



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB3039

Introduced 5/7/2008, by Sen. Mike Jacobs

SYNOPSIS AS INTRODUCED:

New Act
20 ILCS 2420/Act rep.

Creates the Blind Vendors Act. Contains statements of intent. Creates the Business Enterprise Program for the Blind under which: priority is given to blind vendors in the operation of vending facilities on State property; tie bid preference is given to blind vendors in the operation of cafeterias on State property, with exceptions; income from all vending machines on State property is assigned as provided in the Act; State agencies may not impose a commission, service charge, rent, or utility charge on a licensed blind vendor who is operating a vending facility on State property; and vending facilities use reasonable and necessary means and methods to maintain fair market pricing. Contains provisions regarding: the duties of the Department of Human Services; vending facilities on federal property; commissions from vending facilities not operated by blind vendors; selection of vending facility sites; partnerships and teaming arrangements; priority to blind vendors in the operation of vending facilities; adoption of rules; criteria for determining whether establishment of a vending facility is feasible; duties of State agencies; construction or installation of vending facilities for operation by blind persons by units of local government, school boards, or persons or entities owning or controlling private property; set-asides; establishment of the Blind Vendors Trust Fund as a separate account managed by the Department of Human Services for blind vendors; deductions; vending machine income; compliance and enforcement; licenses; election, powers, and duties of the Committee of Blind Vendors; hearings; arbitration; administration of the Act; personnel; records and disclosure; reports and surveys; and other matters. Repeals the Blind Persons Operating Vending Facilities Act.

LRB095 20821 WGH 49575 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

1 the customer serves himself or herself from displayed
2 selections. A cafeteria may be fully automatic or some limited
3 waiter or waitress service may be available and provided within
4 a cafeteria and table or booth seating facilities are always
5 provided.

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

9 "Department" means the Department of Human Services.

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

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

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

23 "Net proceeds" means the amount remaining from the sale of
24 articles or services of vending facilities, and any vending
25 machine or other income accruing to blind vendors after
26 deducting the cost of such sale and other expenses (excluding

1 any set-aside charges required to be paid by the blind
2 vendors).

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

6 "Other property" means property that is not State or
7 federal property and on which vending facilities are
8 established or operated by the use of any funds derived in
9 whole or in part, directly or indirectly, from the operation of
10 vending facilities on any State or federal property.

11 "Secretary" means the Secretary of Human Services.

12 "Set-aside funds" means funds that accrue to the Department
13 from an assessment against the net income of each vending
14 facility in the State's vending facility program and any income
15 from vending machines on State or federal property that accrues
16 to the Department.

17 "State agency" means any department, board, commission, or
18 agency created by the Constitution or Public Act, whether in
19 the executive, legislative, or judicial branch.

20 "State property" means all property owned, leased, or
21 rented by any State agency. For purposes of this Act, "State
22 property" does not include property owned or controlled by a
23 unit of local government or school district.

24 "Vending facility" means automatic vending machines, snack
25 bars, cart service, counters, rest areas, and such other
26 appropriate auxiliary equipment that may be operated by blind

1 vendors and that is necessary for the sale of newspapers,
2 periodicals, confections, tobacco products, foods, beverages,
3 and notions dispensed automatically or manually and prepared on
4 or off the premises in accordance with all applicable health
5 laws, and including the vending and payment of any lottery
6 tickets or shares authorized by State law and conducted by a
7 State agency within the State. "Vending facility" does not
8 include cafeterias, restaurants, or the Department of
9 Corrections' non-vending machine commissaries.

10 "Vending machine", for the purpose of assigning vending
11 machine income under this Act, means a coin or currency
12 operated machine that dispenses articles or services, except
13 that those machines operated by the United States Postal
14 Service for the sale of postage stamps or other postal products
15 and services, machines providing services of a recreational
16 nature, and telephones shall not be considered to be vending
17 machines.

18 "Vending machine income" means the commissions or fees paid
19 to the State from vending machine operations on State property
20 where the machines are operated, serviced, or maintained by, or
21 with the approval of, a State agency by a commercial or
22 not-for-profit vending concern that operates, services, and
23 maintains vending machines.

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

1 Section 10. Business Enterprise Program for the Blind.

2 (a) The Business Enterprise Program for the Blind is
3 created for the purpose of providing blind persons with
4 remunerative employment, enlarging the economic opportunities
5 of the blind, and stimulating the blind to greater efforts in
6 striving to make themselves self-supporting. In order to
7 achieve these goals, blind persons licensed under this Act
8 shall be authorized to operate vending facilities on any
9 property within this State as provided by this Act.

