

SENATE BILL NO. 175—SENATORS SCHNEIDER, NEAL, MATHEWS,
WIENER, CARE, TITUS AND SHAFFER

FEBRUARY 15, 2001

JOINT SPONSORS: ASSEMBLYMEN GIUNCHIGLIANI, PARKS, BEERS,
CARPENTER, CHOWNING, HUMKE, MANENDO AND NOLAN

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions relating to disabled persons.
(BDR 27-194)

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 disabled persons; creating an exception for certain organizations to the competitive bidding process for purchasing by local governments; creating the committee on employment of persons with disabilities in the department of business and industry; requiring the committee to establish a program for the purchase of commodities and services from certain organizations by agencies of state and local government; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 332 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 *A governing body of a local government or its authorized*
4 *representative may award, without complying with the requirements for*
5 *competitive bidding set forth in this chapter, a contract for services or for*
6 *the purchase of supplies, materials, equipment or labor to an*
7 *organization or agency whose primary purpose is the training and*
8 *employment of persons with a mental or physical disability, including,*
9 *without limitation, a community-based training center for the care and*
10 *training of mentally and functionally retarded persons described in*
11 *chapter 435 of NRS. For such contracts, the governing body or*
12 *authorized representative shall establish a fair-market price for those*
13 *services, supplies, materials, equipment or labor by conducting a market*



1 *survey or by accepting a recommendation of the committee on*
2 *employment of persons with disabilities.*

3 **Sec. 2.** NRS 333.375 is hereby amended to read as follows:

4 333.375 The provisions of NRS 331.100 notwithstanding, the director
5 may award without accepting competitive bids a contract for services or
6 the purchase of commodities to organizations or agencies whose primary
7 purpose is the training and employment of ~~handicapped persons.~~ *persons*
8 *with a mental or physical disability, including, without limitation, a*
9 *community-based training center for the care and training of mentally*
10 *and functionally retarded persons described in chapter 435 of NRS.* He
11 shall establish ~~by market survey~~ a fair-market price for those services or
12 commodities ~~by~~ *by conducting a market survey or by accepting a*
13 *recommendation of the committee on employment of persons with*
14 *disabilities.*

15 **Sec. 3.** Chapter 334 of NRS is hereby amended by adding thereto a
16 new section to read as follows:

17 1. *The committee on employment of persons with disabilities shall, by*
18 *regulation, establish a program for the purchase of commodities and*
19 *services from organizations by agencies of state and local government to*
20 *encourage and facilitate such purchases.*

21 2. *Regulations enacted pursuant to subsection 1 must establish:*

22 (a) *A method for assisting an agency who wishes to purchase*
23 *commodities or services from an organization to locate such commodities*
24 *and services that meet the needs of the agency;*

25 (b) *A method for assisting an organization to locate an agency who*
26 *wishes to purchase commodities or services from organizations;*

27 (c) *A method for analyzing the commodities and services of an*
28 *organization and determining a fair-market price for such commodities*
29 *and services;*

30 (d) *A method for encouraging agencies to purchase commodities and*
31 *services from organizations;*

32 (e) *A method for mediating disputes arising out of contracts entered*
33 *into pursuant to the program;*

34 (f) *A percentage, not to exceed 4 percent, of the amount set forth in*
35 *each contract entered into pursuant to the program that is sufficient to*
36 *pay the cost to the committee of establishing and administering the*
37 *program; and*

38 (g) *A method for requiring an agency to report to the committee:*

39 (1) *The number of persons currently employed at the agency who*
40 *are mentally or physically disabled; and*

41 (2) *The number of contracts the agency has entered into pursuant*
42 *to the program which are currently in effect.*

43 3. *In administering the program, the committee on employment of*
44 *persons with disabilities shall:*

45 (a) *Upon request of an agency or organization, assist an agency and*
46 *organization in establishing a contract for the purchase of commodities*
47 *or services;*



1 (b) Upon request of an agency or the director of the department of
2 administration, recommend a fair-market price for the commodities or
3 services of the organization that are to be purchased by the agency; and

4 (c) Assist in resolving any dispute between an agency and an
5 organization that arises out of a contract entered into pursuant to the
6 program.

7 4. A contract entered into pursuant to the program must provide for
8 a payment to the committee in an amount equal to the full amount of
9 payment to the organization for all commodities and services to be
10 provided to the agency pursuant to the contract multiplied by the
11 percentage established pursuant to paragraph (f) of subsection 2.

12 5. As used in this section:

13 (a) "Agency" means a local government as defined in NRS 332.015
14 and using agencies as defined in NRS 333.020.

15 (b) "Organization" means an organization whose primary purpose is
16 the training and employment of mentally or physically disabled persons,
17 including, without limitation, community-based training centers for the
18 care and training of mentally and functionally retarded persons
19 described in chapter 435 of NRS.

20 Sec. 4. Chapter 232 of NRS is hereby amended by adding thereto the
21 provisions set forth as sections 5 to 9, inclusive, of this act.

