

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 51(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/1/11

Referred: Finance

Sponsor(s): SENATORS DAVIS, Dyson, Meyer, Wagoner, McGuire

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the operation of vending facilities on public property."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 23.15.100 is amended to read:

4 **Sec. 23.15.100. Powers and duties; vending facilities.** (a) In carrying out
5 AS 23.15.010 - 23.15.210, the agency shall

6 (1) take the action it considers necessary or appropriate to carry out the
7 purposes of AS 23.15.010 - 23.15.210 and adopt regulations in conformity with these
8 purposes;

9 (2) determine the eligibility of applicants for vocational rehabilitation
10 service;

11 (3) submit to the governor annual reports of activities and expenditures
12 and, before each regular session of the legislature, estimates of sums required for
13 carrying out AS 23.15.010 - 23.15.210 and estimates of the amounts to be made
14 available for this purpose from all sources;

15 (4) cooperate with public and private departments, agencies, and

1 institutions in providing for the vocational rehabilitation of individuals with
 2 disabilities, studying the problems involved in providing this rehabilitation, and
 3 establishing, developing, and providing, in conformity with the purposes of
 4 AS 23.15.010 - 23.15.210, the programs, facilities, and services that may be necessary
 5 or desirable;

6 (5) survey the potential for providing vending facilities on public
 7 property and, when feasible, establish vending facilities operated by blind persons
 8 [AND PERSONS WITH SEVERE DISABILITIES] on public property;

9 (6) license blind persons [AND PERSONS WITH SEVERE
 10 DISABILITIES] in accordance with AS 23.15.133 for the operation of vending
 11 facilities on public property, with blind persons having first priority for **a contract to**
 12 **operate a** [OPERATION OF THE] vending **facility** [FACILITIES];

13 (7) provide the training and supervision necessary to enable blind
 14 persons [AND PERSONS WITH SEVERE DISABILITIES] to operate vending
 15 facilities;

16 (8) provide the equipment and initial stock necessary to enable blind
 17 persons [AND PERSONS WITH SEVERE DISABILITIES] to operate vending
 18 facilities.

19 (b) In carrying out AS 23.15.010 - 23.15.210, the agency may

20 (1) enter into agreements with other states to provide for the vocational
 21 rehabilitation of residents of the states concerned;

22 (2) establish and operate rehabilitation facilities and workshops and
 23 make grants to public and other nonprofit organizations for these purposes;

24 (3) supervise the operation of [VENDING STANDS AND OTHER]
 25 small businesses established under AS 23.15.010 - 23.15.210 to be conducted by
 26 individuals with severe disabilities;

27 (4) make studies, investigations, demonstrations, and reports, and
 28 provide training and instruction, including the establishment and maintenance of the
 29 research fellowships and traineeships with the stipends and allowances that are
 30 considered necessary, in matters relating to vocational rehabilitation; and

31 (5) adopt regulations necessary for carrying out the provisions of

AS 23.15.010 - 23.15.210.

* **Sec. 2.** AS 23.15.133(a) is amended to read:

(a) The agency shall issue a license for the operation of a vending facility on public property to a blind person [OR A PERSON WITH A SEVERE DISABILITY] who is a resident of the state at the time of application and who qualifies for a license under

(1) 20 U.S.C. 107 - 107f (Randolph-Sheppard Act); or

(2) regulations adopted by the agency providing for licensing of blind persons; the regulations must provide blind persons with the first priority for a contract to operate a vending facility on public property [OR PERSONS WITH SEVERE DISABILITIES].

* **Sec. 3.** AS 23.15.133 is amended by adding new subsections to read:

(c) If the agency cannot locate a blind person who satisfies the residency and other qualification requirements of (a) of this section to operate a vending facility on public property, the agency may contract with a person who is not a blind person to operate the vending facility until the agency can locate a blind person to operate the vending facility.

(d) When a vacancy occurs in the operation of a vending facility on state property, the agency shall, in addition to any other procurement requirement of AS 36.30, attempt to contact blind persons directly to notify them that the agency is attempting to find a blind person to operate the vending facility. To contact blind persons directly, the agency shall work with a private organization that specializes in the employment of blind persons. Merely advertising in a newspaper is not sufficient to satisfy this subsection.

(e) If the agency cannot find a blind person to operate a particular vending facility, a blind person who is operating another vending facility under this section may operate the additional vending facility.

* **Sec. 4.** AS 23.15.180(b) is amended to read:

(b) A blind person [OR A PERSON WITH A SEVERE DISABILITY] aggrieved by a decision or action of the agency under AS 23.15.133 - 23.15.135 shall receive a hearing on request in accordance with AS 44.62.330 - 44.62.630

(Administrative Procedure Act). A blind person may also file a complaint in accordance with 20 U.S.C. 107d-1 for arbitration of a grievance.

* **Sec. 5.** AS 23.15.210(7) is amended to read:

(7) "licensee" means a blind person [OR A PERSON WITH A SEVERE DISABILITY] licensed by the division of vocational rehabilitation under 20 U.S.C. 107 - 107b and 107d - 107f (Randolph-Sheppard Act), AS 23.15.133, and regulations adopted under federal or state law;

* **Sec. 6.** AS 23.15.134 is repealed.

* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICATION. This Act applies to

(1) a license issued under AS 23.15.100, as amended by sec. 1 of this Act, or under AS 23.15.133, as amended by secs. 2 and 3 of this Act, on or after the effective date of this Act; and

(2) a contract to operate a vending facility entered into under AS 23.15 on or after the effective date of this Act; in this paragraph, "vending facility" has the meaning given in AS 23.15.210, as amended by sec. 5 of this Act.

* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to read:

EFFECT ON CURRENT CONTRACTS. This Act does not end, change, or otherwise affect a contract entered into by the state with a person under AS 23.15 before the effective date of this Act.