

SESSION OF 2017

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2353**

As Amended by House Committee of the Whole

**Brief\***

HB 2353, as amended, would revise the definition section of the State Use Law by redefining the term “qualified vendor” and including a new definition for persons who are disabled. Qualified vendor would mean a Kansas business that employs Kansans who are blind or disabled, excluding employees hired by third-party entities. Currently, the definition for qualified vendor is silent on the extent of employment and the location of operations. The bill would define “persons who are disabled” to mean any person of employable age whose physical or mental condition is a substantial barrier to employment.

**Background**

The Director of the Purchases and Contracts within the Department of Administration (Department) administers the State Use Program, which requires state agencies and school districts to purchase materials and supplies made available by companies that employ persons who are blind or disabled. The State Use Law Committee, which consists of nine members appointed by the Governor, provides oversight to the program.

During the hearing the House Committee on Commerce, Labor and Economic Development, representatives of the Coalition of Opportunities and companies that employ blind and disabled persons spoke in favor of the bill, stating it would bring clarity to the program.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Representatives from various disability rights organizations spoke in opposition to the bill, stating the inclusion of a sub-minimum wage reference would adversely affect the income and self-esteem of blind and disabled persons.

A representative of the Kansas Council on Developmental Disabilities provided neutral testimony, noting the State Use Law is not in compliance with the Kansas Employment First Law and the federal Workforce Innovation and Opportunity Act.

The House Committee amended the bill to:

- Delete the optional definition for qualified vendor that was proposed in the bill as introduced, which would have allowed for sub-minimum wage to be paid to persons who are disabled; and
- Rephrase the proposed definition for persons who are disabled.

The House Committee of the Whole amended the bill to clarify the definition of qualified vendor as it pertains to the employment of disabled persons.

According to the fiscal note prepared by the Division of the Budget, the bill, as introduced, would have no fiscal effect on the Office of Procurement and Contracts within the Department.