

Amendment No. 176

Senate Amendment to Senate Bill No. 61	(BDR 38-320)
Proposed by: Senate Committee on Health and Human Services	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DP/WLK



Date: 4/13/2021

S.B. No. 61—Revises provisions governing the program for the operation of vending facilities by licensees who are blind. (BDR 38-320)



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; adding exceptions to criminal provisions governing certain unauthorized sales, solicitations of orders and deliveries in or on public buildings or property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates a program to establish vending stands on public property to be operated by persons who are blind. (NRS 426.630-426.720) **Sections 5-19** of this bill revise certain terminology, including: (1) substituting the term “vending facility” for “vending stand”; (2) using the term “licensee” to describe a person who is blind and who is licensed by the Bureau of Services to Persons Who Are Blind or Visually Impaired in the Department of Employment, Training and Rehabilitation to operate a vending facility; and (3) using the standard term ~~“department or agency”~~ “public entity” that has care, custody and control of a

public building or property” to refer to the governmental agency in charge of a public building or property. **Section 2** of this bill requires the Bureau to provide certain training and assistance for licensees and persons who wish to become licensees.

Existing law: (1) defines the term “public building” or “property” to mean any building, land or real property owned, leased or occupied by a department or agency of the State or its political subdivisions, except for public elementary and secondary schools, the Nevada System of Higher Education, the Nevada State Park System and the Department of Corrections; and (2) provides that licensees have priority of right to operate vending stands in or on any such public buildings or properties with suitable locations for a vending stand. (NRS 426.630, 426.640) **Section 6 of this bill expands the definition to include an airport authority operating in this State and a department of aviation which is operated by a political subdivision of this State, excluding certain building, land or other real property that is leased or operated for the purposes of live entertainment.** **Section 7** of this bill grants the Bureau the right of first refusal, on behalf of licensees, with regard to the operation of a vending facility in or on a public building or property. **Section 11** of this bill: (1) removes authorization for the Bureau to establish a vending facility in or on a public building or property with the consent of the head of a department or agency responsible for the maintenance of a public building or property; and (2) **if the Bureau has determined that the public building or property is a suitable site for a vending facility,** instead requires the ~~{department or agency}~~ **public entity** having care, custody and control of a public building or property to cooperate with the Bureau to **discuss options for a vending facility and, upon reaching agreement, cooperate to** establish a vending facility. ~~{if the Bureau has determined that the public building or property is a suitable site for a vending facility.}~~ **Section 3** of this bill provides for the resolution of a dispute between the Bureau and a ~~{department or agency}~~ **public entity** that has care, custody and control of a public building or property by the Hearings Division of the Department of Administration. **Section 24** of this bill makes a conforming change to remove a provision establishing procedures for resolving a dispute when a department or agency rejects establishment of a vending facility.

Section 7 authorizes the operation of vending facilities by licensees in or on buildings or properties of **an airport authority or department of aviation, under certain conditions,** the Nevada System of Higher Education, the Nevada State Park System and the Department of Corrections with the approval of the Bureau and the applicable state agency.

Existing law requires a state or local department or agency to notify the Bureau at least 30 days before reactivation, leasing, releasing, licensing or issuing a permit for the operation of a vending facility in or on a public building or property. (NRS 426.650) **Section 8** of this bill: (1) moves back the deadline for such notification to at least ~~{90}~~ **60** days before the planned action; and (2) additionally requires a state or ~~{local department or agency}~~ **public entity** to notify the Bureau at least ~~{90}~~ **60** days before requesting proposals for, or occupying, a vending facility in or on a public building or property. **Section 9** of this bill removes a requirement for annual notification of the Bureau concerning new construction, remodeling, leasing, acquisition or improvement of public buildings or properties at certain airports and instead requires notice to be provided within 30 days after the commencement of planning and design of the project, as is required by existing law for such a project on any other public building or property. (NRS 426.660)

Existing federal regulations: (1) require the state agency in charge of licensing blind vendors to provide for the biennial election of a State Committee of Blind Vendors; and (2) prescribe the duties of the Committee. (34 C.F.R. § 395.14) Existing regulations create the Nevada Committee of Vendors Who Are Blind. (NAC 426.080) **Section 11** requires the Bureau to provide for the election of the Nevada Committee of Vendors Who Are Blind and provides for the active participation of the Committee in administrative decisions concerning the Vending Facility Program.

