**346.220 Preference for products or services of persons with visual impairment in state purchases.** Whenever any of the products or services, including operation of vending facilities as defined in ORS 346.510, of persons with visual impairments, produced under the supervision and direction of the Commission for the Blind, meet the requirements of any state department or institution as to quality, quantity and price, such products or services shall have preference and the state departments and institutions shall purchase from the commission such products or services as may be required. [Amended by 1975 c.638 §6; 1989 c.224 §63; 2007 c.70 §127]

VENDING FACILITIES ON PUBLIC PROPERTY

**346.510 Definitions for ORS 346.510 to 346.570.** As used in ORS 346.510 to 346.570, the term:

      (1) “Operator” means the individual person who is blind and who is responsible for the day-to-day conduct of the vending facility operation.

      (2) “Person who is blind” means a person having not more than 20/200 visual acuity in the better eye with best correction or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision to such a degree that its widest diameter subtends an angle of no greater than 20 degrees. Such blindness shall be certified by a licensed physician who specializes in diseases of the eye.

      (3) “Public building” or “property” means any building, land or other real property, owned, leased or occupied by any department or agency of the State of Oregon or any of its political subdivisions except public elementary and secondary schools.

      (4) “Vending facility” means:

      (a) Such shelters, counters, shelving, display and wall cases, refrigerating apparatus and other appropriate auxiliary equipment as are necessary or customarily used for the vending of such articles as may be approved by the Commission for the Blind and the agency having care, custody and control of the building or property in or on which the vending facility is located;

      (b) Manual or coin operated vending machines or similar devices for vending such articles; or

      (c) Cafeterias or snack bars for the dispensing of food stuffs and beverages. [1957 c.295 §2; 1975 c.638 §7; 2007 c.70 §131]

**346.520 Persons who are blind to operate vending facilities in public buildings or on public property; charges prohibited; exception.** (1) For the purposes of providing persons who are blind with remunerative employment, enlarging the economic opportunities of those persons and stimulating them to greater efforts to make themselves self-supporting with independent livelihoods, persons who are blind and who are licensed under the provisions of ORS 346.510 to 346.570 by the Commission for the Blind, as set forth in ORS 346.510 to 346.570, shall operate vending facilities in or on any public buildings or properties where, in the discretion of the head of the department or agency in charge of the maintenance of such buildings or properties, such vending facilities may properly and satisfactorily operate.

      (2) Notwithstanding ORS 276.385, the department or agency in charge of the maintenance of a public building or property in or on which a vending facility is operated under ORS 346.510 to 346.570 may not charge the Commission for the Blind or persons who are blind and who are licensed under the provisions of ORS 346.510 to 346.570 any amount for:

      (a) Rental of the space in or on which the vending facility is operated; or

      (b) Utility costs incurred in the operation of the vending facility.

      (3) Subsection (2) of this section does not apply to charges imposed by the Department of Transportation. Subject to the availability of funds, the department may refrain from charging any amount for rental of space or utility costs described in subsection (2) of this section. [1957 c.295 §1; 1975 c.638 §8; 2003 c.268 §1; 2007 c.70 §132]

**346.530 Notice to commission on vending facilities locations; statement of reason for refusal of commission offer.** (1) Each head of the department or agency in charge of the maintenance of public buildings or properties shall:

      (a) Periodically notify the Commission for the Blind in writing of any and all existing locations where vending facilities are in operation or where vending facilities might properly and satisfactorily be operated.

      (b) Not less than 30 days prior to the reactivation, leasing, re-leasing, licensing or issuance of permit for operation of any vending facility, inform the Commission for the Blind of such contemplated action.

      (c) Inform the Commission for the Blind of any locations where such vending facilities are planned or might properly and satisfactorily be operated in or about other public buildings or properties as may now or thereafter come under the jurisdiction of the department or agency for maintenance, such information to be given not less than 30 days prior to leasing, re-leasing, licensing or issuance of permit for operation of any vending facility in such public building or on such property.

      (2) If the Commission for the Blind makes an offer to operate a vending facility under the provisions of this section and the offer is not accepted for reasons other than the decision to have no vending facility on the premises, such head of the department or agency shall notify the commission in writing of the reasons for refusing its offer, including but not limited to the terms and conditions of the offer which was accepted, if any.

