

Amendment No. 404

Senate Amendment to Senate Bill No. 473	(BDR 54-295)
Proposed by: Senate Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 473.

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"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

RRY



Date: 4/18/2007

S.B. No. 473—Makes various changes concerning the practice of interpreting and the practice of realtime captioning. (BDR 54-295)



SENATE BILL NO. 473—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON PERSONS WITH DISABILITIES)

MARCH 26, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes concerning the practice of interpreting and the practice of realtime captioning. (BDR 54-295)

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 interpreters; requiring the Office of Disability Services of the Department of Health and Human Services to regulate the practice of interpreting and the practice of realtime captioning; changing the name and membership of the Advisory Committee on Deaf and Hard of Hearing Persons; revising the provisions governing the appointment of an interpreter by a court, magistrate or other person presiding over a judicial or other proceeding; requiring that the surcharge imposed on certain telephone services be sufficient to cover ~~the~~ **certain** costs of the Office to regulate the practice of interpreting and the practice of realtime captioning; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the requirements for the qualification of persons who engage in the practice of interpreting or the practice of realtime captioning for the purpose of facilitating communication between persons who are deaf or whose hearing is impaired and other persons. (Chapter 656A of NRS) With limited exceptions, a person must hold some form of national certification before he is considered qualified to engage in those practices. (NRS 656A.100, 656A.400)

Sections 2-~~24~~ 25 of this bill require the Office of Disability Services of the Department of Health and Human Services to regulate the practice of interpreting and the practice of realtime captioning. **Section 10** requires the Office to establish a registry of the interpreters and realtime captioning providers who are registered and make the registry available to the general public. **Sections 11 and 12** require the Office to establish by regulation : **(1)** the level of education and professional training, experience and certification required for registration ~~(1)~~ ; **and (2) ethical standards for interpreters and realtime captioning providers.** **Section 13** authorizes a person ~~to file a complaint with the Office if the person is~~ dissatisfied with the services provided by an interpreter ~~to file a complaint with the Office,~~ **or realtime captioning provider or becomes aware that an interpreter or realtime captioning provider has committed an act that is grounds for disciplinary action.** **Section 14** requires

that all money received by the Office must be deposited with the State Treasurer for credit to the Account for Services for Persons With Impaired Speech or Hearing created pursuant to NRS 426.295. ~~Sections 23 and 24~~ provide for the registration of persons who wish to engage in the practice of interpreting and the practice of realtime captioning.

Under state and federal law, a person who is deaf or has a physical speaking impairment may be entitled to the appointment of an interpreter in certain judicial or legal proceedings. Existing law requires that the interpreter must be certified to engage in the practice of interpreting in a legal setting. (NRS 50.050) ~~Section 26~~ of this bill replaces the requirement for certification with the requirement for registration in accordance with ~~sections 2-25~~ of this bill. ~~Section 26~~ also provides that if a registered legal interpreter cannot be found or is otherwise unavailable, or if the appointment of a registered legal interpreter would cause a substantial delay in the proceeding, the person presiding over the proceeding may appoint a registered interpreter or any other interpreter under certain circumstances. ~~Sections 31, 35, 37, 39-42 and 46~~ of this bill revise various other provisions in NRS which require the appointment of an interpreter in various legal settings to incorporate the changes made in ~~section 26~~.

Existing law imposes a surcharge on the bills of telephone and wireless customers in an amount that is sufficient to cover the costs incurred by the Office of Disability Services to provide various services to persons who are deaf or have severely impaired speech or hearing. (NRS 426.295) ~~Section 45~~ of this bill requires that the amount of the surcharge must also be sufficient to cover ~~the~~ **certain** costs incurred by the Office to regulate the practice of interpreting and the practice of realtime captioning.

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

Section 1. Chapter 656A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~19~~, inclusive, of this act.

Sec. 2. *“Charter school” has the meaning ascribed to it in NRS 385.007.*

Sec. 3. *“Community setting” means any setting that is not an educational setting. The term includes, without limitation, a legal setting and a medical setting.*

Sec. 4. *“Educational setting” means a public school, private school or charter school in this State.*

Sec. 5. *“Legal setting” means:*

1. A communication with a law enforcement officer, as defined in NRS 179B.070, that relates to a criminal investigation;

2. A communication with an attorney who is acting in his professional capacity;

3. A negotiation for a contract for which the estimated amount required to perform the contract is \$1,000 or more; or

4. A judicial proceeding, including, without limitation:

(a) A grand jury proceeding;

(b) A court proceeding;

(c) A pretrial examination, deposition, motion and related proceedings of like character; and

(d) The proceedings of an administrative agency.

Sec. 6. *“Medical setting” means any communication between a provider of health care, as defined in NRS 629.031, and a patient or a person acting on behalf of the patient concerning the provision of health care to the patient.*

Sec. 7. *“Office” means the Office of Disability Services of the Department of Health and Human Services.*

Sec. 8. *“Private school” has the meaning ascribed to it in NRS 394.103.*

1 Sec. 9. "Public school" has the meaning ascribed to it in NRS 385.007.

2 Sec. 10. The Office shall:

3 1. Establish a registry of persons who are registered with the Office to
4 engage in the practice of interpreting or the practice of realtime captioning. The
5 registry must include, without limitation:

6 (a) The name of the person and any other information prescribed by the
7 Office; and

8 (b) If the person is registered to engage in the practice of interpreting, each
9 professional classification in which he is registered to practice;

10 2. Make the registry available on an Internet website maintained by the
11 Office; and

12 3. Provide a copy of the registry without charge to any person upon request.

13 Sec. 11. The Office shall, by regulation:

14 1. ~~Establish a tier based system of professional classifications for the~~
15 ~~practice of interpreting in:~~

16 ~~(a) An educational setting; and~~

17 ~~(b) A community setting.~~

18 ~~2. Prescribe for each professional classification~~ of interpreters:

19 (a) The level of education and professional training, experience and
20 certification required to engage in the practice of interpreting in that
21 classification.

22 (b) The authorized scope of practice, including, without limitation, any
23 condition, restriction or other limitation imposed on a person who practices in
24 that classification.

25 2. Establish ethical standards for persons who engage in the practice of
26 interpreting, including, without limitation, standards for maintaining confidential
27 communications between an interpreter and a person who receives his services.

28 Sec. 12. The Office shall, by regulation ~~prescribe~~:

29 1. Prescribe the level of education and professional training, experience
30 and certification required to engage in the practice of realtime captioning.

31 2. Establish ethical standards for persons who engage in the practice of
32 realtime captioning, including, without limitation, standards for maintaining
33 confidential communications between a realtime captioning provider and a
34 person who receives his services.

35 Sec. 13. 1. A person who is dissatisfied with the services provided by a
36 person who engages in the practice of interpreting or the practice of realtime
37 captioning or becomes aware that any one or more of the grounds for initiating
38 disciplinary action may exist as to a person who engages in the practice of
39 interpreting or the practice of realtime captioning may file a complaint with the
40 Office.

