

Chapter 346

2017 EDITION

Programs for Persons Who Are Blind or Deaf

	TRAINING AND EDUCATION FACILITIES FOR CHILDREN WHO ARE DEAF	346.270	Receipt and expenditure of gifts and bequests
346.010	Training and educational services for children who are deaf	346.290	Commission for the Blind Account
346.015	Preparing individualized education program prior to placement; consultation; declaration that district cannot provide education; rules	346.300	Criminal records checks
346.017	Enrollment of nonresident students in school permitted		FUNDING FOR SERVICES TO STUDENTS WHO ARE BLIND OR VISUALLY IMPAIRED
346.019	Educational Facilities Fund	346.315	Blind and Visually Impaired Student Fund
346.020	Course of instruction; personnel; authority over students; rules		VENDING FACILITIES ON PUBLIC PROPERTY
346.030	Application for admission	346.510	Definitions for ORS 346.510 to 346.570
346.035	Annual review of individualized education program for certain children	346.520	Persons who are blind to have priority to manage vending facilities in public buildings or on public property; charges prohibited; exception
346.041	Resident district responsible for transportation of pupils; Special Education Transportation Revolving Account	346.525	Persons who are blind to have priority to establish and operate certain vending facilities in public buildings and preference to operate certain vending facilities in public buildings
346.047	Authority of state board to hold property	346.530	Notice to commission on vending facilities locations; notification of reason for refusal of commission offer
346.055	Trust account for student funds	346.540	Duties of commission with respect to operation of vending facilities; report; rules
346.070	Aid to students who are deaf; rules	346.543	Aid by commission to persons with visual impairments to enable operation of vending facility
346.080	Notice to employees of reasonable assurance of continued employment	346.546	Active participation by business enterprise consumer committee
	COMMISSION FOR THE BLIND	346.550	Commodities and articles that may be sold at vending facilities
346.110	Definitions for ORS 346.110 to 346.270	346.553	Agreements with subcontractors; rules
346.120	Commission for the Blind; purpose	346.556	Vending facility manager statement of full-time employment; rules
346.130	Commission members; confirmation; meetings; compensation and expenses	346.560	Manager subject to applicable policies, rules, laws and ordinances
346.140	Administrator and other employees	346.563	Winding down operations of vending facility by spouse or domestic partner
346.150	Rules and regulations	346.565	Participation in state health benefit plan and deferred compensation plan
346.160	Register of persons who are blind	346.567	Collection of percentage of net proceeds of operation of vending facilities; rules
346.165	Use of official records	346.569	Fund from net proceeds of operation of vending facilities; disbursements; report
346.167	Prohibited uses of records	346.570	Rights of persons operating vending facilities prior to August 20, 1957
346.169	Exchange of public or private agency records		PENALTIES
346.170	Program for conservation and restoration of sight and prevention of blindness; free eye care	346.991	Penalties
346.180	Vocational rehabilitation services		
346.240	Payment of incidental expenses of commission		
346.250	Program of social and educational services		
346.260	Cooperation with Department of Human Services		
346.265	Authority to cooperate with and receive grants from federal government		

346.001 [1969 c.597 §80a; repealed by 1971 c.301 §26]

346.002 [1969 c.597 §80c; repealed by 1971 c.301 §26]

346.003 [1969 c.597 §80e; repealed by 1971 c.301 §26]

346.004 [1969 c.597 §80f; repealed by 1971 c.301 §26]

346.005 [1969 c.597 §80g; repealed by 1971 c.301 §26]

TRAINING AND EDUCATION FACILITIES FOR CHILDREN WHO ARE DEAF

346.010 Training and educational services for children who are deaf. (1) Pursuant to rules of the State Board of Education, the Superintendent of Public Instruction shall provide free training and education services in a school located in Marion County for children who are deaf.

(2) The Superintendent of Public Instruction shall indicate which facilities shall serve as the Oregon School for the Deaf.

(3) The superintendent may order a change in all or part in the purpose and use of the facilities available under this section whenever the superintendent determines that a change in purpose and use will better enable the state to meet its responsibilities for the education and training of children who are deaf.

(4) The school shall be operated primarily for the provision of education and training services for children who are deaf who cannot be efficiently served in other schools or programs. [Amended by 1965 c.100 §444; 1971 c.301 §2; 1991 c.631 §1; 2007 c.70 §113; 2007 c.858 §71; 2009 c.562 §25; 2017 c.532 §3]

346.015 Preparing individualized education program prior to placement; consultation; declaration that district cannot provide education; rules. (1) Prior to convening a meeting to prepare an individualized education program for a child with an intellectual disability or a developmental disability for whom placement at the school operated under ORS 346.010 may be considered, the agency that is providing the education for the child shall notify the local community developmental disabilities program. The case manager responsible for programs for children with intellectual disabilities or developmental disabilities, in consultation with the Department of Human Services, shall evaluate whether the child also has needs for alternative residential care or other support services. If the evaluation determines this to be the case, but documents that community resources are not available to meet these needs, the school district may proceed with the meeting to prepare the individualized education program in which placement at the school operated under ORS 346.010 may be considered.

(2) An agency providing education under subsection (1) of this section may initiate the

procedure in subsection (1) of this section for any child who does not have an intellectual disability or a developmental disability when in the agency's judgment a treatment or residential issue is prompting proposed placement under ORS 346.010.

(3) A child may not be placed in the school operated under ORS 346.010 unless the district superintendent or the superintendent's designee has signed a statement declaring that the district cannot provide a free appropriate public education for the child commensurate with the needs of the child as identified by the individualized education program of the child and that the school is the least restrictive environment in which the child can be educated.

(4) By rule, the State Board of Education shall determine procedures to be followed by local education agencies in carrying out this section. [1985 c.555 §5; 1989 c.491 §54; 2001 c.36 §2; 2001 c.900 §61; 2007 c.70 §114; 2007 c.858 §73; 2009 c.562 §26; 2009 c.595 §219; 2011 c.544 §3; 2013 c.1 §43]

346.017 Enrollment of nonresident students in school permitted. (1) Notwithstanding ORS 346.015, the Superintendent of Public Instruction may enroll a student in the school operated under ORS 346.010 if the student is not a resident of Oregon. However, priority for enrollment at the school shall be given to students who are residents of Oregon.

