

HOUSE BILL No. 2453

By Committee on Federal and State Affairs

1-12

1 AN ACT concerning ~~the commission on disability concerns~~ *individuals*
2 *with disabilities*; amending K.S.A. 2011 Supp. 74-6701, 74-6702, 74-
3 6703, 74-6706 ~~and~~, 74-6707, ~~75-3739 and 75-3740~~ and repealing
4 the existing sections; also repealing K.S.A. 2011 Supp. 74-6709.

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

7 Section 1. K.S.A. 2011 Supp. 74-6701 is hereby amended to read as
8 follows: 74-6701. (a) There is hereby established within and as a part of
9 the ~~department of commerce~~ *office of governor* the commission on
10 disability concerns.

11 (b) All budgeting, purchasing and related management functions of
12 the commission shall be administered under the direction of the ~~secretary~~
13 ~~of commerce~~ *office of the governor*. All vouchers for expenditures and all
14 payrolls of the commission shall be approved by the chairperson of the
15 commission, or by a person or persons designated by the chairperson, and
16 by the ~~secretary of commerce~~ *office of the governor*.

17 Sec. 2. K.S.A. 2011 Supp. 74-6702 is hereby amended to read as
18 follows: 74-6702. Subject to the provisions of K.S.A. 74-6709, and
19 amendments thereto, the commission shall be composed of 30 members,
20 15 of whom shall be appointed by the ~~secretary of commerce~~ *governor*. Of
21 the members appointed by the ~~secretary~~ *governor*, preference shall be
22 shown for Kansans representing each of the following:

- 23 (a) Industry;
- 24 (b) labor;
- 25 (c) community-based independent living programs;
- 26 (d) rehabilitation programs;
- 27 (e) education programs;
- 28 (f) disability or rehabilitation research programs; and
- 29 (g) private, nonprofit organizations serving Kansans with disabilities.

30 At least eight of the members appointed by the ~~secretary~~ **governor** shall be
31 Kansans with disabilities.

32 Sec. 3. K.S.A. 2011 Supp. 74-6703 is hereby amended to read as
33 follows: 74-6703. In addition to the members appointed by the ~~secretary of~~
34 ~~commerce~~ *governor* under K.S.A. 74-6702, and amendments thereto, the

1 following persons, or the designees of such persons, shall serve as
2 members ex officio of the commission:

- 3 (a) The secretary of health and environment;
- 4 (b) the chairperson of the Kansas planning council on developmental
5 disabilities services;
- 6 (c) the commissioner of mental health and developmental disabilities
7 of the department of social and rehabilitation services;
- 8 (d) the commissioner of rehabilitation services of the department of
9 social and rehabilitation services;
- 10 (e) the secretary of commerce;
- 11 (f) the director of special education of the state board of education;
- 12 (g) the secretary of transportation;
- 13 (h) the secretary of aging;
- 14 (i) the secretary of labor;
- 15 (j) the secretary of administration;
- 16 (k) the secretary of social and rehabilitation services;
- 17 (l) the president of the Kansas senate;
- 18 (m) the minority leader of the Kansas senate;
- 19 (n) the speaker of the Kansas house of representatives; and
- 20 (o) the minority leader of the Kansas house of representatives.

21 Sec. 4. K.S.A. 2011 Supp. 74-6706 is hereby amended to read as
22 follows: 74-6706. The commission shall consult with and advise the
23 ~~secretary of commerce~~ *governor* on all commission activities and shall:

- 24 (a) Carry on a continuing program to promote a higher quality of life
25 for people with disabilities;
- 26 (b) cooperate with all public and private agencies interested in
27 independent living by people with disabilities;
- 28 (c) cooperate with all agencies responsible for or interested in the
29 rehabilitation and employment of people with disabilities;
- 30 (d) encourage the organization of community-based programs and
31 work closely with such programs in promoting independence of people
32 with disabilities;
- 33 (e) assist in developing societal acceptance of people with
34 disabilities;
- 35 (f) inform individuals with disabilities of specific facilities available
36 for increasing their independence;
- 37 (g) conduct such educational programs as members deem necessary;
38 and
- 39 (h) report annually to the governor and legislature on commission
40 activities and submit any recommendations believed necessary in
41 promoting the independence of people with disabilities.