41 2. The Office shall establish procedures for investigating and resolving a
42 complaint filed pursuant to this section.

43 Sec. 14. Any money received by the Office pursuant to this chapter must
44 be:

45 1. Deposited with the State Treasurer for credit to the Account for Services
46 for Persons With Impaired Speech or Hearing created by NRS 426.295; and

47 2. Used by the Office to pay the costs incurred by the Office in carrying out
48 the provisions of this chapter.

49 Sec. 15. The office shall adopt regulations to carry out the provisions of
50 this chapter.

51 Sec. 16. The following acts, among others, constitute cause for disciplinary
52 action:

1 1. Engaging in behavior that is contrary to the ethical standards set forth in
2 the regulations of the Office.

3 2. Violation by an interpreter or realtime captioning provider of any of the
4 provisions of this chapter or of any other law of this State or of the standards and
5 other regulations adopted thereunder.

6 3. Aiding, abetting or permitting the commission of any illegal act.

7 4. Conduct inimical to the public health, morals, welfare and safety of the
8 people of the State of Nevada while discharging duties as an interpreter or
9 realtime captioning provider.

10 5. Engaging in the practice of interpreting or the practice of realtime
11 captioning without the skills required to meet the communication needs of the
12 recipient of the service.

13 6. Engaging in unprofessional conduct as defined by the Office by
14 regulation.

15 Sec. 17. 1. If an interpreter or realtime captioning provider has
16 committed any act set forth in section 16 of this act, the Office may:

17 (a) Suspend or revoke the registration of the interpreter or realtime
18 captioning provider;

19 (b) Refuse to renew the registration of the interpreter or realtime captioning
20 provider;

21 (c) Impose upon the interpreter or realtime captioning provider a fine of not
22 more than \$5,000 for each violation of this chapter;

23 (d) Require the interpreter or realtime captioning provider to pay restitution;
24 or

25 (e) Take such other disciplinary action as the Office deems appropriate.

26 2. The Office may adopt regulations setting forth a schedule of fines for the
27 purposes of paragraph (c) of subsection 1.

28 3. The Office shall adopt regulations setting forth a schedule of penalties
29 for engaging in unprofessional conduct. The schedule of penalties must not
30 exceed the penalties set forth in this section.

31 Sec. 18. 1. When a complaint is filed with the Office, it must be
32 considered by a person designated by the Office. If it appears to the person
33 designated by the Office that further proceedings are warranted, the person shall
34 report the results of his investigation together with his recommendation to the
35 Office in a manner which does not violate the right of the person charged in the
36 complaint to due process in any later hearing on the complaint.

37 2. The Office shall promptly make a determination with respect to each
38 complaint reported to it by the person designated by the Office and shall dismiss
39 the complaint or proceed with disciplinary action pursuant to chapter 622A of
40 NRS.

41 Sec. 19. 1. Except as otherwise provided in subsection 2, a complaint
42 must not be filed against an interpreter or realtime captioning provider if 2 years
43 or more have elapsed since the occurrence of the act or omission alleged as the
44 ground for disciplinary action.

45 2. If the act or omission alleges fraud or misrepresentation, the complaint
46 must be filed within 2 years after the discovery of the fraud or misrepresentation.

47 ~~[Sec. 16.]~~ Sec. 20. NRS 656A.020 is hereby amended to read as follows:
48 656A.020 As used in this chapter, unless the context otherwise requires, the
49 words and terms defined in NRS 656A.030 to 656A.065, inclusive, and sections 2
50 to 9, inclusive, of this act have the meanings ascribed to them in those sections.

~~Sec. 17.~~ **Sec. 21.** NRS 656A.030 is hereby amended to read as follows:
656A.030 “Interpreter” means a person who is ~~qualified~~ **registered with the Office** to engage in the practice of interpreting in this State pursuant to NRS 656A.100.

~~Sec. 18.~~ **Sec. 22.** NRS 656A.065 is hereby amended to read as follows:
656A.065 “Realtime captioning provider” means a person who is ~~qualified~~ **registered with the Office** to engage in the practice of realtime captioning in this State pursuant to NRS 656A.400.

~~Sec. 19.~~ **Sec. 23.** NRS 656A.100 is hereby amended to read as follows:
656A.100 1. ~~Except as otherwise provided in this section, a~~ A person who wishes to engage in the practice of interpreting in this State must ~~;~~

~~(a) Be at~~ **submit to the Office:**

~~(a) Proof that he is at least 18 years of age;~~

~~(b) Have at least a high school diploma or a general equivalency diploma;~~

~~(c) Be capable of providing the type of interpreting services required for the person who is deaf or whose hearing is impaired; and~~

~~(d) Have:~~

~~(1) Been issued at least one of the following certificates by the Registry of Interpreters for the Deaf or its successor organization:~~

~~(I) Master Comprehensive Skills Certificate;~~

~~(II) Comprehensive Skills Certificate;~~

~~(III) Certificate of Interpretation;~~

~~(IV) Certificate of Transliteration;~~

~~(V) Legal Specialist Certificate; or~~

~~(VI) Oral Interpreting Certificate;~~

~~(2) Been certified by the National Association of the Deaf or its successor organization as having a level of proficiency in providing interpreting services at level 3, 4 or 5; or~~

~~(3) Passed the Cued Language Transliterator National Certification Examination administered by the Testing, Evaluation, and Certification Unit, Inc., or its successor organization and must hold a Transliteration Skills Certificate issued by the Testing, Evaluation, and Certification Unit, Inc., or its successor organization.~~

~~2. A person who wishes to engage in the practice of interpreting in this State in a legal setting must comply with the requirements set forth in paragraphs (a), (b) and (c) of subsection 1 and must:~~

~~(a) Have been issued at least one of the certificates set forth in subparagraph (1) of paragraph (d) of subsection 1;~~

~~(b) Have been certified by the National Association of the Deaf or its successor organization as having a level of proficiency in providing interpreting services at level 4 or 5; or~~

~~(c) Have passed the Cued Language Transliterator National Certification Examination administered by the Testing, Evaluation, and Certification Unit, Inc., or its successor organization and must hold a Transliteration Skills Certificate issued by the Testing, Evaluation, and Certification Unit, Inc., or its successor organization.~~

~~3. Except as otherwise provided in subsection 4, a person, including, without limitation, a teacher and a teacher’s aide, who wishes to engage in the practice of interpreting in this State in a public school, including, without limitation, a charter school, or a private school must comply with the requirements set forth in paragraphs (a), (b) and (c) of subsection 1 and must:~~

~~(a) Comply with the requirements set forth in paragraph (d) of subsection 1; or~~

~~—(b) Have completed the Educational Interpreter Performance Assessment administered by the Boys Town National Research Hospital or its successor organization and received a rating of his level of proficiency in providing interpreting services at level 4 or 5.~~

