

**REVISED PROPOSED 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. R175-09

April 23, 2010

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

AUTHORITY: §§1, 4 and 5, NRS 426.560, 426.670 and 426.675; §§2, 3 and 6, NRS 426.560 and 426.670.

A REGULATION relating to the operation of vending facilities by persons with disabilities on public property; providing for the reimbursement of premiums for life insurance policies; revising provisions relating to retirement income benefits; revising provisions relating to the reimbursement of health care costs; and providing other matters properly relating thereto.

Section 1. Chapter 426 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Bureau will make available not more than \$1,000 annually for each operator of a vending facility to reimburse each operator for premiums that the operator paid for the purchase of a life insurance policy from an insurer licensed to do business in this State if:

(a) A majority of the Nevada Committee of Vendors Who Are Blind approves the amount to be made available; and

(b) The Legislature authorizes the expenditure of money for such a purpose.

2. The Bureau will make available the money described in subsection 1 from revenue which is:

- (a) Accrued from vending machines that are not located on federal property; and*
- (b) Not otherwise assigned pursuant to the provisions of NAC 426.225.*

3. The Bureau, in consultation with the Nevada Committee of Vendors Who Are Blind, will establish policies and procedures relating to:

- (a) The eligibility of an operator to receive reimbursement for premiums that the operator paid for the purchase of a life insurance policy pursuant to this section; and*
- (b) The process the Bureau and such an operator will follow for the reimbursement of premiums that the operator paid for the purchase of a life insurance policy pursuant to this section.*

Sec. 2. NAC 426.015 is hereby amended to read as follows:

426.015 “Accessories” means items which:

- 1. Are suitable for use in the operation of a vending facility;
- 2. Are portable or subject to breakage or loss; and
- 3. Have a purchase price of less than ~~[\$100.]~~ **\$500.**

↪ The term includes, but is not limited to, pots, pans, cooking utensils, dishware, flatware, cutlery, glassware, *small appliances, signage*, hand trucks and display racks.

Sec. 3. NAC 426.230 is hereby amended to read as follows:

426.230 1. To provide the money that is necessary for the administration of the program for vending facilities, each operator or trainee shall set aside money, to be deposited by the Bureau in the Business Enterprise Account for Persons Who Are Blind, from the monthly net proceeds of his business in accordance with the following table:

Net Proceeds of Business	Amount to Be Set Aside
\$0 to \$999.....	1 percent of net proceeds
1,000 to 1,499.....	\$15 plus 2 percent of net proceeds over \$999
1,500 to 2,099.....	\$25 plus 5 percent of net proceeds over \$1,499
2,100 to 2,799.....	\$55 plus 10 percent of net proceeds over \$2,099
2,800 to 3,399.....	\$125 plus 15 percent of net proceeds over \$2,799
3,400 to 4,499.....	\$215 plus 20 percent of net proceeds over \$3,399
4,500 to 5,699.....	\$435 plus 25 percent of net proceeds over \$4,499
5,700 to 6,899.....	\$735 plus 30 percent of net proceeds over \$5,699
6,900 to 8,999.....	\$1,095 plus 35 percent of net proceeds over \$6,899
9,000 to 13,999.....	\$2,000 plus 40 percent of net proceeds over \$8,999
14,000 to 19,999.....	\$4,000 plus 45 percent of net proceeds over \$13,999
Over \$20,000.....	\$7,000 plus 50 percent of net proceeds over \$20,000

2. The Administrator or his designee, after consultation with the Nevada Committee of Blind Vendors, shall periodically review the table in subsection 1.

3. Except as otherwise provided in subsection 4, if the monthly net proceeds of the business of an operator or trainee are less than zero, the amount *by* which expenses exceed income may be carried forward for not more than 2 months and deducted from the net proceeds for those months to determine the amount of money required to be set aside pursuant to subsection 1 for those

months. The operator or trainee may carry forward that amount for more than 2 months if the operator or trainee obtains prior written approval from the Bureau.

4. The Administrator or his designee, after consultation with the Nevada Committee of Blind Vendors, may waive or reduce the amount of money required to be set aside pursuant to subsection 1 for a time prescribed by the Administrator or his designee. If the Administrator or his designee, after consultation with the Nevada Committee of Blind Vendors, decides to waive or reduce this amount of money, the Administrator or his designee shall notify each operator or trainee for whom the amount is being waived or reduced on or before the last day of the month for which the amount is waived or reduced.

Sec. 4. NAC 426.383 is hereby amended to read as follows:

426.383 1. The Bureau will pay each licensed operator not ~~less~~ *more* than \$7,000 annually as a retirement income benefit if:

(a) A majority of the Nevada Committee of Vendors Who Are Blind approves the payment;
and

(b) The Bureau determines that money for the payment is available in the Business Enterprise Account for Persons Who Are Blind.

2. The Bureau, in consultation with the Nevada Committee of Vendors Who Are Blind, will develop policies and procedures to determine:

(a) The eligibility of an operator to receive the retirement income benefit pursuant to this section; and

(b) The amount of money to be paid to an operator who is eligible to receive a retirement income benefit pursuant to this section.

Sec. 5. NAC 426.387 is hereby amended to read as follows:

426.387 1. The Bureau will make available not ~~less~~ *more* than \$12,500 annually for each operator of a vending facility for the purpose of reimbursing each operator for health care costs that are not paid by a third-party insurer if:

(a) A majority of the Nevada Committee of Vendors Who Are Blind approves the amount to be made available; and

(b) The Legislature appropriates money for such a purpose.

2. The Bureau, in consultation with the Nevada Committee of Vendors Who Are Blind, will establish policies and procedures relating to:

(a) The eligibility of an operator to receive a reimbursement for health care costs pursuant to this section; and

(b) The process the Bureau and such an operator will follow for reimbursement of health care costs pursuant to this section.

Sec. 6. NAC 426.290 is hereby repealed.

TEXT OF REPEALED SECTION

426.290 Payments for obligations. (NRS 426.560, 426.670) An operator or trainee shall conduct his business on a 30-day net cash basis and pay all his obligations when they are due.