

CAPABILITY STATEMENT

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"AV" Rated Law Firm
Best of the Bar
Preeminent Women Lawyers

COMPETENCIES:

Commercial Construction and Business Law
M/W/DBE, 8a, 8m, HubZone, SDVOSB Certification
Government Contracting
Economic Development and Public/Private Project Initiatives
Equine and Agricultural Law

2011	WIPP (Women Impacting Public Policy) National Member of the Year (Washington DC 10/12/2011)
2011	Kansas City Business Journal "Best of the Bar" Construction Law (2009, 2010, 2011)
2010	Martindale Hubbell National "Preeminent Women Lawyers" - Construction Law
2010	Kansas Business Magazine; "Kansas City's Most Influential Women" Publication
2010-2011	Kansas Minority/Woman/Small Business Legislative Advisory Committee
2009	State of Kansas "Woman Business Advocate of the Year"
2009-2011	Martindale Hubbell "National Preeminent Women Lawyers"
2009	WIPP (Women Impacting Public Policy) National Partner and Advisory Committee Member
2009	Unified Government Wyandotte County/Kansas City KS Fairness in Contracts Board
2008	National Co-Chair, American Bar Association "Construction Contracts Program"
2008	WIPP (Women Impacting Public Policy) 2008 Instant Impact Team Leader Award-Kansas
2008	Longview Community College Outstanding Alumni of the Year
2007	WIPP National Public Policy Advocate of the Year Award
2007	Time Warner Cable / Oxygen / Flourish Magazine "She Did What?" Award
2007	NAWBO-KC (National Assn. Women Business Owners) Member of the Year Award
2007	KC Business Magazine "50 Most Influential Businesswomen"
2007	SBA Regional Woman Business Champion of the Year
2006 - 2008	Public Policy Chair, NAWBO-KC
2004 - 2007	Chair ABA Forum on the Construction Industry Div. 10, Legislation & Environmental
2002 - 2008	Judge, KC Small Business Monthly "25 Under 25" Small Business Awards
2001	Chair, Missouri Bar and KC Metropolitan Bar Assn. Construction Law Committee
1996 - 2009	First Female Appointee, KCMO Fairness in Construction Board

EXHIBIT

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Denise is the Managing Member of the Farris Law Firm, L.L.C., practicing general business, commercial construction and equine law. Trained in the City's largest law firms, Denise opened her own practice in 1996 and has consistently been "AV" rated by Martindale Hubbell, including the national Preeminent Women Lawyers and the KC Business Journal "Best of the Bar" in construction law. Her practice emphasizes small business training, risk management, government contracting and minority / women business certification issues at the local, state and national levels. She is a frequent author and lecturer on the constitutional parameters of government affirmative action programs, IDIQ (indefinite delivery indefinite quantity) Job and Task Order contracts; Federal Acquisition Regulations, surety bonds, Miller Act and state bond disputes, prompt payment issues, and mechanics liens. She has worked with the governments of Kansas City, MO; Unified Government Wyandotte County, States of Missouri and Kansas on each of their M/W/DBE programs over the past twenty years. Denise is also known for her separate business law practice focusing on larger equine businesses including stables, trainers, and breed associations, risk management training for clients of commercial liability carriers, and education series specifically addressing new developments in animal pharmaceutical compounding. Denise additionally owns and manages a second business, Prairie Wind Farms, LLC, d/b/a Equine Business Forms.Com. www.equinebusinessforms.com.

