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DIGEST

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Heitmeier

SB No. 482

Present law provides the state of Louisiana 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.

Present law provides 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.

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

Present law provides the term "any person who is blind" used in present 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.

Present law provides 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. Present law further provides that income not expended for the primary purpose as set out in present 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.

Present law provides 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.

Proposed 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.

Proposed 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 twenty degrees.

Proposed 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. Proposed law provides that this annual report shall be submitted no later than sixty days prior to the convening of the regular legislative session.

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

Present law provides that present 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.

Proposed law removes prohibition and makes it applicable to the New Orleans Home and Rehabilitation Center or the Villa Feliciana Medical Complex within the Department of Health and Hospitals.

Proposed law excepts any 24 hour residential healthcare facility within DHH from the provisions of proposed law.

Proposed 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 proposed law with greater than ten employees. Proposed 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.

Proposed 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. Proposed 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. Proposed 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.

Proposed 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.

Present law provides for the Blind Vendors Trust Fund Advisory Board.

Proposed law retains present 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 proposed law and developing an annual list of potential vending locations on state, federal, or other property.

Present law provides 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. Present law provides that the fund may receive monies from any source, including an appropriations from the legislature. Present 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 Louisiana Workforce Commission.

Proposed 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 or lapse of time for gubernatorial action.

(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), and (H), 3042(8) and (9); repeals R.S. 23:3031)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the original bill

1. Changes the administrator of the program from the La. Workforce Commission to La. Rehabilitation Services.
2. Defines the criteria for a blind person to qualify for the program.
3. Requires the submission of an annual report.
4. Removes exemption as to the New Orleans Home and Rehabilitation Center or the Villa Feliciana Medical Complex within the Department of Health and Hospitals.
5. Requires La. Rehabilitation Services to promulgate rules and regulations.
6. Requires disputes to be heard before a hearing officer.
7. Provides for definitions.
8. Changes the advisory nature of the Blind Vendors Trust Fund Board.
9. Changes the Blind Vendors Trust Fund account from being under the La. Workforce Commission to the La. Rehabilitation Services.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Adds cafeterias to operating list.
3. Provides that an individual who is blind will not be required to pay any involuntary fee.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the reengrossed bill.

1. Made technical amendments.
2. Excepts any 24 hour residential healthcare facility within DHH from the provisions of proposed law.