

1 IN THE SENATE

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2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 778

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to vocational rehabilitation programs
7 providing for the operation of vending facilities on
8 public property."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 23.15.100(a) is amended by adding new paragraphs to read:

11 (5) survey the potential for providing vending facilities on
12 public property and, when feasible, establish vending facilities operated
13 by blind or severely handicapped persons on public property;

14 (6) license blind persons in accordance with AS 23.15.133 for
15 the operation of vending facilities on public property;

16 (7) provide the training and supervision necessary to enable
17 blind persons to operate vending facilities;

18 (8) provide the vending equipment and initial stock necessary
19 to enable blind persons to operate vending facilities.

20 * Sec. 2. AS 23.15.100(b)(5) is amended to read:

21 (5) license [BLIND AND] severely handicapped persons for the
22 operation of vending facilities on public [FEDERAL] property [AND IN
23 PUBLIC BUILDINGS], with blind persons having first priority for operation
24 of the vending facilities;

25 * Sec. 3. AS 23.15.130(b) is amended to read:

26 (b) Receipts from the net proceeds of vending facilities on [IN]
27 public property [BUILDINGS], other than vending facilities operated by a
28 licensee, shall be paid into [TO] the fund.

29 * Sec. 4. AS 23.15 is amended by adding new sections to read:

1 Sec. 23.15.132. VENDING FACILITIES. (a) A vending facility may
2 not be established on property of the state or a political subdivision
3 of the state except as authorized by the commissioner of education.

4 (b) A vending facility authorized by the commissioner of education
5 shall be selected and located after consulting with the persons responsi-
6 ble for the maintenance and operation of the property to be served by
7 the vending facility. A contract for the operation of the vending
8 facility by a person licensed under AS 23.15.100(a)(6) or 23.15.100(b)-
9 (5) shall be executed by the agency and shall contain provisions insuring
10 that the licensee shall charge reasonable prices and that the vending
11 facility shall provide high quality merchandise and generate a fair
12 profit.

13 Sec. 23.15.133. BLIND VENDORS' LICENSES. The agency shall issue a
14 license for the operation of a vending facility on public property to a
15 blind person who is a resident of the state and who qualifies for a
16 license under the Randolph-Sheppard Act (20 U.S.C. sec. 107 - 107b,
17 107d - 107e, 107f) and regulations adopted by the agency and approved by
18 the Committee of Blind Vendors. A license issued under this section
19 does not expire. However, a license may be revoked by the agency if the
20 agency finds that the licensed vendor is not operating the facility in
21 accordance with regulations adopted by the agency.

22 Sec. 23.15.134. COMMITTEE OF BLIND VENDORS. (a) The Committee of
23 Blind Vendors consisting of all persons licensed under AS 23.15.133 is
24 established. The agency shall conduct a biennial election of a presi-
25 dent, vice-president, secretary, and treasurer of the committee and may
26 conduct elections to fill vacancies in office at any time.

27 (b) The commissioner of education shall assure active participa-
28 tion by the Committee of Blind Vendors in administrative, policy, and
29 program development decisions concerning vending facilities operated by

1 blind licensed vendors. The agency shall, with active participation by
2 the Committee of Blind Vendors,

3 (1) consider and respond to grievances of blind licensed
4 vendors;

5 (2) develop and administer a statewide system for the transfer
6 and promotion of blind licensed vendors;

7 (3) develop training and retraining programs for blind li-
8 censed vendors and blind persons interested in obtaining a license to
9 operate a vending facility;

10 (4) organize meetings and conferences for blind vendors in
11 the state;

12 (5) adopt regulations necessary to assure that vending facili-
13 ties operated by blind licensed vendors are administered by the agency
14 uniformly whether a vending facility is located on state or federal
15 property.

16 * Sec. 5. AS 23.15.180 is amended by adding a new subsection to read:

17 (b) A blind person aggrieved by a decision or action of the agency
18 under AS 23.15.133 or 23.15.134 shall receive a hearing on request in
19 accordance with the Administrative Procedure Act (AS 44.62.330 - 44.62.-
20 630). The blind person may also file a complaint in accordance with 20
21 U.S.C. sec. 107d-1 for arbitration of the grievance.

22 * Sec. 6. AS 23.15.210(10) is amended to read:

23 (10) "licensee" means a blind or severely handicapped person
24 licensed by the division of vocational rehabilitation under the Randolph-
25 Sheppard Act (20 U.S.C. sec. 107 - 107b, 107d - 107e, 107f), AS 23.15.-
26 100(a)(6), AS 23.15.100(b)(5), and [ANY] regulations adopted [ISSUED]
27 under federal or state law [OR AS 23.15.100(b)(5)];

28 * Sec. 7. AS 23.15.210(11) is amended to read:

29 (11) "public property" [BUILDING"] means real or personal

1 property [ANY BUILDING] owned or leased by the state, or federal govern-
2 ment, [OR] an agency of the state or federal government, or a political
3 subdivision of the state or federal government [ANY SPACE LEASED BY THE
4 STATE OR ANY AGENCY OF THE STATE, AND DESIGNATED BY THE DIVISION AS
5 BEING APPROPRIATE FOR PARTICIPATION IN THE BUSINESS ENTERPRISE PROGRAM];

6 * Sec. 8. AS 23.15.210(12) is amended to read:

7 (12) "vending facility" means a [AN AUTOMATIC] vending machine,
8 cafeteria, snack bar, shelter, cart, or counter where food, tobacco,
9 newspapers, periodicals, and other articles [OR SUNDRIES] are offered
10 for sale and dispensed automatically or manually whether prepared on
11 or off the premises.

12 * Sec. 9. AS 23.15.210 is amended by adding a new paragraph to read:

13 (13) "active participation" means a substantive ongoing
14 process of negotiations between the division of vocational rehabilita-
15 tion and the Committee of Blind Vendors to achieve joint planning and
16 approval of program policies, standards, and procedures affecting the
17 operation of vending facilities by blind licensed vendors, with the
18 commissioner of education having final administrative responsibility.

19 * Sec. 10. Notwithstanding AS 23.15.132 enacted in sec. 3 of this Act, a
20 vending facility being operated on public property on the effective date of
21 this Act may continue in operation until the contract under which the vending
22 facility is being operated expires or is terminated. After the contract
23 expires or is terminated, the vending facility shall cease to operate until
24 the provisions of AS 23.15.132 are met.