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Referred: Rules

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 778 (HESS)

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 persons and severely handicapped persons on public property;

14 (6) license blind persons and severely handicapped persons in
15 accordance with AS 23.15.133 for the operation of vending facilities on
16 public property, with blind persons having first priority for operation
17 of the vending facilities;

18 (7) provide the training and supervision necessary to enable
19 blind persons and severely handicapped persons to operate vending facili-
20 ties;

21 (8) provide the equipment and initial stock necessary to
22 enable blind persons and severely handicapped persons to operate vending
23 facilities.

24 * Sec. 2. AS 23.15.130(b) is amended to read:

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

28 * Sec. 3. AS 23.15 is amended by adding new sections to read:

29 Sec. 23.15.132. VENDING FACILITIES. (a) A vending facility may

1 not be established on public property that is under the jurisdiction of
2 the state except as authorized by the commissioner of education.

3 (b) A vending facility authorized by the commissioner of education
4 shall be selected and located after consulting with the persons respons-
5 ible for the maintenance and operation of the property to be served by
6 the vending facility. A contract for the operation of the vending
7 facility by a licensee shall be executed by the agency and shall contain
8 provisions insuring that the licensee shall charge reasonable prices and
9 that the vending facility shall provide high quality merchandise.

10 Sec. 23.15.133. VENDORS' LICENSES. (a) The agency shall issue a
11 license for the operation of a vending facility on public property to a
12 blind person or severely handicapped person who is a resident of the
13 state at the time of application and who qualifies for a license under

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

15 (2) regulations adopted by the agency providing for licensing
16 of blind persons or severely handicapped persons.

17 (b) A license issued under this section does not expire. However,
18 a license may be revoked if the agency finds that the licensee is not
19 operating the facility in accordance with regulations adopted by the
20 agency.

21 Sec. 23.15.134. ACTIVE PARTICIPATION BY SEVERELY HANDICAPPED
22 LICENSEES. The agency shall adopt regulations that insure the oppor-
23 tunity for active participation by a severely handicapped licensee in
24 the administration of vending facilities operated by severely handi-
25 capped licensees. The opportunity for active participation provided
26 under this section shall be at least as extensive as the opportunity for
27 active participation provided for a blind licensee under AS 23.15.135.

28 Sec. 23.15.135. COMMITTEE OF BLIND VENDORS. (a) The Committee of
29 Blind Vendors consisting of all blind licensees is established. The

1 agency shall conduct a biennial election of a president, vice-president,
2 secretary, and treasurer of the committee and may conduct elections to
3 fill vacancies in office at any time.

4 (b) The commissioner of education shall assure active participa-
5 tion by the Committee of Blind Vendors in administrative, policy, and
6 program development decisions concerning vending facilities operated by
7 blind licensees. The agency shall, with active participation by the
8 Committee of Blind Vendors,

9 (1) adopt regulations providing for the licensing of blind
10 persons for the operation of vending facilities on public property;

11 (2) consider and respond to grievances of blind licensees;

12 (3) develop and administer a statewide system for the trans-
13 fer and promotion of blind licensees;

14 (4) develop training and retraining programs for blind licen-
15 sees and for blind persons interested in obtaining a license to operate
16 a vending facility;

17 (5) organize meetings and conferences for blind licensees;

18 (6) adopt regulations necessary to assure that vending facili-
19 ties operated by blind licensees are administered by the agency in a
20 substantially equivalent manner whether a vending facility is located on
21 state or federal property;

22 (7) designate public property as appropriate for the location
23 of a vending facility operated by a blind licensee.

24 (c) To insure the opportunity for active participation in decisions
25 that affect the administration of vending facilities operated by blind
26 licensees the agency shall, before each meeting of the Committee of
27 Blind Vendors, provide the committee with written information on matters
28 to be considered. The agency shall provide the committee with reasons
29 in writing for decisions and actions of the agency that do not conform

1 to recommendations submitted by the committee.

2 * Sec. 4. AS 23.15.180 is amended by adding a new subsection to read:

3 (b) A blind person or severely handicapped person aggrieved by a
4 decision or action of the agency under AS 23.15.133 - 23.15.135 shall
5 receive a hearing on request in accordance with the Administrative
6 Procedure Act (AS 44.62.330 - 44.62.630). A blind person may also file
7 a complaint in accordance with 20 U.S.C. sec. 107d-1 for arbitration of
8 a grievance.

9 * Sec. 5. AS 23.15.210(10) is amended to read:

10 (10) "licensee" means a blind or severely handicapped person
11 licensed by the division of vocational rehabilitation under the Randolph-
12 Sheppard Act (20 U.S.C. sec. 107 - 107b, 107d - 107e, 107f), AS 23.15.-
13 133 [AS 23.15.100(b)(5)], and [ANY] regulations adopted [ISSUED] under
14 federal or state law [OR AS 23.15.100(b)(5)];

15 * Sec. 6. AS 23.15.210(11) is amended to read:

16 (11) "public property" [BUILDING"] means real or personal
17 property [ANY BUILDING] owned or leased by the state, or federal govern-
18 ment, or an agency of the state or federal government [, OR ANY SPACE
19 LEASED BY THE STATE OR ANY AGENCY OF THE STATE, AND DESIGNATED BY THE
20 DIVISION AS BEING APPROPRIATE FOR PARTICIPATION IN THE BUSINESS ENTER-
21 PRISE PROGRAM];

22 * Sec. 7. AS 23.15.210(12) is amended to read:

23 (12) "vending facility" means a [AN AUTOMATIC] vending machine,
24 cafeteria, snack bar, shelter, cart, or counter where food, tobacco,
25 newspapers, periodicals, and other articles [OR SUNDRIES] are offered
26 for sale to the general public and dispensed automatically or manually
27 whether prepared on or off the premises; and excludes a facility in a
28 hospital, school, or other institution where food or other articles are
29 offered for sale only to patients, inmates, and persons enrolled in or

1 employed by the institution.

2 * Sec. 8. AS 23.15.210 is amended by adding a new paragraph to read:

3 (13) "active participation" means a process through which the
4 Committee of Blind Vendors or a licensee is provided the opportunity to
5 exert a major influence in program policies, standards, and procedures
6 affecting the operation of vending facilities, with the commissioner of
7 education having final responsibility.

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

14 * Sec. 10. AS 23.15.100(b)(5) is repealed.