
SENATE BILL NO. 61—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE REHABILITATION DIVISION
OF THE DEPARTMENT OF EMPLOYMENT,
TRAINING AND REHABILITATION)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the program for the operation of vending facilities by licensees who are blind. (BDR 38-320)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to persons with disabilities; providing for the training of licensees under the program for the operation of vending facilities by licensees who are blind; establishing procedures for the resolution of certain disputes related to the program; revising certain terminology related to the program; revising provisions establishing a priority of right for the operation by licensees of vending facilities in or on certain public buildings and properties; authorizing the operation of vending facilities by licensees in or on the buildings and properties of certain agencies; providing for the election of the Nevada Committee of Vendors Who Are Blind and prescribing certain duties of the Committee; authorizing contracts under which a licensee operates a vending facility on certain private property to provide for the payment of an incentive to the owner of the property; making certain other revisions relating to the operation of the program; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law creates a program to establish vending stands on public property
2 to be operated by persons who are blind. (NRS 426.630-426.720) **Sections 5-19** of
3 this bill revise certain terminology, including: (1) substituting the term "vending
4 facility" for "vending stand"; (2) using the term "licensee" to describe a person who
5 is blind and who is licensed by the Bureau of Services to Persons Who Are Blind or
6 Visually Impaired in the Department of Employment, Training and Rehabilitation
7 to operate a vending facility; and (3) using the standard term "department or agency
8 that has care, custody and control of a public building or property" to refer to the
9 governmental agency in charge of a public building or property. **Section 2** of this
10 bill requires the Bureau to provide certain training and assistance for licensees and
11 persons who wish to become licensees.

12 Existing law: (1) defines the term "public building" or "property" to mean any
13 building, land or real property owned, leased or occupied by a department or
14 agency of the State or its political subdivisions, except for public elementary and
15 secondary schools, the Nevada System of Higher Education, the Nevada State Park
16 System and the Department of Corrections; and (2) provides that licensees have
17 priority of right to operate vending stands in or on any such public buildings or
18 properties with suitable locations for a vending stand. (NRS 426.630, 426.640)
19 **Section 7** of this bill grants the Bureau the right of first refusal, on behalf of
20 licensees, with regard to the operation of a vending facility in or on a public
21 building or property. **Section 11** of this bill: (1) removes authorization for the
22 Bureau to establish a vending facility in or on a public building or property with the
23 consent of the head of a department or agency responsible for the maintenance of a
24 public building or property; and (2) instead requires the department or agency
25 having care, custody and control of a public building or property to cooperate with
26 the Bureau to establish a vending facility if the Bureau has determined that the
27 public building or property is a suitable site for a vending facility. **Section 3** of this
28 bill provides for the resolution of a dispute between the Bureau and a department or
29 agency that has care, custody and control of a public building or property by the
30 Hearings Division of the Department of Administration. **Section 24** of this bill
31 makes a conforming change to remove a provision establishing procedures for
32 resolving a dispute when a department or agency rejects establishment of a vending
33 facility.

34 **Section 7** authorizes the operation of vending facilities by licensees in or on
35 buildings or properties of the Nevada System of Higher Education, the Nevada
36 State Park System and the Department of Corrections with the approval of the
37 Bureau and the applicable state agency.

38 Existing law requires a state or local department or agency to notify the Bureau
39 at least 30 days before reactivation, leasing, releasing, licensing or issuing a permit
40 for the operation of a vending facility in or on a public building or property. (NRS
41 426.650) **Section 8** of this bill: (1) moves back the deadline for such notification to
42 at least 90 days before the planned action; and (2) additionally requires a state or
43 local department or agency to notify the Bureau at least 90 days before requesting
44 proposals for, or occupying, a vending facility in or on a public building or
45 property. **Section 9** of this bill removes a requirement for annual notification of the
46 Bureau concerning new construction, remodeling, leasing, acquisition or
47 improvement of public buildings or properties at certain airports and instead
48 requires notice to be provided within 30 days after the commencement of planning
49 and design of the project, as is required by existing law for such a project on any
50 other public building or property. (NRS 426.660)

51 Existing federal regulations: (1) require the state agency in charge of licensing
52 blind vendors to provide for the biennial election of a State Committee of Blind
53 Vendors; and (2) prescribe the duties of the Committee. (34 C.F.R. § 395.14)
54 Existing regulations create the Nevada Committee of Vendors Who Are Blind.



55 (NAC 426.080) **Section 11** requires the Bureau to provide for the election of the
56 Nevada Committee of Vendors Who Are Blind and provides for the active
57 participation of the Committee in administrative decisions concerning the Vending
58 Facility Program.

59 **Section 11** also authorizes the Bureau to: (1) adopt certain regulations relating
60 to the operation of the Vending Facility Program; and (2) enter into certain
61 contracts relating to the operation of vending facilities. **Section 11** authorizes a
62 licensee, with the approval of the Bureau, to utilize a third-party vendor to carry out
63 any responsibilities relating to the operation of a vending facility. **Section 12** of this
64 bill authorizes the Bureau to use certain money it receives pursuant to the Vending
65 Facility Program for services related to the management of the Program.

66 Existing law: (1) authorizes the Bureau to establish a checking account for the
67 interim operation of a vending facility if the licensee who operates the facility is
68 unavailable; and (2) requires the Bureau to close such an account and make a check
69 payable to the licensee for the remaining balance of the account if the licensee
70 returns after a temporary disability. (NRS 426.677) **Section 13** of this bill requires
71 the Bureau to make a check payable to the licensee for the remaining balance of the
72 account if the licensee is unable to return to operating the vending facility within 6
73 months after becoming unable to work.