10 It is the intent of the General Assembly that the
11 Randolph-Sheppard Act, 20 USC Sections 107-107f, and the
12 federal regulations for its administration set forth in Part
13 395 of Title 34 of the Code of Federal Regulations, shall serve
14 as a model for minimum standards for the operation of the
15 Business Enterprise Program for the Blind. The federal
16 Randolph-Sheppard Act provides employment opportunities for
17 individuals who are blind or visually impaired through the
18 Business Enterprise Program for the Blind. Under the
19 Randolph-Sheppard Act, all federal agencies are required to
20 give priority to licensed blind vendors in the operation of
21 vending facilities on federal property. It is the intent of
22 this Act to provide the same priority to licensed blind vendors
23 on State property by requiring State agencies to give priority
24 to licensed blind vendors in the operation of vending
25 facilities on State property and preference to licensed blind
26 vendors in the operation of cafeteria facilities on State

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

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

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

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

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

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

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

26 (c) With respect to vending facilities on federal property

1 within this State, priority shall be given as provided in the
2 federal Randolph-Sheppard Act, 20 USC Sections 107-107f,
3 including any amendments thereto. This Act, as it applies to
4 federal property, is intended to conform to the federal Act,
5 and is to be of no force or effect if, and to the extent that,
6 any provision of this Act or any rule adopted under this Act is
7 in conflict with the federal Act. Nothing in this subsection
8 shall be construed to impose limitations on the operation of
9 vending facilities on State property, or property other than
10 federal property, or to allow only those activities
11 specifically enumerated in the Randolph-Sheppard Act.

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

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

20 Section 15. Vending facilities on State property.

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

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

6 (2) That one or more vending facilities shall be
7 established on all State property to the extent feasible.
8 Where a larger vending facility is determined by the
9 Director and the Committee to be infeasible, every effort
10 shall be made to place vending machines on the property
11 whenever possible. The Director and the Committee shall
12 take into account the following criteria when determining
13 whether establishment of a vending facility is feasible:

14 (A) the number of State employees, visitors, and
15 other potential facility customers on the property in a
16 given period;

17 (B) the size, in square feet, of the area owned,
18 leased, occupied, or otherwise controlled by the
19 State;

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

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

24 (E) the likelihood that the vending facility would
25 produce an adequate net income for a blind vendor as
26 determined by the average income of all blind vendors

1 in the State.

2 (b) Any determination by the Director, or by the State
3 agency controlling the property, that the placement or
4 operation of a vending facility is not feasible, or that the
5 placement or operation would adversely affect the interests of
6 the State shall be in writing and shall be transmitted to the
7 Committee for review and ratification or rejection.

8 (c) The Secretary, through the Director, subject to the
9 rules developed and adopted pursuant to subsection (a) of this
10 Section and the requirements of federal law and regulations, is
11 authorized to select a location for a vending facility and the
12 type of facility to be provided.

13 (d) Beginning January 1, 2009, all State agencies that:

14 (1) undertake to acquire any property, in whole or in
15 part, by ownership, rent, or lease, or that undertake to
16 relocate to any property, shall request a determination
17 from the Director or his or her designee as to whether the
18 new property includes a satisfactory site or sites for the
19 location and operation of a blind vendor vending facility;
20 or

21 (2) undertake to occupy a building that is to be
22 constructed, substantially altered, or renovated, or in
23 the case of a building that is already occupied by the
24 State agency, undertake to substantially alter or renovate
25 that building for use by the State agency;

26 shall request a determination from the Director or his or her

1 designee as to whether that building includes a satisfactory
2 site or sites for the location and operation of a blind vendor
3 vending facility.

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

22 Upon a determination by the Director or his or her designee
23 and the Committee that the new property or building is
24 satisfactory for the operation of a blind vendor vending
25 facility, the Director, in consultation with the head of the
26 State agency and in accordance with the rules developed

1 pursuant to subsection (a), shall inform the agency to comply
2 with the priority established for the operation of vending
3 facilities by blind persons under this Act.

4 (e) All State agencies shall fully cooperate with the
5 Department to ensure that priority is given to blind vendors in
6 the operation of vending facilities on State property. This
7 includes notifying the Department prior to the expiration of
8 existing contracts or agreements for vending facilities or when
9 such contracts or agreements are considered for renewal
10 options. The notification must be given, when feasible, no
11 later than 6 months prior to the potential expiration or
12 renewal of the existing vending facility contract or agreement.

