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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:

1 Section 1. Subparagraph (A) of paragraph 3 of subdivision b of section
2 11-a of chapter 415 of the laws of 1913, relating to establishing a
3 state commission for the blind and visually handicapped, as added by
4 chapter 693 of the laws of 1992, is amended to read as follows:
5 (A) Wherever feasible, permits shall be issued to the department of
6 social services for one or more vending facilities to be established on
7 all state property OR ANY BUILDING WHICH HOUSES ANY AUTHORITY, AGENCY OR
8 ENTITY WHOSE BOARD OF DIRECTORS OR EXECUTIVES ARE APPOINTED BY THE
9 GOVERNOR, OR ANY AIRPORT LOCATED IN THE STATE OF NEW YORK, to the extent
10 that any such facility or facilities would not adversely affect the
11 interests of the state.
12 S 2. Subparagraph (B) of paragraph 3 of subdivision c of section 11-a
13 of chapter 415 of the laws of 1913, relating to establishing a state
14 commission for the blind and visually handicapped, as added by chapter
15 693 of the laws of 1992, is amended to read as follows:
16 (B) The provisions of this section shall not apply [(1) where to the
17 number of state employees (including employees of a state department
18 agency or instrumentality) regularly employed at a site is to be less
19 than four hundred or (2) to property of the state university of New
20 York, the department of correctional services or the New York state
21 thruway authority or (3)] where prior to the execution of such lease,
22 the lessor or any tenant has had in operation a vending facility
23 (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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1 included in such lease and the operation of a vending facility by a
2 blind person would be in proximate and substantial direct competition
3 with such vending facility except that each such department, agency or
4 instrumentality shall give due consideration to leasing property in
5 privately owned buildings capable of accommodating a vending facility
6 and shall give due consideration to providing for the lease of a vending
7 facility and shall give due consideration to providing for the lease of
8 a vending facility not operated by a blind person to be made available
9 to a blind person upon the vacating of such facility by the current
10 operator. Current arrangements by a state department, agency or instru-
11 mentality, as to property occupied by it, subject to a term of years or
12 other time limitation, shall not be affected by this section during the
13 period of such term or other time limitation.

14 S 3. This act shall take effect immediately.