

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 "Priority" means the right of a blind person licensed by
12 the Department of Human Services, Division of Rehabilitation
13 Services, to operate a vending facility on any and all State
14 property in the State of Illinois, in the same manner and to
15 the same extent as the priority is provided to blind licensees
16 on federal property under the Randolph-Sheppard Act, 20 U.S.C.
17 107, and federal regulations, 34 C.F.R. 395.30.

18 "Secretary" means the Secretary of Human Services.

19 "Set-aside funds" means funds that accrue to the Department
20 from an assessment against the net income of each vending
21 facility in the State's vending facility program and any income
22 from vending machines on State or federal property that accrues
23 to the Department.

24 "State agency" means any department, board, commission, or
25 agency created by the Constitution or Public Act, whether in
26 the executive, legislative, or judicial branch.

1 "State property" means all property owned, leased, or
2 rented by any State agency. For purposes of this Act, "State
3 property" does not include property owned or controlled by a
4 unit of local government, a public school district, or a public
5 university, college, or community college.

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

22 "Vending machine", for the purpose of assigning vending
23 machine income under this Act, means a coin, currency, or debit
24 card operated machine that dispenses articles or services,
25 except that those machines operated by the United States Postal
26 Service for the sale of postage stamps or other postal products

1 and services, machines providing services of a recreational
2 nature, and telephones shall not be considered to be vending
3 machines.

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

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

12 Section 10. Business Enterprise Program for the Blind.

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

21 It is the intent of the General Assembly that the
22 Randolph-Sheppard Act, 20 U.S.C. Sections 107-107f, and the
23 federal regulations for its administration set forth in Part
24 395 of Title 34 of the Code of Federal Regulations, shall serve
25 as a model for minimum standards for the operation of the

1 Business Enterprise Program for the Blind. The federal
2 Randolph-Sheppard Act provides employment opportunities for
3 individuals who are blind or visually impaired through the
4 Business Enterprise Program for the Blind. Under the
5 Randolph-Sheppard Act, all federal agencies are required to
6 give priority to licensed blind vendors in the operation of
7 vending facilities on federal property. It is the intent of
8 this Act to provide the same priority to licensed blind vendors
9 on State property by requiring State agencies to give priority
10 to licensed blind vendors in the operation of vending
11 facilities on State property and preference to licensed blind
12 vendors in the operation of cafeteria facilities on State
13 property. Furthermore it is the intent of this Act that all
14 State agencies, particularly the Department of Central
15 Management Services, promote and advocate for the Business
16 Enterprise Program for the Blind.

17 (b) The Secretary, through the Director, shall continue,
18 maintain, and promote the Business Enterprise Program for the
19 Blind. Some or all of the functions of the program may be
20 provided by the Department of Human Services. The Business
21 Enterprise Program for the Blind must provide that:

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

24 (2) tie bid preference is given to blind vendors in the
25 operation of cafeterias on State property, unless the
26 cafeteria operations are operated by employees of a State

1 agency;

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

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

9 (5) the Department shall approve a commission to the
10 State agency from a blind vendor operating a vending
11 facility on the State property of the Department of
12 Corrections or the Department of Juvenile Justice in the
13 amount of 10% of the net proceeds from vending machines
14 servicing State employees and 25% of the net proceeds from
15 vending machines servicing visitors on the State property;
16 and

17 (6) vending facilities operated by the Program use
18 reasonable and necessary means and methods to maintain fair
19 market pricing in relation to each facility's given
20 demographic, geographic, and other circumstances.

21 (c) With respect to vending facilities on federal property
22 within this State, priority shall be given as provided in the
23 federal Randolph-Sheppard Act, 20 U.S.C. Sections 107-107f,
24 including any amendments thereto. This Act, as it applies to
25 federal property, is intended to conform to the federal Act,
26 and is to be of no force or effect if, and to the extent that,

1 any provision of this Act or any rule adopted under this Act is
2 in conflict with the federal Act. Nothing in this subsection
3 shall be construed to impose limitations on the operation of
4 vending facilities on State property, or property other than
5 federal property, or to allow only those activities
6 specifically enumerated in the Randolph-Sheppard Act.

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

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

15 Section 15. Vending facilities on State property.

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

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

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

9 (A) the number of State employees, visitors, and
10 other potential facility customers on the property in a
11 given period;

12 (B) the size, in square feet, of the area owned,
13 leased, occupied, or otherwise controlled by the
14 State;

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

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

19 (E) the likelihood that the vending facility would
20 produce an adequate net income for a blind vendor as
21 determined by the average income of all blind vendors
22 in the State.

23 (b) Any determination by the Director, or by the State
24 agency controlling the property, that the placement or
25 operation of a vending facility is not feasible, or that the
26 placement or operation would adversely affect the interests of

1 the State shall be in writing and shall be transmitted to the
2 Committee for review and ratification or rejection.

3 (c) The Secretary, through the Director, subject to the
4 rules developed and adopted pursuant to subsection (a) of this
5 Section and the requirements of federal law and regulations, is
6 authorized to select a location for a vending facility and the
7 type of facility to be provided.

