



**Filed: 4/19/2006**

09400SB2330ham001

LRB094 16692 WGH 58416 a

1 AMENDMENT TO SENATE BILL 2330

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2330 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Blind  
5 Vendors Act.

6 Section 5. Definitions. As used in this Act:

7 "Blind licensee" means a blind person licensed by the  
8 Department to operate a vending facility on State, federal, or  
9 other property.

10 "Blind person" means a person whose central visual acuity  
11 does not exceed 20/200 in the better eye with correcting lenses  
12 or whose visual acuity, if better than 20/200, is accompanied  
13 by a limit to the field of vision in the better eye to such a  
14 degree that its widest diameter subtends an angle of no greater  
15 than 20 degrees. In determining whether an individual is blind,  
16 there shall be an examination by a physician skilled in  
17 diseases of the eye, or by an optometrist, whichever the  
18 individual shall select.

19 "Building" means only the portion of a structure owned or  
20 leased by the State or any State agency.

21 "Cafeteria" means a food dispensing facility capable of  
22 providing a broad variety of prepared foods and beverages  
23 (including hot meals) primarily through the use of a line where  
24 the customer serves himself or herself from displayed

1 selections. A cafeteria may be fully automatic or some limited  
2 waiter or waitress service may be available and provided within  
3 a cafeteria and table or booth seating facilities are always  
4 provided.

5 "Committee" means the Illinois Committee of Blind Vendors,  
6 an independent representative body for blind vendors  
7 established by the federal Randolph-Sheppard Act.

8 "Department" means the Department of Human Services.

9 "Director" means the Bureau Director of the Bureau for the  
10 Blind in the Department of Human Services.

11 "Federal property" means any structure, land, or other real  
12 property owned, leased, or occupied by any department, agency  
13 or instrumentality of the United States (including the  
14 Department of Defense and the U.S. Postal Service), or any  
15 other instrumentality wholly owned by the United States, or by  
16 any department or agency of the District of Columbia or any  
17 territory or possession of the United States.

18 "License" means a written instrument issued by the  
19 Department to a blind person, authorizing such person to  
20 operate a vending facility on State, federal, or other  
21 property.

22 "Net proceeds" means the amount remaining from the sale of  
23 articles or services of vending facilities, and any vending  
24 machine or other income accruing to blind vendors after  
25 deducting the cost of such sale and other expenses (excluding  
26 any set-aside charges required to be paid by the blind  
27 vendors).

28 "Normal working hours" means an 8 hour work period between  
29 the approximate hours of 8:00 a.m. to 6:00 p.m., Monday through  
30 Friday.

31 "Other property" means property that is not State or  
32 federal property and on which vending facilities are  
33 established or operated by the use of any funds derived in  
34 whole or in part, directly or indirectly, from the operation of

1 vending facilities on any State or federal property.

2 "Secretary" means the Secretary of Human Services.

3 "Set-aside funds" means funds that accrue to the Department  
4 from an assessment against the net income of each vending  
5 facility in the State's vending facility program and any income  
6 from vending machines on State or federal property that accrues  
7 to the Department.

8 "State agency" means any department, board, commission, or  
9 agency created by the Constitution or Public Act, whether in  
10 the executive, legislative, or judicial branch.

11 "State property" means all property owned, leased, or  
12 rented by any State agency. For purposes of this Act, "State  
13 property" does not include property owned or controlled by a  
14 unit of local government or school district.

15 "Vending facility" means automatic vending machines, snack  
16 bars, cart service, counters, rest areas, and such other  
17 appropriate auxiliary equipment that may be operated by blind  
18 vendors and that is necessary for the sale of newspapers,  
19 periodicals, confections, tobacco products, foods, beverages,  
20 and notions dispensed automatically or manually and prepared on  
21 or off the premises in accordance with all applicable health  
22 laws, and including the vending and payment of any lottery  
23 tickets or shares authorized by State law and conducted by a  
24 State agency within the State. Vending facility does not  
25 include cafeterias, restaurants, or the Department of  
26 Corrections' non-vending machine commissaries.