~~4. A person who has not complied with the requirements set forth in paragraph (a) or (b) of subsection 3 may engage in the practice of interpreting in a public school, including, without limitation, a charter school, or a private school for not more than 3 years if:~~

~~—(a) There is a demonstrated shortage of personnel who have complied with those requirements in the geographic area of this State in which the public school or private school is located;~~

~~—(b) The school district, charter school or private school that hires a person pursuant to this subsection has made and continues to make a good faith effort to recruit and hire persons who have complied with the requirements set forth in paragraph (a) or (b) of subsection 3;~~

~~—(c) The shortage of personnel described in paragraph (a) has precluded the school district, charter school or private school from employing the number of persons who have complied with the requirements set forth in paragraph (a) or (b) of subsection 3 as is necessary to satisfy the personnel requirements of the school district, charter school or private school; and~~

~~—(d) The person hired by the school district, charter school or private school pursuant to this subsection makes satisfactory progress, as determined by the school district, charter school or private school, toward complying with the requirements set forth in paragraph (a) or (b) of subsection 3 during the period of his employment.~~

~~5. As used in this section:~~

~~—(a) “Charter school” has the meaning ascribed to it in NRS 385.007.~~

~~—(b) “Legal setting” means:~~

~~—(1) A communication with a law enforcement officer, as defined in NRS 179B.070, that relates to a criminal investigation;~~

~~—(2) A communication with an attorney who is acting in his professional capacity;~~

~~—(3) A negotiation for a contract for which the estimated amount required to perform the contract is \$1,000 or more; or~~

~~—(4) A judicial proceeding, including, without limitation:~~

~~—(I) A grand jury proceeding;~~

~~—(II) A court proceeding;~~

~~—(III) A pretrial examination, deposition, motion and related proceedings of like character; and~~

~~—(IV) The proceedings of an administrative agency.~~

~~—(e) “Public school” has the meaning ascribed to it in NRS 385.007.~~

~~—(d) “Private school” has the meaning ascribed to it in NRS 394.103.]~~

(b) An application in the form prescribed by the Office;

(c) Proof that the applicant has complied with the requirements for education, training, experience and certification required for each professional classification of the practice of interpreting ~~for~~ pursuant to this section or prescribed by a regulation of the Office pursuant to section 11 of this act;

(d) If the applicant wishes to practice interpreting in a community setting as an apprentice level interpreter, proof:

(1) That the applicant possesses intermediate interpreting skills;

(2) Of current participation in a program of mentoring or an agreement to participate in a program of mentoring with an interpreter in a community setting other than an apprentice level interpreter; and

1 (3) Of ongoing participation in a training program for the professional
2 development of interpreters;

3 (e) If the applicant wishes to practice interpreting in a community setting as
4 a skilled interpreter, proof:

5 (1) That the applicant is certified as an interpreter by a nationally
6 recognized public or private organization which is approved by the Office or
7 possesses the skills necessary to practice interpreting at a skilled level in a
8 community setting; and

9 (2) Of ongoing participation in a training program for the professional
10 development of interpreters;

11 (f) If the applicant wishes to practice interpreting in a community setting as
12 an advanced certified interpreter, proof:

13 (1) That the applicant is certified as an interpreter at an advanced level
14 by a nationally recognized public or private organization which is approved by
15 the Office or possesses the skills necessary to practice interpreting at an advanced
16 level in a community setting; and

17 (2) Of ongoing participation in a training program for the professional
18 development of interpreters;

19 (g) If the applicant wishes to practice interpreting in an educational setting
20 as an apprentice level interpreter, proof:

21 (1) That the applicant has completed the Educational Interpreter
22 Performance Assessment administered by a public or private organization which
23 is approved by the Office and received a rating of his level of proficiency in
24 providing interpreting services at least at level 3.0;

25 (2) Of current participation in a program of mentoring or an agreement
26 to participate in a program of mentoring with an interpreter in an educational
27 setting other than an apprentice level interpreter; and

28 (3) Of an individualized plan for professional development as an
29 interpreter which includes, without limitation, specific goals for his professional
30 development as an interpreter;

31 (h) If the applicant wishes to practice interpreting in an educational setting
32 as an intermediate interpreter, proof:

33 (1) That the applicant has completed the Educational Interpreter
34 Performance Assessment administered by a public or private organization which
35 is approved by the Office and received a rating of his level of proficiency in
36 providing interpreting services at least at level 3.1; and

37 (2) Of an individualized plan for professional development as an
38 interpreter which includes, without limitation, specific goals for his professional
39 development as an interpreter;

40 (i) If the applicant wishes to practice interpreting in an educational setting as
41 an advanced interpreter, proof:

42 (1) That the applicant has completed the Educational Interpreter
43 Performance Assessment administered by a public or private organization which
44 is approved by the Office and received a rating of his level of proficiency in
45 providing interpreting services at least at level 4.0;

46 (2) That the applicant possesses at least 4 years of experience practicing
47 as an interpreter in a classroom; and

48 (3) Of an individualized plan for professional development as an
49 interpreter which includes, without limitation, specific goals for his professional
50 development as an interpreter;

51 (j) If the applicant wishes to obtain a supplemental registration specifically to
52 practice interpreting in a legal setting or medical setting in addition to obtaining
53 registration pursuant to paragraphs (d) to (i), inclusive, any information or

evidence as prescribed by a regulation of the Office pursuant to section 12 of this act; and

(k) Any other information or evidence the Office may require to determine whether the applicant has complied with the requirements to engage in the practice of interpreting. ~~It and~~

~~(c) A fee of not more than \$50 for each year of registration, as established by a regulation of the Office.~~

2. The Office may, for good cause shown, waive any requirement set forth in subsection 1.

3. An applicant must identify each professional classification of the practice of interpreting for which he requests registration.

~~(3.)~~ 4. The Office shall ~~register~~.

(a) Register each applicant who complies with the applicable provisions of this section as an interpreter described in the applicable paragraph of subsection 1; and ~~issue~~

(b) Issue to the applicant proof of registration.

~~[Sec. 20.]~~ Sec. 24. NRS 656A.400 is hereby amended to read as follows:

656A.400 1. A person who wishes to engage in the practice of realtime captioning in this State must ~~be~~

~~1. Be~~ submit to the Office:

(a) Proof that he is at least 18 years of age;

~~2. Have at least a high school diploma or a general equivalency diploma;~~

~~3. Be capable of providing the type of realtime captioning services required for persons who are deaf or whose hearing is impaired; and~~

~~4. Have:~~

~~(a) Been certified as a court reporter by the Certified Court Reporters' Board of Nevada pursuant to chapter 656 of NRS; or~~

~~(b) Been issued at least one of the following certifications by the National Court Reporters Association or its successor organization:~~

~~(1) Registered Professional Reporter;~~

~~(2) Certified Communication Access Realtime Translation Provider;~~

~~(3) Certified Broadcast Captioner; or~~

~~(4) Certified Realtime Reporter.]~~

(b) An application in the form prescribed by the Office;

(c) Proof that the applicant has complied with the requirements for education, training, experience and certification required for the practice of realtime captioning as prescribed by a regulation of the Office pursuant to section 12 of this act; and

(d) Any other information or evidence the Office may require to determine whether the applicant has complied with the requirements to engage in the practice of realtime captioning. ~~It and~~

~~(c) A fee of not more than \$50 for each year of registration, as established by a regulation of the Office.~~

2. The Office shall register each applicant who complies with the provisions of this section and issue to the applicant proof of registration.