74 Existing law authorizes the Bureau to establish a vending facility on private
75 property if the property owner consents and enters into a contract with the Bureau.
76 (NRS 428.685) **Section 14** of this bill authorizes the Bureau to enter into such a
77 contract pursuant to which the licensee may pay an incentive to the property owner
78 for certain locations. **Section 18** of this bill: (1) authorizes the Bureau, after actively
79 consulting with the Committee of Vendors Who Are Blind, to utilize a nonprofit
80 organization to manage any portion of the operations of the Vending Facility
81 Program; and (2) requires any such arrangement to comply with certain federal
82 regulations. **Sections 8 and 24** of this bill eliminate certain obsolete provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 426 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. *The Bureau shall establish a training program***
4 ***for persons who wish to become licensees. The training must***
5 ***include, without limitation, a standard curriculum and on-the-job***
6 ***training while working for a vending facility.***

7 ***2. The Bureau may designate not more than two vending***
8 ***facilities as training sites to be operated by the Bureau or a third-***
9 ***party vendor.***

10 ***3. The Bureau may waive any training required pursuant to***
11 ***this section for a person who is blind and is otherwise qualified to***
12 ***operate a vending facility.***

13 **4. The Bureau shall:**

14 **(a) *Provide licensees with upward mobility training; and***

15 **(b) *Assist the Nevada Committee of Vendors Who Are Blind in***
16 ***sponsoring meetings and training conferences for licensees.***



1 **Sec. 3. 1.** *Except as otherwise provided in subsection 2, if a*
2 *dispute arises between a department or agency that has care,*
3 *custody and control of a public building or property and the*
4 *Bureau concerning any matter related to the Vending Facility*
5 *Program, either party may file a complaint describing the dispute*
6 *with the Hearings Division of the Department of Administration.*

7 **2.** *The Hearings Division may not:*

8 **(a)** *Hear a complaint concerning the status of a licensee or*
9 *third-party vendor operating a vending facility under an*
10 *agreement with the Bureau; or*

11 **(b)** *Award damages as a result of a hearing on a complaint*
12 *filed pursuant to this section.*

13 **3.** *Not later than 30 days after a complaint is filed pursuant to*
14 *subsection 1:*

15 **(a)** *The Hearings Division shall appoint a hearing officer; and*

16 **(b)** *The hearing officer shall set a date for a hearing.*

17 **4.** *Except as otherwise provided in this section, a hearing*
18 *must be conducted in accordance with NRS 233B.121 to*
19 *233B.150, inclusive. The hearing officer may issue a ruling based*
20 *on the briefs submitted by the parties without hearing additional*
21 *evidence.*

22 **5.** *A decision of the hearing officer made pursuant to this*
23 *section is final for purposes of judicial review.*

24 **Sec. 4.** NRS 426.563 is hereby amended to read as follows:

25 426.563 Costs of administration of NRS 426.517 to ~~426.720,~~
26 **426.715**, inclusive, *and sections 2 and 3 of this act* shall be paid out
27 on claims presented by the Bureau in the same manner as other
28 claims against the State are paid.

29 **Sec. 5.** NRS 426.590 is hereby amended to read as follows:

30 426.590 The Bureau is hereby designated as the licensing
31 agency for the purposes of 20 U.S.C. §§ 107a to 107f, inclusive, and
32 acts amendatory thereto, and the Bureau is authorized to comply
33 with such requirements as may be necessary to qualify for federal
34 approval and achieve maximum federal participation in the Vending
35 ~~Stand~~ Facility Program *established by NRS 426.630 to 426.715,*
36 *inclusive, and sections 2 and 3 of this act* under such federal
37 statutes.

38 **Sec. 6.** NRS 426.630 is hereby amended to read as follows:

39 426.630 As used in NRS 426.630 to ~~426.720,~~ **426.715**,
40 inclusive, *and sections 2 and 3 of this act*, unless the context
41 otherwise requires:

42 1. ~~“Operator”~~ **“Licensee”** means ~~the individual~~ a person
43 who is blind *and* who is *licensed by the Bureau to operate a*
44 *vending facility in or on a public building or property or on*
45 *federal property.*



1 2. “Nevada Committee of Vendors Who Are Blind” means
2 the Committee of Vendors Who Are Blind elected pursuant to NRS
3 426.670 and 34 C.F.R. § 395.14.

4 3. “Operate” means to be responsible for the day-to-day
5 operation of ~~the~~ a vending ~~stand~~ facility, including, without
6 limitation, purchasing products for resale, hiring employees and
7 performing other duties associated with managing a vending
8 facility.

9 ~~2.~~ 4. “Public ~~building~~ or “property” building or property”
10 means any building, land or other real property, owned, leased or
11 occupied by any ~~department or agency of the State or any of its~~
12 ~~political subdivisions~~ public entity except public elementary and
13 secondary schools, the Nevada System of Higher Education, the
14 Nevada State Park System and the Department of Corrections.

15 ~~3.~~ 5. “Public entity” means any department, agency or
16 political subdivision of the State, any department or agency of a
17 political subdivision of the State or any public or quasi-public
18 corporation that is supported in whole or in part by public money.
19 The term includes, without limitation, a regional transportation
20 commission, an irrigation district or water district created under
21 the laws of the State of Nevada, and all boards, commissions and
22 committees created by a public entity or the Legislature.