27 "Vending machine", for the purpose of assigning vending  
28 machine income under this Act, means a coin or currency  
29 operated machine that dispenses articles or services, except  
30 that those machines operated by the United States Postal  
31 Service for the sale of postage stamps or other postal products  
32 and services, machines providing services of a recreational  
33 nature, and telephones shall not be considered to be vending  
34 machines.

1 "Vending machine income" means the commissions or fees paid  
2 to the State from vending machine operations on State property  
3 where the machines are operated, serviced, or maintained by, or  
4 with the approval of, a State agency by a commercial or  
5 not-for-profit vending concern that operates, services, and  
6 maintains vending machines.

7 "Vendor" means a blind licensee who is operating a vending  
8 facility on State, federal, or other property.

9 Section 10. Business Enterprise Program for the Blind.

10 (a) The Business Enterprise Program for the Blind is  
11 created for the purpose of providing blind persons with  
12 remunerative employment, enlarging the economic opportunities  
13 of the blind, and stimulating the blind to greater efforts in  
14 striving to make themselves self-supporting. In order to  
15 achieve these goals blind persons licensed under this Act shall  
16 be authorized to operate vending facilities on any property  
17 within this State as provided by this Act.

18 It is the intent of the General Assembly that the  
19 Randolph-Sheppard Act, 20 USC Sections 107-107f, and the  
20 federal regulations for its administration set forth in Part  
21 395 of Title 34 of the Code of Federal Regulations, shall serve  
22 as a model for minimum standards for the operation of the  
23 Business Enterprise Program for the Blind. The federal  
24 Randolph-Sheppard Act provides employment opportunities for  
25 individuals who are blind or visually impaired through the  
26 Business Enterprise Program for the Blind. Under the  
27 Randolph-Sheppard Act, all federal agencies are required to  
28 give priority to licensed blind vendors in the operation of  
29 vending facilities on federal property. It is the intent of  
30 this Act to provide the same priority to licensed blind vendors  
31 on State property by requiring State agencies to give priority  
32 to licensed blind vendors in the operation of vending  
33 facilities on State property and preference to licensed blind

1 vendors in the operation of cafeteria facilities on State  
2 property. Furthermore it is the intent of this Act that all  
3 State agencies, particularly the Department of Central  
4 Management Services, promote and advocate for the Business  
5 Enterprise Program for the Blind.

6 (b) The Secretary, through the Director, shall continue,  
7 maintain, and promote the Business Enterprise Program for the  
8 Blind. Some or all of the functions of the program may be  
9 provided by the Department of Human Services. The Business  
10 Enterprise Program for the Blind must provide that:

11 (1) priority is given to blind vendors in the operation  
12 of vending facilities on State property;

13 (2) tie bid preference is given to blind vendors in the  
14 operation of cafeterias on State property, unless the  
15 cafeteria operations are operated by employees of a State  
16 agency;

17 (3) vending machine income from all vending machines on  
18 State property is assigned as provided for by Section 30 of  
19 this Act;

20 (4) no State agency may impose any commission, service  
21 charge, rent, or utility charge on a licensed blind vendor  
22 who is operating a vending facility on State property; and

23 (5) vending facilities operated by the Program use  
24 reasonable and necessary means and methods to maintain fair  
25 market pricing in relation to each facility's given  
26 demographic, geographic, and other circumstances.

27 (c) With respect to vending facilities on federal property  
28 within this State, priority shall be given as provided in the  
29 federal Randolph-Sheppard Act, 20 USC Sections 107-107f,  
30 including any amendments thereto. This Act, as it applies to  
31 federal property, is intended to conform to the federal Act,  
32 and is to be of no force or effect if, and to the extent that,  
33 any provision of this Act or any rule adopted under this Act is  
34 in conflict with the federal Act. Nothing in this subsection

1 shall be construed to impose limitations on the operation of  
2 vending facilities on State property, or property other than  
3 federal property, or to allow only those activities  
4 specifically enumerated in the Randolph-Sheppard Act.

5 (d) The Secretary shall actively pursue all commissions  
6 from vending facilities not operated by blind vendors as  
7 provided in Section 30 of this Act, and shall propose new  
8 placements of vending facilities on State property where a  
9 facility is not yet in place.

