

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1111*
Second Edition Engrossed 6/24/92

Short Title: Vending Facilities Operation.

(Public)

Sponsors: Senators Richardson and Daniel.

Referred to: Human Resources.

June 2, 1992

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT BLIND PERSONS SHALL BE GRANTED
3 PREFERENCE IN THE OPERATION OF VENDING FACILITIES ON NORTH
4 CAROLINA HIGHWAYS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 111-43 reads as rewritten:

7 "**§ 111-43. Installation of coin-operated vending machines.**

8 In locations where the Department determines that a vending facility may not be
9 operated or should not continue to operate due to insufficient ~~revenues,~~ revenues to
10 support a blind vendor or due to the lack of qualified blind applicants, the Department
11 shall have the first opportunity to secure, by negotiation of a contract with one or more
12 licensed commercial vendors, coin-operated vending machines for the location. Profits
13 from coin-operated vending machines secured by the Department shall be used by the
14 Department for the support of ~~vending facilities operated by the visually handicapped, except~~
15 ~~for up to \$300,000 of the highway vending profits each fiscal year that may be used to support~~
16 ~~the Medical Eye Care Program and to provide needed technological equipment and related~~
17 ~~activities within the Division.~~ programs that enable blind people to live more
18 independently, including medical, rehabilitation, independent living, and educational
19 services offered by the Division of Services for the Blind."

20 Sec. 2. G.S. 111-47 reads as rewritten:

21 "**§ 111-47. Exclusions.**

22 (a) This Article is not intended to cover food services provided by hospitals or
23 residential institutions as a direct service to patients, inmates, trainees, or otherwise

1 institutionalized ~~persons~~-persons, nor to cover coin-operated vending machines located
2 in State facilities operated under the authority of G.S. 122C.

3 (b) This Article shall not prohibit the continued use of coin-operated vending
4 machines currently the property of the Division of Services for the Blind of the
5 Department of Human Resources and now part of the vending-stand program."

6 Sec. 3. Chapter 111 of the General Statutes is amended by adding a new
7 Article to read:

8 **"ARTICLE 4.**

9 **"OPERATION OF HIGHWAY VENDING FACILITIES**
10 **ON NORTH CAROLINA HIGHWAYS.**

11 **"§ 111-48. Preference to blind persons in operation of highway vending facilities.**

12 In order to provide support for programs for the blind and to further promote
13 employment opportunities for blind persons, the Department of Human Resources may
14 operate automatic vending machines on State property on North Carolina highways and
15 shall give preference to blind persons in the operation of these facilities.

16 **"§ 111-49. Definitions as used in this Article.**

17 (a) 'Automatic vending' means a coin, currency, token, ticket, or credit card
18 operated machine that dispenses food, drinks, or sundries.

19 (b) 'Blind vendor' means a blind person, as specified in G.S. 105-249(b), who has
20 been licensed by the Division of Services for the Blind to operate a vending stand in a
21 public building.

22 (c) 'Highway vending facilities' means automatic vending operations located on
23 North Carolina highways in Welcome Centers and rest areas designated by the State.

24 **"§ 111-50. Operations of highway vending.**

25 (a) In locations on North Carolina highways where the Department of Human
26 Resources determines that automatic vending is suitable, the Department shall authorize
27 the Division of Services for the Blind to contract with blind vendors in the operation of
28 highway vending facilities. The contracts shall be reviewed and renegotiated by the
29 Division every two years and shall be reviewed by the Transfer and Promotion
30 Committee. The Commission for the Blind shall adopt rules necessary to govern the
31 operations. The highway vending program shall be a part of the Business Enterprises
32 Program operated under the Randolph-Sheppard Act, 20 U.S.C. § 107a.

33 (b) Profits returned to the Division shall be based upon operator net income and
34 determined as follows:

35 (1) The Division shall charge seventeen percent (17%) set-aside on
36 operator net income up to two and one-half times the average operator
37 income for the previous State fiscal year.

38 (2) The Division shall charge fifty percent (50%) set-aside on operator net
39 income between two and one-half and three and one-half times the
40 average operator income for the previous State fiscal year.

41 (3) The Division shall charge sixty-five percent (65%) set-aside on all
42 operator net income over three and one-half times the average operator
43 income for the previous State fiscal year.

44 **"§ 111-51. Priority for specific blind vendors.**

1 Blind vendors who were operating highway vending facilities as of July 31, 1991,
2 and who continue to operate those facilities shall be given priority in renegotiating
3 contracts under this Article to continue to operate those same facilities.

4 **"§ 111-52. Profits from Highway Vending Fund.**

5 Profits generated by highway vending locations as of June 30, 1992, and deposited
6 in a special fund in accordance with the Administrative Policies and Procedures Manual
7 of the Office of the State Controller shall be reserved for the construction and
8 maintenance of highway vending facility projects."

9 Sec. 4. This act is effective upon ratification.