

**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

January 12, 2010

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

AUTHORITY: §§1, 9 and 10, NRS 426.560, 426.670 and 426.675; §§2-8 and 11, NRS 426.560 and 426.670.

A REGULATION relating to operations of vending facilities by persons with disabilities on public property; providing for reimbursement of premiums for life insurance policies; revising provisions relating to retirement income benefits; revising provisions relating to 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 Blind Vendors 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 Blind Vendors, 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 426.220 is hereby amended to read as follows:

426.220 The Bureau may:

1. Advance money to an operator for the purchase of a certificate of deposit to secure the payment of sales taxes, workers’ compensation or other payments required of the operator.
2. Enter into a cooperative agreement with another agency of the State by which the Bureau pledges money from the Business Enterprise Account for ~~[the]~~ *Persons Who Are* Blind to secure the payment of sales taxes, workers’ compensation or security deposits required of the operator by the agency. If an operator fails to make a payment to the agency, the Bureau will notify the operator and require him to pay the delinquent obligation.

Sec. 4. 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 ~~the~~ *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. 5. NAC 426.235 is hereby amended to read as follows:

426.235 1. The Bureau may advance money to an operator or trainee from the Business Enterprise Account for ~~the~~ *Persons Who Are* Blind to purchase initial stock of merchandise, supplies and equipment that are necessary to begin the operation of a vending facility. The operator or trainee shall execute a promissory note for the amount to be repaid to the Bureau. The repayment must be made in monthly installments, based upon the adjusted net proceeds of the business of the operator or trainee in accordance with the following table:

Adjusted Net Proceeds	Installment Required
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\$0	to	\$1,100.....	10 percent of the amount
1,101	to	2,000.....	\$100 plus 15 percent of the adjusted net proceeds over \$1,000
2,001	to	3,000.....	\$250 plus 20 percent of the adjusted net proceeds over \$2,000
3,001	to	4,000.....	\$450 plus 30 percent of the adjusted net proceeds over \$3,000
4,001	to	5,000.....	\$750 plus 40 percent of the adjusted net proceeds over \$4,000
Over		\$5,000.....	\$1,150 plus 50 percent of the adjusted net proceeds over \$5,000

2. The Bureau may advance money to an operator or trainee from the Business Enterprise Account for ~~the~~ *Persons Who Are* Blind in exchange for a promissory note to ensure the continued operation of an existing vending facility. The advance must be repaid by the operator or trainee in accordance with the terms and conditions of the promissory note.

3. As used in this section, “adjusted net proceeds” means the amount of money that remains of the gross income after an operator or trainee has deducted the ordinary and necessary expenses of his business and includes, without limitation, the amount of money set aside pursuant to NAC 426.230.

Sec. 6. NAC 426.245 is hereby amended to read as follows:

426.245 1. The Bureau will account for the money set aside and collected by the Bureau from the operators and trainees in accordance with generally accepted principles of accounting.

2. In addition to the purposes authorized by NRS 426.675, the Bureau will use money from the Business Enterprise Account for ~~the~~ *Persons Who Are* Blind for:

(a) Payment of the costs incurred for management of the program for vending facilities administered by the Bureau, including the expenses of the Nevada Committee of Blind Vendors.

(b) If money is available in the Account, reimbursement of an operator or trainee for the payment of a premium on a policy of insurance which the operator or trainee is required to maintain if, in the determination of the Administrator or his designee, the reimbursement is consistent with NRS 426.640.

Sec. 7. NAC 426.267 is hereby amended to read as follows:

426.267 1. The Bureau will:

(a) Cause an audit to be conducted biennially for each vending facility with gross revenues of \$150,000 or more; and

(b) Enter into a contract with an accounting firm selected by the Bureau to perform the audits.

2. The Administrator or his designee, in consultation with the Nevada Committee of Blind Vendors, shall develop policies and procedures for the conduct of the audit.

3. The Bureau will pay for the audit from money in the Business Enterprise Account for ~~the~~ *Persons Who Are* Blind.

Sec. 8. NAC 426.300 is hereby amended to read as follows:

426.300 1. The Bureau will furnish to each vending facility equipment that is suitable for the facility. The Bureau will assume responsibility for all the normal repair and replacement of that equipment.

2. If the Bureau determines that it is necessary or appropriate, the Bureau will:

(a) Replace equipment located at a vending facility, if money is available in the Business Enterprise Account for ~~the~~ *Persons Who Are* Blind.

(b) Provide additional equipment at a vending facility, if money is available in the Business Enterprise Account for ~~the~~ *Persons Who Are* Blind.

(c) Provide written authorization to an operator or trainee to purchase equipment specified in the authorization.

3. An operator or trainee shall not add to, modify, remove or replace any equipment without the written consent of the Bureau.

Sec. 9. 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 Blind Vendors approves the payment; and

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

2. The Bureau, in consultation with the Nevada Committee of Blind Vendors, 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. 10. 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 Blind Vendors 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 Blind Vendors, 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. 11. 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.