      (3) Any contract or agreement entered into subsequent to July 1, 1975, which is not in compliance with or in violation of ORS 346.220 and 346.510 to 346.570, shall be null and void. [1957 c.295 §3; 1965 c.471 §1; 1975 c.638 §9]

**346.540 Duties of commission with respect to operation of vending facilities; rules.** (1) The Commission for the Blind shall:

      (a) Make surveys of public buildings or properties to determine their suitability as locations for vending facilities to be operated by persons who are blind and advise the heads of departments or agencies charged with the maintenance of such buildings or properties as to their findings.

      (b) With the consent of the head of the department or agency charged with the maintenance of the buildings or properties, establish vending facilities in those locations which the Commission for the Blind has determined to be suitable, and may enter into leases or licensing agreements therefor.

      (c) Select, train, license and install qualified persons who are blind as managers of such vending facilities.

      (d) Adopt rules as it may from time to time deem necessary to assure the proper and satisfactory operation of such vending facilities, and for the benefit of vending facility operators.

      (e) Provide for the continued operation of established vending facilities if a qualified person who is blind is not available until a qualified person who is blind is available for assignment as manager.

      (2) If the head of the department or agency charged with the maintenance of buildings or properties does not consent to the establishment of vending facilities in locations in the building or on the property which were determined suitable by the commission, that person shall inform the commission in writing of the reasons why consent is not given.

      (3) The commission may establish in the State Treasury a fund from the net proceeds of the operation of vending facilities. Moneys so deposited including the interest thereon shall be credited by the State Treasurer to a special checking account, separate and distinct from the General Fund. Disbursement may be made by check signed by the person designated by the commission. The fund shall be used for the purposes of and are continuously appropriated for maintenance and replacement of equipment, management services, assuring a fair minimum of return to vendors, or for such other purposes necessary and proper for the benefit of operators of vending facilities. Interest earned by the account shall be credited to the account. [1957 c.295 §4; 1965 c.471 §2; 1975 c.638 §10; 1981 c.271 §2; 1989 c.966 §30; 2007 c.70 §133]

**346.550 Commodities and articles that may be sold at vending facilities.** A vending facility operated under the provisions of ORS 346.510 to 346.570 shall be used solely for the vending of such commodities and articles as may be approved by the Commission for the Blind and by the head of the department or agency in charge of the maintenance of the building or property in or on which such facility is operated. [1957 c.295 §5; 1975 c.638 §11]

**346.560 Operator subject to applicable laws and ordinances.** The operator of each vending facility operated under the provisions of ORS 346.510 to 346.570 shall be subject to the provisions of any and all laws and ordinances applying within the territory within which such facility is located including those requiring a license or permit for the conduct of such business or any particular aspect thereof. [1957 c.295 §6; 1975 c.638 §12]

**346.565 Participation in state health benefit plan and deferred compensation plan.** (1) A business enterprise manager who is blind, as described under ORS 346.510 to 346.570, or a person who is blind who is an employee of a private nonprofit Oregon corporation established and authorized by the Commission for the Blind to provide employment to persons who are blind may participate in a health benefit plan available to state employees pursuant to ORS 243.105 to 243.285 at the expense of the manager or employee.

      (2) A business enterprise manager who is blind, as described under ORS 346.510 to 346.570, may participate in state deferred compensation plan established under ORS 243.401 to 243.507, contingent on participation not affecting the tax exempt status of other contributions to the deferred compensation plan.

      (3) For the purposes of subsections (1) and (2) of this section, such managers and employees shall be considered eligible state employees. [1991 c.577 §2; 1997 c.179 §28; 1997 c.222 §51; 2007 c.70 §134]

**346.570 Rights of persons operating vending facilities prior to August 20, 1957.** (1) Those individuals who are operating vending facilities in public buildings or on public properties, as defined in ORS 346.510 prior to August 20, 1957, shall not be affected by ORS 346.510 to 346.570, except and only insofar as provided in ORS 346.530 (2).

      (2) Any person who is blind and who is presently operating a vending facility in or on public buildings or properties and who desires to make use of the advantages of the program authorized by ORS 346.510 to 346.570 shall have the right to do so; and, in such instance, the Commission for the Blind may negotiate and consummate arrangements for the purchase of such vending facility equipment as it may deem necessary for the satisfactory operation of the vending facility. [1957 c.295 §7; 1975 c.638 §13; 1987 c.158 §61; 2007 c.70 §135]