



Rep. Michael P. McAuliffe

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1 AMENDMENT TO HOUSE BILL 4230

2 AMENDMENT NO. _____. Amend House Bill 4230 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

1 diseases of the eye, or by an optometrist, whichever the
2 individual shall select.

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

5 "Cafeteria" means a food dispensing facility capable of
6 providing a broad variety of prepared foods and beverages
7 (including hot meals) primarily through the use of a line where
8 the customer serves himself or herself from displayed
9 selections. A cafeteria may be fully automatic or some limited
10 waiter or waitress service may be available and provided within
11 a cafeteria and table or booth seating facilities are always
12 provided.

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

16 "Department" means the Department of Human Services.

17 "Director" means the Bureau Director of the Bureau for the
18 Blind in the Department of Human Services.

19 "Federal property" means any structure, land, or other real
20 property owned, leased, or occupied by any department, agency
21 or instrumentality of the United States (including the
22 Department of Defense and the U.S. Postal Service), or any
23 other instrumentality wholly owned by the United States, or by
24 any department or agency of the District of Columbia or any
25 territory or possession of the United States.

26 "License" means a written instrument issued by the

1 Department to a blind person, authorizing such person to
2 operate a vending facility on State, federal, or other
3 property.

4 "Net proceeds" means the amount remaining from the sale of
5 articles or services of vending facilities, and any vending
6 machine or other income accruing to blind vendors after
7 deducting the cost of such sale and other expenses (excluding
8 any set-aside charges required to be paid by the blind
9 vendors).

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

13 "Other property" means property that is not State or
14 federal property and on which vending facilities are
15 established or operated by the use of any funds derived in
16 whole or in part, directly or indirectly, from the operation of
17 vending facilities on any State or federal property.

18 "Priority" means the right of a blind person licensed by
19 the Department of Human Services, Division of Rehabilitation
20 Services, to operate a vending facility on any and all State
21 property in the State of Illinois, in the same manner and to
22 the same extent as the priority is provided to blind licensees
23 on Federal property under the Randolph-Sheppard Act, 20 U.S.C.
24 107, and Federal regulations, 34 C.F.R. 395.30.

25 "Secretary" means the Secretary of Human Services.

26 "Set-aside funds" means funds that accrue to the Department

1 from an assessment against the net income of each vending
2 facility in the State's vending facility program and any income
3 from vending machines on State or federal property that accrues
4 to the Department.

5 "State agency" means any department, board, commission, or
6 agency created by the Constitution or Public Act, whether in
7 the executive, legislative, or judicial branch.

8 "State property" means all property owned, leased, or
9 rented by any State agency. For purposes of this Act, "State
10 property" does not include property owned or controlled by a
11 unit of local government, a public school district, or a public
12 university, college, or community college.

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

1 Developmental Disabilities that are operated by residents or
2 State employees.

3 "Vending machine", for the purpose of assigning vending
4 machine income under this Act, means a coin, currency, or debit
5 card operated machine that dispenses articles or services,
6 except that those machines operated by the United States Postal
7 Service for the sale of postage stamps or other postal products
8 and services, machines providing services of a recreational
9 nature, and telephones shall not be considered to be vending
10 machines.

11 "Vending machine income" means the commissions or fees paid
12 to the State from vending machine operations on State property
13 where the machines are operated, serviced, or maintained by, or
14 with the approval of, a State agency by a commercial or
15 not-for-profit vending concern that operates, services, and
16 maintains vending machines.

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

19 Section 10. Business Enterprise Program for the Blind.

20 (a) The Business Enterprise Program for the Blind is
21 created for the purposes of providing blind persons with
22 remunerative employment, enlarging the economic opportunities
23 of the blind, and stimulating the blind to greater efforts in
24 striving to make themselves self-supporting. In order to
25 achieve these goals, blind persons licensed under this Act

1 shall be authorized to operate vending facilities on any
2 property within this State as provided by this Act.