23 6. “Vending ~~stand~~” facility” means ~~:~~
24 ~~—(a) Such buildings, shelters, counters, shelving, display and wall~~
25 ~~cases, refrigerating apparatus and other appropriate auxiliary~~
26 ~~equipment as are necessary or customarily used for the vending of~~
27 ~~such articles or the provision of such services as may be approved~~
28 ~~by the Bureau and the department or agency having care, custody~~
29 ~~and control of the building or property in or on which the vending~~
30 ~~stand is located;~~
31 ~~—(b) Manual or coin operated vending machines or similar~~
32 ~~devices for vending such articles, operated in a particular building,~~
33 ~~even though no person is physically present on the premises except~~
34 ~~to service the machines;~~
35 ~~—(c) A cafeteria or snack bar for the dispensing of foodstuffs and~~
36 ~~beverages; or~~
37 ~~—(d) Portable shelters which can be disassembled and~~
38 ~~reassembled, and the equipment therein, used for the vending of~~
39 ~~approved articles, foodstuffs or beverages or the provision of~~
40 ~~approved services.] an automatic vending machine, cafeteria,~~
41 ~~snack bar, cart service, shelter, counter and other appropriate~~
42 ~~auxiliary equipment that is necessary for the sale of newspapers,~~
43 ~~periodicals, confections, tobacco products, foods, beverages and~~
44 ~~other articles or services dispensed or provided automatically or~~
45 ~~manually. The term includes, without limitation, the vending or~~



1 *exchange of tickets or similar items for participation in any lottery*
2 *that is authorized under the laws of this State and is conducted by*
3 *an agency of this State within this State.*

4 7. "Vending Facility Program" means the program
5 established by NRS 426.630 to 426.715, inclusive, and sections 2
6 and 3 of this act to provide for the operation of vending facilities
7 by licensees.

8 **Sec. 7.** NRS 426.640 is hereby amended to read as follows:

9 426.640 1. For the purposes of providing persons who are
10 blind with remunerative employment, enlarging the economic
11 opportunities of persons who are blind and stimulating persons who
12 are blind to greater efforts to make themselves self-supporting with
13 independent livelihoods, such persons licensed under the provisions
14 of NRS 426.630 to ~~426.720,~~ 426.715, inclusive, and sections 2
15 and 3 of this act by the Bureau:

16 ~~1. Have~~

17 (a) Except as otherwise provided in subsection 2, have
18 exclusive priority of right to operate vending ~~stands~~ facilities in or
19 on any public buildings or properties where the locations are
20 determined by the Bureau to be suitable, pursuant to the procedure
21 provided in NRS 426.630 to ~~426.720,~~ 426.715, inclusive ~~1,~~ and
22 sections 2 and 3 of this act. The Bureau, on behalf of licensees,
23 has the right of first refusal with regard to the operation of any
24 vending facility in or on any public building or property. Any
25 agreement to operate a vending facility entered into by a
26 department or agency that has care, custody and control of a
27 public building or property with an entity other than the Bureau is
28 void if the Bureau notifies the department or agency that it intends
29 to exercise the priority established by this paragraph.

30 ~~2.~~ (b) May operate vending ~~stands~~ facilities in or on
31 buildings or properties of the Nevada State Park System, with the
32 approval of the Bureau and the Administrator of the Division of
33 State Parks. ~~1, on a parity with any other vendor.~~

34 (c) May operate vending facilities in or on buildings or
35 properties of the Department of Corrections:

36 (1) If the Director of the Department of Corrections
37 voluntarily chooses to have the Department of Corrections
38 participate in the Vending Facility Program; and

39 (2) With the approval of the Bureau and the Department of
40 Corrections.

41 (d) May operate vending facilities in or on buildings or
42 properties of the Nevada System of Higher Education, including,
43 without limitation, in or on buildings or properties of a university,
44 state college or community college within the System, with the
45 approval of the Bureau and the System or the university, state



1 college or community college having care, custody and control of
2 the building or property.

3 2. Upon determining that a location is not suitable for a
4 vending facility to be operated by a licensee, the Bureau may
5 waive the exclusive priority established by paragraph (a) of
6 subsection 1. The waiver must be in writing and signed by the
7 Administrator of the Division or his or her designee.

8 **Sec. 8.** NRS 426.650 is hereby amended to read as follows:

9 426.650 Each head of the department or agency ~~in charge of~~
10 ~~the maintenance~~ that has care, custody and control of public
11 buildings or properties shall:

12 1. ~~[Not later than July 1, 1959, notify the Bureau in writing of~~
13 ~~any and all existing locations where vending stands are in operation~~
14 ~~or where vending stands might properly and satisfactorily be~~
15 ~~operated.~~

16 ~~—2.]~~ Not less than ~~[30]~~ 90 days prior to the *request for proposals*
17 *concerning, occupation of, reactivation [] of, leasing [] of, re-*
18 *leasing [] of, licensing of* or issuance of a permit for operation of
19 any vending ~~[stand.]~~ facility in or on a public building or property,
20 inform the Bureau of such contemplated action.

21 ~~[3.]~~ 2. Inform the Bureau of any locations where such vending
22 ~~[stands] facilities~~ are planned ~~for might properly and satisfactorily~~
23 ~~be operated~~ in or about other public buildings or properties as may
24 now or thereafter come under the jurisdiction of ~~the department or~~
25 ~~agency for maintenance,] a public entity,~~ such information to be
26 given not less than ~~[30]~~ 90 days prior to *the request for proposals*
27 *concerning, occupation of, reactivation of, leasing [] of, re-leasing*
28 *[] of, licensing of* or issuance of permit for operation of any
29 vending ~~[stand]~~ facility in or on such public building or ~~[on such]~~
30 property.

