

# LEGAL SERVICES

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## MEMORANDUM

March 18, 2011

**SUBJECT:** Sectional summary of CSSSSB 51( ), relating to the operation of vending facilities on public property (Work Order No. 27-LS0079\B)

**TO:** Senator Bettye Davis  
Attn: Tom Obermeyer

**FROM:** *TB*  
Theresa Bannister  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

**Section 1.** Amends a section dealing with powers and duties of the division of vocational rehabilitation (Agency). Removes references to persons with severe disabilities from the provisions dealing with the operation of vending facilities on public property.

**Section 2.** Directs the agency to issue a license for the operation of vending facilities on public property to blind persons who meet certain criteria, including criteria established by agency regulations. Requires these regulations to provide blind persons with first priority for a contract to operate a vending facility on public property.

**Section 3.** Adds new subsections to the section on the issuance of licenses for vending facilities on public property.

Sec. 23.15.133(c). Allows the agency to contract with a person who is not blind to operate a vending facility until the agency can locate a blind person who qualifies to operate the vending facility.

Sec. 23.15.133(d). When there is a vacancy in the operation of a vending facility on state property, requires the agency to attempt to contact blind persons directly about operating the vending facility. Directs the agency to work with private organizations to contact blind persons. This requirement is in addition to any other procurement requirements of AS 36.30 (the state procurement code). Newspaper advertising is not sufficient.

Sec. 23.15.133(e). Allows a blind person operating a vending facility to operate another vending facility if the agency cannot find a blind person to operate the other vending facility.

**Section 4.** Deletes a reference to persons with severe disabilities from a provision relating to hearings on agency actions that relate to vending facilities.

**Section 5.** Amends the definition of "licensee" to remove the reference to a person with a severe disability.

**Section 6.** Repeals a section relating to vending facilities operated by persons with severe disabilities.

**Section 7.** Indicates that the Act applies to vending facility licenses issued, and vending facility contracts entered into, on or after the effective date of this Act.

**Section 8.** States that the Act does not affect a contract entered into before the effective date of this Act.

If I may be of further assistance, please advise.

TLB:ljw  
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