3 It is the intent of the General Assembly that the
4 Randolph-Sheppard Act, 20 USC Sections 107-107f, and the
5 federal regulations for its administration set forth in Part
6 395 of Title 34 of the Code of Federal Regulations, shall serve
7 as a model for minimum standards for the operation of the
8 Business Enterprise Program for the Blind. The federal
9 Randolph-Sheppard Act provides employment opportunities for
10 individuals who are blind or visually impaired through the
11 Business Enterprise Program for the Blind. Under the
12 Randolph-Sheppard Act, all federal agencies are required to
13 give priority to licensed blind vendors in the operation of
14 vending facilities on federal property. It is the intent of
15 this Act to provide the same priority to licensed blind vendors
16 on State property by requiring State agencies to give priority
17 to licensed blind vendors in the operation of vending
18 facilities on State property and preference to licensed blind
19 vendors in the operation of cafeteria facilities on State
20 property. Furthermore it is the intent of this Act that all
21 State agencies, particularly the Department of Central
22 Management Services, promote and advocate for the Business
23 Enterprise Program for the Blind.

24 (b) The Secretary, through the Director, shall continue,
25 maintain, and promote the Business Enterprise Program for the
26 Blind. Some or all of the functions of the program may be

1 provided by the Department of Human Services. The Business
2 Enterprise Program for the Blind must provide that:

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

5 (2) tie bid preference is given to blind vendors in the
6 operation of cafeterias on State property, unless the
7 cafeteria operations are operated by employees of a State
8 agency;

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

12 (4) no State agency may impose any commission, service
13 charge, rent, or utility charge on a licensed blind vendor
14 who is operating a vending facility on State property
15 unless approved by the Department;

16 (5) the Department shall approve a commission to the
17 State agency from a blind vendor operating a vending
18 facility on the State property of the Department of
19 Corrections or the Department of Juvenile Justice in the
20 amount of 10% of the net proceeds from vending machines
21 servicing State employees and 25% of the net proceeds from
22 vending machines servicing visitors on the State property;
23 and

24 (6) vending facilities operated by the Program use
25 reasonable and necessary means and methods to maintain fair
26 market pricing in relation to each facility's given

1 demographic, geographic, and other circumstances.

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

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

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

22 Section 15. Vending facilities on State property.

23 (a) In order to ensure that priority is given to blind
24 vendors in the operation of vending facilities on State
25 property as provided in Section 10, the Secretary, directly or

1 by delegation to the Director, and the Committee shall jointly
2 develop rules to ensure the following:

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

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

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

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

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

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

26 (E) the likelihood that the vending facility would

1 produce an adequate net income for a blind vendor as
2 determined by the average income of all blind vendors
3 in the State.

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

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

15 (d) Beginning January 1, 2010, all State agencies that:

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

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

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

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

24 Upon a determination by the Director or his or her designee
25 and the Committee that the new property or building is
26 satisfactory for the operation of a blind vendor vending

1 facility, the Director, in consultation with the head of the
2 State agency and in accordance with the rules developed
3 pursuant to subsection (a), shall inform the agency to comply
4 with the priority established for the operation of vending
5 facilities by blind persons under this Act.

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

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

16 (a) The Department may provide, by rule, for set-asides
17 similar to those provided in Section 107d-3 of the
18 Randolph-Sheppard Act. If any funds are set aside, or caused to
19 be set aside, from the net proceeds of the operation of vending
20 facilities by blind vendors, the funds shall be set aside only
21 to the extent necessary in a percentage amount not to exceed
22 that determined jointly by the Director and the Committee and
23 published in State rule, and that these funds may be used only
24 for the following purposes: (1) maintenance and replacement of
25 equipment; (2) purchase of new equipment; (3) construction of

1 new vending facilities; (4) funding the functions of the
2 Committee, including legal and other professional services;
3 and (5) retirement or pension funds, health insurance, paid
4 sick leave, and vacation time for blind licensees, so long as
5 these benefits are approved by a majority vote of all Illinois
6 licensed blind vendors that occurs after the Department
7 provides these vendors with information on all matters relevant
8 to these purposes.

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

14 (c) The Department shall establish, with full
15 participation by the Committee, the Blind Vendors Trust Fund as
16 a separate account managed by the Department for the State's
17 blind vendors.

