

HB0345S01 compared with HB0345

~~deleted text~~ shows text that was in HB0345 but was deleted in HB0345S01.

inserted text shows text that was not in HB0345 but was inserted into HB0345S01.

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Representative Richard A. Greenwood proposes the following substitute bill:

VENDING SERVICES OPERATED BY BLIND PERSONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to vending stands and food service enterprises operated by blind persons.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "public building" to include, buildings other than athletic facilities constructed and completed on or after May 1, 2014, on the property of a four-year state college or university;
- ▶ amends provisions granting the Division of Services for the Blind and Visually Impaired (the division) the authority to establish a vending stand or food services enterprise in any public building or on any public property for operation by a blind person~~;~~ and

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including:

- surveying a public building or public property to determine whether it is suitable for a vending stand or food service enterprise; and
- determining whether a vending stand or food service enterprise is capable of being operated by a blind person;
- ▶ requires a governmental agency that proposes to operate or continue to operate a vending stand or food service enterprise to award a contract to a blind person if two or more bidders submit substantially equal proposals and if one of the proposals is submitted by a blind person who is licensed by the division; and
- ▶ makes clarifying and technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

55-5-1, Utah Code Annotated 1953

55-5-2, as last amended by Laws of Utah 2011, Chapter 297

55-5-3, Utah Code Annotated 1953

55-5-6, as last amended by Laws of Utah 2001, Chapter 9

55-5-7, as last amended by Laws of Utah 1997, Chapter 10

55-5-8, as last amended by Laws of Utah 1996, Chapter 37

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 55-5-1 is amended to read:

55-5-1. Blind persons -- Operation of vending stands or other food service enterprises in public buildings and on public property.

For the purpose of providing blind persons with an opportunity to become self-supporting, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make them self-supporting, blind persons [~~under the provisions of this act~~] shall be authorized to operate vending stands or [~~other enterprises in state, county, or~~

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~~municipal buildings, parks or other property owned by the state of Utah, where in the discretion of the head of the department or agency in charge of the maintenance of the building, park or other property owned by the state of Utah or political subdivisions thereof such vending stands or other enterprises may be properly and satisfactorily operated by blind persons]~~ food service enterprises in public buildings and on public property under the provisions of this chapter.

Section 2. Section **55-5-2** is amended to read:

55-5-2. Licensing agency -- Duties of Utah State Office of Rehabilitation.

(1) The [~~Division of Services for the Blind and Visually Impaired, Utah State Office of Rehabilitation]~~ division is designated as the licensing agency for the purpose of carrying out this chapter.

(2) The [~~Division of Services for the Blind and Visually Impaired,]~~ division shall:

(a) take necessary steps to carry out the provisions of this chapter;

(b) with the approval of the custodian having charge of the [~~building, park or other property]~~ public building or public property in which or on which the vending stand or [~~other~~] food service enterprise is to be located, select a location for [~~such~~] the vending stand or food service enterprise and the type of equipment to be provided;

(c) construct and equip vending stands or food service enterprises where blind persons may be trained under the supervision of the [~~Division of Services for the Blind and Visually Impaired]~~ division to carry on a business as a vending stand or food service enterprise operator;

(d) provide adequate supervision of each person licensed to operate vending stands or [~~other~~] food service enterprises to ensure efficient and orderly management; and

(e) make rules necessary for the proper operation of vending stands or [~~other~~] food service enterprises.

Section 3. Section **55-5-3** is amended to read:

55-5-3. Issuance of licenses -- Preference to blind persons -- Duration and termination of license.

The [~~state licensing agency]~~ division shall, in issuing [~~each such~~] a license for the operation of a vending stand or [~~other~~] food service enterprise, give preference to blind persons who are in need of employment and who have resided for at least one year in the state of Utah. [~~Each such license shall be issued]~~ The division shall issue a license for an indefinite period but may [~~be terminated by the licensing agency if it]~~ terminate the license if the division is

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satisfied that the vending stand or food service enterprise is not being operated in accordance with the rules and regulations prescribed by [~~such licensing agency~~] the division.

Section 4. Section ~~55-5-6~~ is amended to read:

55-5-6. Definitions.

