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ASSEMBLY BILL NO. 28—COMMITTEE ON GOVERNMENT AFFAIRS

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

PREFILED FEBRUARY 4, 2005

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Referred to Committee on Government Affairs

**SUMMARY**—Makes various changes regarding administration of Rehabilitation Division of Department of Employment, Training and Rehabilitation. (BDR 18-386)

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

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

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AN ACT relating to the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; abolishing the positions of Chief of the Bureau of Services to the Blind and Visually Impaired and Chief of the Bureau of Vocational Rehabilitation and transferring the powers and duties of those positions to the Administrator of the Rehabilitation Division; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Rehabilitation Division in the Department of Employment, Training and Rehabilitation, which is managed by an Administrator. (NRS 232.910, 232.945) The Rehabilitation Division consists of two bureaus, the Bureau of Services to the Blind and Visually Impaired and the Bureau of Vocational Rehabilitation. (NRS 232.940) Those bureaus are each administered by a Chief, who is appointed by the Administrator of the Rehabilitation Division. (NRS 232.950, 426.520-426.610, Chapter 615 of NRS)

This bill abolishes the positions of Chief of the Bureau of Services to the Blind and Visually Impaired and Chief of the Bureau of Vocational Rehabilitation and transfers the powers and duties of those positions to the Administrator of the Rehabilitation Division.



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

1       **Section 1.** NRS 232.945 is hereby amended to read as follows:

2       232.945 The Director shall appoint an Administrator of the  
3 Rehabilitation Division of the Department. The Administrator:

4       1. Is in the unclassified service of the State unless federal law  
5 or regulation requires otherwise, and serves at the pleasure of the  
6 Director.

7       2. Shall administer the provisions of law set forth in subsection  
8 4, subject to the administrative supervision of the Director.

9       3. Except as otherwise provided in NRS 284.143, shall devote  
10 his entire time and attention to the business of his office and shall  
11 not pursue any other business or occupation or hold any other office  
12 of profit.

13       4. Is responsible for the administration, through the bureaus of  
14 the Rehabilitation Division, of the provisions of *this section*, NRS  
15 232.940 , ~~[and 232.950 and this section, NRS]~~ 426.520 to 426.610,  
16 inclusive, and *sections 4 and 5 of this act, and* chapter 615 of NRS ,  
17 and all other provisions of law relating to the functions of the  
18 Rehabilitation Division . ~~[and its bureaus , but is not responsible for~~  
19 ~~the professional line activities of the bureaus except as otherwise~~  
20 ~~provided by specific statute.]~~

21       5. Is responsible for the preparation of a consolidated state plan  
22 for the Bureau of Services to the Blind and Visually Impaired, the  
23 Bureau of Vocational Rehabilitation and any other program  
24 administered by the Rehabilitation Division that he considers  
25 appropriate to incorporate into the consolidated state plan before  
26 submission to the Federal Government. This subsection does not  
27 apply if any federal regulation exists that prohibits a consolidated  
28 plan.

29       6. In developing and revising state plans pursuant to subsection  
30 5, shall consider, without limitation:

31       (a) The amount of money available from the Federal  
32 Government for the programs of the Rehabilitation Division;

33       (b) The conditions attached to the acceptance of that money; and

34       (c) The limitations of legislative appropriations for the  
35 programs.

36       7. *May make such expenditures and investigations, require*  
37 *such reports and take such other actions as he deems necessary or*  
38 *suitable to carry out the functions of the Rehabilitation Division.*

39       8. May employ, within the limits of legislative appropriations,  
40 such staff as is necessary to the performance of the duties of the  
41 Rehabilitation Division.



1     9. *Shall determine the organization and methods of*  
2 *procedure for the Rehabilitation Division in accordance with the*  
3 *provisions of this section, NRS 232.940, 426.520 to 426.610,*  
4 *inclusive, and sections 4 and 5 of this act, and chapter 615 of*  
5 *NRS, and all other provisions of law relating to the functions of*  
6 *the Rehabilitation Division.*

7     10. *May adopt, amend or rescind such rules and regulations*  
8 *as he deems necessary or suitable to carry out the provisions of*  
9 *this section, NRS 232.940, 426.520 to 426.610, inclusive, and*  
10 *sections 4 and 5 of this act, and chapter 615 of NRS, and all other*  
11 *provisions of law relating to the functions of the Rehabilitation*  
12 *Division.*

13     **Sec. 2.** NRS 218.53796 is hereby amended to read as follows:

14     218.53796 1. There is hereby established an advisory  
15 committee to the Committee consisting of:

16     (a) The Superintendent of Public Instruction;

17     (b) The Administrator of the Aging Services Division of the  
18 Department of Human Resources;

19     (c) ~~[The Chief]~~ *An officer or employee* of the Bureau of  
20 Vocational Rehabilitation of the Rehabilitation Division of the  
21 Department of Employment, Training and Rehabilitation ~~;~~

22 ~~—(d) The Chief]~~ *, appointed by the Administrator of that*  
23 *Division;*

24     (d) *An officer or employee* of the Bureau of Services to the  
25 Blind and Visually Impaired of the Rehabilitation Division of the  
26 Department of Employment, Training and Rehabilitation ~~;~~ *,*  
27 *appointed by the Administrator of that Division;* and

28     (e) Any persons appointed by the Chairman of the Committee  
29 pursuant to subsection 2.

