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MEMORANDUM

To: Senate Committee on Ways and Means
From: Charles Reimer, Assistant Revisor of Statutes
Date: 4-4-2017
Subject: HB 2353

The State Use Program, administered by the Director of Purchases of the Department of Administration, provides that state agencies and school districts purchase materials and supplies from Kansas non-profit entities that employ blind or disabled persons (“qualified vendors”). The bill makes the following amendments to the law:

1. The definition of a “qualified vendor” is changed from the current requirement in law that the vendor “primarily employ” blind or disabled persons to “employ” blind or disabled persons. Initially the bill required that vendors “have a mission” to employ blind or disabled persons, but this was changed by the House Committee of the Whole. Other changes include that the employed blind or disabled persons must reside in Kansas, that employment of blind or disabled persons with a third-party entity will not count as employment with the vendor and that the vendor must do business primarily in Kansas or have substantially all of its production in Kansas.
2. The bill initially included language permitting qualified vendors, as an option, to employ disabled individuals under a federal department of labor certificate permitting payment of wages below the federal minimum wage. This language was removed by the House Commerce Committee.
3. Adds a definition of “persons who are disabled.” The initial definition in the bill focused on whether the disability may be expected to totally or partially incapacitate the individual from employment. This was amended by the House Commerce Committee to a focus on whether the disability constitutes a substantial barrier to employment.