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

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

Existing law authorizes the Bureau to establish a vending facility on private property if the property owner consents and enters into a contract with the Bureau. (NRS 428.685) **Section 14** of this bill authorizes the Bureau to enter into such a contract pursuant to which the licensee may pay an incentive to the property owner for certain locations. **Section 18** of this bill: (1) authorizes the Bureau, after actively consulting with the Committee of Vendors Who Are Blind, to utilize a nonprofit organization to manage any portion of the operations of the Vending Facility Program; and (2) requires any such arrangement to comply with certain federal regulations. Section 19 of this bill adds further exceptions from the existing criminal penalties for certain sales, solicitations of orders for or deliveries of commodities authorized for sale in or on any public building or property.

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:

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

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

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

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

4. *The Bureau shall:*

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

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

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

2. *The Hearings Division may not:*

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

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

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

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

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

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

5. *A decision of the hearing officer made pursuant to this section is a final decision for purposes of judicial review, ~~it~~ and may be appealed to the district court pursuant to the provisions of chapter 233B of NRS. Any such appeal must be filed not later than 30 days after the date of service of the final decision of the hearing officer.*

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

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

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

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

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

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

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

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

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

~~2.~~ 4. *“Public ~~building~~ or ~~property~~” building or property” :*

(a) Except as otherwise provided in paragraph (b), means any portion of any building, land or other real property, owned, leased or occupied by any ~~department or agency of the State or any of its political subdivisions~~ public entity except public elementary and secondary schools, the Nevada System of Higher Education, the Nevada State Park System, ~~and~~ the Department of Corrections ~~or~~ ~~3.~~ , an airport authority operating in this State and a department of aviation which is operated by a political subdivision of this State.

(b) Does not include any building, land or other real property that is:

(1) Leased to a private entity; or

(2) Operated pursuant to an operating agreement, ~~for the purposes of live entertainment, as defined in NRS 368A.090.~~

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

6. *“Vending ~~stand~~” facility” means ~~:~~*

~~(a) Such buildings, shelters, counters, shelving, display and wall cases, refrigerating apparatus and other appropriate auxiliary equipment as are necessary or customarily used for the vending of such articles or the provision of such services as may be approved by the Bureau and the department or agency having~~

care, custody and control of the building or property in or on which the vending stand is located;

~~—(b) Manual or coin operated vending machines or similar devices for vending such articles, operated in a particular building, even though no person is physically present on the premises except to service the machines;~~

~~—(c) A cafeteria or snack bar for the dispensing of foodstuffs and beverages; or~~

~~—(d) Portable shelters which can be disassembled and reassembled, and the equipment therein, used for the vending of approved articles, foodstuffs or beverages or the provision of approved services.]~~

an automatic vending machine, cafeteria, snack bar, cart service, shelter, counter and other appropriate auxiliary equipment that is necessary for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages and other articles or services dispensed or provided automatically or manually. The term includes, without limitation, the vending or exchange of tickets or similar items for participation in any lottery that is authorized under the laws of this State and is conducted by an agency of this State within this State.

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

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

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

~~1. Have~~

(a) Except as otherwise provided in subsection 2, have ~~exclusive~~ priority of right to operate vending ~~stands~~ facilities in or on any public buildings or properties where the locations are determined by the Bureau to be suitable, pursuant to the procedure provided in NRS 426.630 to ~~426.720,~~ 426.715, inclusive ~~1,~~ and sections 2 and 3 of this act. The Bureau, on behalf of licensees, has the right of first refusal with regard to the operation of any vending facility in or on any public building or property. Any agreement to operate a vending facility entered into on or after July 1, 2021, by a ~~department or agency~~ public entity that has care, custody and control of a public building or property with an entity other than the Bureau is void if the Bureau notifies the ~~department or agency~~ public entity that it intends to exercise the priority established by this paragraph.

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

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

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

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

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

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

3 *(e) May operate vending facilities in or on a public building or property of an*
4 *airport authority operating in this State or a department of aviation operated by a*
5 *political subdivision of this State if:*

6 *(1) The airport authority or department of aviation, as applicable,*
7 *chooses to participate in the Vending Facility Program; and*

8 *(2) That participation complies with all local, state and federal statutes*
9 *and regulations that govern the operations of the public building or property of*
10 *the airport authority or department of aviation, as applicable.*

11 2. Upon determining that a location is not suitable for a vending facility to
12 be operated by a licensee, the Bureau may waive the ~~exclusive~~ priority
13 established by paragraph (a) of subsection 1. The waiver must ~~be~~ :

14 *(a) Be in writing ~~and~~ ;*

15 *(b) Set forth the conditions under which the waiver may be revoked or*
16 *modified; and*

