

SESSION OF 2005

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 118**

As Agreed to April 28, 2005

Brief *

SB 118 would amend statutes regarding the state use law, including the catalog of products and services manufactured by Kansans who are blind or severely disabled (the "State Use Catalog"). Under current law, the state use law, administered by the Secretary of the Department of Social and Rehabilitation Services, requires state agencies and Unified School Districts to purchase products manufactured or supplied by entities employing the blind or severely disabled. State agencies also are required to purchase services provided by those entities.

The bill would replace all references to the Department of Social and Rehabilitation Services and with the Director of Purchases of the Department of Administration.

The bill would eliminate references in the current use law to specific vendors and replace them with the term "qualified vendor."

The term "qualified vendor" would be defined as:

- A not-for-profit entity incorporated in the State of Kansas that primarily employs the blind or disabled;
- Is operated in the interest of and for the benefit of the blind or persons with severe disabilities, or both;
- The net income of such entity shall not, in whole or any part, financially benefit any shareholder or other individual; and
- The entity's primary purpose is to provide employment for persons who are blind or have other severe disabilities.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

The bill would direct the Director of Purchases to approve prices of the products and services available. The qualified vendors would be responsible for publishing catalogs of products and services submitted by qualified vendors, but the products or services are not necessarily required to be included in the catalog for provisions of the law to apply.

The bill also would provide that when a qualified vendor is unable to supply needed products or services, or unable to meet delivery requirements, the Director of Purchases would immediately issue a waiver to the appropriate procurement or purchasing officer, and that waiver will exempt the purchaser from provisions of the law.

Conference Committee Action

In Conference Committee, the Senate conferees agreed to the House amendments to the bill, with the following exceptions and revisions:

- Eliminate provisions relating to the creation and duties of the State Use Law Committee; and
- Eliminate vendor reporting requirement describing sales volumes and summaries of waivers requested and issues.

Background

The House Committee of the Whole amended provisions of 2005 HB 2228 into this bill and deleted the original contents of SB 118. As recommended by the Senate and the House Appropriations Committee, SB 118 would have added Business Technology Career Opportunities, Inc. (BTCO) to the list of qualified rehabilitation vendors for purposes of the State Use Catalog. BTCO is located in Wichita and is an affiliate and support organization of the Cerebral Palsy Research Foundation.

Representatives of Envision, InterHab, and the Coalition for Opportunity spoke in support of HB 2228, as did a parent of an Envision employee. Representatives of the United School Administrators, the Kansas Association of School Boards, and Unified School District (USD) 229 (Blue Valley), USD 259 (Wichita), and USD 500

(Kansas City) appeared in opposition to the bill. Written testimony in opposition to the bill also was provided by USD 233 (Olathe).

The House Committee amended HB 2228 to: add two legislators (of differing political parties) to the State Use Law Committee, bringing total Committee membership to nine members; to delete the requirement that mandates Unified School District utilization of “services” provided by qualified vendors and add the topic of utilization of services by USDs to the list of topics on which the Committee would advise the Director of Purchases; and to clarify that members of the Committee should serve without compensation. Other amendments were technical in nature.

The fiscal note prepared by the Division of the Budget on HB 2228 indicates that the bill would have a negligible effect on state agencies’ purchasing procedures or costs.