

CHAPTER NO. 474.

HOUSE BILL NO. 342
INTRODUCED BY ELLIS, GERKE

IN THE HOUSE

January 23, 1979	Introduced and referred to Committee on Human Services.
February 17, 1979	Intent statement attached. Committee recommend bill do pass as amended. Report adopted.
February 19, 1979	Printed and placed on members' desks.
February 21, 1979	Second reading, do pass. Considered correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 22, 1979	Introduced and referred to Committee on Public Health, Welfare, and Safety.
March 13, 1979	Committee recommend bill be concurred in. Report adopted. Statement of Intent amended.
March 15, 1979	Second reading, concurred in.
March 19, 1979	Third reading, concurred in.

IN THE HOUSE

March 20, 1979	Returned from second house. Concurred in amendments to Intent Statement.
----------------	--

March 21, 1979

On motion, consideration
passed until the 71st
Legislative Day.

March 30, 1979

Second reading, Intent
Statement adopted.

March 31, 1979

Third reading, Intent
Statement adopted. Sent
to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 342
2 INTRODUCED BY Ellis Cook

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PLACE THE LAW
5 RELATING TO PREFERENTIAL GRANTING OF CONCESSIONS IN PUBLIC
6 BUILDINGS TO BLIND AND DISABLED PERSONS UNDER THE
7 ADMINISTRATION OF THE DIVISION OF VISUAL SERVICES; PROVIDING
8 FOR RULEMAKING AUTHORITY; AMENDING SECTION 49-4-401, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 49-4-401, MCA, is amended to read:
12 "49-4-401. Definition. For ~~the purpose~~ purposes of
13 ~~this part~~ the term the following definitions apply:

14 (1) "blind ~~Blind~~ person" ~~shall mean~~ means one who has
15 no vision or whose vision with correcting glasses is so
16 defective as to prevent the performance of ordinary
17 activities for which eyesight is essential.

18 (2) "Division" means the division of visual services
19 of the department of social and rehabilitation services or
20 its successor."

21 NEW SECTION. Section 2. Division to ensure
22 compliance. The division shall monitor and ensure compliance
23 with this part.

24 NEW SECTION. Section 3. Rulemaking. (1) The division
25 may adopt rules setting forth criteria and procedures to be

1 followed by state agencies and political subdivisions in
2 granting concessions under this part.

3 (2) The division may adopt such other rules as are
4 reasonably necessary to effectuate the purposes of this
5 part.

6 (3) All such rules must be adopted in accordance with
7 the Montana Administrative Procedure Act.

8 NEW SECTION. Section 4. Enforcement. The division may
9 seek an injunction or writ of mandate in Lewis and Clark
10 County or the county in which the public building involved
11 is located to enforce this part or rules adopted under it.

12 Section 5. Codification. Sections 2 through 4 are
13 intended to be codified in Title 49, chapter 4, part 4, and
14 the provisions of Title 49, chapter 4, part 4, apply to
15 sections 2 through 4. All references in the MCA to Title 49,
16 chapter 4, part 4, include those sections.

-End-

-2- HB 342
INTRODUCED BILL

1 implement the rules.
2 First adopted by the HOUSE COMMITTEE ON HUMAN SERVICES
3 on February 17, 1979.

1 STATEMENT OF INTENT RE: HB 342

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A statement of intent is required for this bill because it amends section 49-4-401, MCA, to give the Department of Social and Rehabilitation Services rulemaking authority that is necessary to enforce the provisions of Title 49, chapter 4, part 4, MCA.

Title 49, chapter 4, part 4, MCA, provides that blind and physically handicapped persons have a first right and preference in the letting of vending concessions in public buildings in Montana. However, there is presently no enforcement mechanism included in the law. HB 342 directs the Department of Social and Rehabilitation Services to develop effective regulations to implement this law. The regulations should be directed toward the process by which vending concessions are let, interaction of vending concessions with rehabilitation programs, and remedies of persons aggrieved by a violation of the law or regulations. Additional rules may be adopted to enforce the law if necessary.

