

Amendment No. 288

Senate Amendment to Senate Bill No. 481

(BDR 38-604)

Proposed by: Senate Committee on Health and Human Services**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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/JWP



Date: 4/19/2017

S.B. No. 481—Creates the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired. (BDR 38-604)



SENATE BILL NO. 481—COMMITTEE ON
HEALTH AND HUMAN SERVICES

MARCH 27, 2017

Referred to Committee on Health and Human Services

SUMMARY—Creates the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired. (BDR 38-604)

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 disabilities; transforming 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 into the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired in the Office of the Governor; requiring the Governor to appoint a Director of the Commission; requiring the Aging and Disability Services Division of the Department of Health and Human Services to provide personnel, facilities, equipment and supplies to the Commission; revising the duties of the Commission; requiring the Legislative Committee on Health Care to study the sources of money available for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates 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 persons with knowledge of issues relating to communications disabilities who are appointed by the Administrator of the Aging and Disability Services Division of the Department of Health and Human Services. The Subcommittee is authorized to: (1) make recommendations to the Commission concerning programs for persons with communications disabilities; (2) review services of the Division for persons with communications disabilities and advise the Division concerning such services; and (3) advise the Department of Education on ensuring the availability of language and communication services for children with communications disabilities. The Subcommittee is required to make recommendations to the Commission concerning the practices of interpreting and realtime captioning and to the Division concerning certain programs to provide assistive technology to persons with communications disabilities. (NRS 427A.750)

Section 5 of this bill changes the name of the Subcommittee to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired. **Section 5** also places the Commission in the Office of the Governor and requires the Governor to appoint the members

of the Commission. Additionally, **section 5** provides for the Commission to: (1) review the services and practices of all state and local governmental entities relating to persons who are deaf, hard of hearing or speech impaired and advise those entities directly; and (2) provide persons who are deaf, hard of hearing or speech impaired with information concerning services and resources that promote equality of opportunity for such persons. **Section 4** of this bill makes a conforming change. **Section 3** of this bill requires the Governor to appoint a Director of the Commission ~~+, who serves without compensation and performs such duties as directed by the Commission.~~ **Section 5.5 of this bill requires the Legislative Committee on Health Care to study grants and other sources of money that may be available to transform the position of Director of the Commission into a full-time, paid position.** **Section 3** requires the ~~Director~~ **Aging and Disability Services Division** to provide the personnel, facilities, equipment and supplies required by the Commission to fulfill its duties. ~~[and perform other duties at the direction of the Commission.]~~

WHEREAS, Persons who are differently abled make up a significant part of the population of this State; and

WHEREAS, Persons who are deaf, hard of hearing or speech impaired contribute significantly to the general welfare of the people of this State; and

WHEREAS, Assisting persons who are deaf, hard of hearing or speech impaired to communicate effectively is necessary to maximize such contributions and allow such persons to achieve equality in education, employment and socialization; and

WHEREAS, Services that persons who are deaf, hard of hearing or speech impaired receive from state and local governmental agencies help them communicate effectively, maximizing their contributions and allowing them to achieve greater equality; and

WHEREAS, Persons who are deaf, hard of hearing or speech impaired need the ability to communicate effectively with state and local governmental entities to ensure that such persons receive services that are helpful to them in a manner that ensures their dignity and equality; now, therefore

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in this section and NRS 427A.750 and section 3 of this act, unless the context otherwise requires, "Commission" means the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired created by NRS 427A.750.*

Sec. 3. *1. The Governor shall appoint the Director of the Commission. The Director:*

(a) ~~Is in the unclassified service of the State; and~~

~~(b) ~~Serves without compensation, at the pleasure of the Governor.~~~~

~~2. The Director may, within the limits of available money, employ:~~

~~(a) Such persons in the unclassified service of the State as the Director determines to be necessary to carry out the duties of the Commission pursuant to NRS 427A.750; and~~

~~(b) Such additional personnel as may be required to carry out the duties of the Commission pursuant to NRS 427A.750, who must be in the classified service of the State.~~

~~3. A person employed by the Director pursuant to this section must be qualified by training and experience to perform the duties for which the Director employs the person.~~

~~4. The Director and the persons employed by the Director must not have any conflict of interest relating to the performance of their duties.~~

~~5. The provisions of NRS 223.095 do not apply to the Director or to any person employed by the Director pursuant to this section.~~

~~6. (b) Shall perform such duties as are directed by the Commission.~~

2. The ~~Director~~ Division shall provide the personnel, facilities, equipment and supplies required by the Commission to carry out the provisions of this section and NRS 427A.750. ~~and perform other duties at the direction of the Commission.~~

Sec. 4. NRS 427A.1213 is hereby amended to read as follows:

427A.1213 1. The Commission shall, at its first meeting and annually thereafter, elect a Chair from among its voting members.

2. The Commission shall meet at least quarterly and at the times and places specified by a call of the Director, the Chair or a majority of the voting members of the Commission.

