

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 327
Committee Substitute Favorable 3/25/99

Short Title: Food/Vending at NC Aquariums/AB.

(Public)

Sponsors:

Referred to:

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIVISION OF NORTH CAROLINA AQUARIUMS, RATHER THAN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO OPERATE OR CONTRACT FOR FOOD AND VENDING SERVICES AT THE NORTH CAROLINA AQUARIUMS, AND TO REQUIRE THE NET PROCEEDS OF THESE FOOD AND VENDING SERVICES TO BE CREDITED TO THE NORTH CAROLINA AQUARIUMS FUND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 111-42 reads as rewritten:

"§ 111-42. Definitions as used in this Article.

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

~~(a)~~ (2) 'Regular vending facility' means a vending facility where food preparation or cooking is not done on the State property.

~~(b)~~ (3) 'State agency' means department, commission, agency or instrumentality of the State.

~~(c)~~ (4) 'State property or State building' means building and land owned, leased, or otherwise controlled by the State, exclusive of schools, colleges and universities, the

1 North Carolina State Fair, the North Carolina Aquariums, and the State Legislative
2 Building.

3 (d) (5) 'Vending facility' includes a snack bar, cafeteria, restaurant, cafe,
4 concession stand, vending stand, cart service, or other facilities at which food, drinks,
5 novelties, newspapers, periodicals, confections, souvenirs, tobacco products or related
6 items are regularly sold.

7 (e) (6) 'Visually handicapped' means a person who is totally blind or whose vision
8 with glasses is so defective as to prevent the performance of ordinary activity for which
9 eyesight is essential and who is registered pursuant to G.S. 111-4."

10 Section 2. G.S. 111-43 reads as rewritten:

11 "**§ 111-43. Installation of ~~coin-operated~~ automatic vending machines.**

12 (a) In locations where the Department determines that a vending facility may not
13 be operated or should not continue to operate due to insufficient revenues to support a
14 blind vendor or due to the lack of qualified blind applicants, the Department shall have
15 the first opportunity to secure, by negotiation of a contract with one or more licensed
16 commercial vendors, ~~coin-operated~~ automatic vending machines for the location. Profits
17 from ~~coin-operated~~ automatic vending machines secured by the Department shall be used
18 by the Department for the support of programs that enable blind people to live more
19 independently, including medical, rehabilitation, independent living, and educational
20 services offered by the Division of Services for the Blind.

21 (b) Notwithstanding the provisions of G.S. 111-42(4), the North Carolina
22 Aquariums shall not operate or secure a contract for the operation of automatic vending
23 machines unless the Department fails or refuses to secure a contract for automatic
24 vending machines pursuant to subsection (a) of this section."

25 Section 3. G.S. 111-45 reads as rewritten:

26 "**§ 111-45. Duty of State agency to inform Department.**

27 It shall be the duty of the State agencies to inform the Department of existing and
28 prospective locations for vending facilities and ~~coin-operated~~ automatic vending machines
29 and to prescribe regulations (upon request of the Department) to promote the successful
30 operation of the vending facilities of the visually handicapped."

31 Section 4. G.S. 111-47 reads as rewritten:

32 "**§ 111-47. Exclusions.**

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

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

40 Section 5. Part 5C of Article 7 of Chapter 143B of the General Statutes is
41 amended by adding a new section to read:

42 "**§ 143B-289.45. Proceeds from food and vending services.**

1 The net proceeds of revenue generated by food and vending services that are provided
2 at the North Carolina Aquariums and are operated by or whose operation is contracted for
3 by the Division of North Carolina Aquariums shall be deposited in the North Carolina
4 Aquariums Fund."

5 Section 6. This act shall not be construed to alter any contract for food and
6 vending services at the North Carolina Aquariums that is in force at the time this act
7 becomes law.

8 Section 7. This act becomes effective July 1, 1999.