

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS  
REQUIRED BY NRS 233B.066**

**LCB FILE  
R085-13**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 426.

**1. A clear and concise explanation of the need for the adopted regulation.**

The amendment to the regulation pertaining to NAC 426, pursuant to Nevada Revised Statute (NRS) 426.560, 426.670 and 426.675 relative to the retirement income benefit 1) eliminates the limit on the annual amount of the retirement income benefit; 2) adds a requirement for approval of the payment by a majority of licensed operators; and 3) sets forth factors for consideration by the Bureau in developing policies and procedures relating to the eligibility requirements for those payments and the amount of the payments. Relative to the health care costs 1) eliminates the limit on the annual amount of an operator's reimbursement for such health care costs; 2) eliminates the prerequisite of an appropriation by the Legislature; 3) requires the Bureau to determine whether the money to make the reimbursement is available in the Business Enterprise Account for Persons Who Are Blind; and 4) sets forth factors for consideration by the Bureau in developing policies and procedures relating to the eligibility requirements for those reimbursements and the amount of reimbursement.

**2. 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.**

In compliance with NRS 233B.0603, a Nevada Committee of Blind Vendors meeting was held on September 12, 2014, a Small Business Workshop was held on August 15, 2014 at 3:30 p.m., and a hearing was held on September 3, 2014. The live meetings were held at the Rehabilitation Division Administrative Offices at 1370 S. Curry St., Carson City, Nevada 89703 and 3016 W. Charleston Blvd #215, Las Vegas, Nevada 89102. The purpose of the Nevada Committee of Blind Vendors meeting, workshop, and hearing was to review, discuss, and solicit comment on a proposed regulation pertaining to Nevada Revised Statute (NRS) 426.560, 426.670 and 426.675, in order to provide clarification to the following: relative to the retirement income benefit 1) eliminates the limit on the annual amount of the retirement income benefit; 2) adds a requirement for approval of the payment by a majority of licensed operators; and 3) sets forth factors for consideration by the Bureau in developing policies and procedures relating to the eligibility requirements for those payments and the amount of the payments. Relative to the health care costs 1) eliminates the limit on the annual amount of an operator's reimbursement for such health care costs; 2) eliminates the prerequisite of an appropriation by the Legislature; 3) requires the Bureau to determine whether the money to make the reimbursement is available in the Business Enterprise Account for Persons Who Are Blind; and 4) sets forth factors for consideration by the

Bureau in developing policies and procedures relating to the eligibility requirements for those reimbursements and the amount of reimbursement.

Notice of the Nevada Committee of Blind Vendors Workshop notice was sent on July 24, 2014. Notice was posted at the principal office of the Rehabilitation Division Administrative Office in Carson City, as well as numerous offices of the Department of Employment, Training and Rehabilitation throughout the state. In addition, the notice was submitted to the Legislative Counsel Bureau, Clark County Library, Carson City County Courthouse, the Spring Valley Library, and the Green Valley Nevada Library.

These documents were also made available at the website of the Department of Employment, Training and Rehabilitation (DETR) [http://www.nvdetr.org/public\\_notices.htm](http://www.nvdetr.org/public_notices.htm) (DETR Public Notices page), <https://notice.nv.gov/> and at the Nevada Legislature website at <http://www.leg.state.nv.us/App/Notice/A/>.

**Posting Locations:**

Nevada State Library & Archives, 100 North Stewart Street, Carson City, NV 89701

Legislative Building, 401 South Carson Street, Carson City, NV 89701

Grant Sawyer State Building, 555 E. Washington Ave., Las Vegas, NV 89101

Legislative Counsel Bureau Web Site

Department of Employment, Training and Rehabilitation Web Site

Bureau of Services to the Blind and Visually Impaired, 1370 S. Curry St., Carson City, NV 89703

Bureau of Services to the Blind and Visually Impaired, 3016 W. Charleston Blvd #215, Las Vegas, Nevada 89102

Nevada Job Connect Office, 1325 Corporate Blvd, Suite B, Reno, NV 89502

Blasdel Building, 209 E. Musser, Carson City, Nevada

Carson City County Courthouse, 885 E. Musser, Carson City, Nevada

Clark County Library, 1404 E. Flamingo Rd., Las Vegas, Nevada

Spring Valley Library, 4280 S. Jones, Las Vegas, Nevada 89103

A copy of the proposed regulation was posted to the DETR website and provided at the meeting. During the Nevada Committee of Blind Vendors meeting, workshop, and hearing DETR staff members reviewed the Business Enterprise of Nevada retirement income benefit and the health care cost reimbursement regulation. Staff also reviewed the determination of Impact to Small Businesses per NRS 233B.0608 pursuant to Subsection 3. There were no written comments received and there were no public comments during the Nevada Committee of Blind Vendors, workshop, or hearing.