17 *(c) Be signed by the Administrator of the Division or his or her designee.*

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

19 426.650 Each head of the ~~{department or agency in charge of the~~
20 ~~maintenance}~~ public entity that has care, custody and control of public buildings
21 or properties shall:

22 1. ~~{Not later than July 1, 1959, notify the Bureau in writing of any and all~~
23 ~~existing locations where vending stands are in operation or where vending stands~~
24 ~~might properly and satisfactorily be operated.~~

25 ~~— 2. Not less than {30-90} 60 days prior to the request for proposals~~
26 ~~concerning, occupation of, reactivation { } of, leasing { } of, re-leasing { } of,~~
27 ~~licensing of or issuance of a permit for operation of any vending {stand} facility in~~
28 ~~or on a public building or property, inform the Bureau of such contemplated~~
29 ~~action.~~

30 ~~{3.} 2. Inform the Bureau of any locations where such vending {stands}~~
31 ~~facilities are planned {or might properly and satisfactorily be operated} in or about~~
32 ~~other public buildings or properties as may now or thereafter come under the~~
33 ~~jurisdiction of {the department or agency for maintenance,} a public entity, such~~
34 ~~information to be given not less than {30-90} 60 days prior to the request for~~
35 ~~proposals concerning, occupation of, reactivation of, leasing { } of, re-leasing { }~~
36 ~~of, licensing of or issuance of permit for operation of any vending {stand} facility in~~
37 ~~or on such public building or {on such} property.~~

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

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

47 ~~— 1. At least once each year in the case of projects proposed for a municipal~~
48 ~~airport or air navigation facilities owned or operated under the provisions of chapter~~
49 ~~496 of NRS or an airport owned or operated by the Reno Tahoe Airport Authority.~~

50 ~~— 2. Within} within 30 days after the commencement of the planning and design~~
51 ~~of the project. {for all other projects.}~~

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

2 426.665 If a suitable location is available for a vending ~~[stand]~~ **facility** which
3 requires the construction of a permanent building, the Bureau may construct such
4 building, but only after obtaining approval of the Legislature.

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

6 426.670 1. The Bureau shall:

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

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

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

19 ~~[(d)]~~ (c) Except as otherwise provided in this paragraph, execute ~~[contracts or]~~
20 agreements with ~~[persons who are blind]~~ **licensees** to ~~[manage or]~~ operate vending
21 ~~[stands or do both.]~~ **facilities.** The agreements ~~[may concern finances, management,~~
22 ~~operation and other matters concerning the stands.]~~ **must prescribe the**
23 **responsibilities of the licensee and the Bureau to ensure the efficient operation of**
24 **the vending facility.** The Bureau shall not execute ~~[a contract or]~~ **an** agreement
25 which obligates the Bureau, under any circumstances, to make payments on a loan
26 to a ~~[person who is blind.]~~

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

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

31 (e) Establish and effectuate such regulations as it may deem necessary to **carry**
32 **out the purposes of NRS 426.630 to 426.715, inclusive, and sections 2 and 3 of**
33 **this act** and ensure the proper and satisfactory operation of vending ~~[stands.]~~
34 **facilities.** The regulations must provide a method for setting aside money from the
35 ~~[revenues]~~ **net proceeds** of vending ~~[stands]~~ **facilities** and provide for the payment
36 and collection thereof.

37 2. **If a survey conducted pursuant to paragraph (a) of subsection 1 indicates**
38 **that a public building or property is a suitable location for a vending facility to be**
39 **operated by a licensee and the Bureau wishes to exercise, on behalf of the**
40 **licensee, the [exclusive] priority of the licensee, the [department or agency] public**
41 **entity that has care, custody and control of the public building or property shall**
42 **cooperate with the Bureau to discuss options for a vending facility. If the public**
43 **entity reaches agreement with the Bureau regarding the operation of a vending**
44 **facility at the location, the public entity shall cooperate with the Bureau to ensure**
45 **the establishment of one or more vending facilities in or on the public building or**
46 **property. The Bureau may enter into a contract with such a [department or**
47 **agency] public entity concerning the operation of the vending facilities.**

48 3. The Bureau may enter into contracts with **third-party** vendors ~~[for the~~
49 ~~establishment and operation of]~~ **to establish and operate** vending ~~[stands.]~~ **facilities**
50 **when a licensee is not available, the projected sales are insufficient to support a**
51 **licensee or other extenuating circumstances exist.** These contracts must include
52 provisions for the payment of ~~[commissions]~~ **money** to the Bureau based on

1 ~~[revenues]~~ *net proceeds* from the vending ~~[stands.]~~ *facilities*. The Bureau may
2 ~~[assign] :~~

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

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

6 ~~[3.]~~ 4. The Bureau may, by regulation, provide:

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

8 (b) Penalties for failing to file reports or make payments required by NRS
9 426.630 to ~~[426.720.]~~ *426.715*, inclusive, *and sections 2 and 3 of this act* or a
10 regulation adopted pursuant to those sections when they are due.