Consistently a top-rated presenter, Denise is a frequent speaker and author for various legal and business associations and corporations. She is past chair of the Missouri and Kansas City Metropolitan Bar Construction Law Committees, and Division 10 of the ABA's Forum on the Construction Industry. In 2008 she represented WIPP on the U.S. Senate Small Business Committee and her 2008 House of Representatives' testimony is featured at: <http://www.youtube.com/watch?v=21WJgZEWraq>. Her 2011 radio interview for Women's Radio is featured at: <http://www.womensradio.com/episodes/WIPP-Helps-Women-Impact-Public-Policy/10455.html>. Denise is a regular speaker for: Forum on the Construction Industry, the Association of General Contractors/Builders Associations, National Association of Women Business Owners; Women Impacting Public Policy; Women's Centers or Small Business Development Centers nationwide; Boehringer Ingelheim Vetmedica, the national Equine Law Practitioner's Conference; National Farrier's Association, the Purina Mills VIP conference; Clemson University Multiple Trailer User Symposium, University Missouri Kansas City School of Law; and Kansas State University. See: http://www.farrislawfirm.com/founders_resume.aspx. Firm clients include: Kansas City Chiefs, Turner Construction Company, Unified Government of Wyandotte County/Kansas City, KS; the Builders Association of Greater Kansas City; Ledcor Construction Company; Kraus-Anderson Construction Company; Purina Mills, Boehringer-Ingelheim Vetmedica, Inc.; Centerpoint Properties Trust.

STATE OF KANSAS

DEMOGRAPHIC STATISTICS

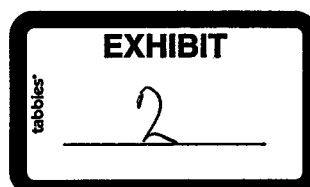
Justifying Small, Minority, Women Business Program

Group	% Population	% of Owned Firms	Est. Annual Receipts (\$1,000)	Est. Employees
African American	5.9 %	2.4%	\$ 376,367	4,023
Asian	2.4%	2.0%	895,590	8,535
Hispanic	10.5%	2.4%	659,587	7,493
Am. Indian	2.1%	.9%	375,277	2,657
Women	50.4%	27.5%	6,928,221	58,497
Total:		35.2%	9,235,042	81,205
Small Business	Including White, minority & women	96.9%	Substantially exceeding \$9.2 billion	Accounts for 53.4% of all private sector jobs created in state

"Kansas' small businesses are key to the state's well-being. They account for a significant share of the state's economic production and hiring ... Small businesses totaled 237,543 in the state in 2008. Of these, 59,010 were employers and accounted for 53.4% of private sector jobs in the state. Small firms made up 96.8% of the state's employers. ... Business ownership is becoming more inclusive in the state. The number of both women and minority business owners has grown. In particular, minority-owned businesses numbered 18,309 in 2007, a 34.2% increase over 2002." SBA Office of Advocacy "Small Business Profile" (February 2011). (Exhibit 1).

- In 2002 there were over 149,489 minority and women owned businesses in Kansas generating over \$9.2 billion in gross receipts.
- These firms employed over 81,205 Kansas residents
- The number of minority owned firms in Kansas increased by 17% between 1997 and 2002, compared to an average of 2% for other classifiable firms in the state.
- With the exception of Native Hawaiians and Other Pacific Islanders, no minority or women group in Kansas reached parity in their number of firms or gross receipts in 2002 when compared to that group's representation in the state's population.
- The number of women owned businesses in Kansas increased 9 percent from 1997, with women representing 35.2 percent of the self-employed persons in Kansas.

CONCLUSION: If business opportunities increased for small, minority and women owned firms in Kansas, given the above statistics, the resulting growth in gross receipts, income tax revenues and jobs created would result in significant economic development activities and healthy business growth for the state. (Exhibit 2, Kansas small business profile); (Exhibit 3, U.S. Department of Commerce 2002 Census); (Exhibit 4, U.S. Department of Commerce 1997 Census).



Denise Farris

From: Banks, Jason [jbanks@wycokck.org]
Sent: Thursday, January 26, 2012 9:42 AM
To: 'Denise Farris'
Subject: RE: HB 2450 Kansas Small and Disadvantaged Business Act Proposed Bill Letters of Support

Here you go Denise. Thanks again for your efforts.

