

# D R A F T

## SUMMARY

Clarifies that state agencies and departments shall purchase certain products and services from Commission for the Blind. Requires commission to submit annual report to interim committees of Legislative Assembly. Creates Business Enterprise Program within commission.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to persons who are blind; creating new provisions; amending ORS  
3 346.220, 346.510, 346.520 and 346.540; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 346.220 is amended to read:

6 346.220. [*Whenever any of the products or services, including operation of*  
7 *vending facilities as defined in ORS 346.510, of persons with visual impair-*  
8 *ments, produced under the supervision and direction of the Commission for the*  
9 *Blind, meet the requirements of any state department or institution as to*  
10 *quality, quantity and price, such products or services shall have preference and*  
11 *the state departments and institutions shall purchase from the commission*  
12 *such products or services as may be required.*] **When a state agency or de-**  
13 **partment seeks to purchase a product or service, including the opera-**  
14 **tion of vending facilities as defined in ORS 346.510, the agency or**  
15 **department shall purchase the product or service from the Commis-**  
16 **sion for the Blind if the product or service:**

17 (1) **Is offered by persons with visual impairment, under the direc-**  
18 **tion and supervision of the Commission for the Blind; and**

19 (2) **Meets the requirements of the agency or department for quality,**

1 quantity and price.

2 **SECTION 2.** Sections 3 and 4 of this 2017 Act are added to and made  
3 a part of ORS 346.510 to 346.570.

4 **SECTION 3.** The Business Enterprise Program is created within the  
5 Commission for the Blind for furthering the purposes listed in ORS  
6 346.520. To achieve these goals, the program shall ensure that:

7 (1) Operators use best practices in providing healthy food options  
8 at vending facilities;

9 (2) Operators participate in determining the distribution and use  
10 of vending material or foods collected by the commission;

11 (3) The spouse or domestic partner of an operator may be involved  
12 in the operation of a vending facility for up to six months if the op-  
13 erator is unable to operate the vending facility; and

14 (4) State laws and rules do not impede or otherwise negatively im-  
15 pact employment opportunities for persons who are blind.

16 **SECTION 4.** If a dispute arises between a state agency or depart-  
17 ment and a person who is blind, and the dispute is not resolved by  
18 mutual agreement, the Commission for the Blind shall designate an  
19 impartial official who has no interest in the dispute to hold a dispute  
20 resolution meeting. The official shall submit a written report that in-  
21 cludes the evidence presented at the meeting, and a summary of the  
22 laws and rules that the official used to resolve the dispute, to the  
23 commission and to the parties involved in the meeting within 30 days  
24 of the resolution.

25 **SECTION 5.** ORS 346.510 is amended to read:

26 346.510. As used in ORS 346.510 to 346.570[, *the term*]:

27 (1) “Operator” means the individual person who is blind and who is re-  
28 sponsible for the day-to-day conduct of the vending facility operation. “Op-  
29 erator” includes a subcontractor and a teaming partner.

30 (2) “Person who is blind” means a person [*having*] **who has** not more than  
31 20/200 visual acuity in the better eye with best correction or whose visual

1 acuity, if better than 20/200, is accompanied by a limit to the field of vision  
2 to such a degree that its widest diameter subtends an angle of no greater  
3 than 20 degrees[. *Such blindness shall be*] **and whose blindness is** certified  
4 by a licensed physician who specializes in diseases of the eye.

5 (3) "Public building" or "property" means [*any*] **a building, land or other**  
6 **real property, or a portion of a building, land or other real property,**  
7 **that is** owned, leased, **managed** or occupied by [*any*] **a department or an**  
8 **agency of the State of Oregon or [*any of its political subdivisions*] by a**  
9 **political subdivision of the state,** except public elementary and secondary  
10 schools.

11 (4) "Vending facility" means:

12 (a) [*Such*] Shelters, counters, shelving, display and wall cases, refrigerat-  
13 ing apparatus and other appropriate auxiliary equipment [*as*] **that** are nec-  
14 essary or customarily used for the vending of [*such*] articles [*as may be*]  
15 approved by the Commission for the Blind and the agency [*having*] **that has**  
16 care, custody and control of the **public** building or property [*in or on*  
17 *which*] **where** the vending facility is located;

18 (b) Manual or coin operated vending machines or similar devices for  
19 vending [*such*] articles; or

20 (c) Cafeterias or snack bars for the dispensing of food stuffs and  
21 beverages.

22 **SECTION 6.** ORS 346.520 is amended to read:

23 346.520. (1) For [*the*] purposes of providing persons who are blind with  
24 remunerative employment, enlarging the economic opportunities of [*those*]  
25 persons **who are blind** and stimulating [*them*] **persons who are blind** to  
26 greater efforts to make themselves self-supporting with independent  
27 livelihoods, persons who are blind and who are licensed under [*the provisions*  
28 *of*] ORS 346.510 to 346.570 by the Commission for the Blind, as [*set forth*]  
29 **provided** in ORS 346.510 to 346.570, [*shall operate*] **have priority to** vending  
30 facilities in or on any public buildings or properties where, in the discretion  
31 of the head of the department or agency in charge of the maintenance of

1 [such] **the public** buildings or properties, [such] vending facilities may  
2 properly and satisfactorily operate.

