

NOTICE OF INTENT TO ACT UPON A REGULATION

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

The Department of Employment, Training and Rehabilitation, Rehabilitation Division will hold a public hearing at 9:00 a.m. on Wednesday, November 12, 2008, at

Western Nevada College
2201 W. College Parkway
Cedar Building, Room #308
Carson City, NV 89703

And

College of Southern Nevada
Cheyenne Campus
3200 E. Cheyenne Ave.
Main Building, Room 2638
(Conference Room A)
Las Vegas, NV 89030

The purpose of the hearing is to receive comments from all interested persons regarding the Adoption of regulations that pertain to chapters 334 (formally 232) and 426 of the Nevada Administrative Code.

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

1. *The need for and the purpose of the proposed regulation or amendment.*

NAC 334 (formally 232):

During the 2007 Nevada Legislative Session, purchasing laws NRS 332.117, NRS 333.375 and NRS 334.025 were amended to include a requirement that an organization that wishes to participate in the "Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations" must register with the Rehabilitation Division on a form prescribed by the Administrator before contacting any agency about entering into a contract pursuant to the Program. The program, commonly referred to as the "State Use Program," gives state and local governmental purchasing agents the ability to bypass the bidding process when establishing a contract with non-profit organizations that provide employment opportunities to individuals with disabilities.

The regulation set forth the documents the organizations must provide to the Department of Employment, Training and Rehabilitation prior to approaching a governmental agency to establish contracts under NRS 332.117, NRS 333.375 and/or NRS 334.025.

NAC 334 (formally 232):

Registered organizations to provide the Rehabilitation Division with copies of contracts they propose to enter into; obtaining Division approval to enter into the contract; and providing the Division with a copy of the final executed contract.

NAC 426:

Chapter 426 of NAC is hereby amended by adding thereto the provisions set forth as sections 030 to 345 this regulation:

Definitions

NAC 426.030

Equipment defined.

Increases the definition of the value of a purchase price of \$100 to a purchase price of \$500. This definition was provided many years ago as basis from which the program is responsible for tracking equipment purchases for Blind Vendor locations. Due to inflation, the purchase price of \$100 is no longer appropriate because relatively small equipment purchases exceed \$100 and the equipment depreciates very quickly.

NAC 426.345

Conduct of physical inventory under certain circumstances; negotiation of value of equipment, accessories and merchandise.

1. Defines dollar value of equipment to be inventoried as defined in proposed revision to NAC 426.030. This would eliminate unnecessary paperwork and man-hours to track small equipment.

If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

Copies of the approved text of the proposed regulations may be obtained from the State Librarian or from the Offices of the Department of Employment, Training and Rehabilitation, Rehabilitation Division.

2. *A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.*

NAC 334 (formally 232) & 426:

The Department of Employment, Training and Rehabilitation staff reviewed the proposed changes to Nevada Administrative Code 334 and 426, and determined that there was minimal impact to small businesses, and the impact that would take place was positive.

3. *The estimated economic effect of the regulation on the business which it is to regulate and on the public.*

These must be stated separately and in each case must include:

- (a) Both adverse and beneficial effects; and*
- (b) Both immediate and long-term effects.*

NAC 334 (formally 232):

- (a) The regulation does not impose an adverse business economic effect upon the businesses it regulates. There is a potential benefit to non-profit organizations participating in the State Use Program. This regulation allows those non-profit organizations that employ individuals with physical or mental disabilities to receive non-competitive business from state or local governments. The amount of this increased business is difficult to calculate for immediate and long-term benefits.
- (b) There is no economic impact on the public, either immediate or long-term.

NAC 426:

- (a) The regulation does not impose an adverse business economic effect upon the businesses it regulates.
- (b) There is no economic impact on the public, either immediate or long-term.

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

NAC 334 (formally 232) & 426:

There is minimal cost to the agency estimated for the copying of certain documents.

5. *A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.*

NAC 334 (formally 232) & 426:

This regulation does not overlap or duplicate regulations of other state or federal agencies.

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

NAC 334 (formally 232) & 426:

There is no federal requirement.

7. *If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.*

NAC 334 (formally 232) & 426:

This regulation does not include any provisions that are more stringent than a federal regulation.

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

NAC 334 (formally 232) & 426:

There are no new or increased fees.

Persons wishing to comment upon the proposed action of Rehabilitation Division may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Donna Sanders, Nevada Rehabilitation Division, 1370 South Curry Street, Carson City, NV 89703, Fax (775) 684-4186 or TTY (775) 684-8400. **Written submissions must be received by the Rehabilitation Division on or before November 7, 2008.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Rehabilitation Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Copies of the notice and the regulation to be adopted are available by contacting Donna Sanders, Nevada Rehabilitation Division, 1370 South Curry Street, Carson City, NV 89703, (775) 684-4040, Fax (775) 684-4186, or TTY (775) 684-8400. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative

Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>.

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

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

This notice of hearing has been posted at the following locations:

1. Nevada State Library, 100 Stewart Street, Carson City, NV 89701
2. Washoe County Library, 301 S. Center St., Reno, NV 89502
3. Clark County District Library, 833 Las Vegas Blvd North, Las Vegas, NV 89101
4. Churchill County Library, 553 S. Maine St., Fallon, NV 89406
5. Tonopah Public Library, 167 Central Street, Tonopah, NV 89049
6. Pershing County Library, 1125 Central Ave., Lovelock, NV 89419
7. Elko County Library, 720 Court St., Elko, NV 89801
8. Storey County Library, 95 South R St., Virginia City, NV 89440
9. Esmeralda County Library, Corner of Crook & 4th Streets, Goldfield, NV 89013
10. Eureka Branch Library, 10190 Monroe Street, Eureka, NV 89316
11. White Pine County Library, 950 Campton St., Ely, NV 89301
12. Humboldt County Library, 85 East 5th St., Winnemucca, NV 89445
13. Lincoln County Library, 93 Main St., Pioche, NV 89043
14. Carson City Library, 900 N. Roop St., Carson City, NV 89702
15. Lyon County Library, 20 Nevin Way, Yerington, NV 89447
16. Douglas County Library, 1625 Library Lane, Minden, NV 89423
17. Mineral County Library, 110 1st Street, Hawthorne, NV 89415
18. Lander County Library, 625 South Broad Street, Battle Mountain, NV 89820
19. State Purchasing Division, 515 E. Musser St. Suite 300, Carson City, NV 89701
20. State Purchasing Division, 2250 Barnett Way, Reno, NV 89512
21. State Purchasing Division, 1054 S. Commerce St., Las Vegas, NV 89518
22. State Dept of Personnel, 209 E. Musser St. Rm 101, Carson City, NV 89701
23. State Dept of Personnel, 555 E. Washington Ave Suite 1400, Las Vegas, NV 89101
24. Nevada Supreme Court, 201 S. Carson St., Carson City, NV 89701
25. Justice & Municipal Court, 885 Musser St. Suite 2007, Carson City, NV 89701
26. Nevada Dept of Business & Industry, 555 E. Washington Ave Suite 4900, Las Vegas, NV 89101
27. Nevada Dept of Business & Industry, 901 S Stewart St., Suite 1003, Carson City, NV 89701
28. Washoe County Judicial Court, 75 Court St. Rm 120, Reno, NV 89501
29. Regional Justice Center, 200 Lewis Ave, Las Vegas, NV 89155

NOTE: We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Donna Sanders, Rehabilitation Division, 1370 South Curry Street, Carson City, Nevada 89703, FAX (775)-684-4186, TTY (775) 684-8400 or phone (775) 684-4040, no later than five working days prior to the hearing.