

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 482 by Senator Heitmeier

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "3031, and 3045" and insert:

3 "the introductory paragraph of R.S. 23:3022, 3023(A), (D), and (E), 3032(A), 3041,  
4 3042(5), 3043, 3044(A), (B), and (F)(1) and (2), and 3045, and to enact R.S. 23:3022(8) and  
5 (9), 3023 (F), (G), and (H), 3042(8) and (9), and 3044(F)(3), and to repeal R.S. 23:3031"

6 AMENDMENT NO. 2

7 On page 1, line 8, delete "3031, and 3045" and insert:

8 "the introductory paragraph of R.S. 23:3022, 3023(A), (D), and (E), 3032(A), 3041,  
9 3042(5), 3043, 3044(A), (B), and (F)(1) and (2), and 3045"

10 AMENDMENT NO. 3

11 On page 1, delete line 9, and insert the following:

12 ", and R.S. 23:3022(8) and (9), 3023 (F), (G), and (H), 3042(8) and (9), and 3044(F)(3) are  
13 hereby enacted to read as follows:"

14 AMENDMENT NO. 4

15 On page 2, delete line 1, and insert the following:

16 "A. The Louisiana ~~Workforce Commission~~ **Rehabilitation Services** may  
17 establish and administer an"

18 AMENDMENT NO. 5

19 On page 2, between lines 4 and 5, insert:

20 "**B. For purposes of this Part, a person who is blind means a person who,**  
21 **after examination by a licensed physician skilled in diseases of the eye or by a**  
22 **licensed optometrist, has been determined to have not more than 20/200 central**  
23 **visual acuity in the better eye with correcting lenses, or an equally disabling loss**  
24 **of the visual field as evidenced by a limitation to the field of vision in the better**  
25 **eye to such a degree that its widest diameter subtends an angle of no greater**  
26 **than twenty degrees.**

27 **C. The Louisiana Rehabilitation Services shall submit quarterly reports**  
28 **and an annual report to the legislature on the performance of the agency's**  
29 **programs for blind persons. This annual report shall be submitted no later**  
30 **than sixty days prior to the convening of the regular legislative session.**

31 **D. The Louisiana Rehabilitation Services shall be the designated state**  
32 **unit as defined by the Rehabilitation Act of 1973, 29 U.S.C. 701, et seq., as**  
33 **amended, and Part 361 of Chapter III of Subtitle B of Title 34 of the Code of**  
34 **Federal Regulations.**

35 \* \* \*  
36 §3022. Powers of the Louisiana ~~Workforce Commission~~ **Rehabilitation Services**  
37 The Louisiana ~~Workforce Commission~~ **Rehabilitation Services** may:  
38 \* \* \*

39 **(8) Exercise all the duties and responsibilities of the designated state unit**  
40 **as defined by the Rehabilitation Act 1973, 29 U.S.C. 701, et seq., as amended,**

1 **and Part 361 of Chapter III of Subtitle B of Title 34 of the Code of Federal**  
2 **Regulations.**

3 **(9) Act as the state licensing agency for the administration of the**  
4 **Randolph-Sheppard Act and the Business Enterprise Program.**

5 §3023. Preference **Priority** to individuals who are blind in operation of concessions  
6 in public buildings

7 A. State agencies, boards, commissions, and institutions owning, maintaining,  
8 **occupying,** or controlling state property shall in all cases give preference **priority**  
9 to individuals who are blind, under the administration of the Louisiana ~~Workforce~~  
10 ~~Commission~~ **Rehabilitation Services,** in the operation of vending stands, vending  
11 machines, and other small business concessions to be operated ~~on the premises in the~~  
12 **portions, or portions thereof, of properties that those state agencies, boards,**  
13 **commissions, and institutions own, maintain, occupy, or control.** No other  
14 vending stands, vending machines, **cafeterias,** or small business concessions shall  
15 be operated on the same premises with vending stands, vending machines, or other  
16 small business concessions operated, or contemplated, under the provisions of this  
17 Section. ~~No~~ **Except as provided under this Part and the Randolph-Sheppard**  
18 **Act, no** individual who is blind, under this Subpart, shall be required to pay any fee,  
19 service charge, or equivalent thereof upon the operation of a vending stand, vending  
20 machines, and other small business concessions in public buildings or premises, nor  
21 shall an individual who is blind be disturbed in the security of the operation of the  
22 vending stand, vending machine, and other small business concession in any way,  
23 without reasonable or just cause.