~~[Sec. 21.]~~ Sec. 25. NRS 656A.800 is hereby amended to read as follows:

656A.800 1. ~~It~~ Except as otherwise provided by specific statute, it is unlawful for a person to:

(a) Engage in the practice of interpreting in this State;

(b) Hold himself out as certified or qualified to engage in the practice of interpreting in this State; or

(c) Use in connection with his name any title, words, letters or other designation intended to imply or designate that he is an interpreter,

1 ~~without first complying with the requirements set forth in~~ *unless he is*
2 *registered with the Office pursuant to* NRS 656A.100.

3 2. It is unlawful for a person to:

4 (a) Engage in the practice of realtime captioning in this State;

5 (b) Hold himself out as certified or qualified to engage in the practice of
6 realtime captioning in this State; or

7 (c) Use in connection with his name any title, words, letters or other
8 designation intended to imply or designate that he is a realtime captioning provider,

9 ~~without first complying with the requirements set forth in~~ *unless he is*
10 *registered with the Office pursuant to* NRS 656A.400.

11 3. A person who violates the provisions of subsection 1 or 2:

12 (a) Is guilty of a misdemeanor; and

13 (b) May be assessed a civil penalty of not more than \$5,000.

14 4. An action for the enforcement of a civil penalty assessed pursuant to this
15 section may be brought in any court of competent jurisdiction by the district
16 attorney of the appropriate county or the Attorney General.

17 5. *Any civil penalty recovered pursuant to this section must be deposited*
18 *with the State Treasurer for credit to the Account for Services for Persons with*
19 *Impaired Speech or Hearing created by NRS 426.295.*

20 6. *The Office shall report a violation of a provision of subsection 1 or 2 to*
21 *the district attorney of the county in which the violation occurred or the Attorney*
22 *General.*

23 ~~Sec. 22.~~ **Sec. 26.** Chapter 50 of NRS is hereby amended by adding
24 thereto a new section to read as follows:

25 1. *Except as otherwise provided in this section, in any judicial or other*
26 *proceeding in which the court, magistrate or other person presiding over the*
27 *proceeding is required to appoint an interpreter for a person with a*
28 *communications disability, the court, magistrate or other person presiding over*
29 *the proceeding shall appoint a registered legal interpreter to interpret the*
30 *proceeding to that person and to interpret the testimony of that person to the*
31 *court, magistrate or other person presiding over the proceeding.*

32 2. *If a registered legal interpreter cannot be found or is otherwise*
33 *unavailable, or if the appointment of a registered legal interpreter will cause a*
34 *substantial delay in the proceeding, the court, magistrate or other person*
35 *presiding over the proceeding may, after making a finding to that effect and*
36 *conducting a voir dire examination of prospective interpreters, appoint a*
37 *registered interpreter or any other interpreter that the court, magistrate or other*
38 *person presiding over the proceeding determines is readily able to communicate*
39 *with the person with a communications disability, translate the proceeding for*
40 *him, and accurately repeat and translate the statements of the person with a*
41 *communications disability to the court, magistrate or other person presiding over*
42 *the proceeding.*

43 ~~Sec. 23.~~ **Sec. 27.** NRS 50.050 is hereby amended to read as follows:

44 50.050 1. As used in NRS 50.050 to 50.053, inclusive, *and section ~~22~~ 26*
45 *of this act*, unless the context requires otherwise:

46 (a) "Interpreter" means a ~~person who is:~~

47 ~~(1) Qualified to engage in the practice of interpreting in this State pursuant~~
48 ~~to subsection 2 of NRS 656A.100; and~~

49 ~~(2) Readily able to communicate with a person with a disability, translate~~
50 ~~the proceedings for him, and accurately repeat and translate the statements of the~~
51 ~~person with a disability to the court or magistrate or other person presiding over the~~
52 ~~proceedings.];~~

53 (1) *Registered interpreter;*

(2) *Registered legal interpreter; or*
(3) *Person who is appointed as an interpreter pursuant to subsection 2 of section ~~224~~ 26 of this act.*

(b) "Person with a *communications* disability" means a person who, because he is deaf ~~[-mute]~~ or has a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings.

(c) *"Registered interpreter" means a person registered with the Office of Disability Services of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting.*

(d) *"Registered legal interpreter" means a person registered with the Office of Disability Services of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in a legal setting.*

2. In all judicial proceedings in which a person with a *communications* disability appears as a witness, the court, magistrate or other person presiding over the proceedings shall appoint an interpreter to interpret the proceedings to that person and to interpret the testimony of that person to the court, magistrate or other person presiding.

3. The court, magistrate or other person presiding over the proceedings shall fix a reasonable compensation for the services and expenses of the interpreter appointed pursuant to this section. If the judicial proceeding is civil in nature, the compensation of the interpreter may be taxed as costs and must not be charged as a public expense.

4. Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be provided at public expense must be paid in the same manner as other claims against the respective entities are paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the ~~[qualified]~~ interpreter has performed the services required and incurred the expenses claimed.

~~[Sec. 24.]~~ *Sec. 28.* NRS 50.051 is hereby amended to read as follows:

50.051 An interpreter must be appointed at public expense for a person with a *communications* disability who is a party to or a witness in a criminal proceeding.

~~[Sec. 25.]~~ *Sec. 29.* NRS 50.052 is hereby amended to read as follows:

50.052 1. If an interpreter appointed for a person with a *communications* disability is not effectively or accurately communicating with or on behalf of the person with a *communications* disability, and that fact becomes known to the person who appointed him, another interpreter must be appointed.

2. Unless otherwise agreed upon by the parties, a person may not be appointed as an interpreter of a person with a *communications* disability in a proceeding if he is:

(a) The spouse of the person with a *communications* disability or related to him; or

(b) Otherwise interested in the outcome of the proceeding or biased for or against one of the parties.

3. Whenever possible, a person with a *communications* disability must be given an interpreter of his choice or one of whom he approves.

~~[Sec. 26.]~~ *Sec. 30.* NRS 50.053 is hereby amended to read as follows:

50.053 1. Before undertaking his duties, the interpreter shall swear or affirm that he will make a true interpretation in an understandable manner to the person for whom he has been appointed, and that he will repeat the statements of the person with a *communications* disability in the English language to the best of his ability.

2. While in the proper performance of his duties, an interpreter acts in the place of the person with a **communications** disability and to that extent has all of the rights and privileges of that person for purposes of the proceeding, including access to all relevant material.

