
By: **Delegates Snodgrass, Faulkner, Patterson, Benson, DeCarlo, Dypski,
Clagett, and Pitkin**

Introduced and read first time: February 13, 1998

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Procurement Law - Maryland Business Enterprise Program for the**
3 **Blind**

4 FOR the purpose of modifying the scope of the Maryland Business Enterprise
5 Program for the Blind under the State procurement law; excluding certain State
6 facilities from the program unless the exclusion is waived; excluding certain
7 transportation facilities from the scope of the program; making the program
8 applicable to certain facilities subject to certain contingencies; making stylistic
9 and technical changes; and generally relating to the Maryland Business
10 Enterprise Program for the Blind.

11 BY repealing and reenacting, with amendments,
12 Article - State Finance and Procurement
13 Section 14-109
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1997 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - State Finance and Procurement**

19 14-109.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) "Blind person" means a person who is:

22 (i) blind; and

23 (ii) licensed by the Division under the federal acts.

24 (3) "Division" means the Division of [Vocational] Rehabilitation
25 SERVICES in the Department of Education.

1 (4) "Program" means the Maryland Business Enterprise Program for the
2 Blind.

3 (5) "Vending facility" includes vending machines, cafeterias, snack bars,
4 and other concession stands that sell food, beverages, newspapers, periodicals,
5 confections, tobacco products, and other merchandise, including chances for the State
6 Lottery.

7 (6) "Vending machine" means a currency-operated machine that
8 dispenses products or services.

9 (7) (I) ["Vending] SUBJECT TO SUBPARAGRAPH (II) OF THIS
10 PARAGRAPH, "VENDING machine income" means [receipts, other than those of a blind
11 vendor, from vending machine operations on property controlled by the Department
12 of General Services after deducting the costs of the goods sold, including reasonable
13 service and maintenance costs in accordance with customary business practices]
14 COMMISSIONS PAID BY A COMMERCIAL VENDING ENTITY FOR VENDING MACHINE
15 OPERATIONS ON PROPERTY CONTROLLED, OWNED, OR LEASED BY THE STATE.

16 (II) "VENDING MACHINE INCOME" INCLUDES COMMISSIONS
17 RECEIVED FOR VENDING MACHINES LOCATED ON PROPERTY LEASED BY THE STATE
18 ONLY IF THE STATE IS A PARTY TO THE CONTRACT WITH THE COMMERCIAL VENDING
19 ENTITY.

20 (b) There is a Maryland Business Enterprise Program for the Blind in the
21 Division.

22 (c) (1) UNLESS AN ENTITY LISTED IN THIS PARAGRAPH WAIVES ITS
23 EXCLUSION FROM THIS SECTION, THIS SECTION DOES NOT APPLY TO:

24 (I) A STATE INSTITUTION OF HIGHER EDUCATION;

25 (II) A STATE CORRECTIONAL FACILITY;

26 (III) A STATE JUVENILE DETENTION FACILITY;

27 (IV) A STATE HOSPITAL; OR

28 (V) A STATE PARK OR MARINA.

29 (2) A TRANSPORTATION FACILITY THAT IS OWNED OR OPERATED BY
30 THE STATE IS NOT SUBJECT TO THE PRIORITY REQUIREMENTS ESTABLISHED BY
31 THIS SECTION IF:

32 (I) THE VENDING FACILITIES OF THE FACILITY ARE OPERATED AS
33 PART OF A REVENUE PRODUCING CONTRACT RELATED TO THE MOVEMENT OF
34 PASSENGERS OR GOODS; OR

35 (II) THE FACILITY PROVIDES GOODS OR SERVICES TO PASSENGERS,
36 PATRONS, OR TENANTS AT THE FACILITY.

1 [(1)] (3) (I) Except as provided in SUBPARAGRAPH (II) OF THIS
2 paragraph [(2) of this] AND subsection (D) OF THIS SECTION, the Program has
3 priority to operate a vending facility on property controlled, OWNED, OR LEASED by
4 the [Department of General Services] STATE.

5 (II) THE PRIORITY PROVIDED UNDER THIS PARAGRAPH DOES NOT
6 APPLY TO PROPERTY LEASED BY THE STATE IF THE EXERCISE OF THE PRIORITY
7 WOULD BE A VIOLATION OF THE LEASE AGREEMENT.

8 [(2)] (D) (1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
9 SUBSECTION, IF a facility required to give the priority under this section has vending
10 facilities that are not operated by blind persons, the requirements of this section are
11 waived until the earlier of:

12 (i) the first expiration of a contract between the operator of the
13 vending facility and the [Department of General Services] STATE; or

14 (ii) June 1, [1994] 1999.

15 (2) IF A FACILITY CONTROLLED BY THE DEPARTMENT OF GENERAL
16 SERVICES HAS VENDING FACILITIES THAT ARE NOT OPERATED BY A BLIND PERSON,
17 THE REQUIREMENTS OF THIS SECTION ARE WAIVED UNTIL THE EARLIER OF:

18 (I) THE FIRST EXPIRATION OF A CONTRACT BETWEEN THE
19 OPERATOR OF THE VENDING FACILITY AND THE DEPARTMENT OF GENERAL
20 SERVICES; OR

21 (II) JUNE 1, 1994.

22 [(d)] (E) (1) The Division and the Department of General Services shall
23 adopt regulations for:

24 (i) the operation and maintenance of a vending facility by the
25 Program; and

26 (ii) the protection of State property.

27 (2) [The Department of General Services] EACH STATE AGENCY shall
28 cooperate with the Division for the establishment, whenever possible, of vending
29 facilities operated by the Program on [Department of General Services] STATE
30 property.

31 [(3)] (i) (F) (1) Any vending machine income that results from the
32 provisions of this section shall accrue to the blind person managing the vending
33 facility on the property where the income is generated in accordance with federal
34 regulations governing the Vending Facilities Program for the Blind.

35 [(ii)] (2) If there is no BLIND person managing the vending facility,
36 the vending machine income shall be distributed to the Division for the support of the
37 Program.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1998.