

House Bill 3253

Sponsored by COMMITTEE ON HUMAN SERVICES AND HOUSING

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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 346.220, 346.510, 346.520
3 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 vending facilities as*
7 *defined in ORS 346.510, of persons with visual impairments, produced under the supervision and di-*
8 *rection of the Commission for the Blind, meet the requirements of any state department or institution*
9 *as to quality, quantity and price, such products or services shall have preference and the state depart-*
10 *ments and institutions shall purchase from the commission such products or services as may be re-*
11 *quired.*] **When a state agency or department seeks to purchase a product or service, including**
12 **the operation of vending facilities as defined in ORS 346.510, the agency or department shall**
13 **purchase the product or service from the Commission for the Blind if the product or service:**

14 (1) **Is offered by persons with visual impairment, under the direction and supervision of**
15 **the Commission for the Blind; and**

16 (2) **Meets the requirements of the agency or department for quality, quantity and price.**

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

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

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

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

25 (3) **The spouse or domestic partner of an operator may be involved in the operation of a**
26 **vending facility for up to six months if the operator is unable to operate the vending facility;**
27 **and**

28 (4) **State laws and rules do not impede or otherwise negatively impact employment op-**
29 **portunities for persons who are blind.**

30 **SECTION 4.** If a dispute arises between a state agency or department and a person who

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **is blind, and the dispute is not resolved by mutual agreement, the Commission for the Blind**
 2 **shall designate an impartial official who has no interest in the dispute to hold a dispute re-**
 3 **solution meeting. The official shall submit a written report that includes the evidence pre-**
 4 **sented at the meeting, and a summary of the laws and rules that the official used to resolve**
 5 **the dispute, to the commission and to the parties involved in the meeting within 30 days of**
 6 **the resolution.**

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

8 346.510. As used in ORS 346.510 to 346.570[*the term*]:

9 (1) "Operator" means the individual person who is blind and who is responsible for the day-to-
 10 day conduct of the vending facility operation. **"Operator" includes a subcontractor and a team-**
 11 **ing partner.**

12 (2) "Person who is blind" means a person [*having*] **who has** not more than 20/200 visual acuity
 13 in the better eye with best correction or whose visual acuity, if better than 20/200, is accompanied
 14 by a limit to the field of vision to such a degree that its widest diameter subtends an angle of no
 15 greater than 20 degrees[. *Such blindness shall be*] **and whose blindness is** certified by a licensed
 16 physician who specializes in diseases of the eye.

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

21 (4) "Vending facility" means:

22 (a) [*Such*] Shelters, counters, shelving, display and wall cases, refrigerating apparatus and other
 23 appropriate auxiliary equipment [*as*] **that** are necessary or customarily used for the vending of
 24 [*such*] articles [*as may be*] approved by the Commission for the Blind and the agency [*having*] **that**
 25 **has** care, custody and control of the **public** building or property [*in or on which*] **where** the vending
 26 facility is located;

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

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

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

30 346.520. (1) For [*the*] purposes of providing persons who are blind with remunerative employ-
 31 ment, enlarging the economic opportunities of [*those*] persons **who are blind** and stimulating [*them*]
 32 **persons who are blind** to greater efforts to make themselves self-supporting with independent
 33 livelihoods, persons who are blind and who are licensed under [*the provisions of*] ORS 346.510 to
 34 346.570 by the Commission for the Blind, as [*set forth*] **provided** in ORS 346.510 to 346.570, [*shall*
 35 *operate*] **have priority to** vending facilities in or on any public buildings or properties where, in the
 36 discretion of the head of the department or agency in charge of the maintenance of [*such*] **the public**
 37 buildings or properties, [*such*] vending facilities may properly and satisfactorily operate.

38 (2) Notwithstanding ORS 276.385, the department or agency in charge of the maintenance of a
 39 public building or property [*in or on which*] **where** a vending facility is operated under ORS 346.510
 40 to 346.570 may not charge the commission [*for the Blind*] or persons who are blind and who are li-
 41 censed under the provisions of ORS 346.510 to 346.570 any amount for:

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

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

44 (3) Subsection (2) of this section does not apply to charges imposed by the Department of
 45 Transportation. Subject to the availability of funds, the department may refrain from charging any

1 amount for rental of space or utility costs described in subsection (2) of this section.

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

3 346.540. (1) The Commission for the Blind shall:

4 (a) *[Make surveys of]* **Survey** public buildings or properties to determine their suitability as lo-
5 cations for vending facilities to be operated by persons who are blind and advise the heads of de-
6 partments or agencies charged with the maintenance of *[such]* **the public** buildings or properties
7 *[as to their]* **of the commission's** findings.

8 (b) With the consent of the head of the department or agency charged with the maintenance of
9 the buildings or properties, establish vending facilities in those locations *[which]* **that** the commis-
10 sion *[for the Blind has determined to be]* **determines are** suitable, *and may enter into leases or li-*
11 *icensing agreements therefor*.

12 (c) Select, train, license and install qualified persons who are blind as managers of *[such]* vend-
13 ing facilities **in public buildings or properties**.

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

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

18 (f) **Submit an annual report on the performance of the commission's programs for per-**
19 **sons who are blind to the interim committees of the Legislative Assembly related to business**
20 **development. The commission shall submit the report no later than 60 days prior to the**
21 **convening of the next regular legislative session.**

22 (g) **Ensure that the Business Enterprise Program actively participates in the develop-**
23 **ment of the commission's programs and policies and in rules adopted by the commission.**

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

26 *[(2)]* (3) If the head of the department or agency charged with the maintenance of **public**
27 buildings or properties does not consent to the establishment of vending facilities in locations in the
28 building or on the property *[which were determined suitable by the commission, that person]* **that the**
29 **commission determines are suitable, the head of the department or agency** shall inform the
30 commission in writing of the reasons why consent is not given.

31 *[(3)]* (4) The commission may establish in the State Treasury a fund from the net proceeds of the
32 operation of vending facilities. Moneys *[so]* deposited **into the fund**, including the interest
33 *[thereon]* **earned**, shall be credited by the State Treasurer to a special checking account, separate
34 and distinct from the General Fund. Disbursement may be made by check signed by the person
35 designated by the commission. The fund shall be used for the purposes of and are continuously ap-
36 propriated for maintenance and replacement of equipment, management services, assuring a fair
37 minimum of return to vendors, or for *[such]* other purposes necessary and proper for the benefit of
38 operators of vending facilities. Interest earned by the account shall be credited to the account.

39 **SECTION 8.** (1) **Sections 2 to 4 of this 2017 Act and the amendments to ORS 346.220,**
40 **346.510, 346.520 and 346.540 by sections 1 and 5 to 7 of this 2017 Act become operative on**
41 **January 1, 2018.**

42 (2) **The Commission for the Blind may take any action before the operative date specified**
43 **in subsection (1) of this section that is necessary to enable the commission to exercise, on**
44 **or after the operative date specified in subsection (1) of this section, all of the duties, func-**
45 **tions and powers conferred on the commission by sections 2 to 4 of this 2017 Act and the**

1 amendments to ORS 346.220, 346.510, 346.520 and 346.540 by sections 1 and 5 to 7 of this 2017
2 Act.

3 **SECTION 9.** This 2017 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
5 on its passage.
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