

Amendment No. 1095

Senate Amendment to Senate Bill No. 93	(BDR 38-449)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE all appropriations from S.B. 93.

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/RBL



Date: 6/2/2019

S.B. No. 93—Revises provisions relating to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired.
(BDR 38-449)



SENATE BILL NO. 93—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON HEALTH CARE)

PREFILED JANUARY 24, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired. (BDR 38-449)

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 persons with disabilities; transferring the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired from the Office of the Governor to the Aging and Disability Services Division of the Department of Health and Human Services; revising the name and membership of the ~~Nevada~~ Commission; ~~for Persons Who Are Deaf, Hard of Hearing or Speech Impaired;~~ making the Executive Director of the Commission a full-time, paid position; ~~making an appropriation for certain costs of the Commission;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired within the Office of the Governor. The Commission consists of persons with knowledge of issues relating to communications disabilities who are appointed by the Governor. The Commission is required to: (1) advise state and local governmental entities concerning programs for persons with communications disabilities and compliance with laws and regulations concerning such persons; and (2) provide information to such persons concerning services and resources that promote equality for such persons. The Commission is authorized to perform certain other duties relating to such persons. (NRS 427A.750) Section 1 of this bill transfers the Commission from the Office of the Governor to the Aging and Disability Services Division of the Department of Health and Human Services. Sections 1 and 2 of this bill change the name of the Commission to the Nevada Commission for Persons Who Are Deaf and Hard of Hearing. Section 2 also revises the membership of the Commission.

Existing law requires the Governor to appoint the Director of the Commission, who serves without compensation and performs such duties as are directed by the Commission. (NRS 427A.752) Section 3 of this bill ~~instead~~ : (1) changes the title of this position to Executive Director; (2) requires the Administrator of the Aging and Disability Services

~~Division of the Department of Health and Human Services to appoint the Executive Director; and (3) makes the Executive Director a full-time, paid position ~~in the unclassified service.~~ Section 4 of this bill requires the compensation and other expenses of the Executive Director to be paid from the surcharge imposed on the access lines of telephone customers. ~~Section 5 of this bill makes an appropriation of \$50,000 from the State General Fund to the Commission in each fiscal year of the biennium to pay for per diem, travel and administrative costs of the Commission.~~~~

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

Section 1. NRS 427A.740 is hereby amended to read as follows:

427A.740 As used in this section and NRS 427A.750 and 427A.752, unless the context otherwise requires, "Commission" means the Nevada Commission for Persons Who Are Deaf ~~and~~ Hard of Hearing ~~for Speech-Impaired~~ created by NRS 427A.750.

Sec. 2. NRS 427A.750 is hereby amended to read as follows:

427A.750 1. The Nevada Commission for Persons Who Are Deaf ~~and~~ Hard of Hearing ~~for Speech-Impaired~~ is hereby created within the ~~Office of the Governor.~~ *Division.* The Commission consists of ~~nine~~ *11* members appointed by the Governor. The Governor shall consider recommendations made by the Nevada Commission on Services for Persons with Disabilities and appoint to the Nevada Commission for Persons Who Are Deaf ~~and~~ Hard of Hearing *: for Speech-Impaired;*

(a) One nonvoting member who is employed by the State and who participates in the administration of the programs of this State that provide services to persons 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 and knowledge of services for 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~~ *One member* who ~~are users~~ *is a user* 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 who are deaf, hard of hearing or speech impaired in elementary, secondary and postsecondary schools and the laws concerning the provision of those services ~~and~~;

(h) One member who represents an advocacy organization whose membership consists of persons who are deaf, hard of hearing or speech-impaired;

(i) One member who is deaf or hard of hearing;

(j) One member who specializes in issues relating to the employment of persons with disabilities; and

(k) One member who is the parent or guardian of a child who is less than 6 years of age and is deaf or hard of hearing.

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

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

6 4. The Commission shall:

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

9 (b) Meet at the call of the Governor or the Chair or a majority of its voting
10 members as is necessary to carry out its responsibilities.

11 5. A majority of the voting members of the Commission constitutes a quorum
12 for the transaction of business, and a majority of the voting members of a quorum
13 present at any meeting is sufficient for any official action taken by the Commission.

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

18 7. A member of the Commission who is an officer or employee of this State
19 or a political subdivision of this State must be relieved from his or her duties
20 without loss of regular compensation so that the person may prepare for and attend
21 meetings of the Commission and perform any work necessary to carry out the
22 duties of the Commission in the most timely manner practicable. A state agency or
23 political subdivision of this State shall not require an officer or employee who is a
24 member of the Commission to make up the time he or she is absent from work to
25 carry out his or her duties as a member of the Commission or use annual vacation
26 or compensatory time for the absence.

27 8. The Commission may:

28 (a) Make recommendations to any state agency, including, without limitation,
29 the Division, concerning the establishment and operation of programs for persons
30 who are deaf, hard of hearing or speech impaired to ensure equal access to state
31 programs and activities.

32 (b) Recommend to the Governor any proposed legislation concerning persons
33 who are deaf, hard of hearing or speech impaired.

34 (c) Collect information concerning persons who are deaf, hard of hearing or
35 speech impaired.

36 (d) Create and annually review a 5-year strategic plan consisting of short-term
37 and long-term goals for services provided by or on behalf of the Division. In
38 creating and reviewing any such plan, the Commission must solicit input from
39 various persons, including, without limitation, persons who are deaf, hard of
40 hearing or speech impaired.