3. A majority of the voting members of the Commission constitutes a quorum for the transaction of all business.

4. The Commission shall establish rules for its own governance.

5. Except as otherwise provided in NRS 426.731, ~~and 427A.750,~~ the Chair may appoint subcommittees and advisory committees composed of the members of the Commission, former members of the Commission and members of the general public who have experience with or knowledge of matters relating to persons with disabilities, to consider specific problems or other matters that are related to and within the scope of the functions of the Commission. A subcommittee or advisory committee appointed pursuant to this subsection must not contain more than five members. To the extent practicable, the members of such a subcommittee or advisory committee must be representative of the various geographic areas and ethnic groups of this State.

Sec. 5. NRS 427A.750 is hereby amended to read as follows:

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

(a) One nonvoting member who is employed by the ~~{Division}~~ **State** and who participates in the administration of the ~~{program}~~ **programs** of this State that ~~{provides}~~ **provide** services to persons ~~{with communications disabilities which affect their ability to communicate}~~ **who are deaf, hard of hearing or speech impaired;**

(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}~~ **persons who are** deaf, hard of hearing or speech-impaired;

(d) One nonvoting member who is the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, 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~~ *who are deaf, hard of hearing or speech impaired* 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~~ *Governor* shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The ~~Subcommittee~~ *Commission* 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,~~ *Governor or* 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~~ *Commission* 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~~ *Commission*.

6. Members of the ~~Subcommittee~~ *Commission* serve without compensation, except that each member is entitled, while engaged in the business of the ~~Subcommittee~~ *Commission*, 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~~ *Commission* 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~~ *Commission* and perform any work necessary to carry out the duties of the ~~Subcommittee~~ *Commission* 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~~ *Commission* 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~~ *Commission* or use annual vacation or compensatory time for the absence.

8. The ~~Subcommittee~~ *Commission* may:

(a) Make recommendations to ~~the Nevada Commission on Services for Persons with Disabilities~~ *any state agency, including, without limitation, the Division*, concerning the establishment and operation of programs for persons ~~with communications disabilities which affect their ability to communicate.~~ *who are deaf, hard of hearing or speech impaired to ensure equal access to state programs and activities.*

(b) Recommend to the ~~Nevada Commission on Services for Persons with Disabilities~~ *Governor* any proposed legislation concerning persons ~~with communications disabilities which affect their ability to communicate.~~ *who are deaf, hard of hearing or speech impaired.*

(c) Collect information concerning persons ~~with communications disabilities which affect their ability to communicate~~ *who are deaf, hard of hearing or speech impaired.*

(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~~ *Commission* must solicit input from various persons, including, without limitation, persons ~~with communications disabilities~~ *who are deaf, hard of hearing or speech impaired.*

(e) Review the goals, *policies*, programs and services of *state agencies, including, without limitation*, the Division ~~for~~ *, that serve* persons ~~with communications disabilities~~ *who are deaf, hard of hearing or speech impaired* and advise ~~the Division~~ *such agencies* regarding such goals, *policies*, programs and services, including, without limitation, the outcomes of services provided to persons ~~with communications disabilities~~ *who are deaf, hard of hearing or speech impaired* 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.

(g) Consult with the personnel of any state agency, including, without limitation, the Division, concerning any matter relevant to the duties of the Commission. A state agency shall make available to the Commission any officer or employee of the agency with which the Commission wishes to consult pursuant to this paragraph.

9. The ~~Subcommittee~~ *Commission* shall ~~make~~ :

(a) ~~Make~~ recommendations to ~~the~~

~~—(a) The Nevada Commission on Services for Persons with Disabilities~~ *the Division* 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~~ *Make recommendations to the* Division concerning all programs and activities funded by the surcharge imposed pursuant to subsection 3 of NRS 427A.797.

(c) *Provide persons who are deaf, hard of hearing or speech impaired with information concerning services and resources that promote equality for such persons in education, employment and socialization and referrals for such services and resources;*

(d) *Review the procedures and practices of state and local governmental entities to ensure that persons who are deaf, hard of hearing or speech impaired have equal access to resources and services provided by those governmental entities; and*

(e) *Make recommendations to state and local governmental entities concerning:*

(1) *Compliance with laws and regulations concerning persons who are deaf, hard of hearing or speech impaired, including, without limitation, the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;*

(2) *Improving the health, safety, welfare and comfort of persons who are deaf, hard of hearing or speech impaired; and*

(3) *Integrating services and programs for persons who are deaf, hard of hearing or speech impaired and improving cooperation among state and local governmental entities that provide such services.*

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

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

Sec. 5.5. During the 2017-2018 interim, the Legislative Committee on Health Care shall study grants and other sources of money that may be available to transform the position of Director of the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired, appointed pursuant to section 3 of this act, into a full-time, paid position. On or before September 1, 2018, the Committee shall submit its findings to:

1. The Aging and Disability Services Division of the Department of Health and Human Services;

2. The Governor; and

3. The Director of the Legislative Counsel Bureau for transmittal to the 80th Session of the Legislature.

Sec. 6. Notwithstanding the amendatory provisions of this act, a member 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 who was appointed pursuant to NRS 427A.750 as that section existed on June 30, 2017, and who is serving a term on July 1, 2017, is entitled to serve the remainder of the term to which he or she was appointed as a member of the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired created by NRS 427A.750, as amended by section 5 of this act.

Sec. 7. This act becomes effective on July 1, 2017.