

Requested by Representative KENY-GUYER

**PROPOSED AMENDMENTS TO
HOUSE BILL 3253**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and insert “346.510;”.

3 In line 3, delete “and 346.540;”.

4 Delete lines 5 through 30 and delete pages 2 through 4 and insert:

5 **“SECTION 1.** ORS 346.510 is amended to read:

6 “346.510. As used in ORS 346.510 to 346.570, the term:

7 **“(1) ‘Day-to-day conduct’ includes:**

8 **“(a) The use of a subcontractor by an operator if the operator is in**
9 **regular communication with the subcontractor regarding the vending**
10 **facility for which the operator is responsible; and**

11 **“(b) Other circumstances as specified by rule by the Commission for**
12 **the Blind.**

13 **“(2) ‘Healthy vending item’ has the meaning given the term by the**
14 **commission.**

15 **“(3) ‘Operator’ means the individual person who is:**

16 **“(a) Blind [*and who is*];**

17 **“(b) Responsible for the day-to-day conduct of the vending facility opera-**
18 **tion; and**

19 **“(c) On and after January 1, 2023, personally responsible for at least**
20 **51 percent of the work of the operation of the operator’s vending fa-**
21 **cilities.**

1 “[2] (4) ‘Person who is blind’ means a person *[having]* **who has** not more
2 than 20/200 visual acuity in the better eye with best correction or whose
3 visual acuity, if better than 20/200, is accompanied by a limit to the field of
4 vision to such a degree that its widest diameter subtends an angle of no
5 greater than 20 degrees. *Such blindness shall be* **and whose blindness is**
6 certified by a licensed physician who specializes in diseases of the eye.

7 “[3] (5) ‘Public building’ or ‘property’ means *[any]* **a** building, land or
8 other real property, owned, leased or occupied by *[any]* **a** department or
9 agency of the State of Oregon or *[any of its]* **a** political *[subdivisions]* **sub-**
10 **division of this state**, except public elementary and secondary schools.

11 “[4] (6) ‘Vending facility’ means:

12 “(a) *[Such]* Shelters, counters, shelving, display and wall cases, refriger-
13 ating apparatus and other appropriate auxiliary equipment *[as]* **that** are
14 necessary or customarily used for the vending of *[such]* articles *[as may be]*
15 approved by the commission *[for the Blind]* and the agency *[having]*, **de-**
16 **partment or political subdivision charged with the** care, custody and
17 control of the **public** building or **public** property *[in or on which]* **where** the
18 vending facility is located;

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

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

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

25 **“SECTION 3. (1) The Commission for the Blind shall collect a por-**
26 **tion of the net proceeds earned by each vending facility for which an**
27 **operator is responsible. The moneys collected under this section shall**
28 **be deposited into a fund established under ORS 346.540.**

29 **“(2) The commission shall collect 30 percent of the net proceeds**
30 **earned by a vending facility. The commission shall give the following**

1 discounts in the collection of the net proceeds:

2 “(a) 12 percent if the operator does not use a subcontractor for the
3 operation of the vending facility;

4 “(b) Nine percent if more than 50 percent of the foods and beverages
5 offered at the vending facility are healthy vending items; and

6 “(c) Three percent if the operator employs an Oregonian with a
7 disability for the operation of the vending facility.

8 **“SECTION 4.** An operator who uses a subcontractor for the opera-
9 tion of a vending facility prior to the operative date of this 2017 Act
10 shall, by January 1, 2023, be personally responsible for at least 51 per-
11 cent of the work of the operation of the vending facility and shall
12 comply with the following percentage benchmarks:

13 “(1) 10 percent by January 1, 2019;

14 “(2) 20 percent by January 1, 2020;

15 “(3) 30 percent by January 1, 2021;

16 “(4) 40 percent by January 1, 2022; and

17 “(5) 51 percent by January 1, 2023.

18 **“SECTION 5.** (1) Sections 2 to 4 of this 2017 Act and the amend-
19 ments to ORS 346.510 by section 1 of this 2017 Act become operative
20 on January 1, 2018.

21 “(2) The Commission for the Blind may take any action before the
22 operative date specified in subsection (1) of this section that is neces-
23 sary to enable the commission to exercise, on or after the operative
24 date specified in subsection (1) of this section, all of the duties, func-
25 tions and powers conferred on the commission by sections 2 to 4 of this
26 2017 Act and the amendments to ORS 346.510 by section 1 of this 2017
27 Act.

28 **“SECTION 6.** This 2017 Act being necessary for the immediate
29 preservation of the public peace, health and safety, an emergency is
30 declared to exist, and this 2017 Act takes effect on its passage.”.