~~[Sec. 27.]~~ **Sec. 31.** NRS 50.054 is hereby amended to read as follows:

50.054 1. Except as otherwise provided by a regulation of the court administrator adopted pursuant to NRS 1.510 and 1.520, a person shall not act as an interpreter in a proceeding if he is:

- (a) The spouse of a witness;
- (b) Otherwise related to a witness;
- (c) Biased for or against one of the parties; or
- (d) Otherwise interested in the outcome of the proceeding.

2. Before undertaking his duties, the interpreter shall swear or affirm that he will:

- (a) To the best of his ability, translate accurately to the witness, in the language of the witness, questions and statements addressed to the witness;
- (b) Make a true interpretation of the statements of the witness in an understandable manner; and
- (c) Repeat the statements of the witness in the English language to the best of his ability.

3. While in the proper performance of his duties, an interpreter has the same rights and privileges as the witness, including the right to examine all relevant material, but is not entitled to waive or exercise any of those rights or privileges on behalf of the witness.

4. As used in this section, "interpreter" means a person who is readily able to communicate with a person who speaks a language other than English and does not know the English language, translate the proceedings for him and accurately repeat and translate the statements of the person in a language other than English to the court, magistrate or other person presiding. The term does not include an interpreter for a person with a **communications** disability as that term is defined in NRS 50.050.

~~[Sec. 28.]~~ **Sec. 32.** NRS 171.1536 is hereby amended to read as follows:

171.1536 Upon the arrest of a person with a **communications** disability as defined in NRS 50.050, and before his interrogation or the taking of his statement, the peace officer in actual charge of the station, headquarters or other facility to which the person with a **communications** disability has been brought shall make an interpreter ~~[who is qualified to engage in the practice of interpreting in this State pursuant to subsection 2 of NRS 656A.100]~~ available at public expense to that person ~~[, subject to the provisions of NRS 50.052 and 50.053.]~~ **in accordance with the provisions of NRS 50.050 to 50.053, inclusive, and section ~~[22]~~ 26 of this act.**

~~[Sec. 29.]~~ **Sec. 33.** NRS 171.1538 is hereby amended to read as follows:

171.1538 1. The rights to interpretation and communication provided in NRS 171.1536 and 171.1537 may not be waived except knowingly and voluntarily by the person with a **communications** disability by a written statement indicating his desire not to be so assisted. At any time after arrest but before the termination of any custody, the person may retract his waiver by indicating his desire to be so assisted.

2. Unless there is a waiver under this section, there must be no interrogation or taking of the statement of a person with a **communications** disability without the assistance of an interpreter ~~[who is qualified to engage in the practice of interpreting in this State pursuant to subsection 2 of NRS 656A.100.]~~ **in accordance with the provisions of NRS 50.050 to 50.053, inclusive, and section ~~[22]~~ 26 of this act.**

~~[Sec. 30.]~~ **Sec. 34.** NRS 213.055 is hereby amended to read as follows:

213.055 An applicant or a witness at a hearing upon an application for clemency who is a person with a **communications** disability as defined in NRS 50.050 is entitled to the services of an interpreter at public expense ~~[, subject to the provisions of NRS 50.052 and 50.053.]~~ **in accordance with the provisions of NRS 50.050 to 50.053, inclusive, and section ~~[22]~~ 26 of this act.** The interpreter must be ~~[-~~

~~1. Qualified to engage in the practice of interpreting in this State pursuant to subsection 2 of NRS 656A.100; and~~

~~2. Appointed]~~ **appointed** by the Governor or a member of the Board designated by him.

~~[Sec. 31.]~~ **Sec. 35.** NRS 213.128 is hereby amended to read as follows:

213.128 A prisoner, parolee or a witness at the hearing of a case who is a person with a **communications** disability as defined in NRS 50.050 is entitled to the services of an interpreter at public expense ~~[, subject to the provisions of NRS 50.052 and 50.053.]~~ **in accordance with the provisions of NRS 50.050 to 50.053, inclusive, and section ~~[22]~~ 26 of this act.** The interpreter must be ~~[-~~

~~1. Qualified to engage in the practice of interpreting in this State pursuant to subsection 2 of NRS 656A.100; and~~

~~2. Appointed]~~ **appointed** by the Chairman of the Board or other person who presides at the hearing.

~~[Sec. 32.]~~ **Sec. 36.** NRS 232.320 is hereby amended to read as follows:

232.320 1. Except as otherwise provided in subsection 3, the Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

- (1) The Administrator of the Aging Services Division;
- (2) The Administrator of the Health Division;
- (3) The Administrator of the Division of Welfare and Supportive Services;
- (4) The Administrator of the Division of Child and Family Services; and
- (5) The Administrator of the Division of Health Care Financing and Policy.

(b) Shall administer, through the divisions of the Department and the Office of Disability Services, the provisions of chapters 63, 424, 425, 426A, 427A, 432A to 442, inclusive, 446 to 450, inclusive, ~~[and]~~ 458A **and 656A** of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 426.205 to 426.295, inclusive, 432.010 to 432.133, inclusive, 444.003 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department and the Office of Disability Services, but is not responsible for the clinical activities of the Health Division or the professional line activities of the other divisions or the Office of Disability Services.

(c) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(d) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information to him regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which he deems necessary for his performance of the duties imposed upon him pursuant to this section.

(e) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or his designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than:

(a) The Administrator of the Division of Mental Health and Developmental Services who is appointed pursuant to subsection 3;

(b) The Executive Director of the Nevada Indian Commission who is appointed pursuant to NRS 233A.055; and

(c) The State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

3. The Governor shall appoint the Administrator of the Division of Mental Health and Developmental Services.

~~[Sec. 33.]~~ **Sec. 37.** NRS 233B.1235 is hereby amended to read as follows:

233B.1235 A witness during his testimony at a hearing of a contested case, who is a person with a **communications** disability as defined in NRS 50.050, is entitled to the services of an interpreter at public expense ~~[, subject to the provisions of NRS 50.052 and 50.053.]~~ **in accordance with the provisions of NRS 50.050 to 50.053, inclusive, and section ~~22~~ 26 of this act.** The interpreter must be ~~f:~~

~~1. Qualified to engage in the practice of interpreting in this State pursuant to subsection 2 of NRS 656A.100; and~~

~~2. Appointed] appointed~~ by the person who presides at the hearing.

~~[Sec. 34.]~~ **Sec. 38.** NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of ~~[such] those~~ licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being ~~[qualified]~~ **registered with the Office of Disability Services of the**

1 *Department of Health and Human Services pursuant to NRS 656A.100* to engage
2 in the practice of interpreting ~~pursuant to subsection 3 of NRS 656A.100.~~

3 ~~(6) Except as otherwise authorized by subsection 4 of NRS 656A.100,~~
4 ~~requiring~~ *in an educational setting.*

5 (6) *Requiring* teachers and other educational personnel to ~~satisfy the~~
6 ~~qualifications set forth in subsection 3 of NRS 656A.100~~ *be registered with the*
7 *Office of Disability Services pursuant to NRS 656A.100 to engage in the practice*
8 *of interpreting in an educational setting* if they:

9 (I) Provide instruction or other educational services; and

10 (II) Concurrently engage in the practice of interpreting, as defined in
11 NRS 656A.060.