31 **Sec. 9.** NRS 426.660 is hereby amended to read as follows:

32 426.660 To effectuate further the purposes of NRS 426.630 to
33 ~~[426.720,] 426.715,~~ inclusive, *and sections 2 and 3 of this act,*
34 when new construction, remodeling, leasing, acquisition or
35 improvement of public buildings or properties is authorized,
36 consideration must be given to planning and making available
37 suitable space and facilities for *the establishment of at least one*
38 vending ~~[stands] facility~~ to be operated by ~~[persons who are blind.]~~
39 *a licensee.* Written notice must be given to the Bureau by the person
40 or agency having charge of the planning and design of any such
41 project ~~]:~~

42 ~~—1.—At least once each year in the case of projects proposed for a~~
43 ~~municipal airport or air navigation facilities owned or operated~~
44 ~~under the provisions of chapter 496 of NRS or an airport owned or~~
45 ~~operated by the Reno-Tahoe Airport Authority.~~



1 ~~—2. Within~~ *within* 30 days after the commencement of the
2 planning and design of the project. ~~[for all other projects.]~~

3 **Sec. 10.** NRS 426.665 is hereby amended to read as follows:

4 426.665 If a suitable location is available for a vending ~~[stand]~~
5 *facility* which requires the construction of a permanent building, the
6 Bureau may construct such building, but only after obtaining
7 approval of the Legislature.

8 **Sec. 11.** NRS 426.670 is hereby amended to read as follows:

9 426.670 1. The Bureau shall:

10 (a) Make surveys of public buildings ~~[or]~~ *and* properties to
11 determine their suitability as locations for vending ~~[stands]~~ *facilities*
12 to be operated by ~~[persons who are blind]~~ *licensees* and advise the
13 heads of departments or agencies ~~[charged with the maintenance]~~
14 *that have care, custody and control* of the *public* buildings or
15 properties of its findings.

16 (b) ~~[With the consent of the respective heads of departments or~~
17 ~~agencies charged with the maintenance of the buildings or~~
18 ~~properties, establish vending stands in those locations which the~~
19 ~~Bureau has determined to be suitable. Except as otherwise provided~~
20 ~~in subsection 4, the Bureau may enter into leases, licensing~~
21 ~~agreements or other contracts or agreements therefor.~~

22 ~~—(c)]~~ Select, train, license and assign qualified persons who are
23 blind to ~~[manage or]~~ operate vending ~~[stands or do both.]~~ *facilities*.

24 ~~[(d)]~~ (c) Except as otherwise provided in this paragraph,
25 execute ~~[contracts or]~~ agreements with ~~[persons who are blind]~~
26 *licensees* to ~~[manage or]~~ operate vending ~~[stands or do both.]~~
27 *facilities*. The agreements ~~[may concern finances, management,~~
28 ~~operation and other matters concerning the stands.]~~ *must prescribe*
29 *the responsibilities of the licensee and the Bureau to ensure the*
30 *efficient operation of the vending facility*. The Bureau shall not

31 execute ~~[a contract or]~~ an agreement which obligates the Bureau,
32 under any circumstances, to make payments on a loan to a ~~[person~~
33 ~~who is blind.~~

34 ~~—(e) When the Bureau deems such action appropriate, impose and~~
35 ~~collect license fees for the privilege of operating vending stands.]~~
36 *licensee*.

37 ~~[(f)]~~ (d) *Provide for the election of the Nevada Committee of*
38 *Vendors Who Are Blind by licensees in this State in accordance*
39 *with 34 C.F.R. § 395.14.*

40 (e) Establish and effectuate such regulations as it may deem
41 necessary to *carry out the purposes of NRS 426.630 to 426.715,*
42 *inclusive, and sections 2 and 3 of this act and* ensure the proper
43 and satisfactory operation of vending ~~[stands.]~~ *facilities*. The
44 regulations must provide a method for setting aside money from the



1 ~~[revenues]~~ *net proceeds* of vending ~~[stands]~~ *facilities* and provide
2 for the payment and collection thereof.

3 2. *If a survey conducted pursuant to paragraph (a) of*
4 *subsection 1 indicates that a public building or property is a*
5 *suitable location for a vending facility to be operated by a licensee*
6 *and the Bureau wishes to exercise, on behalf of the licensee, the*
7 *exclusive priority of the licensee, the department or agency that*
8 *has care, custody and control of the public building or property*
9 *shall cooperate with the Bureau to ensure the establishment of one*
10 *or more vending facilities in or on the public building or property.*
11 *The Bureau may enter into a contract with such a department or*
12 *agency concerning the operation of the vending facilities.*

13 3. The Bureau may enter into contracts with *third-party*
14 vendors ~~[for the establishment and operation of]~~ *to establish and*
15 *operate* vending ~~[stands.]~~ *facilities when a licensee is not available,*
16 *the projected sales are insufficient to support a licensee or other*
17 *extenuating circumstances exist.* These contracts must include
18 provisions for the payment of ~~[commissions]~~ *money* to the Bureau
19 based on ~~[revenues]~~ *net proceeds* from the vending ~~[stands.]~~
20 *facilities.* The Bureau may ~~[assign]~~ :

21 (a) *Assign* the ~~[commissions]~~ *money* to ~~[licensed operators]~~
22 *licensees* for the maintenance of their incomes ~~[]~~; *or*

23 (b) *Use the money for any purpose authorized by*
24 *NRS 426.675.*

25 ~~[3.]~~ 4. The Bureau may, by regulation, provide:

26 (a) *Methods for recovering the cost of establishing vending*
27 ~~[stands.]~~ *facilities.*

28 (b) *Penalties for failing to file reports or make payments*
29 *required by NRS 426.630 to ~~[426.720.] 426.715, inclusive, and~~*
30 *sections 2 and 3 of this act* or a regulation adopted pursuant to those
31 sections when they are due.

