

Chapter HSS 260

SUPERVISED BUSINESS ENTERPRISES OPERATED BY
BLIND PERSONS

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HSS 260.01 Authority and purpose. This chapter sets forth standards and guidelines for administration by the department of a program of supervised business enterprises operated by blind persons. The department establishes new business enterprises and, as feasible, develops, expands and upgrades existing enterprises which are not providing an adequate income to operators or not providing a level of service meeting customer demand. The chapter is promulgated pursuant to rule-making authority conferred by s. 227.014(2), Stats., and implements ss. 47.08 and 47.09, Stats., as well as the Randolph-Sheppard Act, as amended, 20 USC 107.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83; reprinted to correct error, Register, January, 1984, No. 337.

HSS 260.02 Definitions. As used in this chapter:

(1) "Active participation" means a formal, ongoing process involving the mutual exchange of information and advice in regard to planning and review of proposed program policies, standards and procedures, with the understanding that only the department has the responsibility to administer the program consistent with applicable statutes, regulations and this chapter, and that the right of the committee to actively participate does not affect that responsibility.

(2) "Blind" has the meaning prescribed in s. 47.01, Stats.

(3) "Business enterprise" means a vending facility or other small for-profit enterprise operated by or to be operated by one or more blind persons supervised by the department.

(4) "Committee" means a committee of operators of supervised business enterprises, the members of which are elected to represent all licenses in the state.

(5) "Competency" means fulfilling the requirements of this chapter.

(6) "Contract" means the agreement between the department and the owner or occupant of the premises where the business enterprise is located.

(7) "Department" means the department of health and social services.

(8) "Division" means the department's division of vocational rehabilitation.

(9) "Fair value" means the price acceptable to the department and the operator, or, when the 2 parties do not agree, the value as appraised by any person agreed to by both parties, in either case taking into account the condition of the equipment, its remaining useful life, location, installation and removal costs and other relevant factors permitted by law, to arrive at a depreciated price.

(10) "Gross sales" means all revenues received from the operation of the business enterprise, including those assigned to the operators by the department.

(11) "License" means a written document issued by the department to a blind person, authorizing the blind person to operate a business of the type named in the document.

(12) "Licensee" means a person eligible to become the operator of a business enterprise.

(13) "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, inservice training and other services provided on a systematic basis to support and improve business enterprises.

(14) "Net proceeds" means the amount remaining from the sale of articles or services of business enterprises and any vending machine or other income accruing to an operator, after deducting the cost of the sales and other expenses but excluding set-aside charges required to be paid by the operator.

(15) "Operator" means a blind licensee who is operating a supervised business enterprise on federal or other property.

(16) "Operator's agrément" means the document issued by the department that authorizes an operator to conduct business at a specific location.

(17) "Permit" means the agreement with the controlling body or organization of the federal building or other property in which the business enterprise is located.

(18) "Randolph-Sheppard Act" means 20 USC 107.

(19) "Set-aside" means the money collected by the department from operators, based on a percentage of net proceeds, to be used for purposes stated in s. HSS 260.11 (4).

(20) "Vendor-owner" means a business enterprise operator who has exercised the option to purchase the stock and equipment of the business enterprise.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83.

HSS 260.03 Committee of operators. (1) There shall be an elected committee of operators to actively participate with the department in the administration of the business enterprise program. The department shall call and conduct elections of committee members. Only operators may nominate candidates and only operators may vote for committee members. All operators shall be given the opportunity to vote for committee members.

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