42 Sec. 5. K.S.A. 2011 Supp. 74-6707 is hereby amended to read as
43 follows: 74-6707. The ~~secretary of commerce~~ *governor* shall appoint an

1 executive director of the commission and the commission shall designate
2 the duties of the position. The ~~secretary of commerce~~ *office of the governor*
3 shall provide office space and such clerical and other personnel as may be
4 necessary for the efficient performance of the duties prescribed by this act.
5 All personnel serving the commission shall be in the classified service.

6 ***{Sec. 6. On January 1, 2013, K.S.A. 2011 Supp. 75-3739 is hereby***
7 ***amended to read as follows: 75-3739. In the manner as provided in this***
8 ***act and rules and regulations established thereunder:***

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

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

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

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

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

26 ***(5) when compatibility with existing contractual services, supplies,***
27 ***materials or equipment is the overriding consideration;***

28 ***(6) when a used item becomes available and is subject to immediate***
29 ***sale; or***

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

33 ***When the director of purchases approves a purchase of or contract***
34 ***for supplies, materials, equipment, or contractual services in any***
35 ***instance specified in this subsection, the director may delegate authority***
36 ***to make the purchase or enter the contract under conditions and***
37 ***procedures prescribed by the director. Except for purchases or contracts***
38 ***entered into without a competitive bid under subsection (a)(3), (a)(4), (a)***
39 ***(6) or subsection (h), no purchase or contract entered into without a***
40 ***competitive bid for an amount in excess of \$100,000 shall be entered***
41 ***into by the head of any state agency or approved by the director of***
42 ***purchases unless the director of purchases first posts an on-line notice***
43 ***of the proposed purchase or contract at least seven days before the***

1 *purchase or contract is awarded. The director of purchases shall provide*
2 *notice thereof to members of the legislature at the beginning of each*
3 *calendar year that such information will be posted and the director of*
4 *the division of purchases shall provide the uniform resource locator*
5 *(URL) and the number of times such information shall be available. In*
6 *the event a written protest of the awarding of such a contract occurs*
7 *during the seven-day notice period, the director of purchases shall*
8 *request from the protestor the contact information, including name and*
9 *mailing address, of the person or entity that has expressed an interest in*
10 *supplying the goods or services and provide a copy of the specification to*
11 *the person or entity that has expressed an interest in supplying the goods*
12 *or services and verify that such person or entity is interested and capable*
13 *of supplying such goods or services.*

14 *Upon satisfaction of the director of purchases regarding the validity*
15 *of the protest and the existence of competition, the director of purchases*
16 *shall proceed with a competitive procurement. A competitive*
17 *procurement shall not be required when, in the judgment of the director*
18 *of purchases, the validity of the protest cannot be determined or*
19 *competition for such goods or services cannot be verified by the director*
20 *of purchases.*

21 *The director of purchases shall prepare a detailed report at least once*
22 *in each calendar quarter of all contracts over \$5,000 entered into*
23 *without competitive bids under subsection (a)(1), (2), (3), (5), (6) or (7).*
24 *The director shall submit the report to the legislative coordinating*
25 *council, the chairperson of the committee on ways and means of the*
26 *senate and the chairperson of the committee on appropriations of the*
27 *house of representatives.*

28 *(b) (1) If the amount of the purchase is estimated to exceed*
29 *\$50,000, sealed bids shall be solicited by notice published once in the*
30 *Kansas register not less than 10 days before the date stated in the notice*
31 *for the opening of the bids. The director of purchases may waive this*
32 *publication of notice requirement when the director determines that a*
33 *more timely procurement is in the best interest of the state. The director*
34 *of purchases also may designate a trade journal for the publication. The*
35 *director of purchases also shall solicit such bids by sending notices by*
36 *mail to prospective bidders and by posting the notice on a public bulletin*
37 *board for at least 10 business days before the date stated in the notice for*
38 *the opening of the bids unless otherwise provided by law. All bids shall*
39 *be sealed when received and shall be opened in public at the hour stated*
40 *in the notice.*

