

Offered: 4/7/82  
Referred: Rules

Original sponsors: Bradley, Fischer  
and Rodey

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 778 (State Affairs)  
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) provide the training and supervision necessary to enable  
15 blind persons and severely handicapped persons to operate vending facili-  
16 ties;  
17 (7) provide the vending equipment and initial stock necessary  
18 to enable blind persons and severely handicapped persons to operate  
19 vending facilities.

- 20 \* Sec. 2. AS 23.15.100(b)(5) is amended to read:  
21 (5) license blind persons and severely handicapped persons  
22 in accordance with AS 23.15.133 for the operation of vending facilities  
23 on public [FEDERAL] property [AND IN PUBLIC BUILDINGS], with blind  
24 persons having first priority for operation 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 director.

4           (b) A vending facility authorized by the director shall be selected  
5 and located after consulting with the persons responsible for the main-  
6 tenance and operation of the property to be served by the vending facil-  
7 ity. A contract for the operation of the vending facility by a person  
8 licensed under AS 23.15.100(b)(5) shall be executed by the agency and  
9 shall contain provisions insuring that the licensee shall charge reason-  
10 able prices and that the vending facility shall provide high quality  
11 merchandise.

12           Sec. 23.15.133. VENDORS' LICENSES. The agency may issue a license  
13 for the operation of a vending facility on public property to a blind or  
14 severely handicapped person who is a resident of the state and who  
15 qualifies for a license under this chapter and regulations adopted by  
16 the agency. A license issued under this section does not expire. How-  
17 ever, a license may be revoked by the agency if the agency finds that  
18 the licensed vendor is not operating the facility in accordance with  
19 regulations adopted by the agency.

20           Sec. 23.15.134. COMMITTEE OF VENDORS. (a) The Committee of  
21 Vendors consisting of all persons licensed under AS 23.15.100(b)(5) is  
22 established. The committee shall conduct a biennial election of a  
23 president, vice-president, secretary, and treasurer of the committee and  
24 may conduct elections to fill vacancies in office at any time.

25           (b) The director shall assure active participation by the Committee  
26 of Vendors in administrative, policy, and program development decisions  
27 concerning vending facilities operated by licensed vendors. The agency  
28 shall, with active participation by the Committee of Vendors in accor-  
29 dance with 20 U.S.C. 170b-1,

- 1 (1) consider and respond to grievances of licensed vendors;  
2 (2) develop and administer a statewide system for the transfer  
3 and promotion of licensed vendors;  
4 (3) develop training and retraining programs for licensed  
5 vendors and for blind persons and severely handicapped persons interested  
6 in obtaining a license to operate a vending facility;  
7 (4) organize meetings and conferences for licensed vendors;  
8 (5) adopt regulations necessary to assure that vending facili-  
9 ties operated by licensed vendors are administered by the agency uni-  
10 formly whether a vending facility is located on state or federal pro-  
11 perty.

12 (c) To insure the opportunity for active participation in decisions  
13 that affect the administration of vending facilities operated by licensed  
14 vendors, the agency shall, before each meeting of the Committee of  
15 Vendors, provide the committee with written information on matters to be  
16 considered. The agency shall provide the committee with reasons in  
17 writing for decisions and actions of the agency that do not conform to  
18 recommendations submitted by the committee.

19 \* Sec. 5. AS 23.15.210(11) is amended to read:

20 (11) "public property" [BUILDING"] means real or personal  
21 property [ANY BUILDING] owned or leased by the state, or federal govern-  
22 ment, [OR] an agency of the state or federal government, or a political  
23 subdivision of the state or federal government [ANY SPACE LEASED BY THE  
24 STATE OR ANY AGENCY OF THE STATE, AND DESIGNATED BY THE DIVISION AS  
25 BEING APPROPRIATE FOR PARTICIPATION IN THE BUSINESS ENTERPRISE PROGRAM];

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

27 (12) "vending facility" means a [AN AUTOMATIC] vending machine,  
28 cafeteria, snack bar, shelter, cart, or counter where food, tobacco,  
29 newspapers, periodicals, and other articles [OR SUNDRIES] are offered

1 for sale and dispensed automatically or manually whether prepared on  
2 or off the premises.

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

4 (13) "active participation" means a process that is more than  
5 an advisory role through which the Committee of Vendors is provided the  
6 opportunity to substantively influence program policies, standards, and  
7 procedures affecting the operation of vending facilities by licensed  
8 vendors.

9 \* Sec. 8. Notwithstanding AS 23.15.132 enacted in sec. 3 of this Act, a  
10 vending facility being operated on public property on the effective date of  
11 this Act may continue in operation until the contract under which the vending  
12 facility is being operated expires or is terminated. After the contract  
13 expires or is terminated, the vending facility shall cease to operate until  
14 the provisions of AS 23.15.132 are met.