32 (c) *Uniform methods for selecting and assigning a licensee to*
33 *operate a vending facility.*

34 (d) *Procedures to terminate the license of a licensee who is*
35 *improperly operating a vending facility.*

36 (e) *A process for providing an opportunity for a hearing for a*
37 *licensee who is aggrieved by an action of the Bureau.*

38 (f) *A process for active participation by the Nevada Committee*
39 *of Vendors Who Are Blind in major administrative decisions*
40 *concerning the Vending Facility Program.*

41 ~~[4.]~~ 5. A department or agency that has care, custody and
42 control of a public building or property in or on which a vending
43 ~~[stand]~~ *facility* is established:

44 (a) ~~[Shall]~~ *Except as otherwise authorized by a contract*
45 *entered into pursuant to subsection 6, shall* not require the Bureau



1 ~~for the operator of the vending stand~~, a licensee or a third-party
2 vendor to pay any rent, fee, utility charge, commission, incentive
3 or assessment ~~[that is based on the square footage of the portion of~~
4 ~~the building or property where the vending stand is located.] related~~
5 ~~to the vending facility.~~ Such a prohibited ~~[fee or assessment]~~
6 payment includes, without limitation, a fee for the maintenance of
7 landscaping or a common area.

8 (b) May enter into an agreement with the Bureau to recover the
9 increases in utility costs ~~for other expenses~~ where there is a direct,
10 measurable and proportional increase in such costs ~~for expenses~~ as
11 a result of the operation of the vending ~~stand~~
12 ~~facility.~~

13 6. The Bureau may, at its discretion, enter into a contract
14 with a department or agency that has care, custody and control of
15 a public building or property that contains provisions that are less
16 restrictive than the provisions of this section, including, without
17 limitation, provisions for the payment of an incentive by a licensee
18 to the department or agency, if the Bureau, in its discretion,
19 determines that the circumstances justify such less restrictive
20 provisions. The establishment of a vending facility must not, under
21 any circumstances, be contingent upon the payment of an
22 incentive to a department or agency. The Bureau shall not agree
23 to any payment that reduces the profits of the vending facility to
24 the extent that the vending facility is not viable.

25 7. With the approval of the Bureau, a licensee may utilize a
26 third-party vendor to carry out any responsibilities of the licensee
27 relating to the operation of a vending facility.

28 8. Any provision in a lease, licensing agreement, contract or
29 other agreement relating to a vending ~~stand~~ facility established
30 pursuant to this section that conflicts with this ~~subsection~~ section
31 is void.

32 **Sec. 12.** NRS 426.675 is hereby amended to read as follows:

33 426.675 1. The Business Enterprise Account for Persons
34 Who Are Blind is hereby created within the State General Fund and
35 must be managed by the Administrator of the Division.

36 2. Money received by the Bureau under the provisions of NRS
37 426.670, except commissions assigned to ~~[licensed vending stand~~
38 ~~operators.] licensees~~, must:

39 (a) Be deposited in the Business Enterprise Account for Persons
40 Who Are Blind.

41 (b) Except as otherwise provided in subsection ~~[4.] 5~~, remain in
42 the Account and not revert to the State General Fund.

43 (c) Be used for:

44 (1) Purchasing, maintaining or replacing vending ~~stands~~
45 facilities or the equipment therein;



1 (2) Maintaining a stock of equipment, parts, accessories and
2 merchandise used or planned for use in the Vending ~~[Stand]~~ *Facility*
3 Program; ~~[and]~~

4 (3) *Management services, including, without limitation,*
5 *supervision, inspection, quality control, consultation, accounting,*
6 *regulating, in-service training and other related services provided*
7 *on a systematic basis to support and improve vending facilities;*
8 *and*

9 (4) Other purposes, consistent with NRS 426.640, as may be
10 provided by regulation.

11 3. Purchases made pursuant to paragraph (c) of subsection 2
12 are exempt from the provisions of the State Purchasing Act at the
13 discretion of the Administrator of the Purchasing Division of the
14 Department of Administration or his or her designated
15 representative. ~~[-, but the]~~

16 4. *The* Bureau shall:

17 (a) Maintain current inventory records of all equipment, parts,
18 accessories and merchandise charged to the Business Enterprise
19 Account for Persons Who Are Blind;

20 (b) Conduct a periodic physical count of all such equipment,
21 parts, accessories and merchandise; and

22 (c) Reconcile the results of the periodic physical count with the
23 inventory records and cash balance in the Account.

24 ~~[4.]~~ 5. If the Business Enterprise Account for Persons Who
25 Are Blind is dissolved or the Vending ~~[Stand]~~ *Facility* Program is
26 terminated, the Administrator of the Division shall, within 60 days
27 after the dissolution or termination:

28 (a) Provide an accounting of the money remaining in the
29 Account to all ~~[licensed vending stand operators;]~~ *licensees;* and

30 (b) Distribute any money remaining in the Account to each
31 ~~[such operator]~~ *licensee* in ~~[the same]~~ proportion ~~[as the money~~
32 ~~deposited in the Account and attributable to that operator bears to all~~
33 ~~the money remaining in the Account.]~~ *to the amount of time that*
34 *the licensee has held his or her license.*

35 ↪ The Division shall, in consultation with the Nevada Committee
36 of ~~[Blind]~~ Vendors *Who Are Blind* or its successor organization,
37 adopt regulations to carry out the provisions of this subsection.