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

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

24 (a) The Department may provide, by rule, for set-asides

1 similar to those provided in Section 107d-3 of the
2 Randolph-Sheppard Act. If any funds are set aside, or caused to
3 be set aside, from the net proceeds of the operation of vending
4 facilities by blind vendors, the funds shall be set aside only
5 to the extent necessary in a percentage amount not to exceed
6 that determined jointly by the Director and the Committee and
7 published in State rule, and that these funds may be used only
8 for the following purposes: (1) maintenance and replacement of
9 equipment; (2) purchase of new equipment; (3) construction of
10 new vending facilities; (4) funding the functions of the
11 Committee, including legal and other professional services;
12 and (5) retirement or pension funds, health insurance, paid
13 sick leave, and vacation time for blind licensees, so long as
14 these benefits are approved by a majority vote of all Illinois
15 licensed blind vendors that occurs after the Department
16 provides these vendors with information on all matters relevant
17 to these purposes.

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

23 (c) The Department shall establish, with full
24 participation by the Committee, the Blind Vendors Trust Fund as
25 a separate account managed by the Department for the State's
26 blind vendors.

1 (d) Set-aside funds collected from the operation of all
2 vending facilities administered by the Business Enterprise
3 Program for the Blind shall be placed in the Blind Vendors
4 Trust Fund, which shall include set-aside funds from facilities
5 on federal property. The Fund must provide separately
6 identified sub-accounts for moneys from (i) federal and (ii)
7 State and other facilities, as well as vending machine income
8 generated pursuant to Section 30 of this Act. These funds shall
9 be available until expended and shall not revert to the General
10 Revenue Fund or to any other State account.

11 (e) It is the intent of the General Assembly that the
12 expenditure of set-aside funds authorized by this Section shall
13 be supplemental to any current appropriation or other moneys
14 made available for these purposes and shall not constitute an
15 offset of any previously existing appropriation or other
16 funding source. In no way shall this imply that the
17 appropriation for the Blind Vendors Program may never be
18 decreased, rather that the new funds shall not be used as an
19 offset.

20 (f) An amount equal to 10% of the wages paid by a blind
21 vendor to any employee who is blind or otherwise disabled shall
22 be deducted from any set-aside charge paid by the vendor each
23 month, in order to encourage vendors to employ blind and
24 disabled workers and to set an example for industry and
25 government. No deduction shall be made for any employee paid
26 less than the State or federal minimum wage.

1 Section 30. Vending machine income and compliance.

2 (a) After July 1, 2009, all vending machine income, as
3 defined by this Act, from vending machines on State property
4 shall accrue to (1) the blind vendor operating the vending
5 facilities on the property or (2) in the event there is no
6 blind vendor operating a facility on the property, to the Blind
7 Vendors Trust Fund for use exclusively as set forth in
8 subsection (a) of Section 25 of this Act.

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

21 (c) Any limitation on the placement or operation of a
22 vending machine by a State agency based on a determination that
23 such placement or operation would adversely affect the
24 interests of the State must be explained in writing to the
25 Secretary. The Secretary shall promptly determine whether the

1 limitation is justified. If the Secretary determines that the
2 limitation is not justified, the State agency seeking the
3 limitation shall immediately remove the limitation.

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

13 Section 40. Licenses.

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

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

1 least once per year.

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

7 Section 45. Committee of Blind Vendors.

8 (a) The Secretary, through the Director, shall provide for
9 the biennial election of the Committee, which shall be fully
10 representative of all blind licensees in the State. There shall
11 be no fewer than one Committee member for each 15 licensed
12 blind vendors in the State.

13 (b) The Committee is empowered to hire staff; contract for
14 consultants including, but not limited to, legal counsel; set
15 agendas and call meetings; create a constitution and bylaws,
16 subcommittees, and budgets; and do any other thing a
17 not-for-profit organization may do through the use of the Blind
18 Vendors Trust Fund. At the discretion of the Committee major
19 issues may be referred for initial consideration to a
20 subcommittee, or to all blind vendors in order to ascertain
21 their views.

22 (c) The Secretary shall ensure that the Committee jointly
23 participates with the State in the development and
24 implementation of all policies, plans, program development,
25 and major administrative and management decisions affecting

1 the Business Enterprise Program for the Blind. The Secretary,
2 through the Director, shall provide to the Committee all
3 relevant financial information and data, including quarterly
4 and annual financial reports, on the operation of the vending
5 facility program in order that the Committee may fully
6 participate in budget development and formulation, the
7 establishment of set-aside levels, and other program
8 requirements. A copy of all completed audits, reports, and
9 investigations affecting the Business Enterprise Program for
10 the Blind shall be distributed to the Committee in a timely
11 manner. Any implementation of changes in administrative policy
12 or program development that are within the discretion of the
13 Department shall occur only after Committee review.

