

Amendment No. 395

Assembly Amendment to Assembly Bill No. 200
(BDR 38-419)

**Proposed by:** Assembly Committee on Health and Human Services

**Amends:** Summary: Yes 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"/> | _____            |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

EWR/EGO



Date: 4/19/2015

A.B. No. 200—Revises provisions relating to the program to provide devices for telecommunication to persons with impaired speech or hearing. (BDR 38-419)



ASSEMBLY BILL NO. 200—COMMITTEE ON  
HEALTH AND HUMAN SERVICES(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON SENIOR CITIZENS, VETERANS AND  
ADULTS WITH SPECIAL NEEDS)

FEBRUARY 26, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating ~~to the program to provide devices for telecommunication~~ to persons with impaired speech or hearing.  
(BDR 38-419)

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

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

AN ACT relating to persons with disabilities; **making certain voting members of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities nonvoting members; requiring the Subcommittee to make certain recommendations;** revising provisions relating to the program to provide devices for telecommunication to persons with impaired speech or hearing; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Existing law establishes the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities. The Subcommittee consists of nine voting members appointed by the Administrator of the Aging and Disability Services Division of the Department of Health and Human Services. One member of the Subcommittee is required to be an employee of the Division, and another member is required to be the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, another representative of the telecommunications industry. (NRS 427A.750) Section 1 of this bill makes these two members nonvoting members.**

**The Aging and Disability Services Division ~~of the Department of Health and Human Services~~ is required to develop and administer a program to provide devices for telecommunication to persons with impaired speech or hearing and to fund centers for persons who are deaf or hard of hearing operated by this State. (NRS 427A.797) ~~This bill~~ Section 2 requires that this program include the provision of other assistive technology and the provision of certain services by such centers, including, without limitation: (1) facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing; (2) assisting persons with impaired speech or**

hearing in accessing assistive devices; (3) expanding service capacity for devices for telecommunication and other assistive technology in areas where there is a need and services are not available; ~~and~~ (4) providing instruction in language acquisition ~~— This bill —~~ (5) providing programs designed to increase access to education, employment and health and social services; and (6) providing for the hiring of or contracting with interpreters for use, if available, by the Executive, Judicial and Legislative Departments of the State Government to ensure that appropriate access to the State Government is provided for persons who are deaf or hard of hearing. Section 2 also removes the requirement in existing law that the Public Utilities Commission of Nevada approve the program.

Existing law requires that funding be provided for ~~these~~ the program, the centers, including, without limitation, these specific services, and certain administrative costs from the surcharge imposed on each telephone and wireless telephone line of each customer in this State. The amount of the surcharge is established by the Public Utilities Commission. (NRS 427A.797) Section 2 limits the amount of the surcharge to not more than eight cents per month. Section 1 requires the Subcommittee to make recommendations concerning the programs and activities funded by the surcharge.

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

**Section 1. NRS 427A.750 is hereby amended to read as follows:**

427A.750 1. The Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities is hereby created. The Subcommittee consists of nine members appointed by the Administrator. The Administrator shall consider recommendations made by the Nevada Commission on Services for Persons with Disabilities and appoint to the Subcommittee:

(a) One nonvoting member who is employed by the Division and who participates in the administration of the program of this State that provides services to persons with communications disabilities which affect their ability to communicate;

(b) One member who is a member of the Nevada Association of the Deaf, or, if it ceases to exist, one member who represents an organization which has a membership of persons who are deaf, hard of hearing or speech-impaired;

(c) One member who has experience with or an interest in and knowledge of the problems of and services for the deaf, hard of hearing or speech-impaired;

(d) ~~The~~ One nonvoting member who is the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, ~~a member~~ who represents the telecommunications industry;

(e) Three members who are users of telecommunications relay services or the services of persons engaged in the practice of interpreting or the practice of realtime captioning;

(f) One member who is a parent of a child who is deaf, hard of hearing or speech-impaired; and

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

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

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

4. The Subcommittee shall:

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

(b) Meet at the call of the Administrator, the Chair of the Nevada Commission on Services for Persons with Disabilities, the Chair of the Subcommittee or a majority of its voting members as is necessary to carry out its responsibilities.

5. A majority of the voting members of the Subcommittee 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 Subcommittee.

