Ashley Shurard	Lexera Chambers

## Disability Organizations in Kansas

This chart attempts to show the major statewide agencies and organizations involved in disability issues, summarizing their unique role, and making a determination whether there are potential complications with having them directly carry out the functions assigned to the Commission to set the Goals & Objectives and issue the Report to the Legislature, per Section 3 of HB 2669. As you will see, the existing disability organizations are subjected to the requirements and policies entity outside the Legislature (their funding source, federal enabling law, federal agency, the Governor, another authority, etc.) or they either provide or are affiliated with service providers engaged in employment services, creating a direct conflict of interest. Also, if the task of directly writing the report and setting the Goals & Objectives is assigned to an existing entity or agency, it would be problematic because that group or entity has their own agenda and interests to promote.

Name of Disability Group or Organization	State Agency or Housed within?	What do?	Potentially Conflicted Out?	Issues/Information/Potential Complications
Kansas Council on Developmental Disabilities (KCDD)	Y (Housed within SRS)	The federal DD Act states that the purpose of State DD Councils is to "engage in advocacy, capacity building, and systemic change activities that are consistent with the purpose of the DD Act and; contribute to a coordinated, consumer and family-centered, consumer and family-directed, comprehensive system of community services, individualized supports and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be	Y	Established by federal law, the DD Council must perform within the confines of their federal program and funding source. They are accountable to their funding source and authorization law, not the Kansas legislature or its policies. Kansas DD Council focuses on DD issues.

		independent, be productive and be integrated and included in all facets of community life."		
Kansas Commission on Disability Concerns (KCDC)	Y (Housed within Commerce)	The Commission provides policy recommendations to the State of Kansas on changes to laws, regulations and policy.	Y	KCDC is under the Dept of Commerce, and subjected to or limited by the policy decisions of the Secretary of Commerce or the Governor. Also, Commerce operates direct employment services for people with disabilities, which creates a direct conflict of interest (the report and data may find that Commerce's programs have some problem or are not following the Legislative policy of employment first).
Statewide Independent Living Council of Kansas	No	The Statewide Independent Living Council of Kansas, Inc. (SILCK) was established as a not-for-profit corporation to coordinate the functions related to the planning, monitoring, and evaluation of the State Plan for Independent Living (SPIL) as described in Section 705 of the Rehabilitation Act of 1973, as amended.	Y	Established by Rehabilitation Act, funded by RSA (federal agency), it must perform within the confines of the federal program and its funding source. They are accountable to their funding source and federal law, not the Kansas Legislature or its policies. Because the SILCK is not a state agency, does the Legislature have the authority to make it do anything (like implement section 3)?
Disability Rights Center of Kansas	"Quasi" Agency (State Agency No. 5, but is a 501c3 and the state has no control over it,	The Disability Rights Center of Kansas (DRC) is a public interest legal advocacy agency empowered by federal law to advocate for the civil and legal rights of Kansans with disabilities. DRC is the Official	Y	Established and authorized by several different acts of Congress, it must perform within the confines of its federal programs and funding sources. They are accountable to their funding sources and federal laws, not the

	per federal law)	Protection and Advocacy System for Kansas and is a part of the national network of federally mandated and funded protection and advocacy systems. As such, DRC advocates for the rights of Kansans with disabilities under state or federal laws (ADA, the Rehabilitation Act, Federal Medicaid Act, Kansas Act Against Discrimination, etc.)		Kansas Legislature or its policies. Because the Legislature has no authority over DRC, do you have the authority to make it do anything?
University of Kansas Life Span Institute	Y (but is institution of higher education, under KU and Regents)	Several disability centers are organized under the Lifespan Institute (KUCDD, K-CART, RTC/IL, Beach Center, KIDDRC, etc.). All of these centers do specific research and services for different disabilities	Y	Some of the Institute's centers have federal authorizations (like the KUCDD), making those components subject to the confines of its federal programs and funding sources. Others are mainly funded by research and special project grants, making them subjected to the requirements of their funders. Finally, as a part of Kansas University, the Institute ultimately answers to the university hierarchy and the Chancellor. Organizationally, KU is under the authority of the Board of Regents.