10 (e) Partnerships and teaming arrangements between blind  
11 vendors and private industry, including franchise operations,  
12 shall be fostered and encouraged by the Department.

13 Section 15. Vending facilities on State property.

14 (a) In order to ensure that priority is given to blind  
15 vendors in the operation of vending facilities on State  
16 property as provided in Section 10, the Secretary, directly or  
17 by delegation to the Director, and the Committee shall jointly  
18 develop rules to ensure the following:

19 (1) That priority is given to blind persons licensed  
20 under this Act or under its predecessor Act (the Blind  
21 Persons Operating Vending Facilities Act 20 ILCS 2420/),  
22 including the assignment of vending machine income as  
23 provided in this Act.

24 (2) That one or more vending facilities shall be  
25 established on all State property to the extent feasible.  
26 Where a larger vending facility is determined by the  
27 Director and the Committee to be infeasible, every effort  
28 shall be made to place vending machines on the property  
29 whenever possible. The Director and the Committee shall  
30 take into account the following criteria when determining  
31 whether establishment of a vending facility is feasible:

32 (A) the number of State employees, visitors, and  
33 other potential facility customers on the property in a

1 given period;

2 (B) the size, in square feet, of the area owned,  
3 leased, occupied, or otherwise controlled by the  
4 State;

5 (C) the duration the property is expected to be  
6 leased or occupied by the State;

7 (D) whether establishment of a vending facility  
8 would adversely affect the interests of the State; and

9 (E) the likelihood that the vending facility would  
10 produce an adequate net income for a blind vendor as  
11 determined by the average income of all blind vendors  
12 in the State.

13 (b) Any determination by the Director, or by the State  
14 agency controlling the property, that the placement or  
15 operation of a vending facility is not feasible, or that the  
16 placement or operation would adversely affect the interests of  
17 the State shall be in writing and shall be transmitted to the  
18 Committee for review and ratification or rejection.

19 (c) The Secretary, through the Director, subject to the  
20 rules developed and adopted pursuant to subsection (a) of this  
21 Section and the requirements of federal law and regulations, is  
22 authorized to select a location for a vending facility and the  
23 type of facility to be provided.

24 (d) Beginning January 1, 2007, all State agencies that:

25 (1) undertake to acquire any property, in whole or in  
26 part, by ownership, rent, or lease, or that undertake to  
27 relocate to any property, shall request a determination  
28 from the Director or his or her designee as to whether the  
29 new property includes a satisfactory site or sites for the  
30 location and operation of a blind vendor vending facility;  
31 or

32 (2) undertake to occupy a building that is to be  
33 constructed, substantially altered, or renovated, or in  
34 the case of a building that is already occupied by the

1 State agency, undertake to substantially alter or renovate  
2 that building for use by the State agency;  
3 shall request a determination from the Director or his or her  
4 designee as to whether that building includes a satisfactory  
5 site or sites for the location and operation of a blind vendor  
6 vending facility.

7 Upon receiving a request for a determination under this  
8 subsection (d), the Director or his or her designee and the  
9 Committee shall have 10 days in which to notify that requesting  
10 State agency as to whether the new property or building is  
11 satisfactory or not satisfactory for the operation of a blind  
12 vendor vending facility. A site shall be deemed to be a  
13 satisfactory site by examining the potential customer base,  
14 including, but not limited to, State employees, State  
15 contractual employees, and the general public. The  
16 determination shall be based upon a site survey or any other  
17 reasonable means enabling an accurate assessment of the  
18 location. If the property has an existing private vendor,  
19 bottler, or vending machine operator, then the property shall  
20 be presumed to be a satisfactory site. If the Director, in  
21 consultation with the Committee, determines that the number of  
22 people using the location is or will be insufficient to support  
23 a vending facility, then the Director shall determine the  
24 property to be not satisfactory.