(2) The superintendent may charge tuition and fees to any student who is enrolled under this section.

(3) A student who is enrolled under this section is not considered a resident of any school district based on the enrollment and attendance at the school. [1997 c.93 §1; 2007 c.858 §74; 2009 c.562 §27]

346.019 Educational Facilities Fund. (1) There is established an Educational Facilities Fund, separate and distinct from the General Fund. All tuition and fees collected under ORS 346.017 and all expenses incurred in the administration of ORS 346.017 shall be deposited to and borne by the fund. Interest earned by the fund shall be credited to the fund.

(2) The moneys in the fund are appropriated continuously to the Department of Education for purposes of the school operated under ORS 346.010. [1997 c.93 §2; 2007 c.858 §75; 2009 c.562 §28]

346.020 Course of instruction; personnel; authority over students; rules. (1) The Superintendent of Public Instruction shall prescribe the course of instruction for students enrolled in the school operated under ORS 346.010. The State Board of Education shall determine the procedures for placement, development of services and oper-

ation of the school in conformance with state and federal laws relating to children who are eligible for special education and shall adopt the procedures by rule.

(2) The Superintendent of Public Instruction shall select a director for the school. The superintendent may also select teachers and other personnel necessary to manage the school in an effective and efficient manner or may delegate the selection of teachers and other personnel to the director of the school.

(3) The Superintendent of Public Instruction shall have control over persons enrolled in the school and shall direct their care and promote their mental, moral and physical welfare. [Amended by 1965 c.100 §445; 1969 c.597 §80h; 1971 c.301 §3; 1989 c.265 §3; 1991 c.631 §2; 2007 c.858 §76; 2009 c.562 §29; 2017 c.532 §4]

346.030 Application for admission. Application for admission to the school operated under ORS 346.010 shall be made to the Department of Education. Application shall be made on forms which are provided by the department. [Amended by 1965 c.100 §446; 1969 c.597 §80i; 1971 c.301 §4; 2007 c.858 §77; 2009 c.562 §30]

346.035 Annual review of individualized education program for certain children. For a child who is enrolled under ORS 346.010 and who has an intellectual disability or a developmental disability, the Department of Education shall notify the community developmental disabilities program of the date of the annual review of the individualized education program of the child for the purpose of including in the review the assigned case manager's assessment of community resources that are available for treatment or residential needs the child might have. [1985 c.555 §6; 2007 c.70 §115; 2009 c.595 §220; 2011 c.544 §4; 2013 c.1 §44]

346.040 [Amended by 1965 c.100 §447; 1971 c.301 §5; 1979 c.639 §1; 1981 c.222 §1; repealed by 1991 c.631 §5]

346.041 Resident district responsible for transportation of pupils; Special Education Transportation Revolving Account. (1) Transportation for pupils attending the school operated under ORS 346.010 is the responsibility of the pupil's resident school district. The district may provide transportation directly or by agreement with another school district, a public carrier or the Department of Education.

(2) The actual and necessary transportation expenses incurred under subsection (1) of this section, at a frequency consistent with a pupil's individualized education program, shall be considered approved transportation costs for purposes of ORS 327.006 and 327.033.

(3) The resident school district shall reimburse the Department of Education for all transportation costs the department incurs

on behalf of the district within 10 days after receipt of the itemized invoice.

(4) The payments of the resident school districts required under subsection (3) of this section and an amount specifically appropriated thereto shall be deposited in the State Treasury to the credit of the Special Education Transportation Revolving Account to be used by the Department of Education for the transportation of pupils attending the school operated under ORS 346.010. The account shall be continuously appropriated to the department for such purpose.

(5) Any unexpended and unobligated balance in the Special Education Transportation Revolving Account in excess of \$70,000 as of September 1 of any year shall be transferred from the account to the General Fund to be available for general governmental purposes. [1991 c.631 §3; 2007 c.858 §78; 2009 c.562 §31; 2013 c.1 §45]

346.042 [1979 c.639 §3; repealed by 1991 c.631 §5]

346.045 [1969 c.58 §1; 1971 c.301 §6; 1979 c.639 §2; 1989 c.491 §55; repealed by 1991 c.631 §5]

346.047 Authority of state board to hold property. The State Board of Education may receive, take and hold property, both real and personal for the school operated under ORS 346.010 and may sell, transfer, assign, allot, set over or convey the property pursuant to legislative authority. [1971 c.301 §9; 1989 c.491 §56; 2007 c.858 §79; 2009 c.562 §32]

346.049 [1971 c.301 §10; repealed by 1991 c.631 §5]

346.050 [Amended by 1965 c.100 §448; 1969 c.597 §80j; repealed by 1971 c.301 §26]

346.051 [1971 c.301 §11; 1989 c.491 §57; repealed by 1991 c.631 §5]

346.053 [1971 c.301 §12; repealed by 1991 c.631 §5]

346.055 Trust account for student funds. (1) When the Department of Education has in possession or under control, in a bank account or otherwise, funds that are the property of the students enrolled in the school operated under ORS 346.010 or that have been deposited for their use or for expenditure in their behalf, the department shall deposit such funds, as they are received, together with any such funds as heretofore have accumulated, with the State Treasurer as a trust account, separate and distinct from the General Fund. Interest earned by the account shall be credited to the account.

(2) As used in this section, "funds" includes but is not limited to moneys deposited with the department for medical care or assistance of students, moneys derived from athletic activities, contributions for athletic, health, or recreation projects, and any other moneys received by the department that are not required by law to be credited to other state funds or accounts.

(3) The department is authorized to receive any of the funds referred to in this section. The State Treasurer shall carry the funds in separate accounts for the school, but may not credit the funds or any part of the funds to any state fund for governmental purposes.