Kansas Department of Social and Rehabilitation Services (SRS)	Y	Main agency that provides or ensures the provision of social and human services in Kansas (including disability services)	Y	As a state agency that performs services to help support people with disabilities to obtain employment, SRS has a direct conflict of interest, because the programs it administers may not be performing effectively per the policy in HB 2669. Also, as a Cabinet agency, they have to conform to the Governor's policies, and this is a legislatively directed policy in law.
Kansas Department of Commerce	Y	Workforce Development.	Y	As a state agency that performs services to help support people with disabilities to obtain employment, KDOC has a direct conflict of interest, because the programs it administers may not be performing effectively per the policy in HB 2669. Also, as a Cabinet agency, they have to conform to the Governor's policies, and this is a legislatively directed policy in law.
Kansas Department of Labor	Y	Unemployment, Workers Compensation, Employment Services	Y	As a state agency that performs services to help support people with disabilities to obtain employment, KDOL has a direct conflict of interest, because the programs it administers may not be performing effectively per the policy in HB 2669. Also, as a Cabinet agency, they have to conform to the Governor's policies, and this is a legislatively directed policy in law.

Kansas Health Policy Authority	Y	State health programs (Medicaid, etc.) and state health policy	Y	As a state agency that performs services to help support people with disabilities to obtain employment, KHPA has a direct conflict of interest, because the programs it administers may not be performing effectively per the policy in HB 2669. Also, KHPA is ultimately accountable to its authority, not the Legislature. KHPA must conform to the policies of its Board and authority, and this is a legislatively directed policy in law.
Kansas State Department of Education	Y (under State Board of Education)	Responsible for public education in Kansas. Responsible for "transition" services for students with disabilities to ensure that they make the transition from school to adult life, which includes employment.	Y	As a state agency that performs services to help support people with disabilities to obtain employment, KSDE has a direct conflict of interest, because the programs it administers may not be performing effectively per the policy in HB 2669. Also, as the state Board of Education is defined in the Constitution, KSDE is ultimately responsible to the policies and direction of the State Board. This is a legislatively directed policy in law.
NAMI Kansas	N	Through its affiliates and staff, NAMI provides education, support, and advocacy for people with mental illness, their families and their allies, in Kansas.	Y	NAMI focuses on mental health issues. The policy as proposed in HB 2669 is about all people with disabilities, not just mental illness.
Interhab	N	Trade Association of DD service providers and CDDOs	Y	The largest trade association for DD service providers, Interhab's member



				agencies provide direct services to help support people with developmental disabilities to obtain employment, Interhab has a direct conflict of interest, because the programs of their member may not be performing effectively per the policy in HB 2669. Because they are not a state agency, can the Legislature make them do anything? Would the Legislature put a trade association and lobbying group in charge of writing a report to the Legislature? They also focus on developmental disabilities.
Association of Community Mental Health Centers	N	Trade Association of Community Mental Health Centers.	Y	The largest trade association for mental health service providers, the Association's member agencies provide direct services to help support people with disabilities to obtain employment. The Association has a direct conflict of interest, because the programs of their member may not be performing effectively per the policy in HB 2669. Because they are not a state agency, can the Legislature make them do anything? Would the Legislature put a trade association and lobbying group in charge of writing a report to the Legislature? They also focus on mental illness.
Kansas	N	Trade Association of the	Y	As the largest trade association for

Association of Centers for Independent Living		Independent Living Association		independent living centers, KACIL's member agencies provide direct services to help support people with disabilities to obtain employment. KACIL has a direct conflict of interest, because the programs of their member may not be performing effectively per the policy in HB 2669. Because they are not a state agency, can the Legislature make them do anything? Would the Legislature put a trade association and lobbying group in charge of writing a report to the Legislature?
Families Together	N	Families Together is a statewide parent advocacy group that helps train parents on special education and related services, including transition services.	Y	Families Together is the designated parent information center, empowered by federal law and federally funded. Families Together focuses more on DD issues, and specifically services for children and youth. The bill focuses on employment, which impacts far more adults than children. Families Together is not created by state law, and ultimately is not directly accountable to the State. Because they are not a state agency, does the Legislature have the authority to make it do anything?
Keys for Networking	N	Keys for Networking is a non-profit, family-run organization providing information, support, and education to families raising		Like most non profit agencies, Keys for Networking focuses on serving their grants. Keys for Networking also mainly serves families with kids who

		children with educational, emotional, and/or behavioral problems.	have emotional or behavioral issues (including mental illness). The bill focuses on employment, which impacts far more adults than children. Keys for Networking is not created by state law, and ultimately is not accountable to the State. Because they are not a state agency, does the Legislature have the authority to make it do anything?
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# Role of Selected State Agencies in Supporting Employment of Kansans with Disabilities