25 Upon a determination by the Director or his or her designee  
26 and the Committee that the new property or building is  
27 satisfactory for the operation of a blind vendor vending  
28 facility, the Director, in consultation with the head of the  
29 State agency and in accordance with the rules developed  
30 pursuant to subsection (a), shall inform the agency to comply  
31 with the priority established for the operation of vending  
32 facilities by blind persons under this Act.

33 (e) All State agencies shall fully cooperate with the  
34 Department to ensure that priority is given to blind vendors in



1 the operation of vending facilities on State property. This  
2 includes notifying the Department prior to the expiration of  
3 existing contracts or agreements for vending facilities or when  
4 such contracts or agreements are considered for renewal  
5 options. The notification must be given, when feasible, no  
6 later than 6 months prior to the potential expiration or  
7 renewal of the existing vending facility contract or agreement.

8 Section 20. Other vending facilities. The governing body of  
9 any unit of local government or school board owning property or  
10 persons or entities owning or controlling private property are  
11 authorized and encouraged to construct or install on the  
12 property, or permit the construction or installation of,  
13 vending facilities for operation by blind persons licensed  
14 under this Act. In constructing or installing these vending  
15 facilities, the amount of space allotted for this purpose  
16 should be sufficient to adequately serve the number of persons  
17 at the site and to provide the kind of services to be rendered.

18 Section 25. Set-aside funds; Blind Vendors Trust Fund.

19 (a) The Department may provide, by rule, for set-asides  
20 similar to those provided in Section 107d-3 of the  
21 Randolph-Sheppard Act. If any funds are set aside, or caused to  
22 be set aside, from the net proceeds of the operation of vending  
23 facilities by blind vendors, the funds shall be set aside only  
24 to the extent necessary in a percentage amount not to exceed  
25 that determined jointly by the Director and the Committee and  
26 published in State rule, and that these funds may be used only  
27 for the following purposes: (1) maintenance and replacement of  
28 equipment; (2) purchase of new equipment; (3) construction of  
29 new vending facilities; (4) funding the functions of the  
30 Committee, including legal and other professional services;  
31 and (5) retirement or pension funds, health insurance, paid  
32 sick leave, and vacation time for blind licensees, so long as

1 these benefits are approved by a majority vote of all Illinois  
2 licensed blind vendors that occurs after the Department  
3 provides these vendors with information on all matters relevant  
4 to these purposes.

5 (b) No set-aside funds shall be collected from a blind  
6 vendor when the monthly net proceeds of that vendor are less  
7 than \$1,000. This amount may be adjusted annually by the  
8 Director and the Committee to reflect changes in the cost of  
9 living.

10 (c) The Department shall establish, with full  
11 participation by the Committee, the Blind Vendors Trust Fund as  
12 a separate account managed by the Department for the State's  
13 blind vendors.

14 (d) Set-aside funds collected from the operation of all  
15 vending facilities administered by the Business Enterprise  
16 Program for the Blind shall be placed in the Blind Vendors  
17 Trust Fund, which shall include set-aside funds from facilities  
18 on federal property. The Fund must provide separately  
19 identified sub-accounts for moneys from (i) federal and (ii)  
20 State and other facilities, as well as vending machine income  
21 generated pursuant to Section 30 of this Act. These funds shall  
22 be available until expended and shall not revert to the General  
23 Revenue Fund or to any other State account.

24 (e) It is the intent of the General Assembly that the  
25 expenditure of set-aside funds authorized by this Section shall  
26 be supplemental to any current appropriation or other moneys  
27 made available for these purposes and shall not constitute an  
28 offset of any previously existing appropriation or other  
29 funding source. In no way shall this imply that the  
30 appropriation for the Blind Vendors Program may never be  
31 decreased, rather that the new funds shall not be used as an  
32 offset.

33 (f) An amount equal to 10% of the wages paid by a blind  
34 vendor to any employee who is blind or otherwise disabled shall

1 be deducted from any set-aside charge paid by the vendor each  
2 month, in order to encourage vendors to employ blind and  
3 disabled workers and to set an example for industry and  
4 government. No deduction shall be made for any employee paid  
5 less than the State or federal minimum wage.