41 *(2) The director of purchases shall prepare a detailed report at least*
42 *once in each calendar quarter of all instances in which the director*
43 *waived publication of the notice of bid solicitations in the Kansas*

1 *register as provided in this subsection. The director shall submit the*
2 *report to the legislative coordinating council, the chairperson of the*
3 *committee on ways and means of the senate and the chairperson of the*
4 *committee on appropriations of the house of representatives.*

5 *(c) All purchases estimated to exceed approximately \$25,000 but*
6 *not more than \$50,000, shall be made after receipt of sealed bids*
7 *following at least three days' notice posted on a public bulletin board.*

8 *(d) All purchases estimated to be more than \$5,000, but less than*
9 *\$25,000, may be made after the receipt of three or more bid solicitations*
10 *by telephone, telephone facsimile or sealed bid, following at least three*
11 *days' notice posted on a public bulletin board. Such bids shall be*
12 *recorded as provided in subsection ~~(e)~~(f) of K.S.A. 75-3740, and*
13 *amendments thereto. Any purchase that is estimated to be less than*
14 *\$5,000 may be purchased under conditions and procedures prescribed by*
15 *the director of purchases. Purchases made in compliance with such*
16 *conditions and procedures shall be exempt from other provisions of this*
17 *section.*

18 *(e) With the approval of the secretary of administration, the director*
19 *of purchases may delegate authority to any state agency to make*
20 *purchases of less than \$25,000 under certain prescribed conditions and*
21 *procedures. The director of purchases shall prepare a report at least*
22 *once in each calendar quarter of all current and existing delegations of*
23 *authority to state agencies as provided in this subsection. The director*
24 *shall submit the report to the legislative coordinating council, the*
25 *chairperson of the committee on ways and means of the senate and the*
26 *chairperson of the committee on appropriations of the house of*
27 *representatives.*

28 *(f) Subject to the provisions of subsection (e), contracts and*
29 *purchases shall be based on specifications approved by the director of*
30 *purchases. When deemed applicable and feasible by the director of*
31 *purchases, such specifications shall include either energy efficiency*
32 *standards or appropriate life cycle cost formulas, or both, for all*
33 *supplies, materials, equipment and contractual services to be purchased*
34 *by the state. The director of purchases may reject a contract or purchase*
35 *on the basis that a product is manufactured or assembled outside the*
36 *United States. No such specifications shall be fixed in a manner to*
37 *effectively exclude any responsible bidder offering comparable supplies,*
38 *materials, equipment or contractual services.*

39 *(g) Notwithstanding anything herein to the contrary, all contracts*
40 *with independent construction concerns for the construction,*
41 *improvement, reconstruction and maintenance of the state highway*
42 *system and the acquisition of rights-of-way for state highway purposes*
43 *shall be advertised and let as now or hereafter provided by law.*

1 *(h) The director of purchases may authorize state agencies to*
2 *contract for services and materials with other state agencies, or with*
3 *federal agencies, political subdivisions of Kansas, agencies of other*
4 *states or subdivisions thereof, or private nonprofit educational*
5 *institutions, without competitive bids.*

6 *(i) The director of purchases may participate in, sponsor, conduct,*
7 *or administer a cooperative purchasing agreement or consortium for*
8 *purchases of supplies, materials, equipment, and contractual services*
9 *with federal agencies or agencies of other states or local units of*
10 *government. Cooperative purchasing agreements entered into under this*
11 *subsection shall not be subject to K.S.A. 75-3739 through 75-3740a, and*
12 *amendments thereto.*

13 *(j) The director of purchases may delegate authority to any state*
14 *agency to make purchases under certain prescribed conditions and*
15 *procedures when the acquisition is funded, in whole or in part, from a*
16 *grant. Except as otherwise provided in subsection (k) of this section,*
17 *purchases made in compliance with such conditions and procedures*
18 *shall be exempt from other provisions of this section. As used in this*
19 *subsection the term "grant" means a disbursement made from federal or*
20 *private funds, or a combination of these sources, to a state agency.*
21 *Nothing in this subsection shall allow federal grant moneys to be*
22 *handled differently from any other moneys of the state unless the*
23 *requirements of the applicable federal grant specifically require such*
24 *federal moneys to be handled differently.*