24 \* \* \*

25 D. ~~The provisions of this Section shall not apply to the New Orleans Home~~  
26 ~~and Rehabilitation Center or the Villa Feliciana Medical Complex within the~~  
27 ~~Department of Health and Hospitals, when operating canteens, vending stands,~~  
28 ~~vending machines, or other such vending services on the premises for clients and~~  
29 ~~employees when such operations are provided directly by the institution. The~~  
30 **Louisiana Rehabilitation Services shall promulgate, pursuant to the**  
31 **Administrative Procedure Act, and enforce the rules and regulations necessary**  
32 **to establish employment and training targets for persons who are blind or**  
33 **otherwise disabled for all blind vendors employing greater than ten employees**  
34 **and for all businesses servicing facilities under this Part with greater than ten**  
35 **employees. Blind vendors and businesses servicing facilities under this part**  
36 **operating under contracts and permits ratified or issued prior to promulgation**  
37 **of said rules and regulations shall be exempt from said rules and regulations.**

38 E. The Louisiana ~~Workforce Commission~~ **Rehabilitation Services** is hereby  
39 authorized to enter into contingency fee contracts for the identification, development,  
40 and generation of unassigned income from vending machines located on state,  
41 federal, and other property pursuant to the provisions of the Randolph-Sheppard Act  
42 **and for the identification, development, and generation of job placement and**  
43 **training opportunities for persons who are blind or otherwise disabled on**  
44 **properties owned, maintained, occupied, or controlled by state agencies, boards,**  
45 **commissions, or other institutions.** Any such contract shall be awarded pursuant  
46 to a request for proposals in accordance with Chapter 16 of Title 39 of the Louisiana  
47 Revised Statutes of 1950.

48 **F. For any claim or controversy between state agencies, boards,**  
49 **commissions, and institutions regarding the state priority for blind vendors, the**  
50 **generation of unassigned income, or the job placement and training of persons**  
51 **who are blind or disabled not resolved by mutual agreement, a full evidentiary**  
52 **hearing shall be conducted by an impartial and qualified official designated by**  
53 **the Louisiana Rehabilitation Services with no involvement or vested interest in**  
54 **the dispute at issue. The hearing officer shall make a written report of the**  
55 **evidence presented, the laws and rules used in determining a resolution, and the**  
56 **resolution itself. This report shall be issued to all parties within thirty calendar**  
57 **days of the conclusion of the full evidentiary hearing. The decision shall be final**  
58 **and conclusive unless fraudulent, or unless either party institutes a suit**  
59 **pursuant to R.S. 23: 3023(G).**

1 G. The Nineteenth Judicial District Court, subject to appeal or review  
2 by the First Circuit Court of Appeal or by the Supreme Court, as otherwise  
3 permitted in civil cases by law and the state constitution, shall have jurisdiction  
4 over any matters in connection with a petition for review of a decision made  
5 pursuant to this Subpart, following the exhaustion of administrative remedies  
6 as provided by law or regulation.

7 H. The Louisiana Rehabilitation Services shall provide each licensed  
8 blind vendor the opportunity for due process for any claim or controversy  
9 arising from the operation of the Business Enterprise Program in accordance  
10 with the Randolph-Sheppard Act.

11 \* \* \*

12 §3032. Exemption of persons who are blind from license, privilege, or vocational  
13 tax; limitation

14 A. Any person who is blind as defined in this ~~Subpart~~ Part may exercise the  
15 privileges of peddler, news dealer, or lunch counter operator, or may exercise the  
16 right to trade, traffic, or sell any merchandise, whether on foot, by vehicle, or in  
17 stores, when the stock of goods on hand, or the equipment or capital stock of the  
18 enterprises, never exceeds the sum of two thousand dollars. These privileges may be  
19 exercised in any of the parishes of the state, including incorporated towns and cities,  
20 without the payment of any license, privilege, or vocational tax, which is presently  
21 or may be hereafter imposed by law, by the state, or any parish or municipality.

22 \* \* \*

23 §3041. Purpose

24 The purpose of this Part is to provide for the enhancement of programs for  
25 persons disabled through blindness by the establishment of a trust fund in the state  
26 treasury to be funded by monies received by the Louisiana ~~Workforce Commission~~  
27 through contractual arrangements with providers who place Rehabilitation Services  
28 from certain vending stands, vending machines, cafeterias, and other small  
29 business concessions on state, federal, and other property pursuant to the  
30 Randolph-Sheppard Act and other sources. The purpose of the Blind Vendors  
31 Trust Fund is to provide assistance to Louisiana citizens who are legally blind and  
32 who participate in the Blind Enterprise Program established through the federal  
33 Randolph-Sheppard Act.

