

HOUSE BILL NO. 357  
INTRODUCED BY J. COHENOUR

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS PERTAINING TO BLIND VENDORS; EXTENDING THE SCOPE OF BLIND VENDOR PROGRAM TO INCLUDE STATE VOCATIONAL INSTITUTIONS AND INSTITUTIONS OF HIGHER EDUCATION; ELIMINATING THE REQUIREMENT THAT THE STATE OF MONTANA USE A COMPETITIVE BID PROCESS IN AWARDING A CONTRACT FOR VENDING MACHINES TO A BLIND VENDOR; PROVIDING FOR THE PLACEMENT OF VENDING MACHINES ON STATE HIGHWAYS BY BLIND VENDORS; AMENDING SECTIONS 18-5-402, 18-5-406, AND 60-5-110, MCA; AND REPEALING SECTION 18-5-416, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 18-5-402, MCA, is amended to read:

**"18-5-402. Definitions.** As used in this part, the following definitions apply:

(1) "Blind person" means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the field of vision in the better eye to such a degree that the widest diameter of the visual field subtends an angle that is not greater than 20 degrees as determined by an ophthalmologist or a physician skilled in diseases of the eye.

(2) "Blind vendor" means a person certified as a blind person for the purpose of this part and who is operating a vending facility administered by the department.

(3) "Certified blind person" means a blind person whom the department has determined to be a blind person as defined in this part, who is in need of vocational opportunities, and who is qualified to operate a vending facility.

(4) "Department" means the department of public health and human services.

(5) "Federal property" means buildings or portions of buildings or other real property owned or leased by the federal government upon which the department may administer vending facilities by an agreement entered into under the authority of the federal Randolph-Sheppard Act, as amended.

(6) "Other property" means all real property other than state or federal property as defined in this part.

(7) "State property" means those buildings or portions of buildings or other real property owned or leased under a lease-purchase agreement or, in the case of a building, ~~leased in its entirety~~ where the majority of the

space is leased and occupied by the state or agencies of the state and used in the conduct of state matters ~~and occupied principally by state employees. State property for the purpose of this part does not include vocational institutions or institutions of higher education.~~

(8) "Vending facility" means an area and equipment inclusive of vending machines on state property that is or may be used in providing a food, beverage, or other service to employees and other persons present on the property.

(9) (a) "Vending machine" means a device for the dispensing of foodstuffs, liquids, or other products when money is inserted into the device.

(b) The term does not include postage stamp machines or coin-operated telephones.

(10) "Vocational rehabilitation programs" means those programs provided for under the federal Randolph-Sheppard Act, as amended, and Title 53, chapter 7, part 3."

**Section 2.** Section 18-5-406, MCA, is amended to read:

**"18-5-406. Health and retirement fund -- services to vendors.** (1) The department may manage a health and retirement fund for blind vendors.

(2) The department may set aside a reasonable percentage of the net ~~incomes~~ income earned by blind vendors from the operation of vending facilities on state and other property administered by the department to fund the operation of vending facilities and to fund the blind vendors' health and retirement fund.

(3) The department may use all net income earned from facilities operated under the provisions of 18-5-415(2) ~~and 18-5-416~~ to fund services to blind vendors and to fund the blind vendors' health and retirement fund."

**Section 3.** Section 60-5-110, MCA, is amended to read:

**"60-5-110. Commercial enterprise or structure prohibited -- ~~exception~~ exceptions.** (1) Except as provided in 60-5-505 and ~~subsection~~ subsections (2) and (3) of this section, a commercial enterprise or structure may not be operated on the publicly owned or leased right-of-way of a controlled-access highway or controlled-access facility.

(2) The department may, under the terms and conditions that it considers appropriate, install or allow others to install electronic communication equipment or electronic informational kiosks on the right-of-way of any state highway, including a controlled-access facility. The department may charge a fee for the use of the equipment or kiosk. The fees must be deposited in the nonrestricted highway state special revenue account to

be used for highway purposes.

(3) (a) The department may, under terms and conditions that it considers appropriate, contract with a blind vendor certified pursuant to Title 18, chapter 5, part 4, for the installation of vending machines on the right-of-way of any state highway, including a controlled-access facility.

(b) A blind vendor installing a vending machine pursuant to this subsection (3) is subject to the applicable provisions of Title 18, chapter 5, part 4."

NEW SECTION. Section 4. Repealer. Section 18-5-416, MCA, is repealed.

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