## Admin

Policies for hiring state employees

## Aging

Administers programs for elderly

## Commerce

One-Stop Center WIA programs-- people with disabilities are eligible for intensive services; Kansas Commission on Disability Concerns

## KDHE

Administers program for children with special health care needs

## KDOL

Oversees state Unemployment Insurance program

## KDOT

No direct role in employment, however responsible for ensuring that Kansans with disabilities have access to public transportation

## KHPA

Administers Working Healthy, WORK, Benefits Planning, Comprehensive Employment Grant

## KDHE

Oversees Section 8 subsidized housing programs; people with disabilities may lose eligibility if earnings increase too much

## KSDE

Required to provide vocational supports as part of transition planning for students with disabilities

## SRS

Administers and funds HCBS Waivers, Mental Health, Eligibility for programs such as Medicaid, Food Stamps, Energy Assistance

## KDOR

Revenue data

## Vocational Rehabilitation

Provides services to qualifying job seekers with disabilities

# Sample of selected barriers to integrated, competitive employment, by agency.

1-10

## Admin

State as a model employer of people with disabilities

## Commerce

One-Stop Center facilities and programs are often unprepared to work with job seekers with disabilities

## KDHE

Providers at specialty clinics may discourage children with disabilities from pursuing employment

## KDOL

Unemployment insurance may be denied if an applicant reports he/she has a disability

## KDOT

Limited availability of public transportation often prevents early morning, night or weekend employment

## KHPA

-Medicaid funding directed toward sheltered and residential versus integrated community placement

## KSDE

-Transition planning and coursework may not emphasize employment as an outcome

## SRS

-MR/DD waivers reward sheltered rather than competitive employment

## Aging

Supports for an aging population that may still need to work, including enrollment in Working Healthy

-Medicaid eligibility rules often discourage competitive employment

-*Working Healthy* stops at age 65

-Students encouraged to apply for SSI

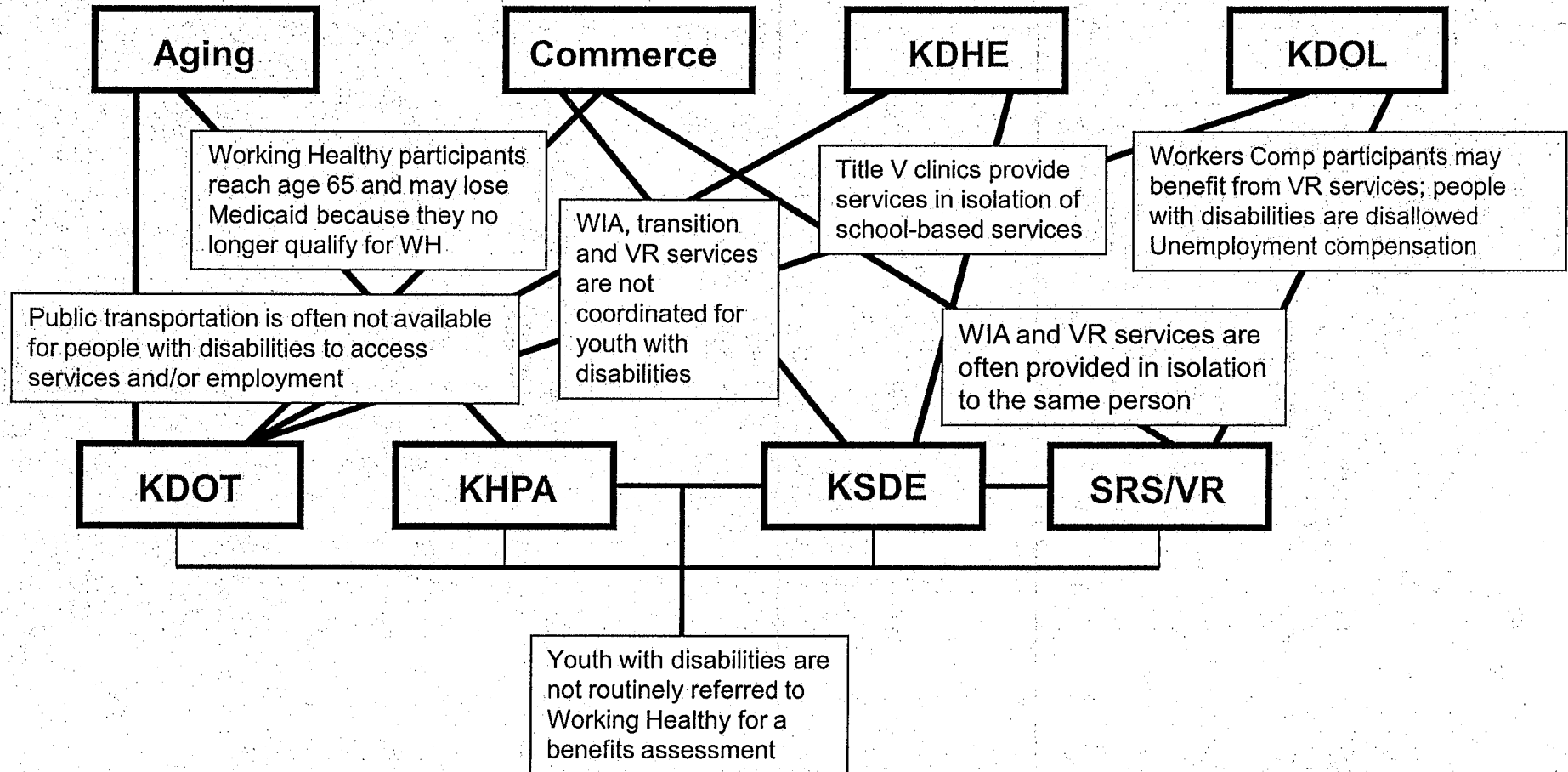
- High school employment supports unavailable