41 (e) Review the goals, policies, programs and services of state agencies,
42 including, without limitation, the Division, that serve persons who are deaf, hard of
43 hearing or speech impaired and advise such agencies regarding such goals, policies,
44 programs and services, including, without limitation, the outcomes of services
45 provided to persons who are deaf, hard of hearing or speech impaired and the
46 requirements imposed on providers.

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

51 (g) Consult with the personnel of any state agency, including, without
52 limitation, the Division, concerning any matter relevant to the duties of the
53 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 Commission shall:

(a) Make recommendations to 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) 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 ~~to~~ and

~~(f) Make recommendations to the Governor concerning the compensation of the Director of the Commission who is appointed pursuant to NRS 427A.752.]~~

10. As used in this section:

(a) "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. 3. NRS 427A.752 is hereby amended to read as follows:

427A.752 1. The ~~[Governor]~~ Administrator shall appoint the Executive Director of the Commission ~~to~~ [within the Office of the Governor.] The Executive Director:

(a) ~~[Serves without compensation.]~~ Is in the unclassified service of the State and serves at the pleasure of the ~~[Governor.]~~ Administrator.

(b) Shall perform such duties as are directed by the Administrator, as advised by the Commission.

(c) Must not be a member of the Commission.

2. The Division shall provide ~~[the]~~ any additional personnel, facilities, equipment and supplies required by the Commission to carry out the provisions of this section and NRS 427A.750.

Sec. 4. 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

1 assistive technology capable of serving the needs of such persons at no charge to
2 the customer beyond the rate for basic service;

3 (b) Any person who is deaf or has severely impaired speech or hearing may
4 communicate by telephone, including, without limitation, a wireless phone, or other
5 means with other persons through a dual-party relay system or other assistive
6 technology; and

7 (c) Interpreters are made available, when possible, to the Executive, Judicial
8 and Legislative Departments of State Government to assist those departments in
9 providing access to persons who are deaf or hard of hearing. The Division shall,
10 to the extent money is available, employ one or more interpreters in the unclassified
11 service of the State for the purposes of this paragraph.

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

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

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

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

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

26 (e) Providing programs designed to increase access to education, employment
27 and health and social services.

28 3. A surcharge of not more than 8 cents per month is hereby imposed on each
29 access line of each customer to the local exchange of any telephone company
30 providing such lines in this State and on each personal wireless access line of each
31 customer of any company that provides wireless phone services in this State. The
32 surcharge must be used to:

33 (a) Cover the costs of the program;

34 (b) Fund the centers for persons who are deaf or hard of hearing established
35 pursuant to subsection 2; ~~and~~

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

39 *(d) Cover the costs of the compensation and other expenses of the **Executive***
40 ***Director of the Nevada Commission for Persons Who are Deaf and Hard of***
41 ***Hearing pursuant to NRS 427A.752.***

42 ➤ The Public Utilities Commission of Nevada shall establish by regulation the
43 amount to be charged. Those companies shall collect the surcharge from their
44 customers and transfer the money collected to the Commission pursuant to
45 regulations adopted by the Commission.

46 4. The Account for Services for Persons With Impaired Speech or Hearing is
47 hereby created within the State General Fund and must be administered by the
48 Division. Any money collected from the surcharge imposed pursuant to subsection
49 3 must be deposited in the State Treasury for credit to the Account. The money in
50 the Account may be used only:

51 (a) For the purchase, maintenance, repair and distribution of the devices for
52 telecommunication and other assistive technology, including the distribution of
53 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 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 ~~+~~; ~~and~~

(h) Cover the cost of the compensation and other expenses of the Executive Director of the Nevada Commission for Persons Who are Deaf and Hard of Hearing pursuant to NRS 427A.752.

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. 5. ~~1. There is hereby appropriated from the State General Fund to the Nevada Commission for Persons Who Are Deaf and Hard of Hearing created by NRS 427A.750, as amended by section 2 of this act, for the per diem, travel and administrative costs of the Commission the following sums:~~

~~For the Fiscal Year 2019-2020.....\$50,000~~

~~For the Fiscal Year 2020-2021.....\$50,000~~

~~2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.] (Deleted by amendment.)~~

Sec. 6. 1. Notwithstanding the amendatory provisions of this act, a member of the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired who was appointed pursuant to NRS 427A.750 as that section existed on June 30, 2019, and who is serving a term on July 1, 2019, 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 2 of this act. The Governor shall appoint to the Commission:

(a) The member described in paragraph (h) of subsection 1 of NRS 427A.750, as amended by section 2 of this act, to replace the first member described in paragraph (e) of subsection 1 of NRS 427A.750 whose term expires after July 1, 2019.

1 (b) The member described in paragraph (i) of subsection 1 of NRS 427A.750,
2 as amended by section 2 of this act, to replace the second member described in
3 paragraph (e) of subsection 1 of NRS 427A.750 whose term expires after July 1,
4 2019.

5 2. As soon as practicable after July 1, 2019, the Governor shall appoint to the
6 Commission for Persons Who Are Deaf and Hard of Hearing created by NRS
7 427A.750, as amended by section 2 of this act, the member pursuant to:

8 (a) Paragraph (j) of subsection 1 of NRS 427A.750, as amended by section 2 of
9 this act, to an initial term of 2 years.

10 (b) Paragraph (k) of subsection 1 of NRS 427A.750, as amended by section 2
11 of this act, to an initial term of 3 years.

12 **Sec. 7.** This act becomes effective on July 1, 2019.