25 *(k) The director of purchases shall prepare a detailed report at least*
26 *once each calendar quarter of all contracts over \$5,000 for services,*
27 *supplies, materials or equipment entered into pursuant to subsection (h),*
28 *(i) or (j) and submit it to the legislative coordinating council, the*
29 *chairperson of the committee on ways and means of the senate and the*
30 *chairperson of the committee on appropriations of the house of*
31 *representatives.*

32 *(l) Except as otherwise specifically provided by law, no state agency*
33 *shall enter into any lease of real property without the prior approval of*
34 *the secretary of administration. A state agency shall submit to the*
35 *secretary of administration such information relating to any proposed*
36 *lease of real property as the secretary may require. The secretary of*
37 *administration shall either approve, modify and approve or reject any*
38 *such proposed lease.*

39 *(m) The director of purchases shall require all bidders on state*
40 *contracts to disclose all substantial interests held by the bidder in the*
41 *state.*

42 *(n) As used in article 37 of chapter 75 of the Kansas Statutes*
43 *Annotated, and amendments thereto, and other statutory provisions*

1 *concerning state procurement, "sealed bids," "bulletin boards" and*
2 *"mail" shall include electronic bids, electronic bulletin boards and*
3 *electronic mail when such items are utilized in accordance with*
4 *procedures prescribed by the director of purchases.*

5 **Sec. 7. On January 1, 2013, K.S.A. 2011 Supp. 75-3740 is hereby**
6 **amended to read as follows: 75-3740. (a) Except as provided by**
7 **subsection (b) and K.S.A. 75-3740b, and amendments thereto, all**
8 **contracts and purchases made by or under the supervision of the**
9 **director of purchases or any state agency for which competitive bids are**
10 **required shall be awarded to the lowest responsible bidder, taking into**
11 **consideration conformity with the specifications, terms of delivery, and**
12 **other conditions imposed in the call for bids.**

13 (b) *A contract shall be awarded to a certified business which is also a*
14 *responsible bidder, whose total bid cost is not more than 10% higher than*
15 *the lowest competitive bid. Such contract shall contain a promise by the*
16 *certified business that the percentage of employees that are individuals*
17 *with disabilities will be maintained throughout the contract term and a*
18 *condition that the certified business shall not subcontract for goods or*
19 *services in an aggregate amount of more than 25% of the total bid cost.*

20 ~~(b)~~(c) **The director of purchases shall have power to decide as to the**
21 **lowest responsible bidder for all purchases, but if:**

22 (1)(A) *A responsible bidder purchases from a qualified vendor goods*
23 *or services on the list certified by the director of purchases pursuant to*
24 *K.S.A. 75-3317 et seq., and amendments thereto, the dollar amount of such*
25 *purchases made during the previous fiscal year shall be deducted from the*
26 *original bid received from such bidder for the purpose of determining the*
27 *lowest responsible bid, except that such deduction shall not exceed 10% of*
28 *the original bid received from such bidder; or*

29 (B) *a responsible bidder purchases from a certified business the*
30 *dollar amount of such purchases made during the previous fiscal year*
31 *shall be deducted from the original bid received from such bidder for the*
32 *purpose of determining the lowest responsible bid, except that such*
33 *deduction shall not exceed 10% of the original bid received from such*
34 *bidder;*

35 ~~(1)~~(2) **The dollar amount of the bid received from the lowest**
36 **responsible bidder from within the state is identical to the dollar amount**
37 **of the bid received from the lowest responsible bidder from without the**
38 **state, the contract shall be awarded to the bidder from within the state;**
39 **and**

40 ~~(2)~~(3) **in the case of bids for paper products specified in K.S.A. 75-**
41 **3740b, and amendments thereto, the dollar amounts of the bids received**
42 **from two or more lowest responsible bidders are identical, the contract**
43 **shall be awarded to the bidder whose bid is for those paper products**

