

Prior law provided the state accepts an act of Congress to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

Prior law provided the La. Workforce Commission (LWC) may establish and administer an adequate system of conservation of sight and prevention of blindness, vocational training, and rehabilitation for the blind and may make the rules and regulations necessary for the efficient administration thereof.

New law retains prior law but changes the administrator of the program from the La. Workforce Commission to La. Rehabilitation Services.

Prior law provided the term "any person who is blind" used in prior law, shall extend to any person, who is totally blind in both eyes, or to any person whose sight with the use of both eyes is so impaired as to make the sense of sight of no practical benefit or help in the pursuit of business, or in the course of earning a living.

Prior law provided money in the trust fund from vending machines located on federal property shall be distributed for the primary purpose of the establishment and maintenance of retirement or pension plans, for health insurance, and contributions for the provisions of paid sick leave and vacation time for blind vendors, if approved by majority vote of blind vendors licensed by the department after the department has provided to each vendor information on all matters relevant to such purposes. Prior law further provided that income not expended for the primary purpose as set out in prior law shall be used for the maintenance and replacement of equipment, the purchase of new equipment, management services, and securing a fair return to vendors, or as provided by state or federal guidelines.

Prior law provided money in the trust fund from vending machines located on state-owned property or on property leased by the state or any state agency, or on other property shall be distributed for any purpose associated with the provisions of the Randolph-Sheppard Act as may be determined by LWC.

New law clarifies that the vending machines or cafeterias are to be located on the portions, or portions thereof, of properties that those state agencies, boards, commissions, and institutions own, maintain, occupy, or control.

New law provides that a person who is blind means a person who, after examination by a licensed physician skilled in diseases of the eye or by a licensed optometrist, has been determined to have not more than 20/200 central visual acuity in the better eye with correcting lenses, or an equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

New law provides that La. Rehabilitation Services shall submit quarterly reports and an annual report to the legislature on the performance of the agency's programs for blind persons. New law provides that this annual report shall be submitted no later than 60 days prior to the convening of the regular legislative session.

New law provides that La. Rehabilitation Services shall be the designated state unit as defined by the Rehabilitation Act of 1973.

Prior law provided that prior law shall not apply to the New Orleans Home and Rehabilitation Center or the Villa Feliciana Medical Complex within the Department of Health and Hospitals (DHH), when operating canteens, vending stands, vending machines, or other such vending services on the premises for clients and employees when such operations are provided directly by the institution.

New law removes prohibition and makes it applicable to the New Orleans Home and Rehabilitation Center or the Villa Feliciana Medical Complex within DHH.

New law excepts any 24 hour residential healthcare facility within DHH from the provisions of new law.

New law provides that La. Rehabilitation Services shall promulgate, pursuant to the APA, and enforce the rules and regulations necessary to establish employment and training targets for persons who are blind or otherwise disabled for all blind vendors employing greater than ten employees and for all businesses servicing facilities under new law with greater than ten employees. New law provides blind vendors and businesses servicing facilities under this part operating under contracts and permits ratified or issued prior to promulgation of said rules and regulations shall be exempt from said rules and regulations.

New law provides that, for any claim or controversy between state agencies, boards, commissions, and institutions regarding the state priority for blind vendors, the generation of unassigned income, or the job placement and training of persons who are blind or disabled not resolved by mutual agreement, a full evidentiary hearing shall be conducted by an impartial and qualified official designated by the La. Rehabilitation Services with no involvement or vested interest in the dispute at issue. New law provides that the hearing officer shall make a written report of the evidence presented, the laws and rules used in determining a resolution, and the resolution itself. New law provides that the report of the hearing officer shall be issued to all parties within 30 calendar days of the hearing and shall be final and conclusive unless fraudulent, or unless either party institutes a suit before the 19<sup>th</sup> Judicial District Court.

New law provides for definitions as follows:

- (1) "Active participation" means an ongoing process of good faith negotiations between the La. Rehabilitation Services and the La. Blind Vendors Elected Committee to achieve joint planning of policies, procedures, standards, rules, and regulations affecting the overall operation of the Business Enterprise Program prior to implementation by the La. Rehabilitation Services. The La. Rehabilitation Services shall have final authority and responsibility in all decisions relative to the administration and operation of the Business Enterprise Program.
- (2) "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. Management services do not include those services or costs which pertain to the on-going operation of an individual facility after the initial establishment period.

Prior law provided for the Blind Vendors Trust Fund Advisory Board. New law retains prior law but changes the board's mission from advisory in nature to an active participant in promulgating of policies, procedures, standards, rules, and regulations necessary to implement the provisions of new law and developing an annual list of potential vending locations on state, federal, or other property.

Prior law provided for a special fund in the state treasury to be known as the Blind Vendors Trust Fund which shall consist of monies collected from certain vending machines, located on state, federal, and other property pursuant to the Randolph-Sheppard Act. Prior law provides that the fund may receive monies from any source, including an appropriations from the legislature. Prior law provides that all monies collected by the department shall go to the state treasurer and shall be credited to the Blind Vendors Trust Fund account under the La. Workforce Commission.

New law changes the Blind Vendors Trust Fund account from being under the La. Workforce Commission to La. Rehabilitation Services.

Effective upon signature of the governor (June 19, 2014).

(Amends R.S. 23:3001, 3021, 3022(intro para), 3023(A), (D), and (E), 3032(A), 3041, 3042(5), 3043(A) and (B), 3044(A), (B)(intro para), and (F), and 3045; adds R.S. 23:3022(8) and (9), 3023(F), (G), (H), and (I), 3042(8) and (9); repeals R.S. 23:3031)