22 Sec. 5. 1. The committee on employment of persons with
23 disabilities consisting of 10 members is hereby created.

24 2. The governor shall appoint six members to the committee who are
25 knowledgeable about the needs of persons with disabilities and who
26 reflect the diversity of the population of this state.

27 3. The majority leader of the senate and the speaker of the assembly
28 shall each appoint two members who are knowledgeable about the needs
29 of persons with disabilities and who reflect the diversity of the population
30 of this state.

31 4. Except for the terms of the initial members, the term of office for
32 each member of the committee is 2 years. Any vacancy in the
33 membership of the committee that occurs before the expiration of the
34 term of the member must be filled for the remainder of the unexpired
35 term in the same manner as the original appointment.

36 5. While engaged in the business of the committee, each member of
37 the committee is entitled to receive the per diem allowance and travel
38 expenses provided for state officers and employees generally.

39 Sec. 6. 1. The department shall provide administrative support to
40 the committee.

41 2. The director, with the consent of the governor, shall appoint an
42 administrator of the committee who is responsible to and serves at the
43 pleasure of the governor and the director. The administrator shall
44 establish policies and procedures for the committee.

45 Sec. 7. 1. The governor shall appoint a chairperson from the
46 members of the committee.

47 2. The committee shall meet at least biannually at the call of the
48 chairperson.



1 **Sec. 8. The committee shall:**

2 1. *Function as the state affiliate and liaison with the President's*
3 *Committee on Employment of People with Disabilities and with*
4 *committees and organizations of other states that support increased*
5 *employment opportunities for disabled persons;*

6 2. *Provide technical assistance to employers in complying with the*
7 *Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and*
8 *the regulations enacted pursuant thereto, and in complying with other*
9 *laws and regulations that relate to employment for disabled persons;*

10 3. *Serve as an advocate concerning persons with disabilities;*

11 4. *Serve as a resource for the business community regarding the*
12 *needs of persons with disabilities through coordination of programs with*
13 *the department of business and industry;*

14 5. *Formally recognize persons and organizations that have*
15 *significantly improved employment opportunities for persons with*
16 *disabilities;*

17 6. *Promote public awareness concerning employment of disabled*
18 *persons;*

19 7. *On a quarterly basis, report to and advise the governor, through*
20 *the department, on issues relating to employment and disabilities and on*
21 *the activities and accomplishments of the committee;*

22 8. *Develop information and educational programs that help*
23 *discourage stereotypical attitudes held by employers and the public*
24 *regarding persons with disabilities; and*

25 9. *Establish, by regulation, and administer the program for the*
26 *purchase of commodities and services from organizations by agencies of*
27 *state and local government pursuant to section 3 of this act.*

28 10. *As used in this section, "organization" has the meaning ascribed*
29 *to it in section 3 of this act.*

30 **Sec. 9. 1. The committee may apply for any available grants and**
31 *accept any gifts, grants, appropriations or donations to assist the*
32 *committee in carrying out its duties pursuant to the provisions of sections*
33 *5 to 9, inclusive, of this act.*

34 2. *All money received by the committee must be deposited in the state*
35 *treasury and accounted for separately in the state general fund for use*
36 *only by the committee in performing the duties described in sections 5 to*
37 *9, inclusive, of this act.*

38 **Sec. 10.** NRS 232.505 is hereby amended to read as follows:

39 232.505 As used in NRS 232.505 to 232.840, inclusive, *and sections 5*
40 *to 9, inclusive, of this act*, unless the context requires otherwise:

41 1. *"Committee" means the committee on employment of persons with*
42 *disabilities.*

43 2. *"Department" means the department of business and industry.*

44 ~~12-1~~ 3. *"Director" means the director of the department.*

45 **Sec. 11.** NRS 232.510 is hereby amended to read as follows:

46 232.510 1. The department of business and industry is hereby
47 created.

48 2. The department consists of a director and the following:

49 (a) Consumer affairs division.