(4) Disbursements from the accounts for the purposes for which the contributions or payments were made, and for payment to persons lawfully entitled thereto, may be made by the department, by checks or orders drawn upon the State Treasurer. The department shall be accountable for the proper handling of the accounts. [1971 c.301 §13; 1989 c.966 §28; 2007 c.858 §80; 2009 c.562 §33]

346.060 [Amended by 1957 c.182 §1; 1959 c.176 §1; 1961 c.484 §1; 1963 c.597 §1; 1965 c.100 §449; 1965 c.469 §1; 1969 c.597 §80k; 1971 c.301 §7; 1971 c.435 §1; repealed by 1973 c.713 §8]

346.070 Aid to students who are deaf; rules. (1) Subject to subsection (3) of this section, every student who is deaf and who has been a resident of Oregon for the three years immediately preceding application and who is attending any university, college or other suitable school is eligible to apply for a state grant-in-aid to help defray approved expenses. If the student's application for a grant-in-aid is approved by the Superintendent of Public Instruction, the Department of Education may make the grant-in-aid contingent upon the student's attending a school of the superintendent's choice.

(2) The grants-in-aid shall not exceed \$1,000 to any student for any fiscal year and shall be paid out of any funds appropriated to the department for that purpose. The State Board of Education may adopt rules necessary to carry out this section.

(3) A student who is deaf may not receive a grant-in-aid under subsection (1) of this section for a period exceeding seven years. [Amended by 1957 c.336 §1; 1959 c.175 §1; 1965 c.100 §450; 1969 c.597 §80L; 1971 c.301 §8; 1977 c.750 §1; 1989 c.491 §58; 2007 c.70 §116]

346.080 Notice to employees of reasonable assurance of continued employment. The Department of Education shall give the notice required by ORS 332.554 to all classified employees of the Oregon School for the Deaf in the same manner and to the same effect as notice given under ORS 332.554. [1985 c.585 §6; 1991 c.631 §4; 2007 c.858 §81; 2009 c.562 §34]

346.085 [2007 c.858 §47; repealed by 2017 c.532 §5]

346.087 [2007 c.858 §49; repealed by 2017 c.532 §5]

346.089 [2007 c.858 §50; repealed by 2017 c.532 §5]

346.092 [2007 c.858 §51; repealed by 2017 c.532 §5]

346.097 [2007 c.858 §52; repealed by 2009 c.562 §36]

346.099 [2007 c.858 §54; repealed by 2009 c.562 §36]

346.101 [2007 c.858 §55; repealed by 2009 c.562 §36]

346.104 [2007 c.858 §56; repealed by 2009 c.562 §36]

COMMISSION FOR THE BLIND

346.110 Definitions for ORS 346.110 to 346.270. As used in ORS 346.110 to 346.270:

(1) "Commission" means the Commission for the Blind.

(2) "Person who is blind" means a person whose central visual acuity does not exceed 20/200 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.

(3) "Person with a visual impairment" includes a person who is blind or has seriously impaired vision or who has a condition that might lead to blindness. [Amended by 1975 c.638 §1; 1989 c.224 §58; 2007 c.70 §117]

346.120 Commission for the Blind; purpose. There is created a commission for persons who are blind and for the prevention of blindness, to be known as the Commission for the Blind. The commission shall:

(1) Establish and be responsible for the administration of a program or programs for persons who are blind which will promote, in the manner set forth in ORS 346.110 to 346.270, the welfare of persons with visual impairments, including but not limited to cooperation by contract or otherwise with public and private agencies in providing services, programs and facilities for persons with visual impairments.

(2) Be responsible for the fiscal oversight of the commission, which includes but is not limited to:

(a) Regular review of financial statements of the commission;

(b) Participation in the development of the budget for the commission; and

(c) Directing the resources of the commission to implement program goals. [Amended by 1973 c.713 §1; 1975 c.374 §1; 1989 c.224 §59; 2001 c.354 §1; 2007 c.70 §118]

346.130 Commission members; confirmation; meetings; compensation and expenses. (1) The Commission for the Blind shall be appointed by the Governor and shall consist of the following seven members:

(a) Four members who are qualified persons within the legal definition of persons who are blind; and

(b) Three members appointed from among the areas of employers, labor, optometry, ophthalmology, and education of persons who are blind. However, no more than one appointee shall represent the same area during the same term. To the greatest extent possible, appointments from the five areas shall be made on a rotating basis.

(2) The term of office of a member of the commission is four years. Vacancy in the office of a member shall be filled by the Governor for the unexpired term. Any member who is absent from three consecutive commission meetings or more than one-third of the scheduled meetings in one year shall be removed from office and the Governor shall fill the vacancy for the unexpired term. A person may not serve on the commission for more than three consecutive terms. A person who serves two years or more of a term shall be considered to have served a full term.

(3) All appointments of members of the commission by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(4) The commission shall hold meetings at least once every two months and such additional meetings as it may deem necessary.

(5) Each member is entitled to compensation and expenses as provided in ORS 292.495. [Amended by 1957 c.294 §1; 1965 c.100 §451; 1965 c.522 §1; 1969 c.314 §23; 1973 c.792 §10; 1975 c.638 §2; 1977 c.731 §1; 1979 c.411 §1; 2007 c.70 §119; 2015 c.222 §1]

Note: Section 2, chapter 222, Oregon Laws 2015, provides:

Sec. 2. Notwithstanding ORS 346.130 (2), a person may serve on the Commission for the Blind for more than three consecutive terms if:

(1) The person is serving a term on the effective date of this 2015 Act [January 1, 2016] or had served a term prior to the effective date of this 2015 Act; and

(2) The person does not serve on the commission for more than 12 consecutive years. [2015 c.222 §2]

346.135 [1977 c.731 §3; 1979 c.411 §2; repealed by 1993 c.742 §80]

346.140 Administrator and other employees. The Commission for the Blind shall employ an administrator and such other persons as may be necessary and fix their compensation, except as such compensation otherwise may be regulated by law. [Amended by 1973 c.713 §2]

346.150 Rules and regulations. (1) The Commission for the Blind may make and promulgate rules and regulations reasonably necessary or proper to carry out the provisions of ORS 346.110 to 346.270.