1 *containing the highest percentage of recycled materials.*

2 ~~(d)~~ *Any or all bids may be rejected, and a bid shall be rejected if*
3 *it contains any material alteration or erasure made after the bid is*
4 *opened. The director of purchases may reject the bid of any bidder who*
5 *is in arrears on taxes due the state, who is not properly registered to*
6 *collect and remit taxes due the state or who has failed to perform*
7 *satisfactorily on a previous contract with the state. The secretary of*
8 *revenue is hereby authorized to exchange such information with the*
9 *director of purchases as is necessary to effectuate the preceding sentence*
10 *notwithstanding any other provision of law prohibiting disclosure of the*
11 *contents of taxpayer records or information. Prior to determining the*
12 *lowest responsible bidder on contracts for construction of buildings or*
13 *for major repairs or improvements to buildings for state agencies, the*
14 *director of purchases shall consider: (1) The criteria and information*
15 *developed by the secretary of administration, with the advice of the state*
16 *building advisory commission to rate contractors on the basis of their*
17 *performance under similar contracts with the state, local governmental*
18 *entities and private entities, in addition to other criteria and information*
19 *available, and (2) the recommendations of the project architect, or, if*
20 *there is no project architect, the recommendations of the secretary of*
21 *administration or the agency architect for the project as provided in*
22 *K.S.A. 75-1254, and amendments thereto. In any case where competitive*
23 *bids are required and where all bids are rejected, new bids shall be*
24 *called for as in the first instance, unless otherwise expressly provided by*
25 *law or the state agency elects not to proceed with the procurement.*

26 ~~(d)~~ ~~(e)~~ *Before the awarding of any contract for construction of a*
27 *building or the making of repairs or improvements upon any building*
28 *for a state agency, the director of purchases shall receive written*
29 *approval from the state agency for which the building construction*
30 *project has been approved, that the bids generally conform with the*
31 *plans and specifications prepared by the project architect, by the*
32 *secretary of administration or by the agency architect for the project, as*
33 *the case may be, so as to avoid error and mistake on the part of the*
34 *contractors. In all cases where material described in a contract can be*
35 *obtained from any state institution, the director of purchases shall*
36 *exclude the same from the contract.*

37 ~~(e)~~ ~~(f)~~ *All bids with the names of the bidders and the amounts*
38 *thereof, together with all documents pertaining to the award of a*
39 *contract, shall be made a part of a file or record and retained by the*
40 *director of purchases for five years, unless reproduced as provided in*
41 *K.S.A. 75-3737, and amendments thereto, and shall be open to public*
42 *inspection at all reasonable times.*

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

1 ~~thereto, "project architect" shall have the meaning ascribed thereto in~~
2 ~~K.S.A. 75-1251, and amendments thereto.~~

3 **(g) As used in this section:**

4 (1) "Certified business" means any business certified annually by the
5 department of administration that is a sole proprietorship, partnership,
6 association or corporation domiciled in Kansas, or any corporation, even
7 if a wholly owned subsidiary of a foreign corporation, that:

8 (A) Does business primarily in Kansas or substantially all of its
9 production in Kansas;

10 (B) employs at least 20% of its employees who are individuals with
11 disabilities and reside in Kansas;

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

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

21 (2) "individuals with disabilities" or "individual with a disability"
22 means any individual who:

23 (A) Is certified by the Kansas department for aging and disability
24 services as having a physical or mental impairment which constitutes a
25 substantial barrier to employment;

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

29 (C)(i) is receiving services, has received services or is eligible to
30 receive services under a home and community based services program, as
31 defined by K.S.A. 39-7,100, and amendments thereto;

32 (ii) is employed by a charitable organization domiciled in the state of
33 Kansas and exempt from federal income taxation pursuant to section
34 501(c)(3) of the federal internal revenue code of 1986, as amended; or

35 (iii) is an individual with a severe and persistent mental illness, as
36 determined by a clinical or functional assessment approved by the Kansas
37 department for aging and disability services;

38 (3) "physical or mental impairment" means:

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

1 (B) any mental or psychological disorder, such as intellectual
2 disability, organic brain syndrome, mental illness and specific learning
3 disabilities. The term "physical or mental impairment" includes, but is not
4 limited to, such diseases and conditions as orthopedic, visual, speech and
5 hearing impairment, cerebral palsy, epilepsy, muscular dystrophy, multiple
6 sclerosis and intellectual disability; and

7 (4) "project architect" shall have the meaning ascribed thereto in
8 K.S.A. 75-1251, and amendments thereto.