14 Section 50. Hearings; arbitration.

15 (a) Any blind vendor dissatisfied with any act or omission
16 arising from the operation or administration of the vending
17 facility program may submit to the Secretary a request for a
18 full evidentiary hearing. This hearing shall be provided in a
19 timely manner by the Department. Damages, including
20 compensatory damages, attorney's fees, and expenses must be
21 paid to any operator who prevails in the full evidentiary
22 hearing; however, payment of damages may not be made from any
23 program funds, the Blind Vendors Trust Fund, or federal
24 rehabilitation funds. If the blind vendor is dissatisfied with
25 any action taken or decision rendered as a result of the

1 hearing, that vendor may file a complaint for arbitration with
2 the Secretary.

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

9 (1) one individual appointed by the Secretary;

10 (2) one individual appointed by the State agency
11 determined by the Secretary to be in noncompliance with the
12 Act; and

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

22 (c) The Secretary may issue a letter of reprimand to a
23 blind vendor who violates program rules or policy. Depending
24 upon the seriousness of the alleged violation, the letter of
25 reprimand may indicate the intention to suspend or terminate
26 the license of the vendor. All reprimand letters shall be sent

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

9 Section 60. General provisions.

10 (a) A blind vendor operating a vending facility is subject
11 to the applicable license or permit requirements of the county
12 or municipality in which the facility is located necessary for
13 the conduct of his or her business.

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

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

1 (d) The Secretary, through the Director, shall assign
2 adequate personnel to carry out duties related to the
3 administration and management of this Act. In selecting
4 personnel to fill any program position under this subsection,
5 the Secretary shall ensure that the Committee has full advance
6 opportunity to review the selections, to submit comments
7 thereon, and to assess the adequacy of staffing levels for the
8 program.

9 (e) The Secretary shall provide each vendor access to: all
10 financial information, his or her performance ratings, and all
11 other individual personnel documents and data maintained by the
12 Department. This includes providing each vendor a written copy
13 of all rules and policies adopted pursuant to this Act. Upon
14 request, the information shall be furnished in the medium most
15 accessible by the vendor.

16 (f) The surviving spouse of a current Illinois licensed
17 blind vendor who dies may continue to operate the facility for
18 a period of 6 months following the death of the vendor,
19 provided that the surviving spouse is qualified by experience
20 or training to manage the facility.

21 (g) The Secretary shall, by rule, require licensed blind
22 vendors to obtain additional training to operate a blind
23 vending facility for State property determined by a State
24 agency to be high security property.

25 Section 65. Program rules.

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

5 (b) The rules shall include, but are not limited to, the
6 following: (1) uniform procedures for vendor licensing and
7 termination; (2) criteria and standards for selecting vendors
8 and matching them to facilities to ensure that the most
9 qualified person is selected; (3) equipment life standards and
10 service standards for the inventory, repair, and purchase of
11 equipment; (4) minimum requirements for the establishment of a
12 vending facility; (5) standards for training, in-service
13 training, and upward mobility; and (6) policies and procedures
14 for the collection, deposit, reimbursement, and use of all
15 program income, including vending machine income.

16 Section 70. Property Survey and Report.

17 (a) The Department shall survey and report on State
18 property and vending facilities not later than December 31,
19 2009. The report shall contain the following information:

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

24 (2) For the buildings or locations that have vending
25 facilities or vending machines in place, an indication of

1 the facilities operated by licensed blind vendors under the
2 Business Enterprise Program for the Blind and an indication
3 of the facilities operated by private entities.

4 (3) For the vending facilities or vending machines
5 operated by private entities, an indication of the
6 facilities from which commissions for the Business
7 Enterprise Program for the Blind have been or are being
8 collected.

9 (4) For the buildings or other property that do not
10 have vending facilities in place, an indication of the
11 locations where a vending facility could appropriately be
12 placed, or the reasons why a vending facility is not
13 feasible in the building or property.

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

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

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

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

24 (4) The usable interior square footage of the building.

25 (5) Any other information the Department may determine
26 to be useful in expanding the Business Enterprise Program

1 for the Blind to the maximum extent feasible consistent
2 with the purposes of this Act.

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

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

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

20 (20 ILCS 2420/Act rep.)

21 Section 90. The Blind Persons Operating Vending Facilities
22 Act is repealed.