38 ~~[5.]~~ 6. Money from any source which may lawfully be used for
39 the Vending ~~[Stand]~~ *Facility* Program may be transferred or
40 deposited by the Bureau to the Business Enterprise Account for
41 Persons Who Are Blind.

42 ~~[6.]~~ 7. The interest and income earned on the money in the
43 Business Enterprise Account for Persons Who Are Blind, after
44 deducting any applicable charges, must be credited to the Account.



1 **Sec. 13.** NRS 426.677 is hereby amended to read as follows:

2 426.677 1. The Bureau may, in interim periods when a
3 licensee ~~[who is blind]~~ is not available to operate a vending facility
4 and its continuous operation is required, establish a checking
5 account in a depository bank or credit union qualified to receive
6 deposits of public money pursuant to chapter 356 of NRS. All
7 money received from the vending facility during the interim period
8 must be deposited to the account, and all expenses necessary to
9 maintain the interim operation of the facility must be paid from the
10 account.

11 2. If the licensee ~~[who is blind]~~ who operated the *vending*
12 facility returns after a temporary disability ~~[]~~ *less than 6 months*
13 *after becoming unavailable to operate the vending facility because*
14 *of the disability*, the Bureau shall prepare a financial report and
15 close the checking account by making a check in the amount of any
16 balance remaining in the account payable to the licensee.

17 3. *If the licensee who operated the vending facility*
18 *experiences a disability and is unable to return within 6 months*
19 *after becoming unavailable to operate the vending facility because*
20 *of the disability, the Bureau shall prepare a financial report and*
21 *make a check in the amount of the balance of the account at the*
22 *time at which the check is made but such amount must not exceed*
23 *the amount of the balance of the account on the date 6 months*
24 *after the date on which the licensee became unavailable to operate*
25 *the vending facility payable to the licensee.*

26 4. If a licensee , ~~[who is blind,]~~ other than the one who
27 previously operated the *vending* facility, is permanently assigned to
28 ~~[it,]~~ *the vending facility*, the Bureau shall prepare a financial report
29 and close the checking account by making a check in the amount of
30 any balance remaining in the account payable to the Business
31 Enterprise Account for Persons Who Are Blind.

32 **Sec. 14.** NRS 426.685 is hereby amended to read as follows:

33 426.685 1. The Bureau may establish *a vending* ~~[stands in~~
34 ~~privately owned buildings,]~~ *facility in or on a building or property*
35 *that is not a public building or property* if the ~~[building]~~ owner ~~[in~~
36 ~~each instance]~~ *of the building or property* consents and enters into a
37 contract ~~[or other agreement approved by]~~ *with* the Bureau.

38 2. ~~[The]~~ *Except as otherwise provided in this subsection, the*
39 owner of a building ~~[in]~~ *or property in or on* which a vending
40 ~~[stand]~~ *facility* is established pursuant to subsection 1 ~~[]~~:

41 ~~—(a) Shall not require the Bureau or the operator of the vending~~
42 ~~stand to pay any rent, fee or assessment that is based on the square~~
43 ~~footage of the portion of the building or property where the vending~~
44 ~~stand is located. Such a prohibited fee or assessment includes,~~



1 without limitation, a fee for the maintenance of landscaping or a
2 common area.

3 ~~—(b) May~~ *may* enter into ~~[an agreement]~~ *a contract* with the
4 Bureau ~~[to recover the increases in utility costs or other expenses~~
5 ~~where there is a direct, measurable and proportional increase in such~~
6 ~~costs or expenses as a result of the operation of the vending stand.~~

7 ~~Any provision in a contract or other agreement relating to a~~
8 ~~vending stand established pursuant to subsection 1 that conflicts~~
9 ~~with this subsection is void.]~~ *that requires the licensee to pay an*
10 *incentive to the owner of the building or property. An incentive*
11 *may not be paid to the owner of a building or property with respect*
12 *to a vending facility located in a portion of the building or*
13 *property leased or rented to a public entity.*

14 **Sec. 15.** NRS 426.690 is hereby amended to read as follows:

15 426.690 ~~[Vending stands]~~ *A vending facility* operated under
16 the provisions of NRS 426.630 to ~~[426.720,]~~ *426.715*, inclusive,
17 ~~[shall]~~ *and sections 2 and 3 of this act must* be used solely for the
18 vending of such commodities, ~~[and]~~ *articles and services* as may be
19 approved by the Bureau and ~~[by the head of]~~ the department or
20 agency ~~[in charge of the maintenance]~~ *that has care, custody and*
21 *control* of the *public* building or property in or on which ~~[such~~
22 ~~stand]~~ *the vending facility* is operated.

23 **Sec. 16.** NRS 426.695 is hereby amended to read as follows:

24 426.695 ~~[Persons who are blind]~~ *A licensee* who ~~[operate]~~
25 *operates* a vending ~~[stand]~~ *facility* pursuant to the provisions of
26 NRS 426.630 to ~~[426.720,]~~ *426.715*, inclusive, *and sections 2 and 3*
27 *of this act* may keep a service animal with ~~[them]~~ *him or her* at all
28 times on the premises where that vending ~~[stand]~~ *facility* is located.