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

1 Revenue Fund or to any other State account.

2 (e) It is the intent of the General Assembly that the
3 expenditure of set-aside funds authorized by this Section shall
4 be supplemental to any current appropriation or other moneys
5 made available for these purposes and shall not constitute an
6 offset of any previously existing appropriation or other
7 funding source. In no way shall this imply that the
8 appropriation for the Blind Vendors Program may never be
9 decreased, rather that the new funds shall not be used as an
10 offset.

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

18 Section 30. Vending machine income and compliance.

19 (a) Except as provided in subsections (b) and (c) of this
20 Section, after July 1, 2010, all vending machine income, as
21 defined by this Act, from vending machines on State property
22 shall accrue to (1) the blind vendor operating the vending
23 facilities on the property or (2) in the event there is no
24 blind vendor operating a facility on the property, the Blind
25 Vendors Trust Fund for use exclusively as set forth in

1 subsection (a) of Section 25 of this Act.

2 (b) Notwithstanding the provisions of subsection (a) of
3 this Section, all State university cafeterias and vending
4 machines are exempt from this Act.

5 (c) Notwithstanding the provisions of subsection (a) of
6 this Section, in the event a blind vendor is operating a
7 vending facility on the State property of the Department or
8 Corrections or the Department of Juvenile Justice, a commission
9 shall be paid to the State agency equal to 10% of the net
10 proceeds from vending machines servicing State employees and
11 25% of the net proceeds from vending machines servicing
12 visitors on the State property.

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

25 (e) Any limitation on the placement or operation of a
26 vending machine by a State agency based on a determination that

1 such placement or operation would adversely affect the
2 interests of the State must be explained in writing to the
3 Secretary. The Secretary shall promptly determine whether the
4 limitation is justified. If the Secretary determines that the
5 limitation is not justified, the State agency seeking the
6 limitation shall immediately remove the limitation.

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

16 (g) With respect to vending machines located on any
17 facility or property controlled or operated by the Division of
18 Mental Health or the Division of Developmental Disabilities
19 within the Department of Human Services:

20 (1) Any written contract in place as of the effective date
21 of this Act between the Division and the Business Enterprise
22 Program for the Blind shall be maintained and fully adhered to
23 including any moneys paid to the individual facilities.

24 (2) With respect to existing vending machines with no
25 written contract or agreement in place as of the effective date
26 of this Act between the Division and a private vendor, bottler,

1 or vending machine supplier, the Business Enterprise Program
2 for the Blind has the right to provide the vending services as
3 provided in this Act, provided that the blind vendor must
4 provide 10% of gross sales from those machines to the
5 individual facilities.

6 Section 40. Licenses.

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

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

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

1 Section 45. Committee of Blind Vendors.

2 (a) The Secretary, through the Director, shall provide for
3 the biennial election of the Committee, which shall be fully
4 representative of all blind licensees in the State. There shall
5 be no fewer than one Committee member for each 15 licensed
6 blind vendors in the State.

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

16 (c) The Secretary shall ensure that the Committee jointly
17 participates with the State in the development and
18 implementation of all policies, plans, program development,
19 and major administrative and management decisions affecting
20 the Business Enterprise Program for the Blind. The Secretary,
21 through the Director, shall provide to the Committee all
22 relevant financial information and data, including quarterly
23 and annual financial reports, on the operation of the vending
24 facility program in order that the Committee may fully
25 participate in budget development and formulation, the
26 establishment of set-aside levels, and other program

1 requirements. A copy of all completed audits, reports, and
2 investigations affecting the Business Enterprise Program for
3 the Blind shall be distributed to the Committee in a timely
4 manner. Any implementation of changes in administrative policy
5 or program development that are within the discretion of the
6 Department shall occur only after Committee review.

