

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 795 Department or Agency Alabama Board and Dept. of Rehabilitation Services.
 RuleNo. 795-7-3-.01
 Rule Title: Establishment Of Vending Facilities
 _____ New; X Amend; _____ Repeal; _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Alabama Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Stephen K. Siz
 Date 8 12-16-16

(DATE FILED)
(STAMP)

ALABAMA BOARD OF REHABILITATION SERVICES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Rehabilitation Services

RULE NO. & TITLE: Amend Rule No. 795-7-3-.01 Establishment Of Vending Facilities.

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:

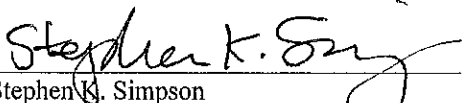
Stephen K. Simpson
602 South Lawrence Street
Montgomery, Alabama 36104
Telephone: (334) 293-7187

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 795-7-3
ESTABLISHMENT OF VENDING FACILITIES

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795-7-3-.01 Establishment Of Vending Facilities.

(1) The establishment or expansion of all BEP vending facilities will be contingent upon the completion of a survey to determine if the potential gross sales to be derived ~~is~~ are sufficient to justify SLA expenditures related to facility development or improvement. This survey will be based on available information and shall not provide a guarantee of any particular income estimate. However, projected net income should be no less than the monetary amount designated by the Social Security Administration's definition of Substantial Gainful Activity. A vending facility may comprise one or more physical locations and may be assigned to one facility number.

(2) When considering the establishment or expansion of any vending facility, the SLA, at its option, can execute a lease and/or other rental agreements that may include a charge to be paid by the prospective vendor. In such cases, it shall be the responsibility of the vendor to pay the rent and/or other assessments. If a utility or other operating expense is levied against a vending facility, it shall be the responsibility of the vendor to pay any such charges directly to the grantor.

(3) The SLA shall assign each established facility to one of seven classifications prior to announcing the facility's availability as set forth in 795-7-3-.04.

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.