

1 **VENDING SERVICES OPERATED BY BLIND PERSONS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Richard A. Greenwood**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

13 ▶ amends the definition of "public building" to include, buildings other than athletic
14 facilities constructed and completed on or after May 1, 2014, on the property of a
15 four-year state college or university;

16 ▶ amends provisions granting the Division of Services for the Blind and Visually
17 Impaired the authority to establish a vending stand or food services enterprise in any
18 public building or on any public property for operation by a blind person; and

19 ▶ makes clarifying and technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 55-5-1, Utah Code Annotated 1953

27 55-5-2, as last amended by Laws of Utah 2011, Chapter 297



- 28 [55-5-3](#), Utah Code Annotated 1953
- 29 [55-5-6](#), as last amended by Laws of Utah 2001, Chapter 9
- 30 [55-5-7](#), as last amended by Laws of Utah 1997, Chapter 10
- 31 [55-5-8](#), as last amended by Laws of Utah 1996, Chapter 37

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

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

35 **55-5-1. Blind persons -- Operation of vending stands or other food service**
36 **enterprises in public buildings and on public property.**

37 For the purpose of providing blind persons with an opportunity to become
38 self-supporting, enlarging the economic opportunities of the blind, and stimulating the blind to
39 greater efforts in striving to make them self-supporting, blind persons [~~under the provisions of~~
40 ~~this act~~] shall be authorized to operate vending stands or [~~other enterprises in state, county, or~~
41 ~~municipal buildings, parks or other property owned by the state of Utah, where in the discretion~~
42 ~~of the head of the department or agency in charge of the maintenance of the building, park or~~
43 ~~other property owned by the state of Utah or political subdivisions thereof such vending stands~~
44 ~~or other enterprises may be properly and satisfactorily operated by blind persons~~] food service
45 enterprises in public buildings and on public property under the provisions of this chapter.

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

47 **55-5-2. Licensing agency -- Duties of Utah State Office of Rehabilitation.**

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

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

- 52 (a) take necessary steps to carry out the provisions of this chapter;
- 53 (b) with the approval of the custodian having charge of the [~~building, park or other~~
54 ~~property~~] public building or public property in which or on which the vending stand or [~~other~~
55 ~~food service~~] enterprise is to be located, select a location for [~~such~~] the vending stand or food
56 service enterprise and the type of equipment to be provided;

57 (c) construct and equip vending stands or food service enterprises where blind persons
58 may be trained under the supervision of the [~~Division of Services for the Blind and Visually~~

59 ~~Impaired~~ division to carry on a business as a vending stand or food service enterprise operator;

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

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

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

65 **55-5-3. Issuance of licenses -- Preference to blind persons -- Duration and**
66 **termination of license.**

67 The ~~[state licensing agency]~~ division shall, in issuing ~~[each such]~~ a license for the
68 operation of a vending stand or ~~[other]~~ food service enterprise, give preference to blind persons
69 who are in need of employment and who have resided for at least one year in the state of Utah.

70 ~~[Each such license shall be issued]~~ The division shall issue a license for an indefinite period
71 but may ~~[be terminated by the licensing agency if it]~~ terminate the license if the division is
72 satisfied that the vending stand or food service enterprise is not being operated in accordance
73 with the rules and regulations prescribed by ~~[such licensing agency]~~ the division.

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

75 **55-5-6. Definitions.**

76 As used in this chapter:

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

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

82 (i) a courthouse;

83 (ii) a city or town hall;

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

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

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

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

90 (i) capitol hill facilities as defined in Section [63C-9-102](#)~~[;];~~ or
91 (ii) public schools, state colleges, or state universities, except as provided in
92 Subsection (2)(a)(iv).

93 ~~[(1)]~~ (3) ~~["Food service"]~~ "Vending stand or food service enterprise" includes a
94 restaurant, cafeteria, snack bar, and vending ~~[machines]~~ machine for food and beverages, and
95 goods and services customarily offered in connection with them.

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

97 **55-5-7. Agencies to negotiate for vending stands or food service enterprises with**
98 **the Division of Services for the Blind and Visually Impaired -- Existing contracts.**

99 (1) The division:

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

102 (b) may survey a public building or public property to determine whether the public
103 building or public property is suitable for a vending stand or food service enterprise;

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

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

108 ~~[(1)]~~ (2) A governmental agency ~~[which]~~ that proposes to operate or continue a
109 vending stand or food service enterprise in a public ~~[office]~~ building or on public property shall
110 ~~[first attempt in good faith to make an agreement with the Division of Services for the Blind~~
111 ~~and Visually Impaired to operate the]~~ give first right of refusal to the division to establish a
112 vending stand or food service enterprise to be operated by a blind person without payment of
113 rent.

114 ~~[(2)]~~ (3) ~~[The]~~ A governmental agency may not offer or grant to any other party a
115 contract or concession to operate ~~[the]~~ a vending stand or food service enterprise unless the
116 ~~[governmental agency determines in good faith that the Division of Services for the Blind and~~
117 ~~Visually Impaired]~~ division is not willing to or cannot satisfactorily provide the vending stand
118 or food service enterprise to be operated by a blind person.

119 ~~[(3)]~~ (4) This ~~[act]~~ section may not impair any valid contract existing on ~~[the effective~~
120 ~~date of this act, and does not preclude renegotiation of a valid contract on the same terms and~~

121 ~~with the same parties] or before 1947, but shall apply once the contract expires.~~

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

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

127 **55-5-8. Vending stand or food service enterprise in exempt buildings.**

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

Legislative Review Note
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Office of Legislative Research and General Counsel