Dear Committee Members,

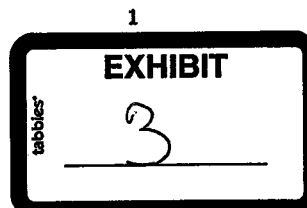
My name is Jason Banks and I am the Contract Compliance Director for the Unified Government of Wyandotte County/Kansas City, KS. Thank you for consideration of HB 2450 and SB 268. Our agency approved a similar policy in 2007 focused on minority and women business development and we have already begun to see new economic activity as a direct result of this policy. At the time of approval, there were limited budget and staff resources available to implement the program but we were able to reorganize existing resources to the extent that there was no direct budget impact and we were still able to begin implementation. Because of the broad scope of our Ordinance, we have decided to phase in implementation across our major spending groups. This process has not only allowed us to minimize the budget impacts but it has also given us the unique, and long overdue, opportunity to explore our entire supply chain. We've enhanced how we package and advertise bids, giving our entire procurement process a much need overhaul. My point is that, in addition to the obvious economic development gains realized from such programs, these programs encourage agencies to be as efficient as possible with regards to procurement. We were also fortunate that the entire state of KS has a vast network of business development agencies and resource providers. This allowed us to leverage those relationships not only to advertise our new program but also assist in our implementation efforts. With regards to the specific economic impacts we've seen they range all the way from an increase in the number of small businesses registering in our database to us having to assist businesses find more office space because they are growing as a result of the opportunity our program has created. I think the State of KS has a very unique and valuable opportunity given the amount of public and private capital improvements that will be taking place in the next 3-5 years. Implementation now would mean the program would come online in enough time to assist Kansas small business prepare themselves for these opportunities. I'd conclude by reiterating my full support for this program and would offer up my office's resources to aid in the implementation.

Sincerely,

M. Jason Banks
Director, Contract Compliance
Unified Government of WyCo / KCK
701 N. 7th St., Suite 421
Kansas City, Kansas 66101
Office: 913-573-5439
Fax: 913-573-5405
jbanks@wycokck.org

From: Denise Farris [mailto:dfarris@farrislawfirm.com]
Sent: Thursday, January 26, 2012 9:10 AM
To: Banks, Jason
Subject: RE: HB 2450 Kansas Small and Disadvantaged Business Act Proposed Bill Letters of Support

For the immediate time, would you be able to shoot me a short email regarding your support for the program, How WyCo did something similar with limited budget and staffing but its working, and who you've seen benefit from the programs' implementation the past two years?



January 31, 2012

The Honorable Anthony Brown, Chairperson
House Committee on Commerce and Economic Development
Statehouse, Room 151-S
Topeka, Kansas 66612

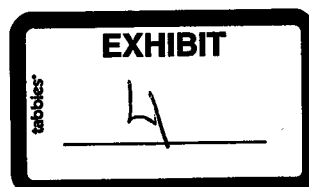
Dear Representative Brown:

SUBJECT: Fiscal Note for HB 2450 by House Committee on Commerce and Economic Development

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2450 is respectfully submitted to your committee.

HB 2450 would create the Kansas Small, Minority, and Women-Owned Business Development Program within the Department of Commerce. This program would:

1. Develop programs to provide opportunities for participation by qualified small, minority, and women-owned businesses in public works and the process that goods and services are procured by state agencies and postsecondary educational institutions from the private sector;
2. Develop a comprehensive plan insuring that qualified small, minority, and women owned businesses are provided an opportunity to participate in public contracts for public works and goods and services;
3. Identify any barrier to equal participation by qualified small, minority, and women owned businesses in all state agency and postsecondary educational institution contracts;
4. Establish annual overall goals for participation by qualified small, minority, and women owned and controlled businesses for each state agency and postsecondary educational institution to be administered on a contract-by-contract basis or on a class-of-contracts basis; and
5. Develop and maintain a central small, minority, and women owned business certification list for all state agencies and postsecondary educational institutions.



The bill requires that each state agency and higher education institution comply with the annual goals established for that agency or institution for public works and procuring goods or services. Each city, county, and unified school district would also be required to adopt a similar small, minority, and women owned business procurement program. The Kansas Small, Minority, and Women-Owned Business Development Program would be responsible for investigating complaints of violations and would be required to notify the Governor and Legislative Division of Post Audit of all agencies and institutions not in compliance.