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

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

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

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

20 ~~[4.]~~ 5. A ~~[department or agency]~~ *public entity* that has care, custody and
21 control of a public building or property in or on which a vending ~~[stand]~~ *facility* is
22 established:

23 (a) ~~[Shall]~~ *Except as otherwise authorized by a contract entered into*
24 *pursuant to subsection 6, shall not require the Bureau [for the operator of the*
25 *vending stand] , a licensee or a third-party vendor to pay any rent, fee , utility*
26 *charge, commission, incentive or assessment [that is based on the square footage of*
27 *the portion of the building or property where the vending stand is located.] related*
28 *to the vending facility. Such a prohibited [fee or assessment] payment includes,*
29 *without limitation, a fee for the maintenance of landscaping or a common area.*

30 (b) *May enter into an agreement with the Bureau to recover the increases in*
31 *utility costs [for other expenses] where there is a direct, measurable and proportional*
32 *increase in such costs [for expenses] as a result of the operation of the vending*
33 *[stand.*
34 *→] facility.*

35 6. *The Bureau may, at its discretion, enter into a contract with a*
36 *[department or agency] public entity that has care, custody and control of a*
37 *public building or property that contains provisions that are less restrictive than*
38 *the provisions of this section, including, without limitation, provisions for the*
39 *payment of an incentive by a licensee to the [department or agency] public entity,*
40 *if the Bureau, in its discretion, determines that the circumstances justify such less*
41 *restrictive provisions. The establishment of a vending facility must not, under any*
42 *circumstances, be contingent upon the payment of an incentive to a [department*
43 *or agency] public entity. The Bureau shall not agree to any payment that reduces*
44 *the profits of the vending facility to the extent that the vending facility is not*
45 *viable.*

46 7. ~~[With the approval of the Bureau, a licensee may utilize a third party~~
47 ~~vendor to carry out any responsibilities of the licensee relating to the operation of~~
48 ~~a vending facility.~~

49 ~~— 8.]~~ Any provision in a lease, licensing agreement, contract or other agreement
50 relating to a vending ~~[stand]~~ *facility* established pursuant to this section that
51 conflicts with this ~~[subsection]~~ *section* is void.

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

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

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

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

(b) Except as otherwise provided in subsection ~~4.1~~ 5, remain in the Account and not revert to the State General Fund.

(c) Be used for:

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

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

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

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

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

4. The Bureau shall:

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

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

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

~~4.1~~ 5. If the Business Enterprise Account for Persons Who Are Blind is dissolved or the Vending ~~Stand~~ *Facility* Program is terminated, the Administrator of the Division shall, within 60 days after the dissolution or termination:

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

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

➤ The Division shall, in consultation with the Nevada Committee of ~~Blind~~ *Who Are Blind* or its successor organization, adopt regulations to carry out the provisions of this subsection.

~~5.1~~ 6. Money from any source which may lawfully be used for the Vending ~~Stand~~ *Facility* Program may be transferred or deposited by the Bureau to the Business Enterprise Account for Persons Who Are Blind.

~~6.1~~ 7. The interest and income earned on the money in the Business Enterprise Account for Persons Who Are Blind, after deducting any applicable charges, must be credited to the Account.

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

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

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

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

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

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

426.685 1. The Bureau may establish *a vending facility in or on a building or property that is not a public building or property* if the ~~{building}~~ owner ~~{in each instance}~~ *of the building or property* consents and enters into a contract ~~{or other agreement approved by}~~ *with* the Bureau.

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

~~—(a) Shall not require the Bureau or the operator of the vending stand to pay any rent, fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. Such a prohibited fee or assessment includes, without limitation, a fee for the maintenance of landscaping or a common area.~~

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

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

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

426.690 ~~{Vending stands}~~ *A vending facility* operated under the provisions of NRS 426.630 to ~~{426.720}~~ *426.715*, inclusive, ~~{shall}~~ *and sections 2 and 3 of this act must* be used solely for the vending of such commodities, ~~{and}~~ *articles and*

1 *services* as may be approved by the Bureau and ~~[by the head of] the [department or~~
2 ~~agency in charge of the maintenance]~~ *public entity that has care, custody and*
3 *control of the public* building or property in or on which ~~[such stand]~~ *the vending*
4 *facility* is operated.

