

**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. R175-09

Effective June 30, 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.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066**

LCB FILE R175-09

The following statement is submitted for adopted amendment to Nevada Administrative Code (NAC) 426.030.

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 March 11, 2010, and minutes of the meetings containing a summary of the discussions from the workshop concerning the amendment is attached hereto. Thereafter, on or about February 26, 2010, 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: : March 11, 2010: 0 April 1, 2010: 1

(b) Testified at each hearing: March 11, 2010: 0 April 1, 2010: 1.

(c) Submitted to the agency written comments: March 11, 2010: 0, April 1, 2010: 1

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 was one written comment 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 was one change as a result of the April 1, 2010 hearing because as a result of comment/request by the Rehabilitation Services Administration, which oversees the Federal Randolph Sheppard Program. The change concerned the addition of language stating that the money for life insurance reimbursement was to come from vending machines located on non Federal property.

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.