12 (7) Providing for the issuance and renewal of a special qualifications
13 license to an applicant who holds a master's degree or a doctoral degree from an
14 accredited degree-granting postsecondary educational institution in a field for
15 which the applicant will provide instruction in a classroom and who has:

16 (I) At least 2 years of experience teaching at an accredited degree-
17 granting postsecondary educational institution in a field for which the applicant will
18 provide instruction in a classroom and at least 3 years of experience working in that
19 field; or

20 (II) At least 5 years of experience working in a field for which the
21 applicant will provide instruction in a classroom.

22 (8) Requiring an applicant for a special qualifications license to:

23 (I) Pass each examination required by NRS 391.021 for the specific
24 subject or subjects in which the applicant will provide instruction; or

25 (II) Hold a valid license issued by a professional licensing board of any
26 state that is directly related to the subject area of the master's degree or doctoral
27 degree held by the applicant.

28 (9) Setting forth the subject areas that may be taught by a person who holds
29 a special qualifications license, based upon the subject area of the master's degree
30 or doctoral degree held by that person.

31 (10) Providing for the issuance of a license to teach to a person who:

32 (I) Holds a graduate degree from an accredited college or university in
33 the field for which he will be providing instruction;

34 (II) Is not licensed to teach public school in another state;

35 (III) Has at least 5 years of experience teaching with satisfactory
36 evaluations at a school that is accredited by a national or regional accrediting
37 agency recognized by the United States Department of Education; and

38 (IV) Submits proof of participation in a program of student teaching or
39 mentoring or agrees to participate in a program of mentoring for the first year of his
40 employment as a teacher with a school district or charter school.

41 ➤ An applicant for licensure pursuant to this subparagraph is exempt from each
42 examination required by NRS 391.021 if the applicant successfully passed the
43 examination in another state.

44 (b) May adopt such other regulations as it deems necessary for its own
45 government or to carry out its duties.

46 2. Any regulation which increases the amount of education, training or
47 experience required for licensing:

48 (a) Must, in addition to the requirements for publication in chapter 233B of
49 NRS, be publicized before its adoption in a manner reasonably calculated to inform
50 those persons affected by the change.

51 (b) Must not become effective until at least 1 year after the date it is adopted by
52 the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. A person who is licensed pursuant to subparagraph (7) or (10) of paragraph (a) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

~~[Sec. 35.]~~ **Sec. 39.** NRS 391.31925 is hereby amended to read as follows:

391.31925 The licensed employee or a witness at a hearing under NRS 391.311 to 391.3196, inclusive, who is a person with a **communications** disability as defined in NRS 50.050, is entitled to the services of an interpreter at public expense ~~[, subject to the provisions of NRS 50.052 and 50.053.]~~ **in accordance with the provisions of NRS 50.050 to 50.053, inclusive, and section ~~[22]~~ 26 of this act.** The interpreter must be ~~[-~~

~~1. Qualified to engage in the practice of interpreting in this State pursuant to subsection 2 of NRS 656A.100; and~~

~~2. Appointed]~~ **appointed** by the hearing officer.

~~[Sec. 36.]~~ **Sec. 40.** NRS 396.324 is hereby amended to read as follows:

396.324 The person who is the subject of a disciplinary hearing under this chapter or who is a witness at that hearing, and who is a person with a **communications** disability as defined in NRS 50.050, is entitled to the services of an interpreter at public expense ~~[, subject to the provisions of NRS 50.052 and 50.053.]~~ **in accordance with the provisions of NRS 50.050 to 50.053, inclusive, and section ~~[22]~~ 26 of this act.** The interpreter must be ~~[-~~

~~1. Qualified to engage in the practice of interpreting in this State pursuant to subsection 2 of NRS 656A.100; and~~

~~2. Appointed]~~ **appointed** by the person who presides at the hearing.

~~[Sec. 37.]~~ **Sec. 41.** NRS 422.278 is hereby amended to read as follows:

422.278 Any person who is:

1. The subject of a hearing conducted under the authority of the Division; or

2. A witness at that hearing,

↪ and who is a person with a **communications** disability as defined in NRS 50.050, is entitled to the services of an interpreter at public expense ~~[, subject to the provisions of NRS 50.052 and 50.053.]~~ **in accordance with the provisions of NRS 50.050 to 50.053, inclusive, and section ~~[22]~~ 26 of this act.** The interpreter must be ~~[qualified to engage in the practice of interpreting in this State pursuant to subsection 2 of NRS 656A.100 and must be]~~ appointed by the person who presides at the hearing.

~~[Sec. 38.]~~ **Sec. 42.** NRS 422A.290 is hereby amended to read as follows:

422A.290 Any person who is:

1. The subject of a hearing conducted under the authority of the Division; or

2. A witness at that hearing,

↪ and who is a person with a **communications** disability as defined in NRS 50.050, is entitled to the services of an interpreter at public expense ~~[, subject to the provisions of NRS 50.052 and 50.053.]~~ **in accordance with the provisions of NRS 50.050 to 50.053, inclusive, and section ~~[22]~~ 26 of this act.** The interpreter must be ~~[qualified to engage in the practice of interpreting in this State pursuant to~~

~~subsection 2 of NRS 656A.100 and must be~~ appointed by the person who presides at the hearing.

~~[Sec. 39.]~~ **Sec. 43.** 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., 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) *A summary and analysis of the status of the practice of interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of interpreting in an educational setting in each*

1 *professional classification established ~~[by the Office]~~ pursuant to ~~Section 11 of~~*
2 *~~this act~~ NRS 656A.100 and the number of persons engaged in the practice of*
3 *realtime captioning in an educational setting; and*

4 (e) Recommendations for improving the ability of the State of Nevada to
5 provide services to persons with disabilities and advocate for the rights of persons
6 with disabilities.