(2) The commission shall make and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the commission. The use of such records, papers, files and communications by any other agency or department of government or person to which they may be furnished shall be limited to purposes for which they are furnished and by the provisions of law under which they may be furnished. [Subsection (2) enacted as 1971 c.312 §2]

346.160 Register of persons who are blind. The Commission for the Blind shall cause to be compiled and maintained as complete as possible a register of persons in Oregon who are blind, which shall describe the extent of blindness, cause of blindness and such other facts in regard to each person so registered as the commission may deem advisable. [Amended by 2007 c.70 §120]

346.165 Use of official records. (1) The Commission for the Blind may not disclose or use the contents of the register of persons who are blind filed and maintained under the provisions of ORS 346.160, or any records, files, papers or communications for purposes other than those directly connected with the programs administered by the commission, and the register of persons who are blind, the records, files, papers and communications are considered confidential.

(2) Notwithstanding subsection (1) of this section, ORS 346.150 (2) and 346.167, the minutes and records of official actions of the Commission for the Blind, its payroll, books of account and accounts of expenditures are public writings available for inspection in the manner provided in ORS 192.311 to 192.478. [1971 c.312 §§3,5; 1983 c.740 §113; 2007 c.70 §121]

346.167 Prohibited uses of records. No person or agency shall solicit, disclose, receive, make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature, or for any purpose not directly connected with the administration of programs administered by the Commission for the Blind. [1971 c.312 §4]

346.169 Exchange of public or private agency records. (1) Notwithstanding the provisions of ORS 346.165 and 346.167, whenever a person who is blind or blind and deaf requests any public or private agency to exchange with another agency the records of the agency concerning the person making the request, the agency shall furnish the records to the designated agency.

(2) The request made under subsection (1) of this section may be made by a guardian of the person who is blind or blind and deaf.

(3) As used in this section, "record" includes name and address of the person who is blind or blind and deaf, medical and psychological records, and other information designated by the person requesting the exchange of records.

(4) Where appropriate, a request for an exchange of records made under the provisions of this section shall be subject to the confidentiality and access provisions of ORS 179.495, 326.565, 326.575, 336.187, 341.290,

344.600, 411.320, 419B.035 and 419B.045. [1975 c.597 §1; 1993 c.546 §103; 2007 c.70 §122]

Note: 346.169 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 346 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

346.170 Program for conservation and restoration of sight and prevention of blindness; free eye care. (1) The Commission for the Blind shall maintain a program for the conservation and restoration of sight and the prevention of blindness, the objects of which shall be to inaugurate and cooperate in such measures for the prevention of blindness in Oregon as the commission may deem advisable.

(2) The commission in its discretion may arrange for and pay for the examination of the eyes of individual persons with visual impairments and may obtain and pay for medical and surgical treatment and glasses for such persons. [Amended by 1973 c.713 §3; 1975 c.638 §3; 2007 c.70 §123]

346.180 Vocational rehabilitation services. The Commission for the Blind shall maintain a program of vocational rehabilitation services. The object of the program shall be to aid persons with visual impairments in finding employment, to provide such physical restoration as will increase their employability, to establish a program of small business enterprises in which such persons are able to work, to establish individual programs of college and university instruction, also training in trades and occupations which may be followed in their homes and elsewhere, to cooperate with the United States Government in vocational rehabilitation programs for persons who are blind, including establishment of small business enterprises for them in buildings owned or rented by the federal government and to assist persons with visual impairments, in whatever manner may seem advisable to the commission, in disposing of the products of their industries. [Amended by 1975 c.638 §4; 1989 c.224 §60; 2007 c.70 §124]

346.190 [Amended by 1957 c.190 §1; 1967 c.535 §1; 1969 c.240 §2; 1973 c.713 §4; 1979 c.468 §33; 1989 c.224 §61; 2005 c.218 §16; 2007 c.70 §125; repealed by 2014 c.107 §1]

346.200 [Repealed by 1973 c.713 §8]

346.210 [Amended by 1975 c.638 §5; 1977 c.277 §1; 1989 c.224 §62; 2007 c.70 §126; repealed by 2017 c.717 §23]

346.220 [Amended by 1975 c.638 §6; 1989 c.224 §63; 2007 c.70 §127; repealed by 2017 c.717 §23]

346.230 [Amended by 1959 c.98 §1; 1961 c.484 §2; 1983 c.740 §114; 2005 c.755 §23; repealed by 2014 c.107 §1]

346.235 [1959 c.98 §3; repealed by 1965 c.448 §4]

346.240 Payment of incidental expenses of commission. (1) The Oregon Department of Administrative Services may, from time to time, as may be necessary, draw a warrant in favor of the Commission for the

Blind for a sum not exceeding \$1,500 in any one amount, to be used for the purpose of paying for postage, expressage, freight, telegraph, telephone and other incidental expenses for which payment must be made in cash.

(2) The commission shall file with the department, from time to time, vouchers for any warrants to be drawn under subsection (1) of this section.

(3) Before the commission receives any moneys to be expended for incidental expenses, the commission shall designate the person to whom the funds will be paid. [Amended by 1973 c.713 §5; 1983 c.740 §115; 2014 c.107 §6]

346.250 Program of social and educational services. The Commission for the Blind may establish a program of social and educational services for the purpose of ameliorating the condition of persons with visual impairments by providing instruction that will assist them in making the best possible adjustment to conditions resulting from loss or impairment of sight, as the commission may deem advisable. Special courses of instruction and training may be established at training centers and workshops for persons with visual impairments that shall include home economics, household mechanics, orientation to better living and such other instruction as will contribute to the economic and social adjustment of persons with visual impairments. Persons with whom persons with visual impairments are living may, whenever the commission deems necessary, be given instruction that will assist them in caring for such persons with visual impairments. The commission through this program also shall cooperate with the Library of Congress and other agencies in the distribution of talking-book machines, sound-reproducing equipment and other devices designed for the use of persons who are blind, and from time to time may cause to be made and distributed to persons in this state who have visual impairments specially recorded subjects and Braille publications. [Amended by 1973 c.713 §6; 1989 c.224 §64; 2007 c.70 §128]

346.260 Cooperation with Department of Human Services. The Commission for the Blind shall:

(1) Cooperate with the Department of Human Services in the administration of programs for persons who are blind; and

(2) When requested by the department, make an investigation of an applicant eligible for programs for persons who are blind and make recommendations to the department regarding services for the applicant and the employability of the applicant. [Amended by 2001 c.355 §1; 2007 c.70 §129]