In the development of rules under this law, it is the intent of the Legislature that the Department work with the Division of Visual Services and other appropriate administrative units in the Department to propose and

HB 34 done

Approved by Comm. On Human Services

HOUSE BILL NO. 342
INTRODUCED BY ELLIS, GERKE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PLACE THE LAW RELATING TO PREFERENTIAL GRANTING OF CONCESSIONS IN PUBLIC BUILDINGS TO BLIND AND DISABLED PERSONS UNDER THE ADMINISTRATION-OF-THE-DIVISION-OF-VISUAL-SERVICES DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; PROVIDING FOR RULEMAKING AUTHORITY; AMENDING SECTION 49-4-401, MCA."

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

Section 1. Section 49-4-401, MCA, is amended to read:

"49-4-401. Definition. For the--purpose purposes of this part, the term the following definitions apply:

(1) "blind Blind person" shall mean means one who has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(2) "~~Division~~"--means--the division of visual services of the department of social and rehabilitation services--or its--successors "DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES.

NEW SECTION. Section 2. Division DEPARTMENT to ensure compliance. The division DEPARTMENT shall monitor and ensure compliance with this part.

NEW SECTION. Section 3. Rulemaking. (1) The division DEPARTMENT may adopt rules setting forth criteria and procedures to be followed by state agencies and political subdivisions in granting concessions under this part.

(2) The division DEPARTMENT may adopt such other rules as are reasonably necessary to effectuate the purposes of this part.

(3) All such rules must be adopted in accordance with the Montana Administrative Procedure Act.

NEW SECTION. Section 4. Enforcement. The division DEPARTMENT may seek an injunction or writ of mandate in Lewis and Clark County or the county in which the public building involved is located to enforce this part or rules adopted under it.

Section 5. Codification. Sections 2 through 4 are intended to be codified in Title 49, chapter 4, part 4, and the provisions of Title 49, chapter 4, part 4, apply to sections 2 through 4. All references in the MCA to Title 49, chapter 4, part 4, include those sections.

-end-

1 implement the rules.
2 First adopted by the HOUSE COMMITTEE ON HUMAN SERVICES
3 on February 17, 1979.

1 STATEMENT OF INTENT RE: HB 342

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A statement of intent is required for this bill because it amends section 49-4-401, MCA, to give the Department of Social and Rehabilitation Services rulemaking authority that is necessary to enforce the provisions of Title 49, chapter 4, part 4, MCA.

Title 49, chapter 4, part 4, MCA, provides that blind and physically handicapped persons have a first right and preference in the letting of vending concessions in public buildings in Montana. However, there is presently no enforcement mechanism included in the law. HB 342 directs the Department of Social and Rehabilitation Services to develop effective regulations to implement this law. The regulations should be directed toward the process by which vending concessions are let, interaction of vending concessions with rehabilitation programs, and remedies of persons aggrieved by a violation of the law or regulations. Additional rules may be adopted to enforce the law if necessary.

In the development of rules under this law, it is the intent of the Legislature that the Department work with the Division of Visual Services and other appropriate administrative units in the Department to propose and

HB 342
THIRD READING

Approved by Comm. On Human Services

HOUSE BILL NO. 342

INTRODUCED BY ELLIS, GERKE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PLACE THE LAW RELATING TO PREFERENTIAL GRANTING OF CONCESSIONS IN PUBLIC BUILDINGS TO BLIND AND DISABLED PERSONS UNDER THE ADMINISTRATION-OF-THE-DIVISION-OF-VISUAL-SERVICES DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; PROVIDING FOR RULEMAKING AUTHORITY; AMENDING SECTION 49-4-401, MCA."

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

Section 1. Section 49-4-401, MCA, is amended to read:

"49-4-401. Definition. For the purpose purposes of this part, the term the following definitions apply:

(1) "blind person" shall mean means one who has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(2) ~~"Division" means the division of visual services of the department of social and rehabilitation services or its successors~~ "DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES.

NEW SECTION. Section 2. Division DEPARTMENT to ensure compliance. The division DEPARTMENT shall monitor and ensure compliance with this part.

NEW SECTION. Section 3. Rulemaking. (1) The division DEPARTMENT may adopt rules setting forth criteria and procedures to be followed by state agencies and political subdivisions in granting concessions under this part.

