

Act 761: A REFORM of the LOUISIANA BEP

By: Rocky Marchiano, RSVA Legislative Chair

Louisiana Governor Piyush Jindal signed Act 761 into law on June 18, 2014, exactly 100 days from the introduction of Senate Bill 482 in the Louisiana Legislature. The goals of SB 482 and the mandates resulting from Act 761 received unanimous support from members of the Louisiana Senate & House, the Jindal Administration, and the Randolph-Sheppard Vendors of Louisiana.

Key to Act 761 is a redefinition & realignment of Louisiana's Randolph-Sheppard program with the Federal Randolph-Sheppard Act, an increased focus on the employment and training of the blind & visually-impaired, and enhanced legislative oversight of Louisiana's Randolph-Sheppard program.

Prior to Act 761, vendors in Louisiana were given only a "preference" to operate on state property. Act 761 has changed this to "priority" similar to the implications of the 1974 RSA Amendments. BEP funds come from federal and state vending machines matched by Section 110 Funds. This generates about 1.5 million for annual BEP operational expenditures.

The history of Act 761 has roots in Governor Jindal's determination to slash Louisiana's annual budget by placing the Louisiana Rehabilitation Services, Louisiana

Blind Services, and Louisiana Business Enterprise Program under the administration of the Louisiana Workforce Commission. This move began in the summer of 2010 and was completed in January 2011.

Although the Louisiana Rehabilitation Services was designated as the State Licensing Agency, certain events unfolded whereby the Louisiana Workforce Commission assumed the duties of the SLA in contravention of the ADA & Randolph-Sheppard Act.

The vendor operating Louisiana's premier Randolph-Sheppard location, the United States Army Food Service Facility at Fort Polk had passed away in early 2011 creating a vacancy at Fort Polk. The Business Enterprise Program placed Fort Polk under a satellite manager pending the selection of a new Randolph-Sheppard Manager.

During the period from March 2011 through August 2011, the Business Enterprise program, under the direction of the Louisiana Workforce Commission, conducted the manager selection process for Fort Polk. Against the protests of Louisiana's Blind Vendors Elected Committee, the Louisiana Workforce Commission usurped the responsibilities of the Louisiana Rehabilitation Services and appointed a Randolph-Sheppard Manager for Fort Polk through a divisive and tainted selection process.

Additionally, the Louisiana Workforce Commission also selected the teaming partner for Fort Polk against

established policy and procedures. Ultimately the Blind Vendors of Louisiana and the aggrieved teaming partner applicants filed for both Federal Arbitration and relief through Federal District Court.