- Benefits information not available to educators and parents

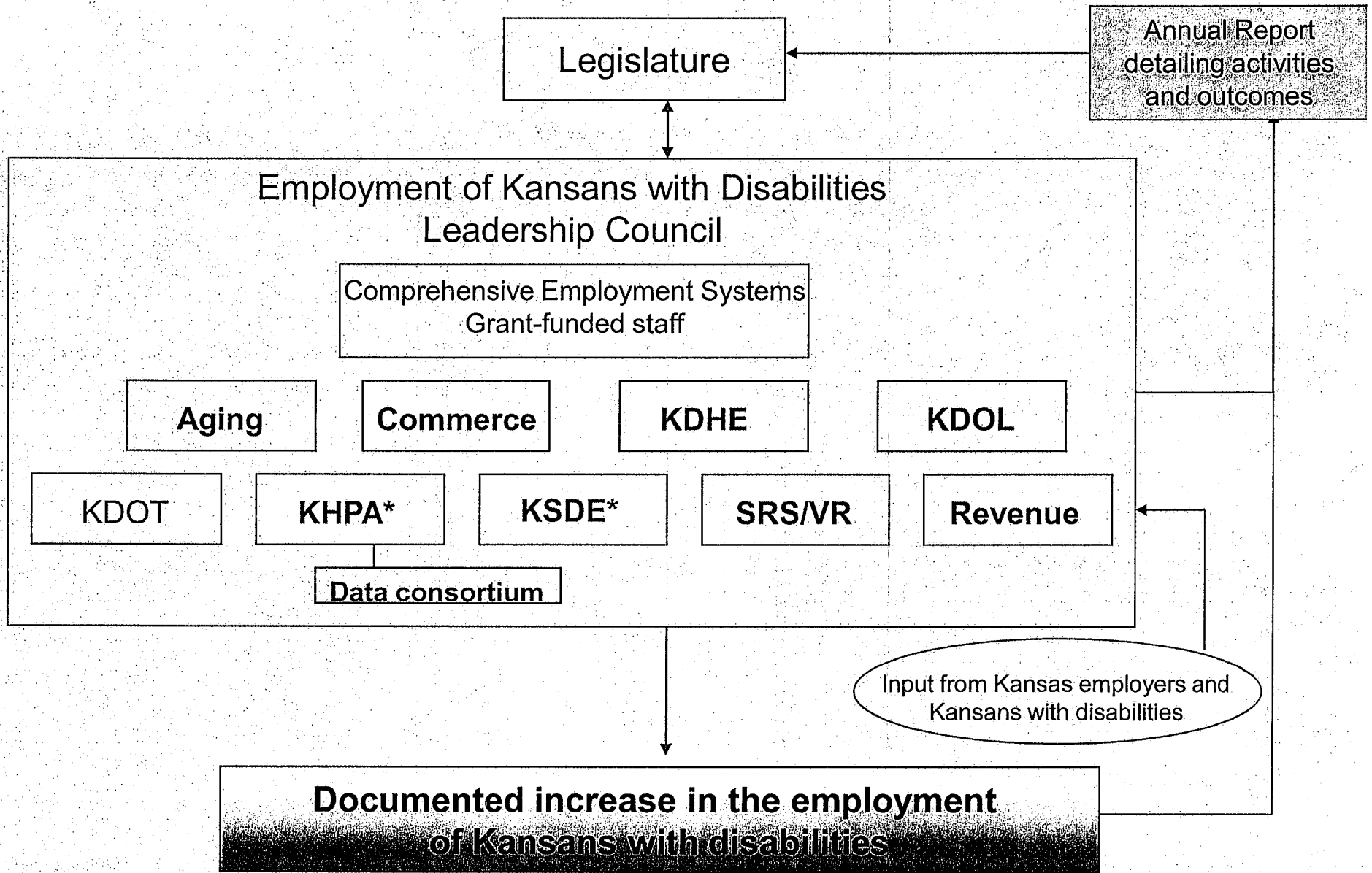
## Revenue

Data to indicate success of employment initiatives, or lack of success

# Examples of how agencies do not work together to support employment of Kansans with disabilities.



Goal: A comprehensive, integrated system that supports Kansans with disabilities who want to work and provides a mechanism for annual reporting on their health and employment outcomes.



\*While not cabinet offices, participation of these agencies is crucial to program success

Agency Board/Advisory Councils

Agency	Advisory Board/Council	Description	Statutorily required? Y/N If yes, then list K.S.A. #	Members	SGF Expenditures	All Other Funds Expenditures	Total	Required by Federal Program?
SRS Rehabilitation Services	State Rehabilitation Council of Kansas	Review, analyze and advise Rehabilitation Services regarding the implementation and effectiveness of the vocational rehabilitation program for people with disabilities; and work in partnership with the agency to develop goals and priorities for the State Plan.	Not required by KSA. See Federal program requirement.	21	\$5,155	\$19,376	\$24,531	Required by the Rehabilitation Act of 1973, as amended. 29 USC 701 et seq
SRS Rehabilitation Services	Statewide Independent Living Council of Kansas (SILCK)	Rehabilitation Services does not oversee the activities of the SILCK. In accordance with the Rehabilitation Act (see federal program reference), we work with SILCK to jointly develop the State Plan for Independent Living. Funding is provided through grants and contracts only.	Not required by KSA. See Federal program requirement.	14	\$85,974	\$210,764	\$296,738	Required by the Rehabilitation Act of 1973, as amended. 29 USC 701 et seq