The bill prohibits anyone from preventing or interfering with a contractor's or subcontractor's compliance with the bill or any regulation. The bill prohibits the submission of any false or fraudulent information to the director, and prohibits anyone from fraudulently obtaining or attempting to obtain certification. The bill also prohibits anyone from knowingly making a false statement, knowingly obstructing an investigation, fraudulently obtaining or attempting to obtain public monies to which the person is not entitled, or knowingly making any false statement or representation that any organization is or is not certified. The penalties for violating the provisions of the bill include withholding payment, banning the contractor, and suspending or terminating the contract. The bill provides that a willful repeated violation may disqualify the contractor for a period of up to three years.

Estimated State Fiscal Effect				
	FY 2012 SGF	FY 2012 All Funds	FY 2013 SGF	FY 2013 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$418,036	\$418,036
FTE Pos.	--	--	--	7.00

The Department of Commerce indicates implementing HB 2450 would require \$210,000 from the State General Fund in FY 2013 for the salaries and wages and operational expenses for 3.00 new FTE positions to manage this new program.

The Kansas Department of Transportation (KDOT) indicates that it currently certifies Disadvantaged Business Enterprises based on the Federal Highway Administration regulations and that this bill would create a new and separate certification process. The bill would require KDOT to be the only authority to perform certifications of minority business enterprises, women business enterprises, and socially and economically disadvantaged enterprises throughout the State of Kansas. The agency would be responsible for certifying businesses participating in programs for other state agencies and local governments. The agency indicates that the bill cannot be implemented within the currently approved staffing and operating expenditures. According to KDOT, creating and managing this new certification process would require \$208,036 from the State General Fund in FY 2013 for the salaries and wages and operational expenses for 4.00 new FTE positions.

State agencies, postsecondary educational institutions, and participating local governments would be required to comply with the annual goals for participation by qualified small, minority, and

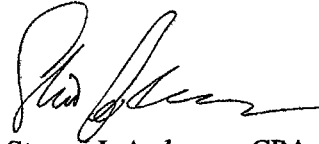
The Honorable Anthony Brown, Chairperson

January 31, 2012

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women-owned and controlled businesses for public works and procurement contracts. The bill has the potential to increase the costs for goods and services purchased by state agencies, postsecondary educational institutions, and participating local governments if a bidder from a small, minority, and women-owned and controlled business were required to be selected over a lower cost bidder; however, no precise fiscal effect can be estimated. The bill has the potential to provide additional opportunities for Kansas small, minority, and women-owned businesses to participate in public works and other procurement contracts. Any fiscal effect associated with HB 2450 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson".

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

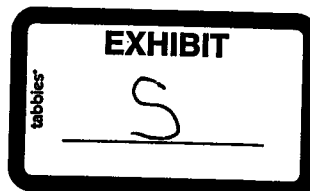
cc: Jason Glasrud, Commerce
Ben Cleaves, Transportation

Original Proposed Definition "Small Business" proposed by Committee:

Section 2(s): Amend as follows:

"Small" shall mean the business concern meets the Small Business Administration industry size limitations set forth in 13 C.F.R. 121.201 and as subsequently amended;

**Section 2(h) "Dominant in its field" – Amend by deleting third sentence beginning:
"Furthermore, notwithstanding the above criteria..."**



House Status: Now in Session

Senate Status: Adjourned until Thursday, 16 February 2012 at 02:30 p.m.

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Article 50. - DEPARTMENT OF COMMERCE

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74-50,154. Tax credits for contributions to certain regional foundations providing economic development services; transfer of funds to enterprise facilitation fund; rules and regulations establishing criteria for proposals designating and selecting foundations to sell tax credits; limitations on use of funds; limitations on amount of credits.

(a) As used in this act: (1) "Business support services" means business counseling, technical assistance and business planning services provided to existing or prospective small businesses or entrepreneurs;

(2) "contributions" means and includes the donation of cash or property other than used clothing in an amount or value of \$250 or more. Contributions shall be valued as follows:

(A) Stocks and bonds contributed shall be valued at the stock market price on the date of transfer;

(B) personal property items contributed shall be valued at the lesser of the item's fair market value or cost to the donor and may be inclusive of costs incurred in making the contribution. Such value shall not include sales tax;

(C) contributions of real estate are allowable for credit only when title of such real estate is in fee simple absolute and is clear of any encumbrances; and