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

13 (i) The secretary of administration and the secretary for aging and
14 disability services, jointly, shall adopt rules and regulations as necessary
15 to effectuate the purpose of this section.

16 (j) On and after January 13, 2014, at the beginning of each regular
17 session of the legislature, the secretary of administration and the secretary
18 for aging and disability services shall submit to the social services budget
19 committee of the house of representatives and the appropriate
20 subcommittee of the committee on ways and means of the senate, a written
21 report on:

22 (1) The number of certified businesses certified by the department of
23 administration during the previous fiscal year;

24 (2) the number of certified businesses awarded contracts pursuant to
25 subsection (b) during the previous fiscal year;

26 (3) the number of contracts awarded pursuant to subsection (b) to
27 each certified business during the previous fiscal year;

28 (4) the number of individuals with disabilities removed from,
29 reinstated to or not reinstated to home and community based services or
30 other medicaid program services during the previous fiscal year as a
31 result of employment with a certified business;

32 (5) the number of individuals employed by each certified business
33 during the previous fiscal year; and

34 (6) the number of individuals with disabilities employed by each
35 certified business during the previous fiscal year.

36 **New Sec. 8. (a) As used in this section:**

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

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

41 (3) "individuals with disabilities" or "individual with a disability"
42 shall have the meaning ascribed thereto in K.S.A. 75-3740, and
43 amendments thereto;

1 ***(4) "medicaid program" means the Kansas program of medical***
2 ***assistance for which federal or state moneys, or any combination***
3 ***thereof, are expended, or any successor federal or state, or both, health***
4 ***insurance program or waiver granted thereunder;***

5 ***(5) "physical or mental impairment" shall have the meaning***
6 ***ascribed thereto in K.S.A. 75-3740, and amendments thereto; and***

7 ***(6) "secretary" means the secretary for aging and disability***
8 ***services or the secretary's designee.***

9 ***(b) There is a rebuttable presumption that an individual with a***
10 ***disability shall be eligible for reinstatement to the level of home and***
11 ***community based services or other medicaid program services such***
12 ***person was entitled to on the day preceding the day such person stopped***
13 ***receiving home and community based services or other medicaid***
14 ***program services if:***

15 ***(1) Such individual had received home and community based***
16 ***services or other medicaid program services pursuant to an application***
17 ***filed with the Kansas department for aging and disability services, and***
18 ***entitlement to receive or receipt of home and community based services***
19 ***or other medicaid program services terminated due to employment for a***
20 ***certified business, not medical recovery or any other reason; and***

21 ***(2) the individual with a disability is currently under a physical or***
22 ***mental impairment that was the basis for the finding of disability that***
23 ***gave rise to the entitlement for the services specified in subsection (b)(1).***
24 ***Upon reinstatement to the medicaid program to receive home and***
25 ***community based services or other medicaid program services, such***
26 ***individual shall receive services and not wait to receive services under***
27 ***such program.***

28 ***(c) The secretary may promulgate rules and regulations as***
29 ***necessary to effectuate the purpose of this section.***

30 ***(d) This section shall take effect on and after January 1, 2013.***

31 ***Sec. ~~6~~9.*** K.S.A. 2011 Supp. 74-6701, 74-6702, 74-6703, 74-6706,
32 74-6707 and 74-6709 are hereby repealed.

33 ***{Sec. 10. On January 1, 2013, K.S.A. 2011 Supp. 75-3739 and 75-***
34 ***3740 are hereby repealed.}***

35 ***Sec. ~~7~~11.*** This act shall take effect and be in force from and after its
36 publication in the statute book.

37