

**ADOPTED REGULATION OF THE BUREAU OF SERVICES TO
PERSONS WHO ARE BLIND OR VISUALLY IMPAIRED OF
THE REHABILITATION DIVISION OF THE DEPARTMENT
OF EMPLOYMENT, TRAINING AND REHABILITATION**

LCB File No. R073-08

Effective December 17, 2008

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 426.560 and 426.670.

A REGULATION relating to persons who are blind; revising provisions governing the establishment and operation of vending facilities on public property; and providing other matters properly relating thereto.

Section 1. NAC 426.030 is hereby amended to read as follows:

426.030 “Equipment” means items which have a purchase price of ~~[\$100]~~ *\$500* or more and are approved by the Bureau as suitable for use in a vending facility. The term includes items which are owned by the Bureau or the operator.

NOTICE OF ADOPTION OF REGULATION LCB FILE R073-08

The State of Nevada, Department of Employment, Training and Rehabilitation, Rehabilitation Division, adopted regulation assigned LCB File No R073-08 which pertains to chapter number 426 of the Nevada Administrative Code on November 21, 2008.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, Notice of Workshop and Notices of Intent to Act upon a Regulation were sent by U.S. mail and facsimile to persons who were known to have an interest in the State of Nevada blind vending program as well as to any person or entity that had specifically requested such notice; furthermore, Business Enterprises of Nevada operators were e-mailed the notices in a format required by the individual operator. Additionally, these documents were available at the State of Nevada, Department of Employment, Training and Rehabilitation, Rehabilitation Division's website at www.detr.state.nv.us. These documents were also posted at:

1. Nevada State Library, 100 Stewart Street, Carson City, NV 89701
2. Washoe County Library, 301 S. Center St., Reno, NV 89502
3. Clark County District Library, 833 Las Vegas Blvd North, Las Vegas, NV 89101
4. Churchill County Library, 553 S. Maine St., Fallon, NV 89406
5. Tonopah Public Library, 167 Central Street, Tonopah, NV 89049
6. Pershing County Library, 1125 Central Ave., Lovelock, NV 89419
7. Elko County Library, 720 Court St., Elko, NV 89801
8. Storey County Library, 95 South R St., Virginia City, NV 89440
9. Esmeralda County Library, Corner of Crook & 4th Streets, Goldfield, NV 89013
10. Eureka Branch Library, 10190 Monroe Street, Eureka, NV 89316
11. White Pine County Library, 950 Campton St., Ely, NV 89301
12. Humboldt County Library, 85 East 5th St., Winnemucca, NV 89445
13. Lincoln County Library, 93 Main St., Pioche, NV 89043
14. Carson City Library, 900 N. Roop St., Carson City, NV 89702
15. Lyon County Library, 20 Nevin Way, Yerington, NV 89447
16. Douglas County Library, 1625 Library Lane, Minden, NV 89423
17. Mineral County Library, 110 1st Street, Hawthorne, NV 89415
18. Lander County Library, 625 South Broad Street, Battle Mountain, NV 89820
19. State Purchasing Division, 515 E. Musser St. Suite 300, Carson City, NV 89701
20. State Purchasing Division, 2250 Barnett Way, Reno, NV 89512
21. State Purchasing Division, 1054 S. Commerce St., Las Vegas, NV 89518
22. State Dept of Personnel, 209 E. Musser St. Rm 101, Carson City, NV 89701
23. State Dept of Personnel, 555 E. Washington Ave Suite 1400, Las Vegas, NV 89101
24. Nevada Supreme Court, 201 S. Carson St., Carson City, NV 89701

25. Justice & Municipal Court, 885 Musser St. Suite 2007, Carson City, NV 89701
26. Nevada Dept of Business & Industry, 555 E. Washington Ave Suite 4900, Las Vegas, NV 89101
27. Nevada Dept of Business & Industry, 901 S Stewart St., Suite 1003, Carson City, NV 89701
28. Washoe County Judicial Court, 75 Court St. Rm 120, Reno, NV 89501
29. Regional Justice Center, 200 Lewis Ave, Las Vegas, NV 89155

A workshop was held on May 29, 2008, and minutes of the meetings containing a summary of the discussions from the workshop concerning the amendment is attached hereto. Thereafter, on or about October 9, 2008, the Director of the Department of Employment, Training and Rehabilitation issued a Notice of Intent to Act upon a Regulation.

2. The number of persons who:

- (a) Attended each hearing: May 29, 2008: 4 November 12, 2008: 0
- (b) Testified at each hearing: May 29, 2008: 0 November 12, 2008: 0.
- (c) Submitted to the agency written comments: May 29, 2008: 0, November 12, 2008: 0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the Notice of Workshop and Notice of Intent to Act upon a Regulation and by direct mail to interested persons subscribing to the Commission's mailing list. There were no written comments in response to the Notice of Intent to Act upon a Regulation.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

There were no changes made after the November 12, 2008 hearing because there was no public comment for the agency to consider in making potential changes.

5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and
- (b) Both immediate and long-term effects.
 - a. There is no adverse or beneficial impact economic effect on the businesses.
 - b. There is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long-term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There are no additional costs to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed amendments duplicate.

8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no provisions in the agency regulations that are more stringent than a federal regulation that regulates the same activity.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide or involve a new fee, and hence since no fee is involved, there is not a total amount expected to be collected or used.