3 (2) Notwithstanding ORS 276.385, the department or agency in charge of  
4 the maintenance of a public building or property [in or on which] **where** a  
5 vending facility is operated under ORS 346.510 to 346.570 may not charge the  
6 commission [for the Blind] or persons who are blind and who are licensed  
7 under the provisions of ORS 346.510 to 346.570 any amount for:

8 (a) Rental of the space in or on which the vending facility is operated;  
9 or

10 (b) Utility costs incurred in the operation of the vending facility.

11 (3) Subsection (2) of this section does not apply to charges imposed by the  
12 Department of Transportation. Subject to the availability of funds, the de-  
13 partment may refrain from charging any amount for rental of space or utility  
14 costs described in subsection (2) of this section.

15 **SECTION 7.** ORS 346.540 is amended to read:

16 346.540. (1) The Commission for the Blind shall:

17 (a) [Make surveys of] **Survey** public buildings or properties to determine  
18 their suitability as locations for vending facilities to be operated by persons  
19 who are blind and advise the heads of departments or agencies charged with  
20 the maintenance of [such] **the public** buildings or properties [as to their] **of**  
21 **the commission's** findings.

22 (b) With the consent of the head of the department or agency charged  
23 with the maintenance of the buildings or properties, establish vending facil-  
24 ities in those locations [which] **that** the commission [for the Blind has de-  
25 termined to be] **determines are** suitable[, and may enter into leases or  
26 licensing agreements therefor].

27 (c) Select, train, license and install qualified persons who are blind as  
28 managers of [such] vending facilities **in public buildings or properties.**

29 (d) Adopt rules as [it may from time to time deem] necessary to assure the  
30 proper and satisfactory operation of [such] vending facilities[,] and for the  
31 benefit of vending facility operators.

1 (e) Provide for the continued operation of established vending facilities  
2 if a qualified person who is blind is not available until a qualified person  
3 who is blind is available for assignment as manager.

4 **(f) Submit an annual report on the performance of the**  
5 **commission's programs for persons who are blind to the interim**  
6 **committees of the Legislative Assembly related to business develop-**  
7 **ment. The commission shall submit the report no later than 60 days**  
8 **prior to the convening of the next regular legislative session.**

9 **(g) Ensure that the Business Enterprise Program actively partic-**  
10 **ipates in the development of the commission's programs and policies**  
11 **and in rules adopted by the commission.**

12 **(2) The commission may enter into leases or licensing agreements**  
13 **for vending facilities located in or on public buildings or properties**  
14 **described in paragraph (1)(b) of this section.**

15 [(2)] **(3) If the head of the department or agency charged with the main-**  
16 **tenance of public buildings or properties does not consent to the establish-**  
17 **ment of vending facilities in locations in the building or on the property**  
18 **[which were determined suitable by the commission, that person] that the**  
19 **commission determines are suitable, the head of the department or**  
20 **agency shall inform the commission in writing of the reasons why consent**  
21 **is not given.**

22 [(3)] **(4) The commission may establish in the State Treasury a fund from**  
23 **the net proceeds of the operation of vending facilities. Moneys [so] deposited**  
24 **into the fund, including the interest [thereon] earned, shall be credited by**  
25 **the State Treasurer to a special checking account, separate and distinct from**  
26 **the General Fund. Disbursement may be made by check signed by the person**  
27 **designated by the commission. The fund shall be used for the purposes of and**  
28 **are continuously appropriated for maintenance and replacement of equip-**  
29 **ment, management services, assuring a fair minimum of return to vendors,**  
30 **or for [such] other purposes necessary and proper for the benefit of operators**  
31 **of vending facilities. Interest earned by the account shall be credited to the**

1 account.

2 **SECTION 8. (1) Sections 2 to 4 of this 2017 Act and the amendments**  
3 **to ORS 346.220, 346.510, 346.520 and 346.540 by sections 1 and 5 to 7 of**  
4 **this 2017 Act become operative on January 1, 2018.**

5 **(2) The Commission for the Blind may take any action before the**  
6 **operative date specified in subsection (1) of this section that is neces-**  
7 **sary to enable the commission to exercise, on or after the operative**  
8 **date specified in subsection (1) of this section, all of the duties, func-**  
9 **tions and powers conferred on the commission by sections 2 to 4 of this**  
10 **2017 Act and the amendments to ORS 346.220, 346.510, 346.520 and**  
11 **346.540 by sections 1 and 5 to 7 of this 2017 Act.**

12 **SECTION 9. This 2017 Act being necessary for the immediate pres-**  
13 **ervation of the public peace, health and safety, an emergency is de-**  
14 **clared to exist, and this 2017 Act takes effect on its passage.**

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