

**Amendment No. 2**

Senate Amendment to Senate Bill No. 22

(BDR 38-689)

**Proposed by:** Committee on Human Resources and Education**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	Lost			Adopted	Lost		
Concurred In	Not			Concurred In	Not		
Receded	Not			Receded	Not		

Amend sec. 10, page 5, lines 27 and 28, by deleting:

*“Transition Forum Subcommittee of the”.*

Amend sec. 11, page 6, line 34, by deleting:

*“Transition Forum Subcommittee of the”.*

Amend sec. 13, page 7, line 34, by deleting:

*“Transition Forum Subcommittee of the”.*

Amend the bill as a whole by renumbering sections 13 and 14 as sections 15 and 16 and adding new sections designated sections 13 and 14, following sec. 12, to read as follows:

**“Sec. 13.** NRS 426.235 is hereby amended to read as follows:

YM/LH

Date: 2/17/2005

S.B. No. 22—Creates Interagency Advisory Board on Transition Services to study issues related to services for persons with disabilities who are transitioning from secondary school to adult living.

**\*A\_SB22\_2\***

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 *or benefit* 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]~~

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

(g) *The Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations created by NRS 334.025.*

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.

**Sec. 14.** NRS 334.025 is hereby amended to read as follows:

334.025 1. ~~[If the Governor has]~~ ***There is hereby*** created a Committee on Employment of Persons with Disabilities ~~[, the]~~ ***within the Office of Disability Services created pursuant to NRS 426.235. The*** Committee shall establish a Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations.

2. The Program may include:

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

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

(c) A method for encouraging agencies to purchase commodities and services from organizations;

(d) A method to review objections to an award of a contract to an organization, which method must be limited to a review of the process used for awarding the contract to ensure that the appropriate procedures were followed in awarding the contract;

(e) The establishment of a percentage, not to exceed 4 percent, of the full amount of payment to an organization which is awarded a contract for all commodities and services to be provided to the agency pursuant to the contract that is sufficient to pay the cost to the Committee of establishing and administering the program; and

(f) A method for collecting information from an agency in a report to the Committee, which report may include, without limitation:

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

(2) The number of contracts the agency has entered into pursuant to the program which are currently in effect and a list of the organizations with which the agency has entered such contracts.

3. In administering the Program, the Committee on Employment of Persons with Disabilities shall, upon request of an agency or organization, assist the agency or organization in establishing a contract for the purchase of commodities or services.

4. A contract entered into pursuant to the Program must provide for a payment to the Committee in an amount equal to the full amount of payment to the organization for all commodities and services to be provided to the agency pursuant to the contract multiplied by the percentage established pursuant to paragraph (e) of subsection 2.

5. As used in this section:

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

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

Amend sec. 14, page 8, line 1, by deleting "12," and inserting "14,".

Amend sec. 14, page 8, line 4, by deleting "13" and inserting "15".

Amend the title of the bill, seventh line, after "Board;" by inserting:

"creating a Committee on Employment of Persons with Disabilities within the Office of Disability Services; requiring the Office of Disability Services to administer a program to encourage and

facilitate the purchase of commodities from certain organizations by agencies of state and local governments;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning certain programs and services for persons with disabilities. (BDR 38-689)”.



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

**Legislative Counsel's Digest:**

Existing law establishes the Office of Disability Services within the Department of Human Resources. The Office provides access to information about available services or programs and administers certain programs that provide services for persons with disabilities. (NRS 426.235)

This bill creates an Interagency Advisory Board on Transition Services within the Office of Disability Services to study and report on services for persons with disabilities who are transitioning from secondary school to adult living. The Advisory Board will expire on June 30, 2013.

Existing law authorizes the Governor to create a Committee on Employment of Persons with Disabilities. (NRS 334.025) If the Committee is created by the Governor, the Committee is required to establish a Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations to assist certain public agencies to purchase commodities and services from organizations whose primary purpose is the training and employment of mentally or physically disabled persons. (NRS 334.025)

This bill removes the authority of the Governor to create a Committee on Employment of Persons with Disabilities and creates this Committee within the Office of Disability Services. The Office of Disability Services is required to administer the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations which is required to be established by the Committee.