346.265 Authority to cooperate with and receive grants from federal government. In addition to its other powers, the Commission for the Blind may enter into agreements with, join with or accept grants from, the federal government for cooperative research, demonstration projects and personnel training programs. The commission is designated the state agency to receive any other federal funds available for the furtherance of the programs under the administration of the commission. [1961 c.484 §5]

346.270 Receipt and expenditure of gifts and bequests. The Commission for the Blind may receive moneys by gift or bequest and expend the moneys for any of the objects and purposes of the commission under ORS 346.120. Moneys received under this section shall be deposited with the State Treasurer in an account separate and distinct from the General Fund. Interest earned by the account shall be credited to the account. [Amended by 1965 c.100 §452; 1975 c.605 §18; 1989 c.966 §29]

346.280 [Repealed by 1975 c.605 §33]

346.290 Commission for the Blind Account. (1) There is established in the General Fund of the State Treasury an account to be known as the Commission for the Blind Account. Except for funds made available to the Commission for the Blind under ORS 346.270 or deposited pursuant to ORS 346.569, all moneys received by the commission for promoting the welfare of persons with visual impairments shall be paid into the State Treasury and credited to the Commission for the Blind Account.

(2) All moneys in the Commission for the Blind Account are continuously appropriated to the commission for use by the commission for the respective purposes authorized by law.

(3) The commission shall keep a record of all moneys deposited in the Commission for the Blind Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged. [1963 c.381 §3; 1973 c.713 §7; 1975 c.471 §2; 1981 c.271 §1; 1989 c.224 §65; 2007 c.70 §130; 2014 c.107 §7; 2017 c.717 §11]

346.300 Criminal records checks. For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the Commission for the Blind may require the fingerprints of a person who:

(1)(a) Is employed or applying for employment by the commission; or

(b) Provides services or seeks to provide services to the commission as a volunteer; and

(2) Is, or will be, working or providing services in a position:

(a) In which the person has or will have access to information that is confidential under state or federal laws, rules or regulations; or

(b) In which the person has direct contact with people who are served by the commission. [2007 c.619 §2]

346.310 [Repealed by 1973 c.713 §8]

FUNDING FOR SERVICES TO STUDENTS WHO ARE BLIND OR VISUALLY IMPAIRED

346.315 Blind and Visually Impaired Student Fund. (1) The Blind and Visually Impaired Student Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Blind and Visually Impaired Student Fund shall be credited to the Blind and Visually Impaired Student Fund.

(2) Moneys in the Blind and Visually Impaired Student Fund are continuously appropriated to the Department of Education for the purposes of:

(a) Assisting students who are blind or visually impaired in receiving appropriate resources and services, including educational services, in the communities where the students reside or in other settings identified in individualized education programs for students described in section 3 (1), chapter 562, Oregon Laws 2009;

(b) Supplementing funds available to regional programs authorized under ORS 343.236 (1)(a)(A) and (C) to ensure access to the expanded core curriculum for students who are blind or visually impaired;

(c) Coordinating professional development of persons who provide educational services to students who are blind or visually impaired;

(d) Providing technical assistance for the purpose of providing educational services to students who are blind or visually impaired; and

(e) Coordinating activities for the benefit of students who are blind or visually impaired.

(3) When determining the manner in which to spend the moneys in the Blind and Visually Impaired Student Fund, the Department of Education shall:

(a) Give priority to services or resources used by students described in section 3 (1), chapter 562, Oregon Laws 2009; and

(b) Ensure that the moneys are used in addition to any other available moneys and

do not supplant moneys available from any other source.

(4) Notwithstanding subsection (3)(b) of this section, a school district is not required to seek moneys from the High Cost Disabilities Account established by ORS 327.348 prior to seeking moneys from the Blind and Visually Impaired Student Fund for costs associated with providing services to a student if:

(a) The student is a student described in section 3 (1), chapter 562, Oregon Laws 2009;

(b) The purpose of the moneys is to provide appropriate resources and services, including educational services, in a setting identified in the individualized education program for the student; and

(c) The total cost of the resources and services includes both medical and educational costs and exceeds \$200,000 per fiscal year. [2009 c.562 §7; 2010 c.54 §5]

Note: The amendments to 346.315 by section 8, chapter 562, Oregon Laws 2009, become operative June 30, 2020. See section 9, chapter 562, Oregon Laws 2009. The text that is operative on and after June 30, 2020, is set forth for the user's convenience.

346.315. (1) The Blind and Visually Impaired Student Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Blind and Visually Impaired Student Fund shall be credited to the Blind and Visually Impaired Student Fund.

(2) Moneys in the Blind and Visually Impaired Student Fund are continuously appropriated to the Department of Education for the purposes of:

(a) Assisting students who are blind or visually impaired in receiving appropriate resources and services, including educational services, in the communities where the students reside;

(b) Supplementing funds available to regional programs authorized under ORS 343.236 (1)(a)(A) and (C) to ensure access to the expanded core curriculum for students who are blind or visually impaired;

(c) Coordinating professional development of persons who provide educational services to students who are blind or visually impaired;

(d) Providing technical assistance for the purpose of providing educational services to students who are blind or visually impaired; and

(e) Coordinating activities for the benefit of students who are blind or visually impaired.

(3) When determining the manner in which to spend the moneys in the Blind and Visually Impaired Student Fund, the Department of Education shall ensure that the moneys are used in addition to any other available moneys and do not supplant moneys available from any other source.

346.320 [Amended by 1961 c.484 §3; repealed by 1973 c.713 §8]

346.330 [Repealed by 1957 c.190 §2]

346.340 [Repealed by 1973 c.713 §8]

346.350 [Repealed by 1955 c.112 §1]

346.360 [Amended by 1967 c.335 §40; repealed by 1973 c.713 §8]

346.370 [Repealed by 1957 c.190 §2]

346.380 [Repealed by 1957 c.190 §2]

346.390 [Repealed by 1957 c.190 §2]

VENDING FACILITIES ON PUBLIC PROPERTY

346.510 Definitions for ORS 346.510 to 346.570. As used in ORS 346.510 to 346.570:

(1) "Cafeteria" means a food-dispensing facility:

(a) That can provide a variety of prepared foods and beverages;

(b) Where a patron may move through a self-service line;

(c) That may employ some servers to wait on patrons; and

(d) That provides seating suitable for patrons to consume meals.