7 ~~[See 40.]~~ Sec. 44. NRS 426.255 is hereby amended to read as follows:

8 426.255 1. The ~~[Advisory]~~ Committee on *Communication Services for*
9 Deaf and Hard of Hearing Persons *and Persons With Speech Disabilities* is hereby
10 created in the Office. The ~~[Advisory]~~ Committee consists of 11 people appointed
11 by the Director of the Department. The Director shall appoint to the ~~[Advisory]~~
12 Committee:

13 (a) One member who is employed by the Department and who participates in
14 the administration of the program of this State which provides services to persons
15 with *communications* disabilities which affect their ability to communicate;

16 (b) One person who is a member of the Nevada Association of the Deaf;

17 (c) ~~One member who is hard of hearing;~~

18 ~~(d) One representative of educators of persons who are deaf and hard of~~
19 ~~hearing;~~

20 ~~(e)~~ One member who is professionally qualified in the field of deafness;

21 ~~[(f) One member whose speech is impaired;~~

22 ~~(g)] (d)~~ The Executive Director of the Nevada Telecommunications
23 Association ~~;~~

24 ~~(h) Two representatives of the deaf and hard of hearing centers operated by this~~
25 ~~State, who are ex officio members; and~~

26 ~~(i) Two representatives of the program to purchase, maintain, repair and~~
27 ~~distribute devices for telecommunication developed and administered pursuant to~~
28 ~~NRS 426.295, who are ex officio members.] or, in the event of its dissolution, a~~
29 ~~member who represents the telecommunications industry;~~

30 (e) *One member who is a consumer of telecommunications relay services;*

31 (f) *One member who is a consumer of Communication Access Realtime*
32 *Translation or realtime captioning;*

33 (g) *One member who is a consumer of services provided by a person engaged*
34 *in the practice of interpreting;*

35 (h) *One nonvoting member who is registered with the Office pursuant to*
36 *NRS 656A.100 to engage in the practice of interpreting in a community setting*
37 *and holds a certificate issued by the Registry of Interpreters for the Deaf, Inc., or*
38 *its successor organization;*

39 (i) *One nonvoting member who is registered with the Office pursuant to NRS*
40 *656A.100 to engage in the practice of interpreting in an educational setting and*
41 *has completed the Educational Interpreter Performance Assessment administered*
42 *by the Boys Town National Research Hospital, or its successor organization, and*
43 *received a rating of his level of proficiency in providing interpreting services at*
44 *level 4 or 5;*

45 (j) *One nonvoting member who is registered with the Office pursuant to NRS*
46 *656A.400 to engage in the practice of realtime captioning; and*

47 (k) *One member who represents educators in this State and has knowledge*
48 *concerning the provision of communication services to persons with*
49 *communications disabilities in elementary, secondary and postsecondary schools*
50 *and the laws concerning the provision of those services.*

51 2. After the initial term, the term of each member is 3 years. A member may
52 be reappointed.

3. If a vacancy occurs during the term of a member, the Director of the Department shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The ~~{Advisory}~~ Committee shall:

(a) At its first meeting and annually thereafter, elect a Chairman from among its voting members; and

(b) Meet at the call of the Director of the Department, the Chairman or a majority of its members as is necessary to carry out its responsibilities.

5. A majority of the voting members of the ~~{Advisory}~~ Committee constitutes a quorum for the transaction of business, and a majority of the voting members of a quorum present at any meeting is sufficient for any official action taken by the ~~{Advisory}~~ Committee.

6. Members of the ~~{Advisory}~~ Committee serve without compensation, except that each member is entitled, while engaged in the business of the ~~{Advisory}~~ Committee, to the per diem allowance and travel expenses provided for state officers and employees generally.

7. A member of the ~~{Advisory}~~ Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the ~~{Advisory}~~ Committee and perform any work necessary to carry out the duties of the ~~{Advisory}~~ Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the ~~{Advisory}~~ Committee to make up the time he is absent from work to carry out his duties as a member of the ~~{Advisory}~~ Committee or use annual vacation or compensatory time for the absence.

8. The ~~{Advisory}~~ Committee may:

(a) Make recommendations to the Director of the Department and the Office concerning the establishment and operation of programs for persons with *communications* disabilities which affect their ability to communicate;

(b) Recommend to the Director of the Department and the Office any proposed legislation concerning persons with *communications* disabilities which affect their ability to communicate; and

(c) Collect information concerning persons with *communications* disabilities which affect their ability to communicate.

9. *The Committee shall make recommendations to the Office concerning the practice of interpreting and the practice of realtime captioning, including, without limitation, the adoption of regulations to carry out the provisions of chapter 656A of NRS.*

10. As used in this section:

(a) ~~“Person who is deaf” means a person who is not able to process information aurally and whose primary means of communication is visual.~~

~~—(b) “Person who is hard of hearing” means a person:~~

~~—(1) Who has a hearing deficit;~~

~~—(2) Who is able to process information aurally with or without the use of a hearing aid or any other device that enhances the ability of a person to hear; and~~

~~—(3) Whose primary means of communication may be visual.~~

~~—(c) “Person whose speech is impaired” means a person who has difficulty using his voice to communicate.] “Practice of interpreting” has the meaning ascribed to it in NRS 656A.060.~~

~~(b) “Practice of realtime captioning” has the meaning ascribed to it in NRS 656A.062.~~

~~(c) “Telecommunications relay services” has the meaning ascribed to it in 47 C.F.R. § 64.601.~~

~~[Sec. 41.]~~ **Sec. 45.** NRS 426.295 is hereby amended to read as follows:

426.295 1. The Office shall develop and administer a program whereby:

(a) Any person who is a customer of a telephone company which provides service through a local exchange or a customer of a company that provides wireless phone service and who is certified by the Office to be deaf or to have severely impaired speech or hearing may obtain a device for telecommunication capable of serving the needs of such persons at no charge to the customer beyond the rate for basic service; and

(b) Any person who is deaf or has severely impaired speech or hearing may communicate by telephone, including, without limitation, a wireless phone, with other persons through a dual-party relay system.

➤ The program must be approved by the Public Utilities Commission of Nevada.

2. A surcharge is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this State and on each personal wireless access line of each customer of any company that provides wireless phone services in this State which is sufficient to ~~cover~~:

(a) ~~Cover~~ the costs of the program ~~and to fund~~;

(b) ~~Fund~~ the deaf and hard of hearing centers operated by this State ~~and~~;

(c) To cover the costs incurred by the Office to carry out the provisions of chapter 656A of NRS that are not covered by ~~the fees received by the Office pursuant to NRS 656A.100 and 656A.400 and~~ the civil penalties received by the Office pursuant to NRS 656A.800.

➤ The Commission shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from their customers and transfer the money collected to the Commission pursuant to regulations adopted by the Commission.

3. The Account for Services for Persons With Impaired Speech or Hearing is hereby created within the State General Fund and must be administered by the Office. Any money collected from the surcharge imposed pursuant to subsection 2 must be deposited in the State Treasury for credit to the Account. The money in the Account may be used only:

(a) For the purchase, maintenance, repair and distribution of the devices for telecommunication, including the distribution of devices to state agencies and nonprofit organizations;

(b) To establish and maintain the dual-party relay system;

(c) To reimburse telephone companies and companies that provide wireless phone services for the expenses incurred in collecting and transferring to the Commission the surcharge imposed by the Commission;

(d) For the general administration of the program developed and administered pursuant to subsection 1;

(e) To train persons in the use of the devices; ~~and~~

(f) To fund the deaf and hard of hearing centers operated by this State ~~and~~;

(g) To cover the costs incurred by the Office to carry out the provisions of chapter 656A of NRS that are not covered by ~~the fees received by the Office pursuant to NRS 656A.100 and 656A.400 and~~ the civil penalties received by the Office pursuant to NRS 656A.800.