6 Section 30. Vending machine income and compliance.

7 (a) After July 1, 2007, all vending machine income, as  
8 defined by this Act, from vending machines on State property  
9 shall accrue to (1) the blind vendor operating the vending  
10 facilities on the property or (2) in the event there is no  
11 blind vendor operating a facility on the property, to the Blind  
12 Vendors Trust Fund for use exclusively as set forth in  
13 subsection (a) of Section 25 of this Act.

14 (b) The Secretary, directly or by delegation of authority,  
15 shall ensure compliance with this Section and Section 15 of  
16 this Act with respect to buildings, installations, facilities,  
17 roadside rest stops, and any other State property, and shall be  
18 responsible for the collection of, and accounting for, all  
19 vending machine income on this property. The Secretary shall  
20 enforce these provisions through litigation, arbitration, or  
21 any other legal means available to the State, and each State  
22 agency in control of this property shall be subject to the  
23 enforcement. State agencies or departments failing to comply  
24 with an order of the Department may be held in contempt in any  
25 court of general jurisdiction.

26 (c) Any limitation on the placement or operation of a  
27 vending machine by a State agency based on a determination that  
28 such placement or operation would adversely affect the  
29 interests of the State must be explained in writing to the  
30 Secretary. The Secretary shall promptly determine whether the  
31 limitation is justified. If the Secretary determines that the  
32 limitation is not justified, the State agency seeking the  
33 limitation shall immediately remove the limitation.

1           (d) The amount of vending machine income accruing from  
2 vending machines on State property that may be used for the  
3 functions of the Committee shall be determined annually by a  
4 two-thirds vote of the Committee, except that no more than 25%  
5 of the annual vending machine income may be used by the  
6 Committee for this purpose, based upon the income accruing to  
7 the Blind Vendors Trust Fund in the preceding year. The  
8 Committee may establish its budget and expend funds through  
9 contract or otherwise without the approval of the Department.

10           Section 40. Licenses.

11           (a) Licenses shall be issued only to blind persons who are  
12 qualified to operate vending facilities. The continuing  
13 eligibility of a vendor as a blind person shall be reviewed  
14 biennially for partially sighted individuals or whenever the  
15 Director has information indicating the vendor is no longer  
16 blind as defined under this Act.

17           (b) Following agreement by the Secretary, the Director, and  
18 the Committee, the Secretary shall adopt and publish rules  
19 providing for (1) the requirements for licensure as a blind  
20 vendor; (2) a curriculum for training, in-service training, and  
21 upward mobility training for blind vendors; and (3) a regular  
22 schedule for offering the training, classes to be offered at  
23 least once per year.

24           (c) Each license issued pursuant to this Section shall be  
25 for an indefinite period as described by rule. The license of a  
26 blind vendor may be terminated or suspended for good cause, but  
27 only after affording the licensee an opportunity for a full and  
28 fair hearing in accordance with the provisions of this Act.

29           Section 45. Committee of Blind Vendors.

30           (a) The Secretary, through the Director, shall provide for  
31 the biennial election of the Committee, which shall be fully  
32 representative of all blind licensees in the State. There shall

1 be no fewer than one Committee member for each 15 licensed  
2 blind vendors in the State.

3 (b) The Committee is empowered to hire staff; contract for  
4 consultants including, but not limited to, legal counsel; set  
5 agendas and call meetings; create a constitution and bylaws,  
6 subcommittees, and budgets; and do any other thing a  
7 not-for-profit organization may do through the use of the Blind  
8 Vendors Trust Fund. At the discretion of the Committee major  
9 issues may be referred for initial consideration to a  
10 subcommittee, or to all blind vendors in order to ascertain  
11 their views.

12 (c) The Secretary shall ensure that the Committee jointly  
13 participates with the State in the development and  
14 implementation of all policies, plans, program development,  
15 and major administrative and management decisions affecting  
16 the Business Enterprise Program for the Blind. The Secretary,  
17 through the Director, shall provide to the Committee all  
18 relevant financial information and data, including quarterly  
19 and annual financial reports, on the operation of the vending  
20 facility program in order that the Committee may fully  
21 participate in budget development and formulation, the  
22 establishment of set-aside levels, and other program  
23 requirements. A copy of all completed audits, reports, and  
24 investigations affecting the Business Enterprise Program for  
25 the Blind shall be distributed to the Committee in a timely  
26 manner. Any implementation of changes in administrative policy  
27 or program development that are within the discretion of the  
28 Department shall occur only after Committee review.