(D) the amount of credit allowable shall be based upon the lesser of two current independent appraisals conducted by state licensed appraisers;

(3) "department" means the department of commerce;

(4) "entrepreneur" means an individual creating a new business, service or product;

(5) "region" means multi-county areas as defined by the secretary of commerce;

(6) "regional business development fund" means an authorized and audited fund that is created by taxpayer contributions, interest income and investment income and is managed by the regional foundation board of directors for the purposes of economic and leadership development in the region;

(7) "regional foundation" means any organization in Kansas that demonstrates capacity to provide economic development services to regions as defined by this act, and: (A) Has obtained a ruling from the internal revenue service of the United States department of treasury that such organization is exempt from income taxation under the provisions of section 501(c)(3) or 501(c)(6) of the federal internal revenue code;

(B) has been designated as a certified development company by the United States small business administration;

(C) has been designated as an economic development district by the United States department of commerce's economic development administration;

(D) has been organized as a regional planning commission under K.S.A. 12-744 et seq., and amendments thereto, or its predecessor, K.S.A. 12-716 et seq., and amendments thereto; or

(E) is incorporated in the state of Kansas as a nonstock, nonprofit corporation;

(8) "regional leadership development" means training and education that enable a region to develop community leadership that strengthens the economic and social environment in that region;

(9) "rural community" means any city having a population of fewer than 50,000 or except as otherwise provided, any unincorporated area. Unincorporated areas within any county having a population of more than 100,000 are not eligible;

(10) "secretary" means the secretary of the department of commerce;

(11) "small business" means an independently owned and operated business having fewer than 100 full-time equivalent employees;

(12) "taxpayer" means: (A) Any business entity authorized to do business in the state of Kansas which is subject to the state income tax imposed by the provisions of the Kansas income tax act;

(B) any individual subject to the state income tax imposed by the provisions of the Kansas income tax act;

(C) any national banking association, state bank, trust company or savings and loan association paying an annual tax on its net income pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated; or

(D) any insurance company paying the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto; and

(13) "technology improvements" means a project that results in the ability of the region to enhance service in areas, including broadband access, web site creation, wireless internet services, computer programming, computer servers, computer networks, computer databases, electronic training modules, electronic media and any other technological areas deemed eligible by the secretary.

(b) For taxable years commencing after December 31, 2004, any taxpayer contributing to a regional foundation designated by the secretary of commerce, shall be allowed a credit, as provided in this act, against the tax imposed by the Kansas income tax act, the tax on net income of national banking associations, state banks, trust companies or savings and loan associations imposed under article 11 of chapter 79 of the Kansas Statutes Annotated, or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, if the proposal of the regional foundation is approved pursuant to this act.

(c) (1) On December 31, 2007, June 30, 2008, and each June 30 thereafter, each regional foundation shall transfer 5% of funds raised in the previous fiscal year from the marketing of the rural business tax credits to be credited to the enterprise facilitation fund created in K.S.A. 2011 Supp. 74-50,155, and amendments thereto.

(2) The secretary of commerce may adopt rules and regulations for the disbursement of regional foundation funds to the enterprise facilitation fund.

(d) (1) The secretary of commerce is hereby authorized to adopt rules and regulations for establishing criteria for evaluating proposals to designate regional foundations as defined by this act with the assistance of the secretary of revenue.

EXHIBIT

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(2) The proposal shall set forth the program to be conducted, why the program is needed, the estimated amount to be invested in the program, composition of the board that shall be making investment decisions, policies stating the organization shall offer services to all counties in that region and the plans for implementing the program.

(3) The secretary of commerce shall select regional foundations pursuant to rules and regulations adopted pursuant to subsection (d)(1) to use the sale of credits to establish regional business development funds.

(4) The total amount of credits allowed under this act shall not exceed \$2,500,000 for fiscal year 2005; \$2,500,000 for fiscal year 2006; \$2,000,000 per year for fiscal years 2007 through, and including, 2010, and fiscal year 2012, and \$1,800,000 for fiscal year 2011. Each region as defined by this act shall receive an equal share of this allocation.

(5) Any credits not sold by such regional foundations shall be reclaimed by the secretary from such region and redistributed to other regions that sold all credits previously issued.

