



April 9, 2012

The Honorable Kurt Olson, Chair  
House Labor and Commerce Committee  
State Capitol Room 24  
Juneau AK, 99801

Re: Senate Bill 51: "An Act relating to the operation of vending facilities on public property"

Dear Representative Olson:

The Disability Law Center of Alaska represents all Alaskans with disabilities and therefore does not take a position on Senate Bill 51 that effectively places the interests of the blind against those of the severely disabled. However, I believe the impact of SB 51 is actually broader than currently characterized.

The stated purpose for the proposed changes in the law is to restore first priority status to individuals who are blind in the contracting of vending facilities on public property. Yet, this priority appears to exist under current law, as AS 23.15.100(a)(6) specifically notes that blind persons will have the first priority. Such was the testimony of Cheryl Walsh, Director for the Division of Vocational Rehabilitation before the Senate Labor and Commerce Committee on March 8, 2011. According to the minutes of that hearing, Ms. Walsh "pointed out that individuals who are blind already have first priority and that is how the program currently operates." Later in her testimony, Ms. Walsh went on to state that:

She doesn't oppose the bill, she said, but was here in a neutral position to try and understand the need for it, because they believe that the current statute does give first priority to the blind.

Rather than grant or restore a priority status to individuals who are blind, SB 51, appears to give them an exclusive right to contract for vending facilities on public property. The phrase "and persons with severe disabilities" is deleted from all relevant statutory provisions. The agency is not authorized to train or supervise persons with severe disabilities in the operation of vending facilities, ( See SB 51, page 2, Line14) or provide them with initial stock and equipment. (*Id.*, Line 17). The agency's authority to issue a vending facility license to persons with severe disabilities is removed (SB 51, Page 3, Line 4), the definition of "licensee" now excludes persons with severe disabilities (SB 51, Page 4, Line 4), and persons with severe disabilities cannot request a hearing if the dispute involves a vending facility license. (SB 51, Page 3, Line 29). These proposed changes to the law may have the effect of barring persons with severe disabilities from ever serving as vending facility contractors, vesting exclusive rights in these contracts to individuals who are blind. I note with interest that if the agency cannot find a

qualified blind person for such a contract, "the agency may contract with a person who is not a blind person." (SB 51, Page 3, Line 13). It is not clear, however, if that non-blind person can be an individual with a severe disability.

A witness at the March 8, 2011, hearing stated that "this language does not prevent people with other disabilities from getting preference after priority to the blind in these matters." I am not certain this is an accurate statement as the agency loses its authority to issue a license to an individual with a severe disability.

Again, the Disability Law Center of Alaska neither supports nor opposes SB 51, but felt it important to note that the proposed legislation goes beyond establishing a priority for individuals who are blind in the operation of vending facilities on public property.

Sincerely,

DISABILITY LAW CENTER OF ALASKA



David C. Fleurant  
Executive Director