

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 984
SENATE BILL 1111

AN ACT TO PROVIDE THAT BLIND PERSONS SHALL BE GRANTED PREFERENCE IN THE OPERATION OF VENDING FACILITIES ON NORTH CAROLINA HIGHWAYS.

The General Assembly of North Carolina enacts:

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

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

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

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

"§ 111-47. Exclusions.

(a) This Article is not intended to cover food services provided by hospitals or residential institutions as a direct service to patients, inmates, trainees, or otherwise institutionalized ~~persons.~~ persons, nor to cover coin-operated vending machines located in State facilities operated under the authority of G.S. 122C.

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

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

"ARTICLE 4.

"Operation of Highway Vending Facilities
on North Carolina Highways.

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

In order to provide support for programs for the blind and to further promote employment opportunities for blind persons, the Department of Human Resources may

operate automatic vending machines on State property on North Carolina highways and shall give preference to blind persons in the operation of these facilities.

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

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

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

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

"§ 111-50. Operations of highway vending.

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

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

- (1) The Division shall charge seventeen percent (17%) set-aside on operator net income up to two and one-half times the average operator income for the previous State fiscal year.
- (2) The Division shall charge fifty percent (50%) set-aside on operator net income between two and one-half and three and one-half times the average operator income for the previous State fiscal year.
- (3) The Division shall charge sixty-five percent (65%) set-aside on all operator net income over three and one-half times the average operator income for the previous State fiscal year.

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

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

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

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

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 20th day of July, 1992.

Henson P. Barnes

President Pro Tempore of the Senate

Daniel Blue, Jr.

Speaker of the House of Representatives