

Requested by Representative SMITH WARNER

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3431**

1 On page 1 of the printed bill, line 2, after the first semicolon insert  
2 “creating new provisions;” and after “346.510” insert “, 346.520, 346.525 and  
3 346.530”.

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

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

6 “346.510. As used in ORS 346.510 to 346.570:

7 “(1) ‘Cafeteria’ means a food-dispensing facility:

8 “(a) That can provide a variety of prepared foods and beverages;

9 “(b) Where a patron may move through a self-service line;

10 “(c) That may employ some servers to wait on patrons; and

11 “(d) That provides seating suitable for patrons to consume meals.

12 “(2) ‘Healthy vending item’ and ‘local vending item’ have the meanings  
13 given those terms by rules adopted by the Commission for the Blind in con-  
14 sultation with the Public Health Director and the business enterprise con-  
15 sumer committee.

16 “(3) ‘Person who is blind’ means a person who has not more than 20/200  
17 visual acuity in the better eye with best correction or whose visual acuity,  
18 if better than 20/200, is accompanied by a limit to the field of vision to such  
19 a degree that its widest diameter subtends an angle of no greater than 20  
20 degrees and whose blindness is certified by a licensed physician who spe-  
21 cializes in diseases of the eye.

1 “(4) ‘Political subdivision’ means a local government as defined in ORS  
2 174.116, a municipality, town or village of this state.

3 “(5) ‘Public building’ or ‘property’ means a building, land or other real  
4 property, or a portion of a building, land or other real property, that is  
5 [owned, leased, managed or] occupied by a department or an agency of the  
6 State of Oregon or by a political subdivision, except for a public elementary  
7 school, a secondary school, a public university listed in ORS 352.002 or a  
8 public corporation created pursuant to ORS 353.020.

9 “(6) ‘Vending facility’ means:

10 “(a) Shelters, counters, shelving, display and wall cases, refrigerating ap-  
11 paratus and other appropriate auxiliary equipment that are necessary or  
12 customarily used for the vending of articles, including an established mix  
13 of healthy vending items approved by the Commission for the Blind and the  
14 agency, department or political subdivision charged with maintaining the  
15 public building or property where the vending facility is located;

16 “[b) *Manual or coin-operated vending machines or similar devices for*  
17 *vending articles, including machines or devices that accept electronic payment;*  
18 *or]*

19 “**(b) Vending machines; or**

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

22 “(7) ‘Vending facility manager’ means a person who is:

23 “(a) Blind;

24 “(b) Responsible for the day-to-day conduct of the vending facility opera-  
25 tion; and

26 “(c) Licensed under ORS 346.510 to 346.570.

27 “**(8) ‘Vending machine’ means a manual or coin-operated machine**  
28 **or a similar device used for vending articles, including machines or**  
29 **devices that accept electronic payment.**

30 “**(9) ‘Visitor venue’ means a public building or property that is op-**

1 **erated by a political subdivision of this state and that is:**

2 **“(a) A convention, event or exposition center;**

3 **“(b) A zoo;**

4 **“(c) A performing arts center;**

5 **“(d) A museum;**

6 **“(e) A golf course;**

7 **“(f) A facility primarily used for sporting events; or**

8 **“(g) A commercial airport owned and operated by a city or a port**  
9 **district organized under ORS chapter 778.**

10 **“SECTION 2.** ORS 346.520 is amended to read:

11 **“346.520. (1)** For purposes of providing persons who are blind with  
12 remunerative employment, enlarging the economic opportunities of persons  
13 who are blind and stimulating persons who are blind to greater efforts to  
14 make themselves self-supporting with independent livelihoods, persons who  
15 are blind and who are licensed under ORS 346.510 to 346.570 by the Com-  
16 mission for the Blind have *[priority in managing vending facilities in or on*  
17 *any public buildings or properties where]* **the priorities and preferences**  
18 **described in ORS 346.510 to 346.570 when,** in the discretion of the agency,  
19 department or political subdivision in charge of the maintenance of the  
20 public buildings or properties, vending facilities may properly and satisfac-  
21 torily operate.

22 **“(2)** Notwithstanding ORS 276.385, the agency, department or political  
23 subdivision charged with maintaining a public building or property where a  
24 vending facility is operated under ORS *[346.510 to 346.570]* **346.525 (1)** may  
25 not:

26 **“(a)** Charge the commission or persons who are blind and who are li-  
27 censed under the provisions of ORS 346.510 to 346.570 any amount for:

28 **“(A)** Rental of the space where the vending facility is operated;

29 **“(B)** Utility costs incurred in the operation of the vending facility; or

30 **“(C)** The priority, right, permit, license or lease to operate a vending fa-

1 cility in or on the public building or property.

2 “(b) Require that the commission or the vending facility manager pay to  
3 the agency, department or political subdivision any portion of a commission,  
4 gratuity or revenue earned by the vending facility manager from the opera-  
5 tion of the vending facility.