29 **Sec. 17.** NRS 426.700 is hereby amended to read as follows:

30 426.700 ~~[The operator of each vending stand operated]~~ *A*
31 *licensee operating a vending facility* under the provisions of NRS
32 426.630 to ~~[426.720,]~~ *426.715*, inclusive, ~~[shall be]~~ *and sections 2*
33 *and 3 of this act is* subject to:

34 1. The provisions of any and all laws and ordinances applying
35 within the territory within which ~~[such stand]~~ *the vending facility*
36 is located, including those requiring a license or permit for the conduct
37 of such business or any particular aspect thereof.

38 2. The provisions of chapter 446 of NRS.

39 **Sec. 18.** NRS 426.710 is hereby amended to read as follows:

40 426.710 The Bureau may, ~~[in its discretion,]~~ *after actively*
41 *consulting with the Nevada Committee of Vendors Who Are Blind,*
42 *utilize an* appropriate nonprofit ~~[corporations]~~ *organization*
43 *organized under the laws of this State* ~~[, or other agencies, as~~
44 ~~trustees to provide day-to-day management and operation services~~
45 ~~for the Vending Stand Program for Persons Who Are Blind. Such~~



1 ~~corporations or agencies must be reimbursed for their actual and~~
2 ~~necessary expenses by the operators of the vending stand units~~
3 ~~which compose the Vending Stand Program in accordance with such~~
4 ~~rules and regulations as may be adopted by the Bureau and approved~~
5 ~~by the Department.] to manage any portion of the operations of the~~
6 *Vending Facility Program, including, without limitation,*
7 *supervising or managing a licensee. Any such arrangement must*
8 *comply with 34 C.F.R. § 395.15.*

9 **Sec. 19.** NRS 426.715 is hereby amended to read as follows:

10 426.715 Any person who sells, solicits orders for or delivers, in
11 *or on* any public building or ~~[on any public land,]~~ *property*, any
12 commodity which a ~~[vendor who is blind]~~ *licensee* is authorized by
13 the Bureau to sell is guilty of a misdemeanor except:

14 1. A person licensed by or under contract to the Bureau;

15 2. A person who delivers a commodity to a ~~[vendor who is~~
16 ~~blind]~~ *licensee* or for the account of a ~~[vendor who is blind;]~~
17 *licensee;*

18 3. A person who is raising money for the charitable activities
19 of a corporation organized for educational, religious, scientific,
20 charitable or eleemosynary purposes under the provisions of chapter
21 82 of NRS;

22 4. Public employees jointly sharing in the cost of coffee or
23 other beverages purchased by them for their own use, if there is no
24 commercial arrangement for the delivery of products and supplies to
25 the *public* building or ~~[land;]~~ *property;*

26 5. A person who is catering an event inside or otherwise
27 delivering food or beverages to the Legislative Building; or

28 6. A person who is authorized to conduct such an activity
29 under the terms of a contract, lease or other arrangement with a
30 municipality pursuant to NRS 496.090. *This subsection must not be*
31 *construed to limit the exclusive priority of right established in*
32 *NRS 426.640.*

33 **Sec. 20.** NRS 211.360 is hereby amended to read as follows:

34 211.360 1. The sheriff or chief of police of a city may
35 establish and operate in each jail in his or her jurisdiction a
36 commissary to sell to prisoners committed to the jail food,
37 beverages, toiletries and such other items as may be approved by the
38 sheriff or chief of police. The sheriff or chief of police may require
39 prisoners committed to the jail to work in the commissary.

40 2. The sheriff or chief of police, or a person designated by the
41 sheriff or chief of police, shall:

42 (a) Keep accurate books and records of all transactions which
43 take place at the commissary; and



1 (b) Submit reports of these books and records to the board of
2 county commissioners or governing body of the city, as appropriate,
3 at such times as may be required by the board or governing body.

4 3. Proceeds from the operation of the commissary must be
5 maintained in a separate account and any profits therefrom must be
6 expended only for the welfare and benefit of the prisoners in the jail.

7 4. The provisions of NRS 426.630 to ~~426.720,~~ **426.715,**
8 inclusive, *and sections 2 and 3 of this act* do not apply to any
9 commissary established and operated pursuant to this section.

10 **Sec. 21.** NRS 232.920 is hereby amended to read as follows:

11 232.920 The Director:

12 1. Shall:

13 (a) Organize the Department into divisions and other operating
14 units as needed to achieve the purposes of the Department;

15 (b) Upon request, provide the Director of the Department of
16 Administration with a list of organizations and agencies in this State
17 whose primary purpose is the training and employment of persons
18 with disabilities;

19 (c) Except as otherwise provided by a specific statute, direct the
20 divisions to share information in their records with agencies of local
21 governments which are responsible for the collection of debts or
22 obligations if the confidentiality of the information is otherwise
23 maintained under the terms and conditions required by law;

24 (d) Provide the employment and wage information to the Board
25 of Regents of the University of Nevada for purposes of the reporting
26 required of the Board of Regents by subsection 4 of NRS 396.531;
27 and

28 (e) Provide to the Director of the Legislative Counsel Bureau a
29 written report each quarter containing the rate of unemployment of
30 residents of this State regarding whom the Department has
31 information, organized by county and, for each county, the rate of
32 unemployment disaggregated by demographic information,
33 including, without limitation, age, race and gender. The Director of
34 the Department shall:

35 (1) Post on the Internet website of the Department the report
36 required by this paragraph;

37 (2) Provide the report to the Governor's Workforce
38 Investment Board and all applicable agencies for the purposes of
39 subsection 5 of NRS 232.935; and

40 (3) Post on the Internet website of the Department the written
41 report provided by the Governor's Workforce Investment Board
42 pursuant to subsection 5 of NRS 232.935.