(2) "Healthy vending item" and "local vending item" have the meanings given those terms by rules adopted by the Commission for the Blind in consultation with the Public Health Director and the business enterprise consumer committee.

(3) "Person who is blind" means a person who has 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 and whose blindness is certified by a licensed physician who specializes in diseases of the eye.

(4) "Political subdivision" means a local government as defined in ORS 174.116, a municipality, town or village of this state.

(5) "Public building" or "property" means a building, land or other real property, or a portion of a building, land or other real property, that is owned, leased, managed or occupied by a department or an agency of the State of Oregon or by a political subdivision, except for a public elementary school, a secondary school, a public university listed in ORS 352.002 or a public corporation created pursuant to ORS 353.020.

(6) "Vending facility" means:

(a) Shelters, counters, shelving, display and wall cases, refrigerating apparatus and other appropriate auxiliary equipment that are necessary or customarily used for the vending of articles, including an established mix of healthy vending items approved by the Commission for the Blind and the agency, department or political subdivision charged with maintaining the public building or property where the vending facility is located;

(b) Manual or coin-operated vending machines or similar devices for vending articles,

including machines or devices that accept electronic payment; or

(c) Cafeterias or snack bars for the dispensing of food stuffs and beverages.

(7) “Vending facility manager” means a person who is:

(a) Blind;

(b) Responsible for the day-to-day conduct of the vending facility operation; and

(c) Licensed under ORS 346.510 to 346.570. [1957 c.295 §2; 1975 c.638 §7; 2007 c.70 §131; 2017 c.717 §12]

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

(2) Notwithstanding ORS 276.385, the agency, department or political subdivision charged with maintaining a public building or property where a vending facility is operated under ORS 346.510 to 346.570 may not:

(a) Charge the commission 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 where the vending facility is operated;

(B) Utility costs incurred in the operation of the vending facility; or

(C) The priority, right, permit, license or lease to operate a vending facility in or on the public building or property.

(b) Require that the commission or the vending facility manager pay to the agency, department or political subdivision any portion of a commission, gratuity or revenue earned by the vending facility manager from the operation of the vending facility.

(3) Subsection (2) of this section does not apply to charges imposed by the Department of Transportation or the Travel Information Council. Subject to the availability of funds, the department and the council 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; 2017 c.717 §13]

346.525 Persons who are blind to have priority to establish and operate certain vending facilities in public buildings and preference to operate certain vending facilities in public buildings. (1) As used in this section:

(a) “Political subdivision” has the meaning given that term in ORS 346.510.

(b) “Vending facility” has the meaning given that term in ORS 346.510.

(2) This state shall grant to persons who are blind a:

(a) Priority to establish and operate vending facilities, other than cafeterias and in community colleges, in public buildings in this state.

(b) Preference to operate cafeterias, and vending facilities in community colleges, in public buildings in this state.

(3) If a state agency, department or political subdivision constructs a new public building or facility, modifies an existing public building or facility, enters into or modifies a contract for, or otherwise seeks to procure, products or services that are customarily provided by the business enterprise program of the Commission for the Blind, including the operation of vending facilities, the agency, department or political subdivision complies with:

(a) Subsection (2)(a) of this section if the agency, department or political subdivision:

(A) Notifies the commission of the intended action and allows the commission to determine whether a vending facility manager licensed under ORS 346.510 to 346.570 is able to provide the product or service;

(B) Offers to the commission a right of first refusal;

(C) Does not charge the commission or vending facility manager any amount prohibited under ORS 346.520 (2); and

(D) Procures the vending service from the commission if the service:

(i) Is offered by the commission or by persons with visual impairments under the direction and supervision of the commission; and

(ii) Meets the requirements of the agency, department or political subdivision for quality and quantity of food stuffs and beverages available through the vending facility.

(b) Subsection (2)(b) of this section if the agency, department or political subdivision:

(A) Notifies the commission of the intended action and allows the commission to

determine whether a vending facility manager licensed under ORS 346.510 to 346.570 is able to provide the product or service; and

(B) Procures the vending service from the commission if the service:

(i) Is offered by the commission or by persons with visual impairments under the direction and supervision of the commission;

(ii) Meets the requirements of the agency, department or political subdivision for quality and quantity of food stuffs and beverages available through the vending facility; and

(iii) Is offered in a bid that is equal to any other bids submitted. [2017 c.717 §10]

Note: 346.525 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 346 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

346.530 Notice to commission on vending facilities locations; notification of reason for refusal of commission offer.

(1) Each agency, department or political subdivision charged with maintaining public buildings or properties shall:

(a) Annually 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 re-activation, leasing, re-leasing, licensing or issuance of a permit for operation of any vending facility, inform the commission of the pending action.

(c) Inform the commission of any locations where vending facilities are planned or might properly and satisfactorily be operated in or about other public buildings or properties that are or may be under the jurisdiction of the agency, department or political subdivision for maintenance.

(2) If the commission offers to operate a vending facility under this section and the offer is not accepted for reasons other than the decision not to have a vending facility on the premises, the agency, department or political subdivision shall notify the commission in writing of the reasons for refusing the commission's offer. The agency, department or political subdivision shall offer the commission an opportunity to resolve the concerns raised in the written notice.

(3) Any contract or agreement between the commission and an agency, department or political subdivision relating to the operation of a vending facility entered into subsequent to July 1, 1975, that is not in compliance with or that is in violation of ORS 346.510 to 346.570 and 346.525, is null

and void. [1957 c.295 §3; 1965 c.471 §1; 1975 c.638 §9; 2017 c.717 §14]

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

(a) As the commission determines is necessary, survey public buildings or properties to determine the suitability of the public buildings or properties as locations for vending facilities to be operated by persons who are blind and advise the agencies, departments or political subdivisions charged with maintaining the public buildings or properties of the commission's findings.

(b) With the consent of the agency, department or political subdivision charged with maintaining the buildings or properties, establish vending facilities in those locations that the commission determines are suitable and enter into agreements to operate the vending facilities.

