

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of the
Department of Employment, Training and Rehabilitation
Rehabilitation Division

The Department of Employment, Training and Rehabilitation, Rehabilitation Division will hold a public hearing at 10:00 a.m. on Thursday, April 1, 2010, at:

Live Meeting: Department of Training, Employment & Rehabilitation
500 East Third Street
SAO Auditorium
Carson City, NV 89713

Video Conference: Department of Training, Employment & Rehabilitation
2800 E. St. Louis Avenue, Room C
Las Vegas, NV 89104

The purpose of the hearing is to receive comments from all interested persons regarding the Adoption of regulations that pertain to Chapter 426 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. Statement of need and purpose

NAC 426.015 is hereby amended to read as follows:

(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, hand trucks, display racks, *small appliances and signage*.

The purpose of this change is to clarify items used in a vending facility as either accessories or equipment. Equipment is defined as items with a purchase price of \$500 or more, and an accessory is defined as an item with a purchase price of less than \$500. Small appliances and signage were added to the accessories definition.

NAC 426.290 Payments for obligations to be repealed:

An operator or trainee shall conduct his business on a 30-day net cash basis and pay all his obligations when they are due.

The purpose of this change is to delete regulation as currently, the way the r regulation is written, our Operators are in violation if they do not pay in total for the goods received within a 30-day time frame. The current regulation

supersedes any individual agreement made between the Operator and their vendor/supplier. Operators need flexibility in payment terms with vendors due to the nature of not always receiving goods all at once yet invoices will list all ordered items.

NAC 426.383 Retirement income benefit for operators is hereby amended to read as follows:

1. The Bureau will pay each licensed operator not [less] *more* than \$7,000 annually as a retirement income benefit. New Operators currently receive prorated amount.

The purpose of this change is to clarify the meaning of the regulation.

New section to be added - Reimbursement of operators for health insurance:

1. The Bureau will make available not more than \$1,000 annually for each operator of a vending facility for the purpose of reimbursing each operator for the purchase of a life insurance policy from a company licensed to do business in the State of Nevada 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 the purchase of a life insurance policy pursuant to this section; and

(b) The process the Bureau and such an operator will follow for reimbursement of the purchase of a life insurance policy pursuant to this section.

It is the wish of the Nevada Committee of Blind Vendors for this to become a Regulation. The Department of Education has given legal approval for the use of non-federal unassigned vending for this purpose. The estimated cost will be based upon the number of licensed operators and will be paid by funds earned by the program. No tax dollars will be involved. This benefit is on a reimbursement basis.

NAC 426.387 Reimbursement of operators for health care costs is hereby amended to read as follows:

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.

The purpose of this change to clarify the meaning of the regulation.

2. Substance of the proposed regulations

NAC Chapter 426 relates to the duties of the Nevada Committee of Blind Vendors, operating agreements; set aside funding, advancement of monies to trainees, maintenance of records, retirement income; reimbursement of health care costs; presence of vendor at facility; performance evaluations; and appeals and arbitrations. It also provides for a fair hearing process for the blind and visually impaired persons.

See attached copy of draft regulations for the complete text of the proposed changes.

3. Estimated economic effect

(A) Effect of business and public – Adverse and Beneficial

There is no known adverse economic impact on businesses regulated. The revisions to NAC Chapter 426 provide a small economic benefit to the operators by providing a reimbursement for life insurance.

(B) Effect on business and public – Immediate and Long Term

There are no known immediate or long term adverse effects on the businesses regulated. The revisions to NAC Chapter 426 provide a small immediate and long-term economic benefit to the operators by providing a reimbursement for life insurance.

4. The estimated cost to the agency for enforcement of the proposed regulation

There are no additional costs involved in enforcing the proposed regulations.

5. Overlap or duplication

None of the proposed regulations overlap any regulations of other state or local government agencies. There is no overlapping or duplication of Federal regulations.

6. If the regulation is required pursuant to federal law, a citation and description of the Federal law

The Randolph-Sheppard Act, 20 U.S.C. Section 107, and et seq. specifies requirements for the blind and visually impaired vendor program.

7. Summary of provisions more stringent than the federal regulations

There are no provisions more stringent than federal regulations that regulate the same activity.

8. Whether the proposed regulation established a new fee or increases an existing fee

The proposed regulations do not establish a new fee or increase an exiting fee.

Persons wishing to comment upon the proposed action of Rehabilitation Division may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Tammy Moffitt, Nevada Rehabilitation Division, 1370 South Curry Street, Carson City, NV 89703, Fax (775) 684-4186 or TTY (775) 684-8400. **Written submissions must be received by the Rehabilitation Division on or before March 29, 2010.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Rehabilitation Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted/amended/repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Copies of the notice and the regulation to be adopted are available by contacting Tammy Moffitt, Nevada Rehabilitation Division, 1370 South Curry Street, Carson City, NV 89703, (775) 684-4082, Fax (775) 684-4186, or TTY (775) 684-8400. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>.

Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Sheila Murdica, Rehabilitation Division, 1370 South Curry Street, Carson City, Nevada 89703, FAX (775)-684-4186, TTY (775) 684-8400 or phone (775) 684-4188, no later than five working days prior to the hearing.

This Notice of Intent has been sent to all persons on the agency's mailing list and has been posted at the following locations:

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 N, 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. Ste 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 Ste 1400, Las Vegas, NV 89101
24. Nevada Supreme Court, 201 S. Carson St., Carson City, NV 89701
25. Justice & Municipal Court, 885 Musser St. Ste 2007, Carson City, NV 89701
26. Nevada Dept of Business & Industry, 555 E. Washington Ave Ste 4900, Las Vegas, NV 89101
27. Nevada Dept of Business & Industry, 901 S Stewart St., Ste 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