34 §3042. Definitions

35 As used in this Chapter, the following terms shall have the following  
36 meanings:

37 \* \* \*

38 (5) "Department" means the Louisiana ~~Workforce Commission~~  
39 Rehabilitation Services.

40 \* \* \*

41 (8) "Active Participation" means an ongoing process of good faith  
42 negotiations between the Louisiana Rehabilitation Services and the Louisiana  
43 Blind Vendors Elected Committee to achieve joint planning of policies,  
44 procedures, standards, rules, and regulations affecting the overall operation of  
45 the Business Enterprise Program prior to implementation by the Louisiana  
46 Rehabilitation Services. The Louisiana Rehabilitation Services shall have final  
47 authority and responsibility in all decisions relative to the administration and  
48 operation of the Business Enterprise Program. Active participation shall  
49 include those things provided for in 34 CFR 395.14 (b)(1), (3), and (4).

50 (9) "Management Services" means supervision, inspection, quality  
51 control, consultation, accounting, regulating, in-service training, and other  
52 related services provided on a systematic basis to support and improve vending  
53 facilities operated by blind vendors. Management services do not include those  
54 services or costs which pertain to the on-going operation of an individual facility  
55 after the initial establishment period.

56 §3043. Blind Vendors Trust Fund

57 A. There is hereby established a special fund in the state treasury to be known  
58 as the Blind Vendors Trust Fund which shall consist of monies collected from certain  
59 vending stands, vending machines, cafeterias, and other small business  
60 concessions located on state, federal, and other property pursuant to the Randolph-  
61 Sheppard Act. The fund may receive monies from any source. In addition, the

1 legislature may make annual appropriations to the trust fund for the purposes set  
2 forth in this Part.

3 B. All monies collected under this Part shall be forwarded by the department  
4 to the state treasurer upon receipt. After deposit in the Bond Security and  
5 Redemption Fund as required by Article VII, Section 9(B) of the Constitution of  
6 Louisiana, an amount equal to all amounts so received shall be credited to the Blind  
7 Vendors Trust Fund account under the Louisiana ~~Workforce Commission~~  
8 **Rehabilitation Services**.

9 \* \* \*

10 §3044. Blind Vendors Trust Fund Advisory Board; creation; membership

11 A. There is hereby created the Blind Vendors Trust Fund Advisory Board  
12 within the agency.

13 B. The Blind Vendors Trust Fund Advisory Board shall be composed of nine  
14 members as follows:

15 \* \* \*

16 F. The board shall **actively participate with the agency in the following**:

17 (1) ~~Advise and make recommendations to the agency for the promulgation~~  
18 **Promulgating of policies, procedures, standards,** rules, and regulations necessary  
19 to implement the provisions of this Part.

20 (2) ~~Monitor, evaluate, and review~~ **Monitoring, evaluating, and reviewing**  
21 the development and quality of services and programs funded through the fund.

22 (3) **Developing an annual list of potential vending locations on state,**  
23 **federal, or other property.**"

24 AMENDMENT NO. 6

25 On page 2, delete lines 6 through 26 in their entirety, and insert:

26 "§3045. Expenditures

27 A. Money in the trust fund from vending machines located on federal  
28 property shall be distributed for the primary purpose of the establishment and  
29 maintenance of retirement or pension plans, for health insurance, and contributions  
30 for the provisions of paid sick leave and vacation time for blind vendors, if approved  
31 by majority vote of blind vendors licensed by the department after the department  
32 has provided to each vendor information on all matters relevant to such purposes.  
33 Income not expended for the primary purpose as set out in this Subsection shall be  
34 used for the maintenance and replacement of equipment, the purchase of new  
35 equipment, management services, and securing a fair return to vendors, or as  
36 provided by state or federal guidelines **with the active participation of the Blind**  
37 **Vendors Trust Fund Board.**

38 B. Money in the trust fund from vending machines located on state-owned  
39 property or on property leased by the state or any state agency, or on other property  
40 shall be distributed for any purpose ~~associated~~ **consistent** with the provisions of the  
41 Randolph-Sheppard Act as may be determined by the department **with the active**  
42 **participation of the Blind Vendors Trust Fund Board.**"

43 AMENDMENT NO. 7

44 On page 2, between lines 27 and 28, insert:

45 "Section 2. The Louisiana Rehabilitation Services shall promulgate, pursuant to the  
46 Administrative Procedure Act, rules and regulations implementing the provisions of this Act  
47 no later than July 1, 2015.

48 Section 3. R.S. 23:3031 is hereby repealed."

49 AMENDMENT NO. 8

50 On page 2, line 28, change "2" to "4"