7 Section 50. Hearings; arbitration.

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

21 (b) If the Secretary determines that any State agency has
22 failed to comply with the requirements of this Act, the
23 Secretary must establish a panel to arbitrate the dispute and
24 the decision of the panel shall be final and binding on the
25 parties. Any arbitration panel convened by the Secretary shall

1 be composed of 3 members, appointed as follows:

2 (1) one individual appointed by the Secretary;

3 (2) one individual appointed by the State agency
4 determined by the Secretary to be in noncompliance with the
5 Act; and

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

15 (c) The Secretary may issue a letter of reprimand to a
16 blind vendor who violates program rules or policy. Depending
17 upon the seriousness of the alleged violation, the letter of
18 reprimand may indicate the intention to suspend or terminate
19 the license of the vendor. All reprimand letters shall be sent
20 in a medium accessible by the vendor, and shall be sent by
21 certified mail, return receipt requested. The Secretary must
22 make every reasonable effort to assist the subject vendor to
23 correct the problem for which the vendor is reprimanded. No
24 process to suspend or terminate a license shall be initiated
25 before the vendor is accorded the opportunity for a full
26 evidentiary hearing as provided under subsection (a). A vendor

1 may be summarily removed from a facility only in an emergency.

2 Section 60. General provisions.

3 (a) Blind vendors operating vending facilities are subject
4 to the applicable license or permit requirements of the county
5 or municipality in which the facility is located necessary for
6 the conduct of their business.

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

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

19 (d) The Secretary, through the Director, shall assign
20 adequate personnel to carry out duties related to the
21 administration and management of this Act. In selecting
22 personnel to fill any program position under this subsection,
23 the Secretary shall ensure that the Committee has full advance
24 opportunity to review the selections, to submit comments
25 thereon, and to assess the adequacy of staffing levels for the

1 program.

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

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

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

18 Section 65. Program rules.

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

23 (b) The rules shall include, but are not limited to, the
24 following: (1) uniform procedures for vendor licensing and
25 termination; (2) criteria and standards for selecting vendors

1 and matching them to facilities to ensure that the most
2 qualified person is selected; (3) equipment life standards and
3 service standards for the inventory, repair, and purchase of
4 equipment; (4) minimum requirements for the establishment of a
5 vending facility; (5) standards for training, in-service
6 training, and upward mobility; and (6) policies and procedures
7 for the collection, deposit, reimbursement, and use of all
8 program income, including vending machine income.

9 Section 70. Property Survey and Report.

10 (a) The Department shall survey and report on State
11 property and vending facilities not later than December 31,
12 2010. The report shall contain the following information:

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

17 (2) For the buildings or locations that have vending
18 facilities or vending machines in place, an indication of
19 the facilities operated by licensed blind vendors under the
20 Business Enterprise Program for the Blind and an indication
21 of the facilities operated by private entities.

22 (3) For the vending facilities or vending machines
23 operated by private entities, an indication of the
24 facilities from which commissions for the Business
25 Enterprise Program for the Blind have been or are being

1 collected.

2 (4) For the buildings or other property that do not
3 have vending facilities in place, an indication of the
4 locations where a vending facility could appropriately be
5 placed, or the reasons why a vending facility is not
6 feasible in the building or property.

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

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

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

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

17 (4) The usable interior square footage of the building;
18 and

19 (5) Any other information the Department may determine
20 to be useful in expanding the Business Enterprise Program
21 for the Blind to the maximum extent feasible consistent
22 with the purposes of this Act.

23 (c) All State agencies controlling State property or parts
24 thereof where vending machines or vending facilities are
25 located must cooperate with the Department by providing
26 information on the vending machines or facilities at those

1 locations. This information shall include, but is not limited
2 to, the terms of contracts for vending, including financial
3 terms, and the disbursement practices for vending machine
4 income. The Department shall incorporate this information in
5 its reports and updates.

6 (d) The Department shall use the reports and updates
7 mandated by this Section to develop greater opportunities for
8 the placement of blind vendors, to increase vending machine
9 income to the program, and to aid in establishing vending
10 machines and facilities on State property.

11 (e) The reports and surveys prepared pursuant to this
12 Section shall be provided to the Committee and to the
13 appropriate committees of the General Assembly.

14 (20 ILCS 2420/Act rep.)

15 Section 90. The Blind Persons Operating Vending Facilities
16 Act is repealed."