On July 31, 2014, the Division issued an Agenda and a Notice of Intent to Act Upon the Regulation. The Notice and Agenda were posted at the principal office of the Rehabilitation Administrative Office in Carson City, as well as numerous offices of the Rehabilitation Division throughout the state.

In addition, the notice was submitted to the Legislative Counsel Bureau, the Nevada State Library, Regional Justice Center, the Spring Valley Library, Green Valley Library, and the

DETR Corporate Vocational Rehabilitation Office. These documents were also made available at the website of the Department of Employment, Training and Rehabilitation (DETR), [http://www.nvdetr.org/public\\_notices.htm](http://www.nvdetr.org/public_notices.htm) (DETR Public Notices page), <https://notice.nv.gov/> and at the Nevada Legislature website at <http://www.leg.state.nv.us/App/Notice/A/>.

The final draft of the regulation was drafted by LCB on July 22, 2014. On July 24, 2014, the Division posted the language to the DETR website and posted the revised language to the Nevada Legislature website. A copy of the revised regulation was available to the public at the hearing. During the hearing, DETR staff members reviewed the amended regulation to the Business Enterprise of Nevada retirement benefit and health care cost reimbursement program, and provided an explanation of the regulation.

In compliance with NRS 233B, a hearing for the adoption of the regulation was held on Wednesday, September 3, 2014, the live meeting was held at the Rehabilitation Division Administrative Office at 1370 South Curry Street, Carson City, Nevada, 89703 and teleconferenced to the Rehabilitation Division Administrative Office at 3016 W. Charleston Blvd, Ste #215, Las Vegas, Nevada, 89102. The purpose of the hearing was to receive comments from all interest persons regarding the adoption of the regulation pertaining to Chapter 426 of the Nevada Administrative Code. There were no written or public comments received during the hearing.

A copy of the minutes may be obtained from the Rehabilitation Division Administration Office, 751 Basque Way, Carson City, Nevada 89706, 775 687-6860, or email to [mrmason@nvdetr.org](mailto:mrmason@nvdetr.org).

**3. The number of persons who:**  
**a. Attended at each meeting:**

**Nevada Committee of Blind Vendors**

September 12, 2014: Carson City: 6; Las Vegas: 12

**Small Business Workshop:**

August 15, 2014: Carson City: 6; Las Vegas: 11

**Hearing:**

September 3, 2014: Carson City: 5; Las Vegas: 7

**b. Testified at each meeting:**

**Nevada Committee of Blind Vendors**

September 12, 2014: Carson City: 0; Las Vegas: 0

**Small Business Workshop:**

August 15, 2014: Carson City: 0; Las Vegas: 0

**Hearing:**

September 3, 2014: Carson City: 0; Las Vegas: 0

**c. Submitted to the agency written comments:**

**Nevada Committee of Blind Vendors:** No written comments were submitted.

**Small Business Workshop:** No written comments were submitted.

**Hearing:** No written comments were submitted

**4. 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.**

The retirement benefit and health care cost reimbursement apply to licensed operators in the Business Enterprise of Nevada (BEN) Program. The funding for the BEN Program is generated from the set aside payments made by the licensed operators. In order to be a licensed operator and receive benefit from the BEN Program, individuals must be a person with blindness or visual impairment. Thus the effect of this regulation change does not have an impact on business.

**5. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No written or public comments were received.

**6. The estimated economic effect of the adopted regulation on the business 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.**

**Effect on Businesses Affected by Regulation**

The retirement benefit and health care cost reimbursement apply to licensed operators in the Business Enterprise of Nevada (BEN) Program. The funding for the BEN Program is generated from the set aside payments made by the licensed operators. In order to be a licensed operator and receive benefit from the BEN Program, individuals must be a person with blindness or visual impairment. Thus the effect of this regulation change does not have an impact on business.

**Effect on the Public**

The retirement benefit and health care cost reimbursement apply to licensed operators in the Business Enterprise of Nevada (BEN) Program. The funding for the BEN Program is generated from the set aside payments made by the licensed operators. In order to be a

licensed operator and receive benefit from the BEN Program, individuals must be a person with blindness or visual impairment. Thus the effect of this regulation change does not have an impact on business.

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

There is no enforcement regarding this regulation change.

**8. 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.**

The proposed regulation is not more stringent than the federal Randolph Sheppard Act.

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

The proposed regulation is not required pursuant to federal law, nor is there a federal regulation that regulates the same activity.

**10. If the regulation establishes 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 impose any new fees or change any existing fees.

**11. Is the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The retirement benefit and health care cost reimbursement apply to licensed operators in the Business Enterprise of Nevada (BEN) Program. The funding for the BEN Program is generated from the set aside payments made by the licensed operators. In order to be a licensed operator and receive benefit from the BEN Program, individuals must be a person with blindness or visual impairment. Thus the effect of this regulation change does not have an impact on business.