

SENATE BILL No. 405

By Committee on Ways and Means

2-17

1 AN ACT concerning purchasing products and services of nonprofit entities
2 for blind and disabled persons; relating to the state use law committee;
3 amending K.S.A. 2013 Supp. 75-3317, 75-3321 and 75-3322c and
4 repealing the existing sections.
5

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

7 Section 1. K.S.A. 2013 Supp. 75-3317 is hereby amended to read as
8 follows: 75-3317. As used in K.S.A. 75-3317 through 75-3322, and
9 amendments thereto, unless the context requires otherwise:

10 (a) "Director of purchases" means the director of purchases of the
11 department of administration;

12 (b) "qualified vendor" means a not-for-profit entity incorporated in
13 the state of Kansas that:

14 (1) Primarily employs the blind or disabled;

15 (2) is operated in the interest of and for the benefit of the blind or
16 persons with other severe disabilities, or both;

17 (3) the net income of such entity shall not, in whole or any part,
18 financially benefit any shareholder or other individual; and

19 (4) such qualified vendor's primary purpose shall be to provide
20 employment for persons who are blind or have other severe disabilities;

21 (c) "state agency" means any state office or officer, department,
22 board, commission, institution, bureau or any agency, division or any unit
23 within an office, department, board, commission or other state authority;

24 (d) "unified school district" means any unified school district, board
25 of education or any purchasing cooperative formed by one or more unified
26 school districts;

27 (e) "committee" means the state use law committee authorized
28 pursuant to K.S.A. 2013 Supp. 75-3322c, and amendments thereto; *and*

29 (f) "*municipality*" has the meaning ascribed thereto in K.S.A. 75-
30 6102, and amendments thereto.

31 Sec. 2. K.S.A. 2013 Supp. 75-3321 is hereby amended to read as
32 follows: 75-3321. The director of purchases and any person or officer
33 authorized to purchase materials, supplies and services for any state
34 agency or unified school district shall purchase, except as otherwise
35 provided in this section, the products and services on the list certified by
36 the director of purchases from qualified vendors, when those products are

1 to be procured by or for the state or unified school district or when those
2 services are to be procured by or for the state. Services offered for
3 purchase are not required to be purchased by a unified school district. *The*
4 *person or officer authorized to purchase materials, supplies and services*
5 *for any municipality may purchase the products and services on the list*
6 *certified by the director of purchases for qualified vendors.*

7 Sec. 3. K.S.A. 2013 Supp. 75-3322c is hereby amended to read as
8 follows: 75-3322c. (a) There is hereby established within the department
9 of administration, the state use law committee, hereafter referred to as the
10 committee, to advise the director of purchases on issues surrounding the
11 purchase of products and services provided by blind or disabled persons,
12 which shall consist of nine members.

13 (b) The state use law committee shall be composed of the following
14 members:

15 (1) Two members shall be appointed by the united school
16 administrators of Kansas, one of whom shall represent small unified
17 school districts and one of whom shall represent large unified school
18 districts.

19 (2) One member shall be appointed by the state board of regents.

20 (3) One member shall be appointed by the state director of purchases.

21 (4) One member, who is an advocate for the blind and disabled in
22 Kansas, shall be appointed by the governor.

23 (5) Two members who are qualified vendors shall be appointed by the
24 governor.

25 (6) Two members of the Kansas legislature, one legislator shall be a
26 member of the majority party and one legislator shall be a member of the
27 minority party, and shall be appointed by the governor.

28 (c) Such members shall serve for terms of two years and may be
29 reappointed. On July 1; of each year, *or as soon thereafter as possible*, the
30 ~~governor shall designate one of the private-sector business members~~
31 *committee shall elect a member* to serve as a chairperson of the committee.
32 Subsequent appointments shall be made as provided for original
33 appointments for the unexpired terms.

34 (d) Members of the committee who are members of the Kansas
35 legislature shall be paid amounts as provided in subsection (e) of K.S.A.
36 75-3223, and amendments thereto. Otherwise, members of the committee
37 shall serve without reimbursement.

38 (e) The committee shall be responsible for advising the director of
39 purchases on issues surrounding the provisions of K.S.A. 75-3317 through
40 75-3322, and amendments thereto, including, but not limited to, the
41 following functions:

42 (1) The development of waiver guidelines to be followed by
43 qualifying agencies and unified school districts for participation under the

1 provisions of K.S.A. 75-3317 through 75-3322, and amendments thereto.

2 (2) Product and service eligibility process used by the director of
3 purchases for state use law products and services.

4 (3) Review the threshold dollar amount of purchases by state
5 agencies or unified school districts for state use law to apply.

6 (4) Review provisions of K.S.A. 75-3317 through 75-3322, and
7 amendments thereto, on any purchase from a qualified vendor that is
8 determined by the director of purchases to be a substantially higher cost
9 than the purchase would have cost had it been competitively bid.

10 (5) Adopt rules, regulations and policies to assure fair and effective
11 implementation of this act, including appropriate rules and regulations
12 relating to violations of K.S.A. 75-3317 through 75-3322, and
13 amendments thereto.

14 (6) Establish procedures for setting fair market prices for items
15 included on the procurement list and revision of products and prices in
16 accordance with the changing market conditions to assure that the prices
17 established are reflective of the market.

18 (7) Assist qualified vendors in identifying and improving marketing
19 efforts of the products manufactured or processed and offered for sale and
20 services offered under K.S.A. 75-3317 through 75-3322, and amendments
21 thereto, to state agencies and unified school districts.

22 (8) Encourage and assist the director of purchases, state agencies and
23 unified school districts to identify additional commodities and services that
24 may be purchased from qualified nonprofit agencies not participating in
25 the state use law catalog.

26 (9) Any other issue identified by any interested party.

27 (f) The committee shall maintain a registry of entities which meet the
28 definition of qualified vendor, as defined by K.S.A. 75-3317, and
29 amendments thereto.

30 (g) The director of purchases shall convene quarterly meetings with
31 qualified vendors, the state use law committee and agencies to discuss
32 activity occurring under the state use law.

33 (h) On July 1, ~~2014~~ 2019, the state use law committee is hereby
34 abolished.

35 Sec. 4. K.S.A. 2013 Supp. 75-3317, 75-3321 and 75-3322c are
36 hereby repealed.

37 Sec. 5. This act shall take effect and be in force from and after its
38 publication in the statute book.