TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

			ama Board and Dept. of	f Rehabilitation Services.
RuleNo	<u>795-</u>	<u>7-601</u>		
Rule Title:	<u> Facilit</u>	y Equipment		
New;	X	Amend;	Repeal;	Adopt by Reference
Would the absence o	of the prope	sed rule signific	cantly harm or	
endanger the public l				No
0 ,	ĺ	, ,		
Is there a reasonable				
power and the protec	tion of the	public health, s	afety, or welfare?	Yes
Is there another, less	restrictive	method of regui	lation available	
that could adequately	No			
		_		
Does the proposed ru				
increasing the costs	of any good	ls or services in	volved and, if	
so, to what degree?				No
Is the increase in cos	st, if any, m	ore harmful to t	he public than	
the harm that might				N/A
			- .	
Are all facets of the	rulemaking	process design	ed solely for	
the purpose of, and s the protection of the		e, as their prima	ry effect,	3.7
the protection of the	puone t			<u>Yes</u>
*******	*****	********	********	**********
Does the proposed ri	ule have an	economic impa	ct?	No
		_		
If the proposed rule	has an econ	omic impact, th	e proposed rule is requi	ired to be accompanied by
a fiscal note prepared 1975.	d in accord	ance with subse	ction (f) of Section 41-2	22-23, Code of Alabama,
<u> 1975</u> .				•
*****	*****	*****	*********	*********
Certification of Auth	orized Off	icial		
I certify that the atta	ahad nrana	god mile has has	n proposed in full comp	-11
requirements of Cha-	nter 22. Tit	le 41. Code of a	Alabama, 1975, and that	it conforms to all
applicable filing requ	uirements o	of the Alahama	Administrative Procedur	re Division of the
Legislative Reference			i i i i i i i i i i i i i i i i i i i	to Division of the
		~ 1_	1	4
Signature of certifying	ng officer_	Step	ner F. ory	
Date 12-16-	-16	U		ノ

ALABAMA BOARD OF REHABILITATION SERVICES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Rehabilitation Services

RULE NO. & TITLE: Amend Rule No. 795-7-6-.01 Facility Equipment.

<u>INTENDED ACTION:</u> The ALABAMA BOARD OF REHABILITATION SERVICES proposes to amend rules and regulations.

SUBSTANCE OF PROPOSED ACTION: The amendment of this rule is authorized under the authority of ALA. CODE 1975 §21-9-1 et seq., and the Alabama Board of Rehabilitation Services wishes to amend this rule so as to come in compliance with requirements for the program. This amended rule and regulation is issued under the authority of ALA.CODE 1975 §21-9-1 et seq. This rule covers specific requirements and procedures necessary for the proper administration of Alabama law. The amendment corrects a grammatical error.

Copies of the proposed amended rule are available for inspection in the offices of the Board, 602 South Lawrence Street, Montgomery, Alabama 36104. Upon reasonable notice, persons requiring accommodation may obtain copies in large print, Braille or other media.

<u>TIME, PLACE, MANNER OF PRESENTING VIEWS</u>: All interested persons may submit written comments, and if requested in advance may personally appear before the Alabama Board of Rehabilitation Services by submitting a request to appear, to:

Stephen K. Simpson 602 South Lawrence Street Montgomery, Alabama 36104 Telephone: (334) 293-7187

To be considered by the Board, written comments must be received in the office of the Board no later than two days before the next regularly scheduled Board meeting on March 3, 2017, to wit: not later than March 1, 2017. Persons desiring to orally express their views before the Board must first submit their comments in writing as stated above, and shall be limited to ten minutes per person.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: March 1, 2017.

CONTACT PERSON AT AGENCY:

Stephen K. Simpson 602 South Lawrence Street Montgomery, Alabama 36104 Telephone: (334) 293-7187

Stephen KJ Simpson

Alabama Board of Rehabilitation Services

ALABAMA DEPARTMENT OF REHABILITATION SERVICES BUSINESS ENTERPRISE PROGRAM

CHAPTER 795-7-6 VENDING FACILITIES

TABLE OF CONTENTS

795-7-601	Facility Equipment
795-7-602	Maintenance, Repair And Replacement
795-7-603	Initial Inventory, Eserow Fund Stock, Starting Capital, Business
	License
795-7-604	Settlement

795-7-6-.01 Facility Equipment.

- (1) The SLA shall provide adequate equipment for the use of a vendor. Such equipment shall remain the property of the SLA. Ownership of equipment, other than that provided by the SLA, shall not be vested in the SLA.
- (2) No alteration, change, or removal of equipment shall be made without prior approval of the SLA.
- (3) The vendor shall report immediately to the SLA and appropriate law enforcement personnel any incident, of theft, or defacement of equipment.
- (4) A vendor who desires to lease equipment necessary and desirable for the operation of his/her vending facility may do so provided the SLA approves the lease. When a vendor desires to lease equipment, a proposal shall be submitted to the vendor's BEP representative and the BEP director. During the term of such lease, the vendor is under no obligation to accept equipment for a similar purpose that may be provided by the SLA. In no event shall the SLA be held liable for the vendor's obligation under the terms of any lease or for any repairs associated with the leased equipment. The vendor's obligations to any lessor shall remain in effect without regard to removal or reassignment for any reason. For purposes of determining the amount of the vendor's set-aside assessment, the proceeds derived from sales of merchandise from leased equipment shall be regarded as income to the facility. All expenses for leasing of equipment shall be deductible as a business expense from the gross income of the facility.
- (5) Vendors may purchase and own equipment for his or her facility only with the prior approval of the SLA. All sales and income generated from vendor-owned equipment shall be reported on the "Facility Monthly Sales & Escrow Report" (BEP 1-E). The maintenance and repair of SLA approved, vendor-owned equipment shall be provided in the same manner as equipment owned by the SLA. The SLA shall determine

the feasibility of continued maintenance and repair of vendor-owned equipment. The SLA shall also determine the continued use and placement of vendor-owned equipment within the facility. The SLA or vendor may provide for replacement equipment. **Author:** Alabama Board of Rehabilitation Services, Alabama Elected Committee of Blind Vendors.

Statutory Authority: Alabama Code 1975 §§ 21-1-40 and 21-9-9; 20 U. S. C. § 107 et. seq.

History: New Rule: Filed January 19, 2000; effective February 23, 2000;

Amendment: Filed December 16, 2016.