6 “(3) Subsection (2) of this section does not apply to charges imposed by  
7 the Department of Transportation or the Travel Information Council. Subject  
8 to the availability of funds, the department and the council may refrain from  
9 charging any amount for rental of space or utility costs described in sub-  
10 section (2) of this section.

11 **“SECTION 3. ORS 346.525 is added to and made a part of ORS 346.510**  
12 **to 346.570.**

13 **“SECTION 4. ORS 346.525 is amended to read:**

14 **“346.525. [(1) As used in this section:]**

15 **“[(a) ‘Political subdivision’ has the meaning given that term in ORS**  
16 **346.510.]**

17 **“[(b) ‘Vending facility’ has the meaning given that term in ORS 346.510.]**

18 **“[(2)] (1) [This] The state shall grant to persons who are blind a **priority****  
19 **to:**

20 **“(a) [Priority to establish and] Operate vending facilities[, other than caf-**  
21 **eterias and in community colleges,] in public buildings in this state[.], **unless****  
22 **the vending facilities are:**

23 **“(A) Cafeterias; or**

24 **“(B) Located at a community college or at a visitor venue.**

25 **“(b) Operate vending machines located at visitor venues.**

26 **“[(b)] (2) The state shall grant to persons who are blind a preference**  
27 **to:**

28 **“(a) Operate cafeterias[, and vending facilities in community colleges,] in**  
29 **public buildings in this state, **except for cafeterias located at visitor****  
30 **venues.**

1       **“(b) Operate vending facilities located at community colleges.**

2       “(3) If a state agency, department or political subdivision constructs a  
3 new public building or facility, modifies an existing public building or fa-  
4 cility, enters into or modifies a contract for, or otherwise seeks to procure,  
5 products or services that are customarily provided by the business enterprise  
6 program of the Commission for the Blind, including the operation of vending  
7 facilities, the agency, department or political subdivision complies with:

8       “(a) Subsection [(2)(a)] (1) of this section if the agency, department or  
9 political subdivision:

10       “(A) Notifies the commission of the intended action and allows the com-  
11 mission to determine whether a vending facility manager licensed under ORS  
12 346.510 to 346.570 is able to provide the product or service;

13       “(B) Offers to the commission a right of first refusal;

14       “(C) Does not charge the commission or vending facility manager any  
15 amount prohibited under ORS 346.520 (2); and

16       “(D) Procures the vending service from the commission if the service:

17       “(i) Is offered by the commission or by persons with visual impairments  
18 under the direction and supervision of the commission; and

19       “(ii) Meets the requirements of the agency, department or political sub-  
20 division for quality and quantity of foodstuffs and beverages available  
21 through the vending facility.

22       “(b) Subsection [(2)(b)] (2) of this section if the agency, department or  
23 political subdivision:

24       “(A) Notifies the commission of the intended action and allows the com-  
25 mission to determine whether a vending facility manager licensed under ORS  
26 346.510 to 346.570 is able to provide the product or service; and

27       “(B) Procures the vending service from the commission if the service:

28       “(i) Is offered by the commission or by persons with visual impairments  
29 under the direction and supervision of the commission;

30       “(ii) Meets the requirements of the agency, department or political sub-

1 division for quality and quantity of foodstuffs and beverages available  
2 through the vending facility; and

3 “(iii) Is offered in a bid that is equal to any other bids submitted.

4 **“SECTION 5.** ORS 346.530 is amended to read:

5 “346.530. (1) Each agency, department or political subdivision charged  
6 with maintaining public buildings or properties shall:

7 “(a) Annually notify the Commission for the Blind in writing of any and  
8 all existing locations where vending facilities are in operation or where  
9 vending facilities might properly and satisfactorily be operated.

10 “(b) Not less than 30 days prior to the reactivation, leasing, re-leasing,  
11 licensing or issuance of a permit for operation of any vending facility, inform  
12 the commission of the pending action.

13 “(c) Inform the commission of any locations where vending facilities are  
14 planned or might properly and satisfactorily be operated in or about other  
15 public buildings or properties that are or may be under the jurisdiction of  
16 the agency, department or political subdivision for maintenance.

17 “(2) If the commission offers to operate a vending facility under this sec-  
18 tion and the offer is not accepted for reasons other than the decision not to  
19 have a vending facility on the premises, the agency, department or political  
20 subdivision shall notify the commission in writing of the reasons for refusing  
21 the commission’s offer. The agency, department or political subdivision shall  
22 offer the commission an opportunity to resolve the concerns raised in the  
23 written notice.

24 “(3) Any contract or agreement between the commission and an agency,  
25 department or political subdivision relating to the operation of a vending  
26 facility entered into subsequent to July 1, 1975, that is not in compliance  
27 with or that is in violation of ORS 346.510 to 346.570 [*and 346.525*], is null  
28 and void.

29 **“SECTION 6. This 2019 Act being necessary for the immediate**  
30 **preservation of the public peace, health and safety, an emergency is**

1 **declared to exist, and this 2019 Act takes effect on its passage.”.**

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