(6) The secretary shall annually review and approve or disapprove the proposal of each designated regional foundation for continued eligibility for tax credits. The department of commerce retains that right to reclaim credits in such cases the regional foundation closes or there is demonstrated violation of the organization's policies. Changes to the investment policies of each regional foundation are subject to approval of the secretary.

(e) Each regional foundation shall administer a regional business development fund. The sums generated by contributions to each regional business development fund are intended to be distributed to qualified entrepreneurs for the purposes of economic and leadership development in the region. Such sums shall be allocated by each regional foundation as follows:

(1) Not less than 60% of such funds may be allocated for job creation or retention;

(2) not more than 10% of such funds shall be allocated for administrative costs in overseeing particular projects; and

(3) the remaining funds may be allocated towards other eligible activities as provided in subsection (f) in a manner that fits the region's priorities and needs.

(f) Funds in the regional business development funds may be utilized by the regional foundation for one or more of the following eligible activities:

(1) Business start-ups;

(2) business expansion;

(3) business retention;

(4) business support services;

(5) regional leadership development;

(6) technology improvements; and

(7) administrative services.

(g) All interest generated on idle funds administered by the regional foundation shall be used by the foundation's board in accordance with subsections (e) and (f).

(h) Any regional foundation may increase or decrease the allocation percentages set forth in subsection (e) only upon approval of such adjustments by the secretary.

(i) (1) The amount of credit allowed pursuant to this act, shall not exceed 75% of the total amount contributed during the taxable year by the taxpayer to a regional foundation approved pursuant to this act.

(2) If the amount of the credit allowed by this act, exceeds the taxpayer's income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer.

(j) The provisions of this act shall be applicable to all taxable years beginning after December 31, 2004.

History: L. 2004, ch. 112, § 70; L. 2006, ch. 201, § 1; L. 2007, ch. 184, § 1; L. 2008, ch. 173, § 6; L. 2010, ch. 123, § 1; Apr. 29.

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[Article 50. - DEPARTMENT OF COMMERCE](#)

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House Status: Now in SessionSenate Status: Adjourned until Thursday, 16 February 2012 at 02:30 p.m.[Prev](#)

Article 74. - KANSAS HEALTH POLICY AUTHORITY

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75-7433. Association assistance plan; association assistance plan fund. (a) The Kansas health policy authority is hereby authorized to make grants or no interest loans for the purpose of financing the initial costs associated with the forming and organizing of associations to assist members of the association to obtain access to quality and affordable health care plans. Such grants or loans may be used to pay for actuarial or feasibility studies.

(b) Such grants and loans shall be made upon such terms and conditions as the Kansas health policy authority may deem appropriate, except that: (1) Such loans shall be made interest free and with recourse, and (2) the association shall provide a match for such grant or loan. Such grants and loans shall be made from funds credited to the association assistance plan fund.

(c) There is hereby established in the state treasury the association assistance plan fund. The Kansas health policy authority shall administer such fund and expenditures from the association assistance plan fund for the purpose of providing grants and no interest loans in accordance with this section. All expenditures from the association assistance plan fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the Kansas health policy authority or the designee of the authority.

(d) On July 1, 2007, the director of accounts and reports shall transfer \$500,000 from the state general fund to the association assistance plan fund.

(e) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the association assistance plan fund interest earnings based on:

- (1) The average daily balance of moneys in the association assistance plan fund for the preceding month; and
- (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(f) For the purpose of this section:

(1) "Association" means a small business or an organization of persons having a common interest; and

(2) "small business" means any business that employs 50 or less employees.

(g) The Kansas health policy authority may adopt rules and regulations to implement the provisions of this section.

(h) Any health care plans offered through any association funded in whole or in part with grants or loans pursuant to this section shall be underwritten by an insurance company or health maintenance organization that holds a valid Kansas certificate of authority as verified by the commissioner of insurance and any such association shall be subject to the provisions of K.S.A. 40-2209, 40-2209a through 40-2209p and 40-2222, and amendments thereto.

History: L. 2007, ch. 177, § 14; L. 2008, ch. 164, § 17; July 1.

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