6. Members of the Subcommittee serve without compensation, except that each member is entitled, while engaged in the business of the Subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

7. A member of the Subcommittee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the person may prepare for and attend meetings of the Subcommittee and perform any work necessary to carry out the duties of the Subcommittee 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 Subcommittee to make up the time he or she is absent from work to carry out his or her duties as a member of the Subcommittee or use annual vacation or compensatory time for the absence.

8. The Subcommittee may:

(a) Make recommendations to the Nevada Commission on Services for Persons with Disabilities concerning the establishment and operation of programs for persons with communications disabilities which affect their ability to communicate.

(b) Recommend to the Nevada Commission on Services for Persons with Disabilities any proposed legislation concerning persons with communications disabilities which affect their ability to communicate.

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

(d) Create and annually review a 5-year strategic plan consisting of short-term and long-term goals for services provided by or on behalf of the Division. In creating and reviewing any such plan, the Subcommittee must solicit input from various persons, including, without limitation, persons with communications disabilities.

(e) Review the goals, programs and services of the Division for persons with communications disabilities and advise the Division regarding such goals, programs and services, including, without limitation, the outcomes of services provided to persons with communications disabilities and the requirements imposed on providers.

(f) Based on information collected by the Department of Education, advise the Department of Education on research and methods to ensure the availability of language and communication services for children who are deaf, hard of hearing or speech-impaired.

9. The Subcommittee shall make recommendations to ~~the~~ :

(a) The Nevada Commission on Services for Persons with Disabilities 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.

(b) The Division concerning all programs and activities funded by the surcharge imposed pursuant to subsection 3 of NRS 427A.797.

10. As used in this section:

(a) "Nevada Commission on Services for Persons with Disabilities" means the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211.

(b) "Practice of interpreting" has the meaning ascribed to it in NRS 656A.060.

(c) "Practice of realtime captioning" has the meaning ascribed to it in NRS 656A.062.

(d) "Telecommunications relay services" has the meaning ascribed to it in 47 C.F.R. § 64.601.

~~Section 1~~ **Sec. 2.** NRS 427A.797 is hereby amended to read as follows:

427A.797 1. The Division 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 Division to be deaf or to have severely impaired speech or hearing may obtain a device for telecommunication or other assistive technology 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, or other means with other persons through a dual-party relay system.

~~The program must be approved by the Public Utilities Commission of Nevada.~~  
or other assistive technology.

2. *The program developed pursuant to subsection 1 must include the establishment of centers for persons who are deaf or hard of hearing that provide services which must include, without limitation:*

*(a) Facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing;*

*(b) Assisting persons who are deaf or have severely impaired speech or hearing in accessing assistive devices, including, without limitation, hearing aids, electrolarynxes and devices for telecommunication ~~and~~ and other assistive technology;*

*(c) Expanding the capacity for service using devices for telecommunication and other assistive technology in areas where there is a need for such devices and technology and services for persons with impaired speech or hearing are not available; ~~and~~*

*(d) Providing instruction in language acquisition to persons determined by the center to be eligible for services ~~and~~;*

*(e) Providing programs designed to increase access to education, employment and health and social services; and*

*(f) Providing for the hiring of or contracting with interpreters for use, if available, by the Executive, Judicial and Legislative Departments of State Government to ensure that appropriate access to the State Government is provided for persons who are deaf or hard of hearing.*

3. A surcharge of not more than 8 cents per month 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. The surcharge must be used to:

(a) Cover the costs of the program;

(b) Fund the centers for persons who are deaf or hard of hearing ~~operated by this State~~ established pursuant to subsection 2; and

(c) Cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

➤ The Public Utilities Commission of Nevada 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.

~~§ 4.~~ 4. 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 Division. Any money collected from the surcharge imposed pursuant to subsection ~~§ 3~~ 3 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 ~~§~~ and other assistive technology, including the distribution of such devices and technology 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 Public Utilities Commission of Nevada 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 ~~§~~ for telecommunication and other assistive technology;

(f) To fund the centers for persons who are deaf or hard of hearing ~~operated by this State~~ established pursuant to subsection 2; and

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

~~§ 5.~~ 5. 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. 3. 1. This section and section 1 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2015, for all other purposes.