

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 795 Department or Agency Alabama Board and Dept. of Rehabilitation Services.
RuleNo. 795-7-6-.04
Rule Title: Settlement
 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 F. Suiz

Date 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. 795-7-6-.04 Settlement.

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 changes the time frame for final settlement.

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:

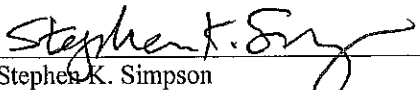
Stephen K. Simpson
602 South Lawrence Street
Montgomery, Alabama 36104
Telephone: (334) 293-7187

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, ~~Eserow-Fund~~ Stock, Starting Capital, Business License
795-7-6-.04 Settlement

795-7-6-.04 **Settlement**. A vendor who is removed, suspended, terminated or for any reason discontinues his affiliation with BEP or a particular vending facility shall leave all equipment, stocks, and supplies for distribution by the SLA as follows:

(a) The SLA will inventory the equipment, stocks, and supplies on hand and compute the value thereof at wholesale costs. The vendor will be notified of the date and time of the inventory. The vendor, or his/her designee, may be present but in no way shall the vendor's absence prevent the SLA from conducting an inventory.

(b) From the computed value of the inventory shall be deducted any sums due from the vendor to the SLA for equipment, stocks, supplies, and/or set-aside funds.

(c) The surplus, if any, shall accrue to the vendor or his/her estate.

(d) In the event the vending facility is suitable for the placement of another vendor, the SLA will offer to purchase the inventory. The inventory shall be appropriate and suitable for resale. If the SLA purchases inventory, they shall pay the vendor amounts owed within 30 days or at the completion of a documented and signed inventory.

(e) If the final settlement discloses that a vendor is indebted to the SLA for equipment, stocks, supplies, and/or the set-aside fund, he/she or his/her estate shall pay the full amount due within ~~30~~ 90 days.

(f) Failure to pay any amount due to the SLA shall disqualify the vendor from obtaining a vending facility until the indebtedness is satisfied.

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.