

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.

INTENDED ACTION: 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.

TIME, PLACE, MANNER OF PRESENTING VIEWS: 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:

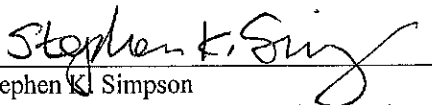
Stephen K. Simpson
602 South Lawrence Street
Montgomery, Alabama 36104
Telephone: (334) 293-7187

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 K. Simpson
Alabama Board of Rehabilitation Services

**ALABAMA DEPARTMENT OF REHABILITATION SERVICES
BUSINESS ENTERPRISE PROGRAM**

**CHAPTER 795-7-6
VENDING FACILITIES**

TABLE OF CONTENTS

795-7-6-.01 Facility Equipment
795-7-6-.02 Maintenance, Repair And Replacement
795-7-6-.03 Initial Inventory, Escrow Fund Stock, Starting Capital, Business License
795-7-6-.04 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.