SRS Rehabilitation Services	Kansas Commission for the Deaf and Hard of Hearing (KCDHH)	Oversee and direct the functions of KCDHH, which provides technical assistance, advocacy, information and referral, and sign language interpreter registration, coordination and certification.	KSA 75-5391	17	\$155,814	\$14,594	\$170,408	No
SRS Rehabilitation Services	State Transition Council	Identify alternatives to barriers for effective education, employment and independent living for youth with disabilities; and coordinate with local transition councils.	KSA 75-53,102	9	\$479	\$1,771	\$2,250	No
SRS Rehabilitation Services	Business Enterprise Program Vendors Committee	Review new or changing policies and practices that impact the implementation of the program; and advise Rehabilitation Services on issues that impact the vendors and their businesses.	KSA 75-3343	7	\$0	\$225	\$225	Required by the Randolph-Sheppard Act, 20 USC 107 et seq

House Commerce & Labor

Date: 2-15-10

Attachment # 2



<b>SRS Rehabilitation Services</b>	Kansas Advisory Committee for the Blind and Visually Impaired	Advise SRS on issues, services, policies, programs, priorities and strategic direction related to employment and independent living for persons who are blind or visually impaired.	Governor's Executive Order 10-02	16	\$3,152	\$11,648	\$14,800	No