29 Section 50. Hearings; arbitration.

30 (a) Any blind vendor dissatisfied with any act or omission  
31 arising from the operation or administration of the vending  
32 facility program may submit to the Secretary a request for a  
33 full evidentiary hearing. This hearing shall be provided in a

1 timely manner by the Department. Damages, including  
2 compensatory damages, attorney's fees, and expenses, must be  
3 paid to any operator who prevails in the full evidentiary  
4 hearing; however, payment of damages may not be paid from any  
5 program funds, the Blind Vendors Trust Fund, or federal  
6 rehabilitation funds. If the blind vendor is dissatisfied with  
7 any action taken or decision rendered as a result of the  
8 hearing, that vendor may file a complaint for arbitration with  
9 the Secretary.

10 (b) If the Secretary determines that any State agency has  
11 failed to comply with the requirements of this Act, the  
12 Secretary must establish a panel to arbitrate the dispute and  
13 the decision of the panel shall be final and binding on the  
14 parties. Any arbitration panel convened by the Secretary shall  
15 be composed of 3 members, appointed as follows:

16 (1) one individual appointed by the Secretary;

17 (2) one individual appointed by the State agency  
18 determined by the Secretary to be in noncompliance with the  
19 Act; and

20 (3) one individual, who shall serve as chairperson,  
21 jointly designated by the members appointed under items (1)  
22 and (2); provided that, if within 30 days following the  
23 Secretary's determination of noncompliance either party  
24 fails to appoint a panel member, or if the parties are  
25 unable to agree on the appointment of the chairperson, the  
26 Secretary shall select the final panel member or may  
27 designate a hearing officer of the Department who shall  
28 preside.

29 (c) The Secretary may issue a letter of reprimand to a  
30 blind vendor who violates program rules or policy. Depending  
31 upon the seriousness of the alleged violation, the letter of  
32 reprimand may indicate the intention to suspend or terminate  
33 the license of the vendor. All reprimand letters shall be sent  
34 in a medium accessible by the vendor, and shall be sent by

1 certified mail, return receipt requested. The Secretary must  
2 make every reasonable effort to assist the subject vendor to  
3 correct the problem for which the vendor is reprimanded. No  
4 process to suspend or terminate a license shall be initiated  
5 before the vendor is accorded the opportunity for a full  
6 evidentiary hearing as provided under subsection (a). A vendor  
7 may be summarily removed from a facility only in an emergency.

8 Section 60. General provisions.

9 (a) Blind vendors operating vending facilities are subject  
10 to the applicable license or permit requirements of the county  
11 or municipality in which the facility is located necessary for  
12 the conduct of their business.

13 (b) Vendors licensed pursuant to this Act are authorized to  
14 keep guide animals with them while operating vending facilities  
15 subject to public health laws and rules.

16 (c) The Secretary, Director, and the Committee shall  
17 cooperate in the development of rules to be promulgated by the  
18 Department regarding life standards for vending facility  
19 equipment. Such rules shall include, but are not limited to,  
20 the life expectancy of equipment; time periods within which  
21 equipment should be replaced; exceptions to the replacement  
22 time periods for equipment with no service problem history; and  
23 replacement schedules for equipment subject to excessive  
24 failures not the fault of the vendor.

25 (d) The Secretary, through the Director, shall assign  
26 adequate personnel to carry out duties related to the  
27 administration and management of this Act. In selecting  
28 personnel to fill any program position under this subsection,  
29 the Secretary shall ensure that the Committee has full advance  
30 opportunity to review the selections, to submit comments  
31 thereon, and to assess the adequacy of staffing levels for the  
32 program.