4. For the purposes of this section:

(a) "Device for telecommunication" means a device which is used to send messages through the telephone system, including, without limitation, the wireless phone system, which visually displays or prints messages received and which is compatible with the system of telecommunication with which it is being used.

(b) "Dual-party relay system" means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for

telecommunication, may relay communications through third parties to persons who do not have access to such devices.

~~[Sec. 42.]~~ **Sec. 46.** NRS 463.342 is hereby amended to read as follows:

463.342 Any person who is the subject of a hearing conducted under the provisions of this chapter, or who is a witness at that hearing, and who is a person with a **communications** disability as defined in NRS 50.050, is entitled to the services of an interpreter at public expense ~~[, subject to the provisions of NRS 50.052 and 50.053.]~~ **in accordance with the provisions of NRS 50.050 to 50.053, inclusive, and section ~~224~~ 26 of this act.** The interpreter must be ~~[-~~

~~1. Qualified to engage in the practice of interpreting in this State pursuant to subsection 2 of NRS 656A.100; and~~

~~2. Appointed]~~ **appointed** by the person who presides at the hearing.

~~[Sec. 43.]~~ **Sec. 47.** NRS 615.200 is hereby amended to read as follows:

615.200 The Bureau may:

1. Enter into reciprocal agreements with other states, which, for this purpose, may include the District of Columbia, Puerto Rico, the Virgin Islands and Guam, to provide for the vocational rehabilitation of individuals within the states concerned;

2. Establish or construct rehabilitation facilities and workshops and make grants to, or contracts or other arrangements with, public and other nonprofit organizations for the establishment of workshops and rehabilitation facilities;

3. Operate facilities for carrying out the purposes of this chapter;

4. In matters relating to vocational rehabilitation:

(a) Conduct research, studies, investigations and demonstrations and make reports;

(b) Provide training and instruction, including, without limitation, the establishment and maintenance of such research fellowships and traineeships with such stipends and allowances as may be deemed necessary;

(c) Disseminate information; and

(d) Render technical assistance; **and**

5. Provide for the establishment, supervision, management and control of small business enterprises to be operated by severely handicapped persons where their operation will be improved through the management and supervision of the Bureau. ~~[- and~~

~~6. Maintain a list of persons who are qualified to engage in the practice of interpreting in this state pursuant to NRS 656A.100 to serve as interpreters for handicapped persons and shall make any such list available without charge to persons who request it.]~~

~~[Sec. 44.]~~ **Sec. 48.** 1. Not later than October 1, 2008, the Office of Disability Services of the Department of Health and Human Services shall, by regulation, establish:

(a) The ~~[tier-based system of professional classifications]~~ **authorized scope of practice, level of education and the professional training, experience and certification** for persons who engage in the practice of interpreting ; ~~[required by section 11 of this act.]~~ and

(b) The level of education and the professional training, experience and certification for persons who engage in the practice of realtime captioning required by section 12 of this act.

2. The Office shall, in establishing the ~~[tier-based system required by section 11 of this act,]~~ **authorized scope of practice, level of education and the professional training, experience and certification for persons who engage in the practice of interpreting,** consider the recommendations submitted to the Legislative Committee on Persons with Disabilities created pursuant to NRS

218.53791 by the advisory committee to the Legislative Committee on Persons With Disabilities created pursuant to NRS 218.53796.

~~Sec. 45.~~ **Sec. 49.** 1. The terms of office of the members of the Advisory Committee on Deaf and Hard of Hearing Persons created by NRS 426.255 who were appointed pursuant to paragraphs (c), (d), (f), (h) and (i) of subsection 1 of NRS 426.255 expire on ~~July 1, 2007.~~ **the date of passage and approval of this act.**

2. As soon as practicable on or after ~~July 1, 2007.~~ **the date of passage and approval of this act,** the Director of the Department of Health and Human Services shall, as required by NRS 426.255, as amended by section ~~40~~ **44** of this act, appoint the members to the Committee on Communication Services for Deaf and Hard of Hearing Persons and Persons With Speech Disabilities.

3. Notwithstanding the provisions of NRS 426.255, as amended by section ~~40~~ **44** of this act, the members who the Director is required to appoint to the Committee pursuant to:

(a) Paragraph (h) of subsection 1 of NRS 426.255, as amended by section ~~40~~ **44** of this act, must be an interpreter who holds a certificate issued by the Registry of Interpreters for the Deaf, Inc., or its successor organization, and is qualified to engage in the practice of interpreting in this State pursuant to NRS 656A.100 on ~~July 1, 2007.~~ **the date of passage and approval of this act.**

(b) Paragraph (i) of subsection 1 of NRS 426.255, as amended by section ~~40~~ **44** of this act, must be an interpreter who:

(1) Has completed the Educational Interpreter Performance Assessment administered by the Boys Town National Research Hospital, or its successor organization;

(2) Has received a rating of his level of proficiency in providing interpreting services at level 4 or 5; and

(3) Is qualified to engage in the practice of interpreting in this State pursuant to NRS 656A.100 on ~~July 1, 2007.~~ **the date of passage and approval of this act.**

(c) Paragraph (j) of subsection 1 of NRS 426.255, as amended by section ~~40~~ **44** of this act, must be an interpreter who is qualified to engage in the practice of realtime captioning in this State pursuant to NRS 656A.400 on ~~July 1, 2007.~~ **the date of passage and approval of this act.**

Sec. 50. Notwithstanding the provisions of NRS 656A.100, as amended by section 23 of this act, a person who wishes to register with the Office of Disability Services of the Department of Health and Human Services as an apprentice level interpreter in an educational setting and who is employed as an interpreter in an educational setting on the date of passage and approval of this act is not required to comply with the requirements of subparagraph (1) of paragraph (g) of subsection 1 of NRS 656A.100, as amended by section 23 of this act.

~~Sec. 46.~~ **Sec. 51.** Notwithstanding the provisions of NRS 656A.800, as amended by section ~~24~~ **25** of this act, a person who engages in the practice of interpreting or the practice of realtime captioning in this State is not required to register with the Office of Disability Services of the Department of Health and Human Services before October 1, 2008.

~~Sec. 47.~~ **Sec. 52.** This act becomes effective:

1. ~~On July 1, 2007.~~ **Upon passage and approval,** for the purposes of:

(a) Adopting regulations by the Office of Disability Services of the Department of Health and Human Services;

1 (b) Appointing members to the Committee on Communication Services for
2 Deaf and Hard of Hearing Persons and Persons With Speech Disabilities created by
3 NRS 426.255, as amended by section ~~440~~ 44 of this act; and

4 (c) Performing any other preparatory administrative tasks that are necessary to
5 carry out the provisions of this act; and

6 2. On October 1, 2008, for all other purposes.