(c) Recruit, select, train, license and install qualified persons who are blind as managers of vending facilities in public buildings or properties.

(d) Adopt rules as necessary to ensure the proper and satisfactory operation of vending facilities and for the benefit of vending facility managers.

(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.

(f) Not later than January 15 of each year, submit an annual report on the performance of the commission's business enterprise program to the interim committees of the Legislative Assembly related to health and human services. The commission shall include with the report the results of any surveys made under paragraph (a) of this subsection that were conducted since the submission of the previous year's report, and any refusals from agencies, departments or political subdivisions to operate vending facilities in public buildings or properties.

(2) The commission may enter into agreements in compliance with ORS chapter 190 to operate vending facilities located in public buildings or on public properties described in subsection (1)(b) of this section.

(3) If the agency, department or political subdivision charged with maintaining public buildings or properties does not consent to the establishment of vending facilities in locations in the public building or on the public property that the commission determines are suitable, the agency, department or political subdivision shall inform the commission in writing of the reasons why consent is not

given. [1957 c.295 §4; 1965 c.471 §2; 1975 c.638 §10; 1981 c.271 §2; 1989 c.966 §30; 2007 c.70 §133; 2017 c.717 §15]

346.543 Aid by commission to persons with visual impairments to enable operation of vending facility. (1) The Commission for the Blind may, in the discretion of the commission or if requested by a vending facility manager licensed under ORS 346.510 to 346.570, aid persons with visual impairments by supplying to a person with a visual impairment materials, equipment or machinery, or by allowing the manager to subcontract with a third party to obtain materials, equipment or machinery, in order to enable the operation of a vending facility.

(2) The commission may transfer to the person with a visual impairment ownership of any materials, equipment or machinery owned by the commission and supplied to the person. [2017 c.717 §9]

Note: 346.543 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 346 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

346.546 Active participation by business enterprise consumer committee. (1) The Commission for the Blind shall ensure the active participation of the commission's business enterprise consumer committee in the commission's major administrative, policy and program development decisions that impact the commission's business enterprise program.

(2) The commission shall provide relevant data and information to the committee in a timely manner in order to effectuate the committee's active participation.

(3) The commission has final authority and responsibility for the administration and operation of the business enterprise program.

(4) If the commission does not follow a recommendation of the committee regarding a matter on which the committee actively participates, the commission shall provide to the committee a written explanation as to the reason the committee's recommendation was not followed. [2017 c.717 §8]

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 must be used solely for the vending of commodities and articles approved by the Commission for the Blind and by the state agency, department or political subdivision charged with maintaining the public building or property in or on which the vending facility is operated. [1957 c.295 §5; 1975 c.638 §11; 2017 c.717 §16]

346.553 Agreements with subcontractors; rules. (1) With written approval from the Commission for the Blind, a vending facility manager may enter into an agreement

with a subcontractor included on the list of approved subcontractors described in subsection (4) of this section in order to enable the manager to operate the vending facility.

(2) In determining whether to approve an agreement with a subcontractor, the commission shall consider:

(a) The quality of service that the vending facility manager and subcontractor are able to provide; and

(b) Any product storage requirements.

(3) The commission may provide in an agreement with a vending facility manager that the commission may increase the percentage of net proceeds collected under ORS 346.567 from a vending facility manager who enters into an agreement with a subcontractor under this section.

(4)(a) The commission shall establish a list of approved subcontractors with which a vending facility manager may enter into an agreement.

(b) The business enterprise consumer committee shall actively participate in developing the criteria for approval of subcontractors.

(c) The commission shall consult with the Department of Administrative Services in establishing the list.

(d) The commission may, through a procurement process with the department, revise the list as necessary.

(e) The commission may, in approving subcontractors, give preference to subcontractors that provide healthy vending items or local vending items and that employ persons with disabilities, as defined in ORS 174.107, and veterans, as defined in ORS 408.225.

(f) An agreement with an approved subcontractor is subject to ORS chapter 279A and ORS chapter 279B.

(5) The commission may determine by rule the services or products that a subcontractor may provide and the extent to which a subcontractor may perform the duties of a vending facility manager, consistent with the vending facility manager statement of full-time employment described in ORS 346.556.

(6)(a) A vending facility manager who enters into an agreement with a subcontractor under this section is solely responsible for fulfilling the requirements of the vending facility manager statement described in ORS 346.556 and for meeting any obligations arising from agreements into which the vending facility manager has entered for the purpose of managing the vending facility. Unless the commission gives written approval, an agreement between a vending facility manager and a subcontractor may not include any pro-

vision that imposes liability on the commission or that obligates the commission to the subcontractor.

(b) The commission may not be held liable for claims of any nature, including claims for injunctive or declaratory relief, that arise out of any agreement or subcontract between a vending facility manager and a subcontractor.

(7) The commission, with the active participation of the business enterprise consumer committee, may adopt rules relating to the assignment of a vending facility manager to manage a vending facility. [2017 c.717 §6]

346.556 Vending facility manager statement of full-time employment; rules.

(1) The Commission for the Blind shall adopt by rule a vending facility manager statement of full-time employment with which a vending facility manager shall comply. The statement must describe the responsibilities of a vending facility manager, including, but not limited to, responsibilities regarding:

(a) Weekly contact requirements with employees or subcontractors of the manager;

(b) Vending facility inspections; and

(c) The development and maintenance of work logs.

(2) The commission shall include the active participation, as described in ORS 346.546, of the commission's business enterprise consumer committee, in developing the statement described in this section. [2017 c.717 §5]

346.560 Manager subject to applicable policies, rules, laws and ordinances. The vending facility manager of each vending facility operated under ORS 346.510 to 346.570 is subject to the provisions of any policies, rules, laws and ordinances that apply within the territory where the vending facility is located, including any laws and ordinances that require a license or permit for the conduct of any aspect of the operation of the vending facility. [1957 c.295 §6; 1975 c.638 §12; 2017 c.717 §17]

346.563 Winding down operations of vending facility by spouse or domestic partner. The surviving spouse or domestic partner of a vending facility manager who is deceased or who becomes incapacitated by a physical or mental illness may continue to operate the vending facility formerly operated by the original vending facility manager for up to six months after the date of death or incapacitation, or until the date on which the operating agreement expires, whichever is sooner, for the purpose of winding down the operations of the vending facility. [2017 c.717 §7]

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]

346.567 Collection of percentage of net proceeds of operation of vending facilities; rules.

(1) The Commission for the Blind shall collect a percentage of net proceeds earned by a vending facility. The moneys collected under this section shall be deposited into the fund established under ORS 346.569.

