

SENATE BILL NO. 444

By Committee on Ways and Means

2-222

1 AN ACT concerning individuals with disabilities; relating to employment
2 and competitive bids for state contracts; amending K.S.A. 2011 Supp.
3 75-3739 and 75-3740 and repealing the existing sections.

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

5 Section 1. K.S.A. 2011 Supp. 75-3739 is hereby amended to read as
6 follows: 75-3739. In the manner as provided in this act and rules and
7 regulations established thereunder:

8 (a) All contracts for construction and repairs, and all purchases of and
9 contracts for supplies, materials, equipment and contractual services to be
10 acquired for state agencies shall be based on competitive bids, except that
11 competitive bids need not be required in the following instances:

12 (1) For contractual services, supplies, materials, or equipment when,
13 in the judgment of the director of purchases, no competition exists;

14 (2) when, in the judgment of the director of purchases, chemicals and
15 other material or equipment for use in laboratories or experimental studies
16 by state agencies are best purchased without competition, or where rates
17 are fixed by law or ordinance;

18 (3) when, in the judgment of the director of purchases, an agency
19 emergency requires immediate delivery of supplies, materials or
20 equipment, or immediate performance of services;

21 (4) when any statute authorizes another procedure or provides an
22 exemption from the provisions of this section;

23 (5) when compatibility with existing contractual services, supplies,
24 materials or equipment is the overriding consideration;

25 (6) when a used item becomes available and is subject to immediate
26 sale; or

27 (7) when, in the judgment of the director of purchases and the head of
28 the acquiring state agency, not seeking competitive bids is in the best
29 interest of the state.

30 When the director of purchases approves a purchase of or contract for
31 supplies, materials, equipment, or contractual services in any instance
32 specified in this subsection, the director may delegate authority to make
33 the purchase or enter the contract under conditions and procedures
34 prescribed by the director. Except for purchases or contracts entered into
35 without a competitive bid under subsection (a)(3), (a)(4), (a)(6) or
36

1 creating the employment incentive for persons with a
2 disability gifts, grants and donations fund;

Proposed Amendment
For Committee on Ways and Means
Prepared By: Office of Revisor of Statutes

983 UNFOUNDED

SEE ATTACHED

1 3740, and amendments thereto;
 2 (3) "home and community based services programs" shall have the
 3 meaning ascribed thereto in K.S.A. 39-7100, and amendments thereto;
 4 (4) "individuals with disabilities" or "individual with a disability"
 5 shall have the meaning ascribed thereto in K.S.A. 75-3740, and
 6 amendments thereto;
 7 (5) "medicaid program" means the Kansas program of medical
 8 assistance for which federal or state moneys, or any combination thereof,
 9 are expended as administered by the department of social and
 10 rehabilitation services, or its fiscal agent, or any successor federal or state,
 11 or both, health insurance program or waiver granted thereunder;
 12 (6) "physical or mental impairment" shall have the meaning ascribed
 13 thereto in K.S.A. 75-3740, and amendments thereto; and
 14 (7) "secretary" means the secretary of social and rehabilitation
 15 services or the secretary's designee.
 16 (b) There is a rebuttable presumption that an individual with a
 17 disability shall be eligible for reinstatement to the level of home and
 18 community based services or other medicaid program services such person
 19 was entitled to on the day preceding the day such person stopped receiving
 20 home and community based services or other medicaid program services
 21 if:
 22 (1) Such individual had received home and community based services
 23 or other medicaid program services pursuant to an application filed with
 24 the department of social and rehabilitation services, and entitlement to
 25 receive or receipt of home and community based services or other
 26 medicaid program services terminated due to full-time employment for a
 27 certified business, not medical recovery or any other reason; and
 28 (2) the individual with a disability is currently under a physical or
 29 mental impairment that was the basis for the finding of disability that gave
 30 rise to the entitlement for the services specified in subsection (b)(1). Upon
 31 reinstatement to the medicaid program to receive home and community
 32 based services or other medicaid program services, such individual shall
 33 receive services and not wait to receive services under such program.
 34 (c) The secretary may adopt rules and regulations as necessary to
 35 effectuate the purpose of this section.
 36 Sec. 4. K.S.A. 2011 Supp. 75-3739 and 75-3740 are hereby repealed.
 37 Sec. 5. This act shall take effect and be in force from and after
 38 January 1, 2013, and its publication in the statute book.

