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LEGISLATURE *of* THE STATE *of* KANSAS  
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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

**MEMORANDUM**

To: Senate Committee on Ways and Means  
From: Charles Reimer, Assistant Revisor of Statutes  
Date: 4-4-2017  
Subject: HB 2356

Current state procurement law provides a preference for the award of contracts by the director of purchases or any state agency to a business that employs individuals with disabilities, and meets other requirements for a “certified business,” if its bid is not more than 10% higher than the lowest competitive bid. HB 2356 amends this program in three ways:

1. Instead of annual certification by the department of administration as a “certified business” entitled to participate in the bid preference program, a business must be recertified every three years.
2. One of the certification requirements is that at least 10% of the employees of a certified business must be individuals with disabilities. These individuals currently must be certified as disabled by the Kansas department for aging and disability services. The bill adds the Kansas department for children and families as a certifying agency for this purpose.
3. For purposes of certification that employees of a certified business are individuals with disabilities, one option under current law is a determination by the Kansas department for aging and disability services that the individual has a “severe and persistent mental illness.” The original bill added the department for children and families as a certifying agency. The bill was amended by the House Committee on Commerce to change the disability definition to comport with disability standards established by the social security administration and to specify that the determination would be made by the Kansas disability determination services under the Kansas department for children and families.