30     2. The Chairman of the Committee shall appoint  
31 representatives from local advocacy and provider groups to serve on  
32 the advisory committee, as the Chairman deems necessary.

33     3. ~~[Each]~~ *A* member of the advisory committee described in  
34 paragraph (a) ~~[(b), (c) or (d)]~~ *or (b)* of subsection 1 may designate  
35 a representative to serve in his place on the advisory committee or to  
36 replace him at a meeting of the Committee or the advisory  
37 committee. *The Administrator of the Rehabilitation Division of the*  
38 *Department of Employment, Training and Rehabilitation may*  
39 *designate a representative to serve in the place of a member of the*  
40 *advisory committee described in paragraph (c) or (d) of subsection*  
41 *1 or to replace such a member at a meeting of the Committee or*  
42 *the advisory committee.*

43     4. Each member of the advisory committee who is not an  
44 officer or employee of the State serves without compensation and is  
45 not entitled to receive a per diem allowance or travel expenses.



5. Each member of the advisory committee who is an officer or employee of the State must be relieved from his duties without loss of his regular compensation so that he may attend meetings of the Committee or the advisory committee and is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid by the state agency that employs him.

**Sec. 3.** Chapter 426 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

**Sec. 4.** *As used in NRS 426.520 to 426.610, inclusive, and sections 4 and 5 of this act, the words and terms defined in NRS 426.520 and section 5 of this act have the meanings ascribed to them in those sections.*

**Sec. 5.** *“Administrator” means the Administrator of the Division.*

**Sec. 6.** NRS 426.520 is hereby amended to read as follows:

426.520 ~~[As used in NRS 426.520 to 426.610, inclusive, “blind]~~ **“Blind** person” means a person described in NRS 426.041 and any person who by reason of loss or impairment of eyesight is unable to provide himself with the necessities of life, and who has not sufficient income of his own to maintain himself.

**Sec. 7.** NRS 426.550 is hereby amended to read as follows:

426.550 1. The Bureau shall be headed by ~~[a Chief who is experienced in work for the blind. Preference shall be given to qualified blind persons in filling the position of Chief.]~~ **the Administrator.**

2. The Bureau shall:

(a) Assist blind persons in achieving physical and psychological orientation, inform blind persons of available services, stimulate and assist the blind in achieving social and economic independence, and do all things which will ameliorate the condition of the blind.

(b) Provide intensive programs of case finding, education, training, job findings and placement, physical restoration, and such other services and equipment as may assist in rendering blind persons more self-supporting and socially independent.

3. The Bureau may:

(a) Provide for treatment or operations to prevent blindness or restore vision to applicants for or recipients of services to the blind who request and make written application for such treatment or operation; and

(b) Pay for all necessary expenses incurred in connection with the diagnosis and treatment provided under paragraph (a). Necessary expenses shall include the costs of guide service, maintenance while the patient is away from his home, transportation to the eye



1 physician or hospital and return to his home, and the cost of nursing  
2 home care when such care is necessary.

3 **Sec. 8.** NRS 426.555 is hereby amended to read as follows:

4 426.555 Subject to the approval of the Director, the ~~{Chief}~~  
5 *Administrator* or his designated representative shall prepare reports  
6 for the Federal Government pursuant to the Vocational  
7 Rehabilitation Act Amendments of 1965, ~~{H}~~ Title 29 *of* U.S.C., as  
8 amended, ~~{D}~~ any future amendments thereof and the regulations  
9 promulgated thereunder.

10 **Sec. 9.** NRS 426.567 is hereby amended to read as follows:

11 426.567 1. All gifts of money which the Bureau is authorized  
12 to accept must be deposited in the State Treasury for credit to the  
13 State Grant and Gift Account for the Blind in the Department of  
14 Employment, Training and Rehabilitation's Gift Fund.

15 2. The State Grant and Gift Account must be used for the  
16 purposes specified by the donor or for the purpose of carrying out  
17 the provisions of this chapter and other programs or laws  
18 administered by the Bureau.