New Sec. 4. (a)(1) The secretary of commerce shall develop, implement and administer a pilot program to increase employment among Kansans with disabilities. Within the appropriations therefor authorized by the legislature, such program shall provide incentives to employers who hire qualified individuals with disabilities. For the purposes of this section, the term "qualified individual with a disability" shall include individuals with a disability who receive both vocational rehabilitation services and medicaid program services.
 (2) The pilot program shall be developed in cooperation with the Kansas department for children and families and the division of health care finance of the department of health and environment.
 (3) The secretary of commerce is authorized to enter into agreements with other state agencies and other entities necessary to administer such pilot program.
 (b) (1) There is hereby created in the state treasury the employment incentive for persons with a disability gifts, grants and donations fund. The secretary of commerce shall remit all amounts received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the secretary of commerce shall remit the entire amount to the state treasurer pursuant to the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the secretary of commerce shall deposit the entire amount in the state treasury to the credit of the employment incentive for persons with a disability gifts, grants and donations fund.
 (2) Moneys in the employment incentive for persons with a disability gifts, grants and donations fund be expended only for the purposes of administering this section.
 (3) All expenditures from the employment incentive for persons with a disability gifts, grants and donations 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 secretary of commerce or by a person designated by the secretary of commerce.
 (c) The provisions of this section shall expire on June 30, 2014.

Renumbering sections accordingly

PROPOSED AMENDMENT TO SB 444
PREPARED BY: OFFICE OF REVISOR OF STATUTES
MAY 9, 2012

New Sec. 4. (a) The secretary of commerce shall develop, implement and administer a pilot program, in cooperation with the Kansas department for children and families and the division of health care finance of the department of health and environment, to increase employment among Kansans with disabilities. Within the appropriations therefor authorized by the legislature, such program shall provide incentives to employers who hire qualified individuals with disabilities. The secretary of commerce is authorized to enter into agreements with other state agencies and other entities necessary for the administration of such pilot program by the secretary.

(b) Subject to the provisions of subsection (c):

(1) The secretary of commerce shall provide a financial incentive payment in an amount not to exceed \$1,500 to any employer who participates in the pilot program by hiring at least one qualified individual with a disability. The financial incentive payment shall not be made until the secretary receives documentation, as required by the secretary, verifying that a qualified individual with a disability has been employed by such employer continuously for a period of at least 90 consecutive days. The secretary may make an additional incentive payment to a participating employer not to exceed \$1,500 upon receipt of documentation, as required by the secretary, verifying that such qualified individual with a disability has been retained in the same or similar employment for a continuous period which extends past the first anniversary of the date when such qualified individual with a disability was first hired.

(2) The secretary of commerce shall provide a financial incentive payment in an amount not to exceed \$1,000 to any employer who participates in the pilot program by hiring at least one qualified individual with a disability on a part-time basis. The financial incentive payment shall not be made until the secretary receives documentation, as required by the secretary, verifying that a qualified individual with a disability has been employed by such employer continuously on a part-time basis for a period of at least 90 consecutive days. The secretary may make an additional incentive payment not to exceed \$1,000 to a participating employer upon receipt of documentation, as required by the secretary, verifying that such qualified individual with a disability has been retained in the same or similar employment on a part-time basis for a continuous period which extends past the first anniversary of the date when such qualified individual with a disability was first hired.

(c) In the event that a qualified individual with a disability who has been employed by an employer participating in the pilot program is terminated for any reason, other than inadequate performance of duties by the qualified individual with a disability, failure to comply with the employer's policies or procedures or if the qualified individual with a disability resigns voluntarily, the employer shall repay to the secretary of commerce all incentive payments received by such employer pursuant to the program.

(d) For the purposes of this section, the term "qualified individual with a disability" means an individual with a disability who receives both vocational rehabilitation services and medicaid program services.

(e) (1) There is hereby created in the state treasury the employment incentive for persons with a disability gifts, grants and donations fund. The secretary of commerce shall remit all amounts received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the secretary of commerce shall remit the entire amount to the state treasurer pursuant to the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the employment incentive for persons with a disability gifts, grants and donations fund.

(2) Moneys in the employment incentive for persons with a disability gifts, grants and donations fund be shall expended only for the purposes of administering this section.

(3) All expenditures from the employment incentive for persons with a disability gifts, grants and donations 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 secretary of commerce or by a person designated by the secretary of commerce.

(f) The provisions of this section shall expire on June 30, 2014.