43 2. Is responsible for the administration, through the divisions
44 of the Department, of the provisions of NRS 394.383 to 394.560,
45 inclusive, 426.010 to ~~426.720,~~ **426.715,** inclusive, *and sections 2*



1 *and 3 of this act*, 426.740, 426.790 and 426.800, and chapters 612
2 and 615 of NRS, and all other provisions of law relating to the
3 functions of the Department and its divisions, but is not responsible
4 for the professional line activities of the divisions or other operating
5 units except as otherwise provided by specific statute.

6 3. May employ, within the limits of legislative appropriations,
7 such staff as is necessary for the performance of the duties of the
8 Department.

9 **Sec. 22.** NRS 277A.320 is hereby amended to read as follows:

10 277A.320 1. In a county whose population is 700,000 or
11 more, the commission may provide for the construction, installation
12 and maintenance of vending ~~[stands]~~ *facilities* for passengers of
13 public mass transportation in any building, terminal or parking
14 facility owned, operated or leased by the commission.

15 2. The provisions of NRS 426.630 to ~~[426.720,]~~ *426.715,*
16 inclusive, *and sections 2 and 3 of this act* apply to a vending ~~[stand]~~
17 *facility* constructed, installed or maintained pursuant to this section.

18 **Sec. 23.** NRS 615.255 is hereby amended to read as follows:

19 615.255 1. There is hereby created the Rehabilitation
20 Division Revolving Account in an amount not to exceed \$90,000.
21 The money in the Revolving Account may be used for the payment
22 of claims of:

23 (a) Applicants for or recipients of services from:

24 (1) The Bureau of Vocational Rehabilitation; and

25 (2) The Bureau of Services to Persons Who Are Blind or
26 Visually Impaired, including, without limitation, the Vending
27 ~~[Stand] Facility~~ Program ~~[for Persons Who Are Blind authorized]~~
28 *established* by NRS 426.630 to ~~[426.720,]~~ *426.715,* inclusive ~~[,]~~ ,
29 *and sections 2 and 3 of this act.*

30 (b) Vendors providing services to those applicants or recipients
31 under procedures established by the Division.

32 2. The money in the Revolving Account must be deposited in a
33 bank or credit union qualified to receive deposits of public money.
34 The bank or credit union shall secure the deposit with a depository
35 bond satisfactory to the State Board of Examiners, unless it is
36 otherwise secured by the Federal Deposit Insurance Corporation, the
37 National Credit Union Share Insurance Fund or a private insurer
38 approved pursuant to NRS 672.755.

39 3. After expenditure of money from the Revolving Account,
40 the Administrator shall present a claim to the State Board of
41 Examiners. When approved by the State Board of Examiners, the
42 State Controller shall draw his or her warrant in the amount of the
43 claim in favor of the Rehabilitation Division Revolving Account, to
44 be paid to the order of the Administrator, and the State Treasurer
45 shall pay it.



1 4. Money in the Rehabilitation Division Revolving Account
2 does not revert to the State General Fund at the end of the fiscal
3 year, but remains in the Revolving Account.

4 5. Purchases paid for from the Rehabilitation Division
5 Revolving Account for the purposes authorized by subsection 1 may
6 be exempt from the provisions of the State Purchasing Act at the
7 discretion of the Administrator of the Purchasing Division of the
8 Department of Administration or the designated representative of
9 the Administrator.

10 **Sec. 24.** NRS 426.680 and 426.720 are hereby repealed.

11 **Sec. 25.** This act becomes effective on July 1, 2021.

TEXT OF REPEALED SECTIONS

426.680 Review of recommendation of Bureau if agency rejects establishment of vending stand.

1. If, after a vending stand survey as authorized by NRS 426.670, the head of a department or agency in charge of the maintenance of any public building or property rejects or does not act upon a written recommendation of the Bureau that a vending stand be established or operated for the employment of persons who are blind, the matter must be referred to the Director of the Department of Employment, Training and Rehabilitation for review.

2. After reviewing the recommendation of the Bureau, the Director may refer the matter to the head of the department or agency concerned for further review and disposition.

3. If the Director is not satisfied with the decision of the head of the department or agency concerned, the Director may refer the matter for final decision and disposition to:

(a) The Governor, in the case of state buildings or properties.

(b) The board of county commissioners, in the case of county buildings or properties.

(c) The city council or other governing board of the municipality in the case of municipal buildings or properties.

(d) The governing board of the political subdivision in the case of buildings or properties of other political subdivisions of this State.

426.720 Applicability of provisions to operators of vending stands.

1. Persons operating vending stands in public buildings or on public properties as defined in NRS 426.630 prior to March 13, 1959, shall not be affected by the provisions of NRS 426.630



to 426.720, inclusive, except and only insofar as provided by subsection 2 of NRS 426.650.

2. Any person who is blind who is presently operating a vending stand in or on public buildings or properties who desires to avail himself or herself of the advantages of the Program authorized by NRS 426.630 to 426.720, inclusive, shall have the right to do so, and in such instance, the Bureau may negotiate and consummate arrangements for the purchase of such vending stand equipment as it may deem necessary for the satisfactory operation of the vending stand.

