10A NCAC 63C .0103 is proposed for amendment as follows:

10A ncac 63c .0103 ~~STAND~~ business enterprises facility EQUIPMENT: MERCHANDISE: AND SUPPLIES

(a) The Division shall furnish each Business Enterprises facility with the equipment, initial stock, and initial supplies that are determined by the Division necessary to operate the unit.

(b) Except as set forth in Paragraph (c) of this Rule, ~~The~~ the right, title to, and interest in Business Enterprises equipment, merchandise, petty cash, and all other assets used in the program is vested in the Division only and may be used and disposed of by the Division for program purposes only, and in accordance with state and federal law.

(c) If the Division and operator agree in writing that the right, title to and interest in Business Enterprises stock will be vested in the operator, then the Division shall retain a first option to repurchase such stock and in the event the operator dies, or for any other reason ceases to be an operator, or transfers to another vending facility, ownership of such stock shall become vested in the Division for transfer to a successor operator subject to an obligation on the Division to pay to such operator, or the operator’s heirs, the fair value of the stock. The Division’s obligation to pay the fair value of the stock to the operator, or the operator’s heirs, under this rule shall be reduced by the amount of any outstanding debt owed by the operator to the Division.

~~(c)~~(d) The Division shall maintain (or cause to be maintained) all Business Enterprises equipment in good repair and in attractive condition, and shall replace (or cause to be replaced) worn‑out or obsolete equipment as required to assure the continued successful operation of the facility. ~~facility, subject to availability of funds.~~ The licensed operator of a facility shall take the initiative in identifying needed equipment repairs and replacement.

History Note: Authority G.S. 111‑27; 143B‑157; 34 C.F.R. 395.6; 20 U.S.C. Sec. 107;

Eff. October 1, 1978;

Amended Eff. August 1, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, ~~2015.~~ 2015;

Amended Eff. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.