(2) The commission shall determine by rule the standard percentage of net proceeds to be collected under this section. The commission shall provide in an agreement with a vending facility manager the percentage of net proceeds that the commission will collect from the vending facility manager under this section. The commission shall reduce, but not below a percentage determined by the commission by rule, the percentage collected by the following amounts:

(a)(A) Four percentage points if the vending facility offers exclusively healthy vending items or local vending items;

(B) Three percentage points if at least 75 percent but less than 100 percent of the offerings at the vending facility are healthy vending items or local vending items; or

(C) Two percentage points if at least 50 percent but less than 75 percent of the offerings at the vending facility are healthy vending items or local vending items;

(b) Two percentage points if the vending facility employs at least one person who is blind, in addition to the vending facility manager;

(c) One percentage point for each person who is blind and is employed by the vending

facility in addition to the persons described in paragraph (b) of this subsection;

(d) One percentage point if the vending facility employs at least one person with a disability, as defined in ORS 174.107, or who is a veteran, as defined in ORS 408.225, in addition to the vending facility manager; and

(e) One-half of one percentage point for each person with a disability or veteran employed by the vending facility in addition to the persons described in paragraph (d) of this subsection. [2017 c.717 §3]

Note: The amendments to 346.567 by section 4, chapter 717, Oregon Laws 2017, become operative January 1, 2020. See section 25, chapter 717, Oregon Laws 2017. The text that is operative on and after January 1, 2020, is set forth for the user's convenience.

346.567. (1) The Commission for the Blind shall collect a percentage of net proceeds earned by a vending facility. The moneys collected under this section shall be deposited into the fund established under ORS 346.569.

(2) The commission shall determine by rule, and shall state in an agreement with a vending facility manager, the percentage of net proceeds to be collected under this section.

Note: Sections 19 and 20, chapter 717, Oregon Laws 2017, provide:

Sec. 19. (1) The Commission for the Blind shall provide in any agreement with a vending facility manager that the commission shall increase the percentage of net proceeds collected under section 3 of this 2017 Act [346.567] by four percent if a vending facility manager licensed under ORS 346.510 to 346.570 does not operate in compliance with the requirements of the vending facility manager statement described in section 5 of this 2017 Act [346.556].

(2) A vending facility manager who is party to an agreement for the operation of a vending facility that is in effect on or before the effective date of this 2017 Act [October 6, 2017] is not subject to sections 5 and 6 [346.553] of this 2017 Act and may continue to operate pursuant to the agreement until December 31, 2019. [2017 c.717 §19]

Sec. 20. Section 19 of this 2017 Act is repealed on December 31, 2019. [2017 c.717 §20]

346.569 Fund from net proceeds of operation of vending facilities; disbursements; report. (1) The Commission for the Blind shall establish in the State Treasury a fund from the net proceeds of the operation of vending facilities. Moneys deposited into the fund, including the interest earned, shall be credited to a special checking account, separate and distinct from the General Fund. Disbursement from the account may be made by check signed by the person designated by the commission. Interest earned by the account shall be credited to the account.

(2) Moneys in the fund shall be used for the purposes of, and are continuously appropriated to the commission for:

(a) Maintaining and replacing equipment;

(b) Purchasing new equipment;

(c) Management services, including but not limited to management training services;

(d) Ensuring a fair minimum of return to vending facility managers; and

(e) Retirement or pension funds, health insurance contributions and, if determined by a vote of vending facility managers, paid sick leave and vacation time.

(3) The commission shall provide to the Governor and to vending facility managers quarterly reports of the account established under this section. [2017 c.717 §2]

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]

346.610 [1967 c.259 §1; 1971 c.87 §1; 1973 c.714 §12; 1981 c.771 §1; 2007 c.70 §136; repealed by 2013 c.530 §10]

346.620 [1967 c.259 §2; 1971 c.87 §2; part renumbered 346.991; 2007 c.70 §137; repealed by 2013 c.530 §10]

346.630 [1975 c.256 §8; 1981 c.179 §1; 1993 c.369 §35; 1995 c.618 §67; 2007 c.70 §138; 2009 c.472 §1; repealed by 2013 c.530 §10]

346.640 [1981 c.771 §3; 2007 c.70 §139; 2009 c.11 §44; repealed by 2013 c.530 §10]

346.650 [1981 c.771 §4; 2007 c.70 §140; repealed by 2013 c.530 §10]

346.660 [1981 c.771 §5; 1993 c.369 §36; 2007 c.70 §141; 2009 c.472 §2; repealed by 2013 c.530 §10]

346.680 [1989 c.336 §1; 1993 c.369 §37; 1995 c.79 §189; 2007 c.70 §142; repealed by 2013 c.530 §10]

346.685 [1989 c.336 §2; 2007 c.70 §143; repealed by 2013 c.530 §10]

346.687 [1993 c.312 §2; 1995 c.618 §68; 2007 c.70 §144; 2013 c.530 §7; renumbered 659A.141 in 2013]

346.690 [1989 c.336 §3; 1995 c.618 §69; 2007 c.70 §145; 2009 c.472 §3; repealed by 2013 c.530 §10]

346.990 [Repealed by 1965 c.100 §456]

PENALTIES

346.991 Penalties. Violation of ORS 346.167 is a Class C misdemeanor. [Subsection (1) enacted as 1971 c.312 §6; subsection (2) derived from 346.620; 1981 c.771 §2; subsection (3) enacted as 1981 c.771 §6; subsection (4) enacted as 1989 c.336 §5; 1993 c.369 §38; 2003 c.378 §33; 2011 c.597 §185; 2013 c.530 §9]

CHAPTER 347

[Reserved for expansion]