19 3. All claims must be approved by the ~~{Chief}~~ *Administrator*  
20 before they are paid.

21 **Sec. 10.** NRS 426.570 is hereby amended to read as follows:

22 426.570 1. All employees of the Bureau ~~{shall-be}~~ *are*  
23 directly responsible to the ~~{Chief.}~~ *Administrator.*

24 2. Such employees ~~{shall}~~ *must* consist of persons skilled in  
25 assisting blind persons to achieve social and economic  
26 independence.

27 **Sec. 11.** NRS 426.675 is hereby amended to read as follows:

28 426.675 1. The Business Enterprise Account for the Blind is  
29 hereby created within the State General Fund and must be managed  
30 by the ~~{Chief.}~~ *Administrator of the Division.*

31 2. Money received by the Bureau under the provisions of NRS  
32 426.670, except commissions assigned to licensed vending stand  
33 operators, must:

34 (a) Be deposited in the Business Enterprise Account for the  
35 Blind.

36 (b) Except as otherwise provided in subsection 4, remain in the  
37 Account and not revert to the State General Fund.

38 (c) Be used for:

39 (1) Purchasing, maintaining or replacing vending stands or  
40 the equipment therein;

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

44 (3) Other purposes, consistent with NRS 426.640, as may be  
45 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 Chief of the Purchasing Division of the Department of Administration or his designated representative, but the Bureau shall:

(a) Maintain current inventory records of all equipment, parts, accessories and merchandise charged to the Business Enterprise Account for the 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. If the Business Enterprise Account for the Blind is dissolved, any money remaining therein reverts to the State General Fund.

5. Money from any source which may lawfully be used for the Vending Stand Program may be transferred or deposited by the Bureau to the Business Enterprise Account for the Blind.

6. The interest and income earned on the money in the Business Enterprise Account for the Blind, after deducting any applicable charges, must be credited to the Account.

**Sec. 12.** NRS 615.180 is hereby amended to read as follows:

615.180 1. The ~~Chief~~ **Administrator** shall:

(a) Subject to the approval of the Director, adopt rules and regulations necessary to carry out the purposes of this chapter;

(b) Establish appropriate administrative units within the Bureau;

(c) ~~Subject to the approval of the Administrator, appoint~~ **Appoint** such personnel as is necessary for the proper and efficient performance of the functions of the Bureau;

(d) Prescribe the duties of the personnel of the Bureau;

(e) Prepare and submit to the Governor, through the Director, before September 1 of each even-numbered year for the biennium ending June 30 of such year, reports of activities and expenditures and estimates of sums required to carry out the purposes of this chapter;

(f) Make certification for the disbursement of money available for carrying out the purposes of this chapter; and

(g) Take such other action as may be necessary or appropriate to cooperate with public and private agencies and otherwise to carry out the purposes of this chapter.

2. The ~~Chief~~ **Administrator** may delegate to any officer or employee of the Bureau such of his powers and duties as he finds necessary to carry out the purposes of this chapter.



- 1     **Sec. 13.** NRS 615.260 is hereby amended to read as follows:  
2     615.260 1. All gifts of money which the Bureau is authorized  
3 to accept must be deposited in the State Treasury for credit to the  
4 Rehabilitation Gift Account in the Department of Employment,  
5 Training and Rehabilitation's Gift Fund. The money may be  
6 invested and reinvested and must be used in accordance with the  
7 conditions of the gift.  
8     2. All claims must be approved by the ~~[Chief]~~ *Administrator*  
9 before they are paid.  
10    **Sec. 14.** NRS 232.950, 426.051, 615.035 and 615.160 are  
11 hereby repealed.  
12    **Sec. 15.** 1. This act becomes effective on July 1, 2005.  
13     2. Section 2 of this act expires by limitation on June 30, 2007.

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**TEXT OF REPEALED SECTIONS**

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**232.950 Rehabilitation Division: Appointment, classification and duties of chiefs of bureaus; employment of staff of bureaus.**

1. The Administrator shall appoint, with the consent of the Director, a head of each bureau in the Division, to be known as the chief of his respective bureau.

2. The chief of each bureau:

(a) Is in the unclassified service of the State unless federal law or regulation requires otherwise.

(b) Shall administer the provisions of law relating to his bureau, subject to the administrative supervision of the Administrator.

(c) Is directly responsible to the Administrator.

3. Subject to the approval of the Administrator, the chief of each bureau may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of his duties.

**426.051 "Chief" defined.** "Chief" means the Chief of the Bureau.

**615.035 "Chief" defined.** "Chief" means the Chief of the Bureau.

**615.160 Chief: Qualifications; appointment.** The Chief shall be appointed on the basis of his education, training, experience and demonstrated abilities and of his interest in vocational rehabilitation and related programs.