33 (e) The Secretary shall provide each vendor access to: all

1 financial information, his or her performance ratings, and all  
2 other individual personnel documents and data maintained by the  
3 Department. This includes providing each vendor a written copy  
4 of all rules and policies adopted pursuant to this Act. Upon  
5 request, the information shall be furnished in the medium most  
6 accessible by the vendor.

7 (f) The surviving spouse of a current Illinois licensed  
8 blind vendor who dies may continue to operate the facility for  
9 a period of 6 months following the death of the vendor,  
10 provided that the surviving spouse is qualified by experience  
11 or training to manage the facility.

12 (g) The Secretary shall, by rule, require licensed blind  
13 vendors to obtain additional training to operate a blind  
14 vending facility for State property determined by a State  
15 agency to be high security property.

16 Section 65. Program rules.

17 (a) The Secretary shall promulgate and adopt necessary  
18 rules, and do all things necessary and proper to carry out this  
19 Act. The Secretary by delegation shall review these rules with  
20 the Committee at least every 3 years.

21 (b) The rules shall include, but are not limited to, the  
22 following: (1) uniform procedures for vendor licensing and  
23 termination; (2) criteria and standards for selecting vendors  
24 and matching them to facilities to ensure that the most  
25 qualified person is selected; (3) equipment life standards and  
26 service standards for the inventory, repair, and purchase of  
27 equipment; (4) minimum requirements for the establishment of a  
28 vending facility; (5) standards for training, in-service  
29 training, and upward mobility; and (6) policies and procedures  
30 for the collection, deposit, reimbursement, and use of all  
31 program income, including vending machine income.

32 Section 70. Property Survey and Report.



1 (a) The Department shall survey and report on State  
2 property and vending facilities not later than December 31,  
3 2007. The report shall contain the following information:

4 (1) A list of all State property or other property  
5 within the State that does or reasonably could accommodate  
6 a vending facility as provided for in this Act or as  
7 provided for in the federal Randolph-Sheppard Act.

8 (2) For the buildings or locations that have vending  
9 facilities or vending machines in place, an indication of  
10 the facilities operated by licensed blind vendors under the  
11 Business Enterprise Program for the Blind and an indication  
12 of the facilities operated by private entities.

13 (3) For the vending facilities or vending machines  
14 operated by private entities, an indication of the  
15 facilities from which commissions for the Business  
16 Enterprise Program for the Blind have been or are being  
17 collected.

18 (4) For the buildings or other property that do not  
19 have vending facilities in place, an indication of the  
20 locations where a vending facility could appropriately be  
21 placed, or the reasons why a vending facility is not  
22 feasible in the building or property.

23 (b) The Department shall obtain all available information  
24 and conduct a survey, before June 30 of every odd-numbered year  
25 after the effective date of this Act. This survey shall  
26 identify but not be limited to the following information:

27 (1) The number and identity of the buildings owned,  
28 leased, acquired, or occupied by the State.

29 (2) The number and identity of the State buildings  
30 where vending facilities or vending machines are located.

31 (3) The number of employees located in or visiting  
32 these buildings during normal working hours.

33 (4) The usable interior square footage of the building;  
34 and

1           (5) Any other information the Department may determine  
2           to be useful in expanding the Business Enterprise Program  
3           for the Blind to the maximum extent feasible consistent  
4           with the purposes of this Act.

5           (c) All State agencies controlling State property or parts  
6           thereof where vending machines or vending facilities are  
7           located must cooperate with the Department by providing  
8           information on the vending machines or facilities at those  
9           locations. This information shall include, but is not limited  
10          to, the terms of contracts for vending, including financial  
11          terms, and the disbursement practices for vending machine  
12          income. The Department shall incorporate this information in  
13          its reports and updates.

14          (d) The Department shall use the reports and updates  
15          mandated by this Section to develop greater opportunities for  
16          the placement of blind vendors, to increase vending machine  
17          income to the program, and to aid in establishing vending  
18          machines and facilities on State property.

19          (e) The reports and surveys prepared pursuant to this  
20          Section shall be provided to the Committee and to the  
21          appropriate committees of the General Assembly.

22           (20 ILCS 2420/Act rep.)

23           Section 90. The Blind Persons Operating Vending Facilities  
24           Act is repealed."