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

6 426.695 ~~[Persons who are blind]~~ *A licensee* who ~~[operate]~~ *operates* a vending
7 ~~[stand]~~ *facility* pursuant to the provisions of NRS 426.630 to ~~[426.720,]~~ *426.715,*
8 inclusive, *and sections 2 and 3 of this act* may keep a service animal with ~~[them]~~
9 *him or her* at all times on the premises where that vending ~~[stand]~~ *facility* is
10 located.

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

12 426.700 ~~[The operator of each vending stand operated]~~ *A licensee operating*
13 *a vending facility* under the provisions of NRS 426.630 to ~~[426.720,]~~ *426.715,*
14 inclusive, ~~[shall be]~~ *and sections 2 and 3 of this act is* subject to:

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

19 2. The provisions of chapter 446 of NRS.

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

21 426.710 The Bureau may, ~~[in its discretion,]~~ *after actively consulting with*
22 *the Nevada Committee of Vendors Who Are Blind,* utilize *an* appropriate nonprofit
23 ~~[corporations]~~ *organization* organized under the laws of this State ~~[, or other~~
24 ~~agencies, as trustees to provide day to day management and operation services for~~
25 ~~the Vending Stand Program for Persons Who Are Blind. Such corporations or~~
26 ~~agencies must be reimbursed for their actual and necessary expenses by the~~
27 ~~operators of the vending stand units which compose the Vending Stand Program in~~
28 ~~accordance with such rules and regulations as may be adopted by the Bureau and~~
29 ~~approved by the Department.]~~ *to manage any portion of the operations of the*
30 *Vending Facility Program, including, without limitation, supervising or*
31 *managing a licensee. Any such arrangement must comply with 34 C.F.R. §*
32 *395.15.*

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

34 426.715 Any person who sells, solicits orders for or delivers, in *or on* any
35 public building or ~~[on any public land,]~~ *property,* any commodity which a ~~[vendor~~
36 ~~who is blind]~~ *licensee* is authorized by the Bureau to sell is guilty of a misdemeanor
37 except:

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

39 2. A person who delivers a commodity to a ~~[vendor who is blind]~~ *licensee* or
40 for the account of a ~~[vendor who is blind,]~~ *licensee;*

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

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

47 5. *A public employee who is located in or on the public building or property*
48 *and initiates an order or purchase of food or beverages for his or her own use*
49 *from a restaurant which is not located in or on the public building or property;*

50 6. *A person who is delivering food or beverages from a restaurant to a*
51 *public employee who is located in or on the public building or property pursuant*
52 *to an order or purchase as described in subsection 5;*

1 7. A person who is catering an event inside or otherwise delivering food or
2 beverages to the Legislative Building; or

3 ~~6.~~ 8. A person who is authorized to conduct such an activity under the
4 terms of a contract, lease or other arrangement with a municipality pursuant to NRS
5 496.090. *This subsection must not be construed to limit the ~~exclusive~~ priority of*
6 *right established in NRS 426.640.*

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

8 211.360 1. The sheriff or chief of police of a city may establish and operate
9 in each jail in his or her jurisdiction a commissary to sell to prisoners committed to
10 the jail food, beverages, toiletries and such other items as may be approved by the
11 sheriff or chief of police. The sheriff or chief of police may require prisoners
12 committed to the jail to work in the commissary.

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

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

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

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

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

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

27 232.920 The Director:

28 1. Shall:

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

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

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

39 (d) Provide the employment and wage information to the Board of Regents of
40 the University of Nevada for purposes of the reporting required of the Board of
41 Regents by subsection 4 of NRS 396.531; and

42 (e) Provide to the Director of the Legislative Counsel Bureau a written report
43 each quarter containing the rate of unemployment of residents of this State
44 regarding whom the Department has information, organized by county and, for
45 each county, the rate of unemployment disaggregated by demographic information,
46 including, without limitation, age, race and gender. The Director of the Department
47 shall:

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

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

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

2. Is responsible for the administration, through the divisions of the Department, of the provisions of NRS 394.383 to 394.560, inclusive, 426.010 to ~~426.720,~~ **426.715**, inclusive, **and sections 2 and 3 of this act**, 426.740, 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of law relating to the functions of the Department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by specific statute.

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

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

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

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

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

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

(a) Applicants for or recipients of services from:

(1) The Bureau of Vocational Rehabilitation; and

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

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

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

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

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

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

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

1 **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.