

SENATE BILL No. 444

By Committee on Ways and Means

2-22

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 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 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

Summary of the Kansas Disability Employment Incentive Program

Introduction and Legislative Action

The Department of Commerce, Division of Workforce Services, in cooperation with the Department of Social and Rehabilitation Services (SRS) proposes to implement a pilot program to enhance the number of individuals with disabilities finding long term, stable employment through participation in the vocational rehabilitation services program at the Department of SRS.

In an effort to increase employment among Kansans with disabilities Kansas Rehabilitation Services (KRS), the state's vocational rehabilitation services program, in cooperation with the Department of Commerce, Workforce Services division will match interested, qualified applicants with open positions, and provide a cash incentive of \$3,000 per qualified individual hired will be paid to the hiring company. As a pilot program, the funding is limited to approved hiring that occurs in Fiscal Year 2013, and any future incentives would be subject to annual allocations by the legislature.

The Department of Commerce is requesting an amendment to SB 444 that will outline the duties and functions of the Department of Commerce and other agencies involved in the approval and reporting processes and distribution of the funding.

Incentive Program

A \$500,000 allocation to the Department of Commerce has been recommended in the Governor's FY 2013 budget. This will be used to establish an incentive fund whereby Kansas companies that hire qualified individuals with disabilities will receive a cash benefit of \$1,500 per employee upon 90 days of stable employment and \$1,500 once verification has been received that the individual has been retained or advanced in employment by the company for two years from the original hire date. This overall benefit of \$3,000 is for employees hired on a full-time basis.

Companies that hire qualified individuals with disabilities on a part-time basis will receive a \$2,000 cash benefit, of which \$1,000 is paid per employee upon 90 days of stable employment and \$1,000 upon verification that the individual has been retained or advanced in employment by the company for one year from the original hire date.

If termination of an employee occurs prior to completion of the first year for reasons other than employee performance, adherence to the company's policies and procedures, or voluntary resignation it will result in the recapture of the initial incentive payment by the Department of Commerce, and the amount to be recaptured may be prorated at the discretion of the Secretary of Commerce.

Management of the Incentive Program Fund

The Workforce Services Division of the Department of Commerce will have administrative authority to manage the incentive fund and is responsible for increasing the number of participating companies for the purpose of increasing employment of qualified individuals with disabilities.

The Department of Commerce will provide verification of employment opportunities to KRS for recruitment of qualified individuals.

The Secretary of Commerce, upon receipt of necessary verifications from the Secretary of SRS, shall authorize the distribution of funds to the employer.

None of the allocated funds will be used for administrative costs.

Qualified Individuals

A qualified individual with disabilities means a person who is a recipient of vocational rehabilitation (VR) services provided through the Kansas Rehabilitation Services division of the Kansas Department of Social and Rehabilitation Services and who is also receiving Medicaid services.

Reporting Requirements

Participating companies shall report the employment status of qualified individuals hired through the incentive program on a quarterly basis to KRS.

The KRS shall maintain employment and status records of qualified individuals with disabilities hired by Kansas companies through this incentive program, and shall receive change in status updates from participating companies as employees hired under this act are affected.