(2) The division DEPARTMENT may adopt such other rules as are reasonably necessary to effectuate the purposes of this part.

(3) All such rules must be adopted in accordance with the Montana Administrative Procedure Act.

NEW SECTION. Section 4. Enforcement. The division DEPARTMENT may seek an injunction or writ of mandate in Lewis and Clark County or the county in which the public building involved is located to enforce this part or rules adopted under it.

Section 5. Codification. Sections 2 through 4 are intended to be codified in Title 49, chapter 4, part 4, and the provisions of Title 49, chapter 4, part 4, apply to sections 2 through 4. All references in the MCA to Title 49, chapter 4, part 4, include those sections.

-End-

1 STATEMENT OF INTENT RE: HB 342

2
3
4 A statement of intent is required for this bill because
5 it amends section 49-4-401, MCA, to give the Department of
6 Social and Rehabilitation Services rulemaking authority that
7 is necessary to enforce the provisions of Title 49, chapter
8 4, part 4, MCA.

9 Title 49, chapter 4, part 4, MCA, provides that blind
10 and physically handicapped persons have a first right and
11 preference in the letting of vending concessions in public
12 buildings in Montana. However, there is presently no
13 enforcement mechanism included in the law. HB 342 directs
14 the Department of Social and Rehabilitation Services to
15 develop effective ~~regulations~~ rules to implement this law.
16 The ~~regulations~~ rules should be directed toward the process
17 by which vending concessions are let, interaction of vending
18 concessions with rehabilitation programs, and remedies of
19 persons aggrieved by a violation of the law or ~~regulations~~
20 rules. It is the intent of the legislature that the rules
21 should be designed to foster the active and productive
22 employment of blind and disabled persons in the management,
23 servicing and maintenance of vending concessions and in the
24 sale of products through the concessions. The rules should
25 not permit a system of authorization which encourages

1 passive earnings, delegation of vending rights, or any other
2 system of management inconsistent with the provision of
3 active employment to blind and disabled persons. Additional
4 rules may be adopted to enforce the law if necessary.

5 In the development of rules under this law, it is the
6 intent of the Legislature that the Department work with the
7 Division of Visual Services and other appropriate
8 administrative units in the Department to propose and
9 implement the rules.

10 First adopted by the HOUSE COMMITTEE ON HUMAN SERVICES
11 on February 17, 1979.

HOUSE BILL NO. 342

INTRODUCED BY ELLIS, GERKE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PLACE THE LAW RELATING TO PREFERENTIAL GRANTING OF CONCESSIONS IN PUBLIC BUILDINGS TO BLIND AND DISABLED PERSONS UNDER THE ADMINISTRATION OF THE DIVISION OF VISUAL SERVICES DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; PROVIDING FOR RULEMAKING AUTHORITY; AMENDING SECTION 49-4-401, MCA."

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

Section 1. Section 49-4-401, MCA, is amended to read:

"49-4-401. Definition. For the purpose purposes of this part, the term the following definitions apply:

(1) "blind person" shall mean means one who has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(2) ~~"Division" means the division of visual services of the department of social and rehabilitation services or its successor.~~ "DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES.

NEW SECTION. Section 2. Division DEPARTMENT to ensure compliance. The division DEPARTMENT shall monitor and ensure compliance with this part.

NEW SECTION. Section 3. Rulemaking. (1) The division DEPARTMENT may adopt rules setting forth criteria and procedures to be followed by state agencies and political subdivisions in granting concessions under this part.

(2) The division DEPARTMENT may adopt such other rules as are reasonably necessary to effectuate the purposes of this part.

(3) All such rules must be adopted in accordance with the Montana Administrative Procedure Act.

NEW SECTION. Section 4. Enforcement. The division DEPARTMENT may seek an injunction or writ of mandate in Lewis and Clark County or the county in which the public building involved is located to enforce this part or rules adopted under it.

Section 5. Codification. Sections 2 through 4 are intended to be codified in Title 49, chapter 4, part 4, and the provisions of Title 49, chapter 4, part 4, apply to sections 2 through 4. All references in the MCA to Title 49, chapter 4, part 4, include those sections.

-End-