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- 1 (b) Division of financial institutions.
2 (c) Housing division.
3 (d) Manufactured housing division.
4 (e) Real estate division.
5 (f) Division of unclaimed property.
6 (g) Division of insurance.
7 (h) Division of industrial relations.
8 (i) Office of labor commissioner.
9 (j) Taxicab authority.
10 (k) Nevada athletic commission.
11 (l) Office of the Nevada attorney for injured workers.
12 (m) Transportation services authority.
13 (n) *Committee on employment of persons with disabilities.*
14 (o) Any other office, commission, board, agency or entity created or
15 placed within the department pursuant to a specific statute, the budget
16 approved by the legislature or an executive order, or an entity whose
17 budget or activities have been placed within the control of the department
18 by a specific statute.
- 19 **Sec. 12.** NRS 232.520 is hereby amended to read as follows:
20 232.520 The director:
21 1. Shall appoint a chief or executive director, or both of them, of each
22 of the divisions, offices, commissions, boards, agencies or other entities of
23 the department, unless the authority to appoint such a chief or executive
24 director, or both of them, is expressly vested in another person, board or
25 commission by a specific statute. In making the appointments, the director
26 may obtain lists of qualified persons from professional organizations,
27 associations or other groups recognized by the department, if any. The
28 chief of the consumer affairs division is the commissioner of consumer
29 affairs, the chief of the division of financial institutions is the
30 commissioner of financial institutions, the chief of the housing division is
31 the administrator of the housing division, the chief of the manufactured
32 housing division is the administrator of the manufactured housing division,
33 the chief of the real estate division is the real estate administrator, the chief
34 of the division of unclaimed property is the administrator of unclaimed
35 property, the chief of the division of insurance is the commissioner of
36 insurance, the chief of the division of industrial relations is the
37 administrator of the division of industrial relations, the chief of the office
38 of labor commissioner is the labor commissioner, the chief of the taxicab
39 authority is the taxicab administrator, the chief of the transportation
40 services authority is the chairman of the authority , *the executive director*
41 *of the committee on employment of persons with disabilities is the*
42 *administrator of the committee* and the chief of any other entity of the
43 department has the title specified by the director, unless a different title is
44 specified by a specific statute.
45 2. Is responsible for the administration of all provisions of law relating
46 to the jurisdiction, duties and functions of all divisions and other entities
47 within the department. The director may, if he deems it necessary to carry
48 out his administrative responsibilities, be considered as a member of the
49 staff of any division or other entity of the department for the purpose of



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1 budget administration or for carrying out any duty or exercising any power
2 necessary to fulfill the responsibilities of the director pursuant to this
3 subsection. The provisions of this subsection do not authorize the director
4 to preempt any authority or jurisdiction granted by statute to any division
5 or other entity within the department or authorize the director to act or take
6 on a function that would contravene a rule of court or a statute.

7 3. May:

8 (a) Establish uniform policies for the department, consistent with the
9 policies and statutory responsibilities and duties of the divisions and other
10 entities within the department, relating to matters concerning budgeting,
11 accounting, planning, program development, personnel, information
12 services, dispute resolution, travel, workplace safety, the acceptance of
13 gifts or donations, the management of records and any other subject for
14 which a uniform departmental policy is necessary to ensure the efficient
15 operation of the department.

16 (b) Provide coordination among the divisions and other entities within
17 the department, in a manner which does not encroach upon their statutory
18 powers and duties, as they adopt and enforce regulations, execute
19 agreements, purchase goods, services or equipment, prepare legislative
20 requests and lease or use office space.

21 (c) Define the responsibilities of any person designated to carry out the
22 duties of the director relating to financing, industrial development or
23 business support services.

24 4. May, within the limits of the financial resources made available to
25 him, promote, participate in the operation of, and create or cause to be
26 created, any nonprofit corporation, pursuant to chapter 82 of NRS, which
27 he determines is necessary or convenient for the exercise of the powers and
28 duties of the department. The purposes, powers and operation of the
29 corporation must be consistent with the purposes, powers and duties of the
30 department.

31 5. For any bonds which he is otherwise authorized to issue, may issue
32 bonds the interest on which is not exempt from federal income tax or
33 excluded from gross revenue for the purposes of federal income tax.

34 6. May, except as otherwise provided by specific statute, adopt by
35 regulation a schedule of fees and deposits to be charged in connection with
36 the programs administered by him pursuant to chapters 348A and 349 of
37 NRS. Except as otherwise provided, the amount of any such fee or deposit
38 must not exceed 2 percent of the principal amount of the financing.

39 7. May designate any person within the department to perform any of
40 the duties or responsibilities, or exercise any of the authority, of the
41 director on his behalf.

42 8. May negotiate and execute agreements with public or private
43 entities which are necessary to the exercise of the powers and duties of the
44 director or the department.

45 9. May establish a trust account in the state treasury for depositing and
46 accounting for money that is held in escrow or is on deposit with the
47 department for the payment of any direct expenses incurred by the director
48 in connection with any bond programs administered by the director. The
49 interest and income earned on money in the trust account, less any amount



1 deducted to pay for applicable charges, must be credited to the trust
2 account. Any balance remaining in the account at the end of a fiscal year
3 may be:

4 (a) Carried forward to the next fiscal year for use in covering the
5 expense for which it was originally received; or

6 (b) Returned to any person entitled thereto in accordance with
7 agreements or regulations of the director relating to those bond programs.

8 **Sec. 13.** 1. The current members of the governor's committee on
9 employment of people with disabilities shall be deemed to be the initial
10 members of the committee on employment of persons with disabilities who
11 shall serve the remainder of the term for which they were appointed by the
12 governor.

13 2. The first four vacancies to occur because of the expiration of the
14 term of a member described in subsection 1 must be filled in the manner
15 required by subsection 3 of section 5 of this act. The final six vacancies
16 which occur as a result of the expiration of the terms of members described
17 in subsection 1 must be filled by the governor pursuant to subsection 2 of
18 section 5 of this act.

19 **Sec. 14.** This act becomes effective on July 1, 2001.

