

1 if a wholly owned subsidiary of a foreign corporation, that:

2 (A) Does business primarily in Kansas or substantially all of its  
3 production in Kansas;

4 (B) employs at least 20% full-time employees in Kansas that are  
5 individuals with disabilities; and reside in Kansas

6 (C) offers to contribute at least 70% of the premium cost for  
7 individual health insurance coverage for each employee. The level of such  
8 coverage shall be at least equal to the level of benefits offered by the state  
9 employee benefit program established by K.S.A. 75-6501 et seq., and  
10 amendments thereto. The department of administration shall require a  
11 certification of these facts as a condition to the certified business being  
12 awarded a contract pursuant to subsection (b); and

13 (D) does not employ individuals under a certificate issued by the  
14 United States secretary of labor under subsection (c) of 29 U.S.C. § 214;

15 ~~(2) "full-time" means employment of persons residing in this state  
16 and working at least 40 hours per week in this state, which has a minimum  
17 one-month duration during any twelve-month period;~~

18 ~~(3) "individuals with disabilities" or "individual with a disability"  
19 means any individual certified by the department of social and  
20 rehabilitation services as having a physical or mental impairment which  
21 constitutes a substantial barrier to employment and:~~

22 ~~(i) Is receiving services, has received services, or is eligible to  
23 receive services under a home and community based services program, as  
24 defined by this section;~~

25 ~~(ii) Is employed by a charitable organization domiciled in the state of  
26 Kansas and exempt from federal income taxation pursuant to section  
27 501(c)(3) of the federal internal revenue code of 1986, as amended; or~~

28 ~~(iii) Is an individual with a severe and persistent mental illness, as  
29 determined by a clinical or functional assessment approved by the  
30 secretary of social and rehabilitation services;~~

31 (4) "physical or mental impairment" means:

32 (A) Any physiological disorder or condition, cosmetic disfigurement  
33 or anatomical loss substantially affecting one or more of the following  
34 body systems: Neurological; musculoskeletal; special sense organs;  
35 respiratory, including speech organs; cardiovascular; reproductive;  
36 digestive; genitourinary; hemic and lymphatic; skin; or endocrine; or

37 (B) any mental or psychological disorder, such as intellectual  
38 disability, organic brain syndrome, mental illness, and specific learning  
39 disabilities. The term "physical or mental impairment" includes, but is not  
40 limited to, such diseases and conditions as orthopedic, visual, speech and  
41 hearing impairment, cerebral palsy, epilepsy, muscular dystrophy, multiple  
42 sclerosis and intellectual disability; and

43 ~~(5) As used in this section and in K.S.A. 75-3741, and amendments~~

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(A) works a minimum number of hours per week for a certified business necessary to qualify for health insurance coverage offered pursuant to subsection (g)(1); and

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Proposed SB 444 Amendment  
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1 thereto, (5) "project architect" shall have the meaning ascribed thereto in  
2 K.S.A. 75-1251, and amendments thereto.

3 (h) Any state agency authorized by the director of purchases to make  
4 purchases pursuant to subsection (e) of K.S.A. 75-3739, and amendments  
5 thereto, shall consider any unsolicited proposal for goods or services  
6 under this section.

7 (i) The secretary of administration and the secretary of social and  
8 rehabilitation services, jointly, shall adopt rules and regulations as  
9 necessary to effectuate the purpose of this section.

10 (j) On and after January 1, 2014, at the beginning of each regular  
11 session of the legislature, the secretary of administration and the secretary  
12 of social and rehabilitation services shall submit to the social services  
13 budget committee of the house of representatives and the appropriate  
14 subcommittee of the committee on ways and means of the senate, a written  
15 report on:

16 (1) The number of certified businesses certified by the department of  
17 administration during the previous calendar year; \_\_\_\_\_

18 (2) the number of certified businesses awarded contracts pursuant to  
19 subsection (b) during the previous calendar year;

20 ~~(3) the number of individuals with disabilities removed from or~~  
21 ~~reinstated to home and community based services or other medicaid~~  
22 ~~program services during the previous calendar year as a result of full-time~~  
23 ~~employment with a certified business; and~~

24 ~~(4) savings resulting from the removal of individuals with disabilities~~  
25 ~~from home and community based services or other medicaid program~~  
26 ~~services during the previous calendar year as a result of full-time~~  
27 ~~employment with a certified business.~~

28 (k) On or before January 1, 2014, and every six months thereafter, a  
29 certified business awarded a contract pursuant to subsection (b) during  
30 the previous year shall submit a report to the director of purchases that  
31 includes, but is not limited to:

32 (1) The number of contracts awarded under subsection (b) to the  
33 certified business during the previous six months;

34 (2) the number of ~~full-time~~ individuals employed by the certified  
35 business during the previous six months;

36 (3) the number of ~~full-time~~ individuals with disabilities employed by  
37 the certified business during the previous six months; and

38 (4) such other matters relating to certified businesses as the secretary  
39 of administration deems appropriate.

40 New Sec. 3. (a) As used in this section:

41 (1) "Certified business" shall have the meaning ascribed thereto in  
42 K.S.A. 75-3740, and amendments thereto;

43 ~~(2) "full-time" shall have the meaning ascribed thereto in K.S.A. 75-~~

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1 3740, and amendments thereto;

2 (3) "home and community based services programs" shall have the  
3 meaning ascribed thereto in K.S.A. 39-7,100, 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

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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.