



Sen. Mike Jacobs

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1 AMENDMENT TO SENATE BILL 2045

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2045 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 "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 or school district.

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

19 "Vending machine", for the purpose of assigning vending  
20 machine income under this Act, means a coin, currency, or debit  
21 card operated machine that dispenses articles or services,  
22 except that those machines operated by the United States Postal  
23 Service for the sale of postage stamps or other postal products  
24 and services, machines providing services of a recreational  
25 nature, and telephones shall not be considered to be vending  
26 machines.

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

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

9 Section 10. Business Enterprise Program for the Blind.

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

18 It is the intent of the General Assembly that the  
19 Randolph-Sheppard Act, 20 USC Sections 107-107f, and the  
20 federal regulations for its administration set forth in Part  
21 395 of Title 34 of the Code of Federal Regulations, shall serve  
22 as a model for minimum standards for the operation of the  
23 Business Enterprise Program for the Blind. The federal  
24 Randolph-Sheppard Act provides employment opportunities for  
25 individuals who are blind or visually impaired through the

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

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

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

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

25 (3) vending machine income from all vending machines on  
26 State property is assigned as provided for by Section 30 of

1           this Act;

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

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

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

18           (c) With respect to vending facilities on federal property  
19 within this State, priority shall be given as provided in the  
20 federal Randolph-Sheppard Act, 20 USC Sections 107-107f,  
21 including any amendments thereto. This Act, as it applies to  
22 federal property, is intended to conform to the federal Act,  
23 and is to be of no force or effect if, and to the extent that,  
24 any provision of this Act or any rule adopted under this Act is  
25 in conflict with the federal Act. Nothing in this subsection  
26 shall be construed to impose limitations on the operation of

1 vending facilities on State property, or property other than  
2 federal property, or to allow only those activities  
3 specifically enumerated in the Randolph-Sheppard Act.

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

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

12 Section 15. Vending facilities on State property.

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

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

23 (2) That one or more vending facilities shall be  
24 established on all State property to the extent feasible.  
25 Where a larger vending facility is determined by the



1 Director and the Committee to be infeasible, every effort  
2 shall be made to place vending machines on the property  
3 whenever possible. The Director and the Committee shall  
4 take into account the following criteria when determining  
5 whether establishment of a vending facility is feasible:

6 (A) the number of State employees, visitors, and  
7 other potential facility customers on the property in a  
8 given period;

9 (B) the size, in square feet, of the area owned,  
10 leased, occupied, or otherwise controlled by the  
11 State;

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

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

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

20 (b) Any determination by the Director, or by the State  
21 agency controlling the property, that the placement or  
22 operation of a vending facility is not feasible, or that the  
23 placement or operation would adversely affect the interests of  
24 the State shall be in writing and shall be transmitted to the  
25 Committee for review and ratification or rejection.

26 (c) The Secretary, through the Director, subject to the

1 rules developed and adopted pursuant to subsection (a) of this  
2 Section and the requirements of federal law and regulations, is  
3 authorized to select a location for a vending facility and the  
4 type of facility to be provided.

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

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

13 (2) undertake to occupy a building that is to be  
14 constructed, substantially altered, or renovated, or in  
15 the case of a building that is already occupied by the  
16 State agency, undertake to substantially alter or renovate  
17 that building for use by the State agency;  
18 shall request a determination from the Director or his or her  
19 designee as to whether that building includes a satisfactory  
20 site or sites for the location and operation of a blind vendor  
21 vending facility.

22 Upon receiving a request for a determination under this  
23 subsection (d), the Director or his or her designee and the  
24 Committee shall have 10 days in which to notify that requesting  
25 State agency as to whether the new property or building is  
26 satisfactory or not satisfactory for the operation of a blind

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

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

22 (e) All State agencies shall fully cooperate with the  
23 Department to ensure that priority is given to blind vendors in  
24 the operation of vending facilities on State property. This  
25 includes notifying the Department prior to the expiration of  
26 existing contracts or agreements for vending facilities or when

1 such contracts or agreements are considered for renewal  
2 options. The notification must be given, when feasible, no  
3 later than 6 months prior to the potential expiration or  
4 renewal of the existing vending facility contract or agreement.

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

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

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

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

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

19 (d) Set-aside funds collected from the operation of all  
20 vending facilities administered by the Business Enterprise  
21 Program for the Blind shall be placed in the Blind Vendors  
22 Trust Fund, which shall include set-aside funds from facilities  
23 on federal property. The Fund must provide separately  
24 identified sub-accounts for moneys from (i) federal and (ii)  
25 State and other facilities, as well as vending machine income  
26 generated pursuant to Section 30 of this Act. These funds shall

1 be available until expended and shall not revert to the General  
2 Revenue Fund or to any other State account.

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

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

19 Section 30. Vending machine income and compliance.

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

1 Vendors Trust Fund for use exclusively as set forth in  
2 subsection (a) of Section 25 of this Act.

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

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

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

1 agency in control of this property shall be subject to the  
2 enforcement. State agencies or departments failing to comply  
3 with an order of the Department may be held in contempt in any  
4 court of general jurisdiction.

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

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

22 Section 40. Licenses.

23 (a) Licenses shall be issued only to blind persons who are  
24 qualified to operate vending facilities. The continuing  
25 eligibility of a vendor as a blind person shall be reviewed



1 biennially for partially sighted individuals or whenever the  
2 Director has information indicating the vendor is no longer  
3 blind as defined under this Act.