As used in this chapter:

(1) "Division" means the Division of Services for the Blind and Visually Impaired, created in Section 53A-24-302.

(2) (a) [~~"Public office building" means all county courthouses, all city or town halls, and all buildings used primarily for governmental offices of the state or any county, city, or town.~~] "Public building" and "public property" include:

(i) a courthouse;

(ii) a city or town hall;

(iii) a building used primarily to perform a public function of the state, a county, or a municipality;

(iv) a building, other than an athletic facility, constructed and completed on or after May 1, 2014, on the property of a four-year state college or university; and

(v) a park or other real property owned by the state, a county, or a municipality.

(b) "Public [~~office~~] building" or "public property" does not include:

(i) capitol hill facilities as defined in Section 63C-9-102[~~5~~]; or

(ii) public schools, state colleges, or state universities, except as provided in Subsection (2)(a)(iv).

~~(3)~~ (3) [~~"Food service"~~] "Vending stand or food service enterprise" includes a restaurant, cafeteria, snack bar, and vending [~~machines~~] machine for food and beverages, and goods and services customarily offered in connection with them.

Section 5. Section ~~55-5-7~~ is amended to read:

55-5-7. Agencies to negotiate for vending stands or food service enterprises with the Division of Services for the Blind and Visually Impaired -- Existing contracts.

(1) The division may:

(a) ~~{may}~~ establish a vending stand or food service enterprise in any public building or on any public property for operation by a blind person;

(b) ~~{may}~~ survey a public building or public property to determine whether the public

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building or public property is suitable for a vending stand or food service enterprise; and

(c) ~~{may}~~ determine whether a vending stand or food service enterprise is capable of being operated by a blind person ~~{; and};~~

~~{ (d) has first right of refusal to operate a vending stand or food service enterprise to be operated by a blind person.~~

~~{~~ [(+) (2) (a) A governmental agency [~~which~~] that proposes to operate or continue a vending stand or food service enterprise in a public [~~office~~] building or on public property shall [~~first attempt in good faith to make an agreement with the Division of Services for the Blind and Visually Impaired to operate the~~] ~~{ give first right of refusal to the division to establish a vending stand or food service enterprise to be operated by a blind person }~~ food service without payment of rent. award a contract to a blind person if:

(i) two or more responsible bidders submit substantially equal proposals; and

(ii) one of the proposals is submitted by a blind person who is licensed by the division.

(b) For purposes of this chapter, proposals are substantially equal if the overall ratings, as determined by the purchasing officer in accordance with the request for proposals, do not differ by more than 5%.

~~{(2) (3)}~~ ~~{}~~ The ~~{ A }~~ governmental agency may not offer or grant to any other party a contract or concession to operate ~~{}~~ the ~~{ a vending stand or }~~ food service ~~{enterprise }~~ unless the ~~{}~~ governmental agency determines in good faith that the Division of Services for the Blind and Visually Impaired ~~{ division }~~ is not willing to or cannot satisfactorily provide the ~~{ vending stand or food service enterprise to be operated by a blind person.~~

~~—— { (3) (4) }~~ food service.

(3) This [act] {section} chapter may not impair any valid contract existing on [the effective date of this act, and does not preclude renegotiation of a valid contract on the same terms and with the same parties] or before 1947, but shall apply once the contract expires.

(~~{5}~~4) For buildings, other than athletic facilities, constructed and completed on or after May 1, 2014, on the property of a four-year state college or university, the college or university and the division shall agree to a suitable site for a vending stand or food service enterprise to be established by the division for operation by a blind person as provided under this chapter.

Section 6. Section 55-5-8 is amended to read:

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55-5-8. Vending stand or food service enterprise in exempt buildings.

With respect to all [~~state, county, and municipal buildings which~~] public buildings and public property that are not subject to Section 55-5-7, the governmental agency in charge of the building or property shall consider allowing the [~~Division of Services for the Blind and Visually Impaired~~] division to operate any existing or proposed vending stand or food service enterprise in the building or on the property, and shall discuss the operation with the division under Section 53A-24-304 upon its request.

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Legislative Review Note

~~as of 2-11-14 2:57 PM~~

~~Office of Legislative Research and General Counsel~~