

**SPONSOR SUBSTITUTE FOR SENATE BILL NO. 51**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY SENATORS DAVIS, Dyson, Meyer, Wagoner, McGuire

Introduced: 2/16/11

Referred: Labor and Commerce, Finance

**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

1 AS 23.15.010 - 23.15.210.

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

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

7 (1) 20 U.S.C. 107 - 107f (Randolph-Sheppard Act); or

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

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

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

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

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

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

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

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

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

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

8 \* **Sec. 6.** AS 23.15.210(9) is amended to read:

9 (9) "public property" means real or personal property owned or leased  
10 by the state, the [OR] federal government, [OR] an agency of the state, an agency of  
11 the [OR] federal government, a municipality, or a school district;

12 \* **Sec. 7.** AS 23.15.210 is amended by adding a new paragraph to read:

13 (13) "school district" means a city school district or a borough school  
14 district; in this paragraph, "borough" and "city" have the meanings given in  
15 AS 29.71.800.

16 \* **Sec. 8.** AS 23.15.134 is repealed.

17 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
18 read:

19 APPLICATION. This Act applies to

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

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

26 \* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to  
27 read:

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