4 (b) Following agreement by the Secretary, the Director, and  
5 the Committee, the Secretary shall adopt and publish rules  
6 providing for (1) the requirements for licensure as a blind  
7 vendor; (2) a curriculum for training, in-service training, and  
8 upward mobility training for blind vendors; and (3) a regular  
9 schedule for offering the training, classes to be offered at  
10 least once per year.

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

16 Section 45. Committee of Blind Vendors.

17 (a) The Secretary, through the Director, shall provide for  
18 the biennial election of the Committee, which shall be fully  
19 representative of all blind licensees in the State. There shall  
20 be no fewer than one Committee member for each 15 licensed  
21 blind vendors in the State.

22 (b) The Committee is empowered to hire staff; contract for  
23 consultants including, but not limited to, legal counsel; set  
24 agendas and call meetings; create a constitution and bylaws,  
25 subcommittees, and budgets; and do any other thing a

1 not-for-profit organization may do through the use of the Blind  
2 Vendors Trust Fund. At the discretion of the Committee major  
3 issues may be referred for initial consideration to a  
4 subcommittee, or to all blind vendors in order to ascertain  
5 their views.

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

23 Section 50. Hearings; arbitration.

24 (a) Any blind vendor dissatisfied with any act or omission  
25 arising from the operation or administration of the vending

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

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

18 (1) one individual appointed by the Secretary;

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

22 (3) one individual, who shall serve as chairperson,  
23 jointly designated by the members appointed under items (1)  
24 and (2); provided that, if within 30 days following the  
25 Secretary's determination of noncompliance either party  
26 fails to appoint a panel member, or if the parties are

1           unable to agree on the appointment of the chairperson, the  
2           Secretary shall select the final panel member or may  
3           designate a hearing officer of the Department who shall  
4           preside.

5           (c) The Secretary may issue a letter of reprimand to a  
6           blind vendor who violates program rules or policy. Depending  
7           upon the seriousness of the alleged violation, the letter of  
8           reprimand may indicate the intention to suspend or terminate  
9           the license of the vendor. All reprimand letters shall be sent  
10          in a medium accessible by the vendor, and shall be sent by  
11          certified mail, return receipt requested. The Secretary must  
12          make every reasonable effort to assist the subject vendor to  
13          correct the problem for which the vendor is reprimanded. No  
14          process to suspend or terminate a license shall be initiated  
15          before the vendor is accorded the opportunity for a full  
16          evidentiary hearing as provided under subsection (a). A vendor  
17          may be summarily removed from a facility only in an emergency.

18          Section 60. General provisions.

19          (a) Blind vendors operating vending facilities are subject  
20          to the applicable license or permit requirements of the county  
21          or municipality in which the facility is located necessary for  
22          the conduct of their business.

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

1           (c) The Secretary, the Director, and the Committee shall  
2 cooperate in the development of rules to be promulgated by the  
3 Department regarding life standards for vending facility  
4 equipment. Such rules shall include, but are not limited to,  
5 the life expectancy of equipment; time periods within which  
6 equipment should be replaced; exceptions to the replacement  
7 time periods for equipment with no service problem history; and  
8 replacement schedules for equipment subject to excessive  
9 failures not the fault of the vendor.

10           (d) The Secretary, through the Director, shall assign  
11 adequate personnel to carry out duties related to the  
12 administration and management of this Act. In selecting  
13 personnel to fill any program position under this subsection,  
14 the Secretary shall ensure that the Committee has full advance  
15 opportunity to review the selections, to submit comments  
16 thereon, and to assess the adequacy of staffing levels for the  
17 program.

18           (e) The Secretary shall provide each vendor access to: all  
19 financial information, his or her performance ratings, and all  
20 other individual personnel documents and data maintained by the  
21 Department. This includes providing each vendor a written copy  
22 of all rules and policies adopted pursuant to this Act. Upon  
23 request, the information shall be furnished in the medium most  
24 accessible by the vendor.

25           (f) The surviving spouse of a current Illinois licensed  
26 blind vendor who dies may continue to operate the facility for

1 a period of 6 months following the death of the vendor,  
2 provided that the surviving spouse is qualified by experience  
3 or training to manage the facility.

4 (g) The Secretary shall, by rule, require licensed blind  
5 vendors to obtain additional training to operate a blind  
6 vending facility for State property determined by a State  
7 agency to be high security property.

8 Section 65. Program rules.

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

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

24 Section 70. Property Survey and Report.

1           (a) The Department shall survey and report on State  
2 property and vending facilities not later than December 31,  
3 2010. The report shall contain the following information:

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

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

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

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

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

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

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

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

7           (4) The usable interior square footage of the building;  
8 and

9           (5) Any other information the Department may determine  
10 to be useful in expanding the Business Enterprise Program  
11 for the Blind to the maximum extent feasible consistent  
12 with the purposes of this Act.

13           (c) All State agencies controlling State property or parts  
14 thereof where vending machines or vending facilities are  
15 located must cooperate with the Department by providing  
16 information on the vending machines or facilities at those  
17 locations. This information shall include, but is not limited  
18 to, the terms of contracts for vending, including financial  
19 terms, and the disbursement practices for vending machine  
20 income. The Department shall incorporate this information in  
21 its reports and updates.

22           (d) The Department shall use the reports and updates  
23 mandated by this Section to develop greater opportunities for  
24 the placement of blind vendors, to increase vending machine  
25 income to the program, and to aid in establishing vending  
26 machines and facilities on State property.



1           (e) The reports and surveys prepared pursuant to this  
2 Section shall be provided to the Committee and to the  
3 appropriate committees of the General Assembly.

4           (20 ILCS 2420/Act rep.)

5           Section 90. The Blind Persons Operating Vending Facilities  
6 Act is repealed.".