

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 867
SENATE BILL 247

AN ACT TO CHANGE THE EMPLOYMENT STATUS OF BLIND PERSONS LICENSED BY THE STATE AND WORKING AS RANDOLPH-SHEPPARD VENDORS UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN RESOURCES.

Whereas, it is desirable that the employment status of blind persons licensed by the State as Randolph-Sheppard vendors be clarified, that those who have already retired continue to receive retirement allowances and that present licensees be allowed to exercise certain options as to their continued status with the North Carolina Teachers' and State Employees' Retirement System; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 111-27.1 is amended by deleting the last sentence thereof and inserting a new paragraph to read:

"After September 30, 1983, Randolph-Sheppard vendors will no longer be State employees. Blind licensees operating vending facilities under contract with the North Carolina Department of Human Resources, Division of Services for the Blind, are independent contractors."

Sec. 2. G.S. 126-5(c) is amended by deleting the phrase "blind or visually handicapped employees of the Department of Human Resources, Division of Services for the Blind, Business Enterprises Section, vending stand employees;".

Sec. 3. G.S. 135-16.1 is amended by designating the two paragraphs as subsections "(a)" and "(b)" respectively and by adding a new subsection designated as "(c)" to read:

"(c) Notwithstanding the foregoing, blind persons licensed by the State and operating vending facilities under contract with the Department of Human Resources, Division of Services for the Blind and its successors, hereinafter referred to as licensed vendors, so licensed on and after October 1, 1983, shall not be members of the Retirement System. All licensed vendors in service or who are members of the Retirement System before October 1, 1983, shall make an irrevocable election to do one of the following:

- (1) Continue contributing membership service as if an employee under the same conditions and requirements as are otherwise provided, and have the rights of a member to all benefits and a retirement allowance; or

- (2) Receive a return of accumulated contributions with cessation of contributing membership service, under G.S. 135-5(f), and in any event with regular interest regardless of membership service; or
- (3) Terminate contributing membership service and be entitled alternatively to the benefits and allowances provided under G.S. 135-3(8) or G.S. 135-5(a)."

Sec. 4. G.S. 135-40.2(b) is amended by the addition of a new subsection designated as "(6)" to read:

"(6) Blind persons licensed by the State to operate vending facilities under contract with the Department of Human Resources, Division of Services for the Blind and its successors, who are:

- a. Operating such a vending facility;
- b. Former operators of such a vending facility whose service as an operator would have made these operators eligible for an early or service retirement allowance under Article 1 of this Chapter had they been members of the Retirement System; and
- c. Former operators of such a vending facility who attain five or more years of service as operators and who become eligible for and receive a disability benefit under the Social Security Act upon cessation of service as an operator."

Sec. 5. G.S. 135-34 is amended by the addition of a sentence at the end thereof to read:

"This program shall include licensed vendors who are members of the Retirement System on account of G.S. 135-16.1(c)(1)."

Sec. 6. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of July, 1983.