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

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

16 (2) undertake to occupy a building that is to be
17 constructed, substantially altered, or renovated, or in
18 the case of a building that is already occupied by the
19 State agency, undertake to substantially alter or renovate
20 that building for use by the State agency;

21 shall request a determination from the Director or his or her
22 designee as to whether that building includes a satisfactory
23 site or sites for the location and operation of a blind vendor
24 vending facility.

25 Upon receiving a request for a determination under this
26 subsection (d), the Director or his or her designee and the

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

17 Upon a determination by the Director or his or her designee
18 and the Committee that the new property or building is
19 satisfactory for the operation of a blind vendor vending
20 facility, the Director, in consultation with the head of the
21 State agency and in accordance with the rules developed
22 pursuant to subsection (a), shall inform the agency to comply
23 with the priority established for the operation of vending
24 facilities by blind persons under this Act.

25 (e) All State agencies shall fully cooperate with the
26 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 25. Set-aside funds; Blind Vendors Trust Fund.

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

1 to these purposes.

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

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

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

21 (e) It is the intent of the General Assembly that the
22 expenditure of set-aside funds authorized by this Section shall
23 be supplemental to any current appropriation or other moneys
24 made available for these purposes and shall not constitute an
25 offset of any previously existing appropriation or other
26 funding source. In no way shall this imply that the

1 appropriation for the Blind Vendors Program may never be
2 decreased, rather that the new funds shall not be used as an
3 offset.

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

11 Section 30. Vending machine income and compliance.

12 (a) Except as provided in subsections (b), (c), (d), (e),
13 and (i) of this Section, after July 1, 2010, all vending
14 machine income, as defined by this Act, from vending machines
15 on State property shall accrue to (1) the blind vendor
16 operating the vending facilities on the property or (2) in the
17 event there is no blind vendor operating a facility on the
18 property, the Blind Vendors Trust Fund for use exclusively as
19 set forth in subsection (a) of Section 25 of this Act.

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

23 (c) Notwithstanding the provisions of subsection (a) of
24 this Section, all vending facilities at the Governor Samuel H.
25 Shapiro Developmental Center in Kankakee are exempt from this

1 Act.

2 (d) Notwithstanding the provisions of subsection (a) of
3 this Section, in the event there is no blind vendor operating a
4 vending facility on the State property, all vending machine
5 income, as defined in this Act, from vending machines on the
6 State property of the Department of Corrections and the
7 Department of Juvenile Justice shall accrue to the State agency
8 and be allocated in accordance with the commissary provisions
9 in the Unified Code of Corrections.

10 (e) Notwithstanding the provisions of subsection (a) of
11 this Section, in the event a blind vendor is operating a
12 vending facility on the State property of the Department or
13 Corrections or the Department of Juvenile Justice, a commission
14 shall be paid to the State agency equal to 10% of the net
15 proceeds from vending machines servicing State employees and
16 25% of the net proceeds from vending machines servicing
17 visitors on the State property.

18 (f) The Secretary, directly or by delegation of authority,
19 shall ensure compliance with this Section and Section 15 of
20 this Act with respect to buildings, installations, facilities,
21 roadside rest stops, and any other State property, and shall be
22 responsible for the collection of, and accounting for, all
23 vending machine income on this property. The Secretary shall
24 enforce these provisions through litigation, arbitration, or
25 any other legal means available to the State, and each State
26 agency in control of this property shall be subject to the

1 enforcement. State agencies or departments failing to comply
2 with an order of the Department may be held in contempt in any
3 court of general jurisdiction.

4 (g) Any limitation on the placement or operation of a
5 vending machine by a State agency based on a determination that
6 such placement or operation would adversely affect the
7 interests of the State must be explained in writing to the
8 Secretary. The Secretary shall promptly determine whether the
9 limitation is justified. If the Secretary determines that the
10 limitation is not justified, the State agency seeking the
11 limitation shall immediately remove the limitation.

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

21 (i) Notwithstanding the provisions of subsection (a) of
22 this Section, with respect to vending machines located on any
23 facility or property controlled or operated by the Division of
24 Mental Health or the Division of Developmental Disabilities
25 within the Department of Human Services:

26 (1) Any written contract in place as of the effective

1 date of this Act between the Division and the Business
2 Enterprise Program for the Blind shall be maintained and
3 fully adhered to including any moneys paid to the
4 individual facilities.

5 (2) With respect to existing vending machines with no
6 written contract or agreement in place as of the effective
7 date of this Act between the Division and a private vendor,
8 bottler, or vending machine supplier, the Business
9 Enterprise Program for the Blind has the right to provide
10 the vending services as provided in this Act, provided that
11 the blind vendor must provide 10% of gross sales from those
12 machines to the individual facilities.

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 paid 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) Blind vendors operating vending facilities are 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 their 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. Such 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 2010. 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 and

26 (5) Any other information the Department may determine

1 to be useful in expanding the Business Enterprise Program
2 for the Blind to the maximum extent feasible consistent
3 with the purposes of this Act.

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

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

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

21 (20 ILCS 2420/Act rep.)

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