

Amendment No. 16

Assembly Amendment to Assembly Bill No. 28

(BDR 18-386)

Proposed by: Committee on Government Affairs**Amendment Box:****Resolves Conflicts with:** N/A**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"/>	_____

Amend section 1, page 2, line 2, before “The” by inserting “***I.***”.

Amend section 1, page 2, line 4, by deleting “1.” and inserting “[~~1.~~] (***a***)”.

Amend section 1, page 2, by deleting lines 7 through 9 and inserting:

[~~2.~~] (***b***) Shall administer the provisions of law set forth in [~~subsection 4.~~] ***paragraph (d)***, subject to the administrative supervision of the Director.

[~~3.~~] (***c***) Except as otherwise provided in NRS 284.143, shall devote”.

Amend section 1, page 2, line 13, by deleting “4.” and inserting “[~~4.~~] (***d***)”.

Amend section 1, page 2, by deleting lines 20 and 21 and inserting:

“provided by specific statute.

—~~5.~~] (***e***) Is responsible for the preparation of a consolidated state plan”.

Amend section 1, page 2, by deleting lines 29 through 34 and inserting:

MSM/EGO

Date: 3/7/2005

A.B. No. 28—Makes various changes regarding administration of Rehabilitation Division of Department of Employment, Training and Rehabilitation.



~~“{6-} (f)~~ In developing and revising state plans pursuant to ~~{subsection 5,}~~ *paragraph (e)*, shall consider, without limitation:

~~{(a)}~~ *(1)* The amount of money available from the Federal Government for the programs of the Rehabilitation Division;

~~{(b)}~~ *(2)* The conditions attached to the acceptance of that money; and

~~{(c)}~~ *(3)* The limitations of legislative appropriations for the”.

Amend section 1, page 2, line 36, by deleting “7.” and inserting “~~{7-}~~ *(g)*”.

Amend section 1, page 2, line 39, by deleting “8.” and inserting “*(h)*”.

Amend section 1, page 3, line 1, by deleting “9.” and inserting “*(i)*”.

Amend section 1, page 3, line 7, by deleting “10.” and inserting “*(j)*”.

Amend section 1, page 3, between lines 12 and 13, by inserting:

“2. The Rehabilitation Division shall serve as the designated state unit with respect to state programs for independent living established pursuant to 29 U.S.C. §§ 796 et seq. As used in this subsection, “designated state unit” has the meaning ascribed to it in 34 C.F.R. § 364.4.”

Amend the bill as a whole by renumbering sections 6 through 15 as sections 7 through 16 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. NRS 426.235 is hereby amended to read as follows:

426.235 The Office of Disability Services is hereby created within the Department. The Office shall:

1. Provide access to information about services or programs for persons with disabilities that are available in this State.

2. Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(a) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(b) Making recommendations concerning new policies or services that may benefit persons with disabilities.

3. Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

4. Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Office shall:

(a) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Office to each of the local governmental agencies that provides services or programs to persons with disabilities;

(b) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(c) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

5. Administer the following programs in this State that provide services for persons with disabilities:

(a) The program established pursuant to NRS 426.265, 426.275 and 426.285 to provide financial assistance to persons with physical disabilities;

(b) The programs established pursuant to chapter 426A of NRS to obtain information concerning traumatic brain injuries and provide services to persons with traumatic brain injuries;

(c) The program established pursuant to NRS 426.295 to provide devices for telecommunication to deaf persons and persons with impaired speech or hearing;

(d) Any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.;

(e) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq. ~~and~~, ***with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 364.4;*** and

(f) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

6. Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

7. Ensure that state and local governmental agencies comply with the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

8. Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(a) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(b) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

9. Publish a biennial report which:

(a) Reviews the current and projected capacity of:

(1) Services available to persons with disabilities pursuant to the State Plan for Medicaid;

(2) Waivers to the State Plan for Medicaid for the provision of home and community-based services in this State;

(3) Services available to persons with disabilities from counties and other local governmental entities in this State; and

(4) Any other services available to persons with disabilities from any governmental or nonprofit agency;

(b) Identifies the costs of existing and new services in the community for persons with disabilities;

- (c) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;
- (d) Recommends plans to provide services or programs for persons with disabilities by using the data from any waiting lists of persons seeking such services or programs;
- (e) Reports the outcomes of persons with disabilities who have received services for persons with disabilities in this State; and
- (f) Reports the progress of the Office in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001.

10. Provide on or before January 15 of each year a report to the Governor and on or before January 15 of each odd-numbered year a report to the Legislature, including, without limitation:

- (a) A summary of the activities of the Office for the preceding fiscal year or 2 preceding fiscal years, if the report is provided to the Legislature;
- (b) Documentation of significant problems affecting persons with disabilities when accessing public services, if the Office is aware of any such problems;
- (c) A summary and analysis of the trends in the systems of care and services available for persons with disabilities; and
- (d) Recommendations for improving the ability of the State of Nevada to provide services to persons with disabilities and advocate for the rights of persons with disabilities.”.

Amend the title of the bill, seventh line, after “Division;” by inserting:
“clarifying that the Division is the designated state unit for certain state programs for independent living established pursuant to federal law;”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

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 which are 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.

Existing law creates the Office of Disability Services within the Department of Human Resources and directs the Office to administer certain programs that provide services for persons with disabilities including any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq. (NRS 426.235)

This bill clarifies that the Rehabilitation Division of the Department of Employment, Training and Rehabilitation is the designated state unit for any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq.