

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1460*

Short Title: Vending Facilities Operation.

(Public)

Sponsors: Representative Easterling.

Referred to: Appropriations.

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 applicants, the Department shall
11 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. Chapter 111 of the General Statutes is amended by adding a new
21 Article to read:

22 **"ARTICLE 4.**
23 **"OPERATION OF HIGHWAY VENDING FACILITIES**
24 **ON NORTH CAROLINA HIGHWAYS.**

1 **"§ 111-48. Preference to blind persons in operation of highway vending facilities.**

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

6 **"§ 111-49. Definitions as used in this Article.**

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

9 (b) 'Blind vendor' means a blind person, as specified in G.S. 105-249(b), who has
10 been licensed by the Division of Services for the Blind to operate a food service
11 program.

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

14 **"§ 111-50. Operations of highway vending.**

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

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

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

28 (2) The Division shall charge fifty percent (50%) set-aside on operator net
29 income in excess of two and one-half times the average operator
30 income for the previous State fiscal year.

31 (3) The Division shall charge seventy-five percent (75%) set-aside on all
32 operator net income over three and one-half times the average operator
33 income for the previous State fiscal year.

34 **"§ 111-51. Priority for specific blind vendors.**

35 Blind vendors who were operating highway vending facilities as of July 31, 1991,
36 and who continue to operate those facilities shall have a first option to renegotiate
37 contracts under this Article to continue to operate those same facilities.

38 **"§ 111-52. Profits from Highway Vending Fund.**

39 Profits generated by highway vending locations as of June 30, 1992, and deposited
40 in a special fund shall be reserved for the construction and maintenance of highway
41 vending facility projects."

42 Sec. 3. This act is effective upon ratification.