S T A T E O F N E W Y O R K

3430

2009-2010 Regular Sessions

I N S E N A T E

March 18, 2009

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend chapter 415 of the laws of 1913, relating to establishing a state commission for the blind and visually handicapped, in relation to the operation of vending facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph (A) of paragraph 3 of subdivision b of section 11-a of chapter 415 of the laws of 1913, relating to establishing a state commission for the blind and visually handicapped, as added by chapter 693 of the laws of 1992, is amended to read as follows:

(A) Wherever feasible, permits shall be issued to the department of social services for one or more vending facilities to be established on all state property OR ANY BUILDING WHICH HOUSES ANY AUTHORITY, AGENCY OR ENTITY WHOSE BOARD OF DIRECTORS OR EXECUTIVES ARE APPOINTED BY THE GOVERNOR, OR ANY AIRPORT LOCATED IN THE STATE OF NEW YORK, to the extent that any such facility or facilities would not adversely affect the interests of the state.

S 2. Subparagraph (B) of paragraph 3 of subdivision c of section 11-a of chapter 415 of the laws of 1913, relating to establishing a state commission for the blind and visually handicapped, as added by chapter 693 of the laws of 1992, is amended to read as follows:

(B) The provisions of this section shall not apply [(1) where to the number of state employees (including employees of a state department agency or instrumentality) regularly employed at a site is to be less than four hundred or (2) to property of the state university of New York, the department of correctional services or the New York state thruway authority or (3)] where prior to the execution of such lease, the lessor or any tenant has had in operation a vending facility (regardless of the operator thereof) in a part of the building not

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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included in such lease and the operation of a vending facility by a blind person would be in proximate and substantial direct competition with such vending facility except that each such department, agency or instrumentality shall give due consideration to leasing property in privately owned buildings capable of accommodating a vending facility and shall give due consideration to providing for the lease of a vending facility and shall give due consideration to providing for the lease of a vending facility not operated by a blind person to be made available to a blind person upon the vacating of such facility by the current operator. Current arrangements by a state department, agency or instrumentality, as to property occupied by it, subject to a term of years or other time limitation, shall not be affected by this section during the period of such term or other time limitation.

S 3. This act shall take effect immediately.