
ASSEMBLY BILL NO. 451—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Ways and Means

SUMMARY—Consolidates the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation within the Rehabilitation Division of the Department of Employment, Training and Rehabilitation. (BDR 38-1163)

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; consolidating the Bureau of Services to Persons Who Are Blind or Visually Impaired and the Bureau of Vocational Rehabilitation within the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Rehabilitation Division of the Department of
2 Employment, Training and Rehabilitation consists of two bureaus, the Bureau
3 of Services to Persons Who Are Blind or Visually Impaired and the Bureau of
4 Vocational Rehabilitation. (NRS 232.940) This bill consolidates those two bureaus
5 into the Bureau of Blind Services and Vocational Rehabilitation.

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

1 **Section 1.** NRS 426.045 is hereby amended to read as follows:
2 426.045 “Bureau” means the Bureau of ~~{Services to Persons~~
3 ~~Who Are}~~ Blind ~~{or Visually Impaired}~~ *Services and Vocational*
4 *Rehabilitation* in the Division.



1 **Sec. 2.** NRS 426.567 is hereby amended to read as follows:

2 426.567 1. All gifts of money which the Bureau is authorized
3 to accept *for the purposes of this chapter* must be deposited in the
4 State Treasury for credit to the State Grant and Gift Account for
5 Persons Who Are Blind in the Department of Employment, Training
6 and Rehabilitation's Gift Fund.

7 2. The State Grant and Gift Account must be used for the
8 purposes specified by the donor or for the purpose of carrying out
9 the provisions of this chapter and other programs or laws
10 administered by the Bureau.

11 3. All claims must be approved by the Administrator before
12 they are paid.

13 **Sec. 3.** NRS 426.570 is hereby amended to read as follows:

14 426.570 1. All employees of the Bureau are directly
15 responsible to the Administrator.

16 2. Such employees must consist of persons skilled in assisting
17 persons who are blind *or who have other disabilities* to achieve
18 social and economic independence.

19 **Sec. 4.** NRS 232.940 is hereby amended to read as follows:

20 232.940 The Rehabilitation Division of the Department
21 consists of the ~~following bureaus:~~

22 ~~—1.— Bureau of *Services to Persons Who Are* Blind *for*~~
23 ~~*Visually Impaired.*~~

24 ~~—2.— Bureau of *Services and* Vocational Rehabilitation.~~

25 **Sec. 5.** NRS 232.945 is hereby amended to read as follows:

26 232.945 1. The Director shall appoint an Administrator of the
27 Rehabilitation Division of the Department. The Administrator:

28 (a) Is in the unclassified service of the State unless federal law
29 or regulation requires otherwise, and serves at the pleasure of the
30 Director.

31 (b) Shall administer the provisions of law set forth in paragraph
32 (d), subject to the administrative supervision of the Director.

33 (c) Except as otherwise provided in NRS 284.143, shall devote
34 his or her entire time and attention to the business of his or her
35 office and shall not pursue any other business or occupation or hold
36 any other office of profit.

37 (d) Is responsible for the administration, through the ~~bureaus~~
38 *Bureau of Blind Services and Vocational Rehabilitation* of the
39 Rehabilitation Division, of the provisions of this section, NRS
40 232.940, 426.518 to 426.610, inclusive, and chapter 615 of NRS,
41 and all other provisions of law relating to the functions of the
42 Rehabilitation Division.

43 (e) Is responsible for the preparation of a consolidated state plan
44 for the Bureau of ~~Services to Persons Who Are~~ Blind ~~for Visually~~
45 ~~Impaired, the Bureau of~~ *Services and* Vocational Rehabilitation



1 and any other program administered by the Rehabilitation Division
2 that the Administrator considers appropriate to incorporate into the
3 consolidated state plan before submission to the Federal
4 Government. This subsection does not apply if any federal
5 regulation exists that prohibits a consolidated plan.

6 (f) In developing and revising state plans pursuant to paragraph
7 (e), shall consider, without limitation:

8 (1) The amount of money available from the Federal
9 Government for the programs of the Rehabilitation Division;

10 (2) The conditions attached to the acceptance of that money;
11 and

12 (3) The limitations of legislative appropriations for the
13 programs.

14 (g) May make such expenditures and investigations, require
15 such reports and take such other actions as the Administrator deems
16 necessary or suitable to carry out the functions of the Rehabilitation
17 Division.

18 (h) May employ, within the limits of legislative appropriations,
19 such staff as is necessary to the performance of the duties of the
20 Rehabilitation Division.

21 (i) Shall determine the organization and methods of procedure
22 for the Rehabilitation Division in accordance with the provisions of
23 this section, NRS 232.940, 426.518 to 426.610, inclusive, and
24 chapter 615 of NRS, and all other provisions of law relating to the
25 functions of the Rehabilitation Division.

26 (j) May adopt, amend or rescind such rules and regulations as
27 the Administrator deems necessary or suitable to carry out the
28 provisions of this section, NRS 232.940, 426.518 to 426.610,
29 inclusive, and chapter 615 of NRS, and all other provisions of law
30 relating to the functions of the Rehabilitation Division.

31 2. The Rehabilitation Division shall serve as the designated
32 state unit with respect to state programs for independent living
33 established pursuant to 29 U.S.C. §§ 796 et seq. As used in this
34 subsection, "designated state unit" has the meaning ascribed to it in
35 34 C.F.R. § 364.4.

36 **Sec. 6.** NRS 281.210 is hereby amended to read as follows:

37 281.210 1. Except as otherwise provided in this section, it is
38 unlawful for any person acting as a school trustee, state, township,
39 municipal or county officer, or as an employing authority of the
40 Nevada System of Higher Education, any school district or of the
41 State, any town, city or county, or for any state or local board,
42 agency or commission, elected or appointed, to employ in any
43 capacity on behalf of the State of Nevada, or any county, township,
44 municipality or school district thereof, or the Nevada System of
45 Higher Education, any relative of such a person or of any member of



1 such a board, agency or commission who is within the third degree
2 of consanguinity or affinity.

3 2. This section does not apply:

4 (a) To school districts, when the teacher or other school
5 employee is not related to more than one of the trustees or person
6 who is an employing authority by consanguinity or affinity and
7 receives a unanimous vote of all members of the board of trustees
8 and approval by the Department of Education.

9 (b) To school districts, when the teacher or other school
10 employee has been employed by an abolished school district or
11 educational district, which constitutes a part of the employing
12 county school district, and the county school district for 4 years or
13 more before April 1, 1957.

14 (c) To the spouse of the warden of an institution or manager of a
15 facility of the Department of Corrections.

16 (d) To relatives of officers and employees who are blind of the
17 Bureau of ~~{Services to Persons Who Are}~~ Blind ~~{or Visually~~
18 ~~Impaired}~~ *Services and Vocational Rehabilitation* of the
19 Rehabilitation Division of the Department of Employment, Training
20 and Rehabilitation when those relatives are employed as automobile
21 drivers for those officers and employees.

22 3. Nothing in this section:

23 (a) Prevents any officer in this State, employed under a flat
24 salary, from employing any suitable person to assist in any such
25 employment, when the payment for the service is met out of the
26 personal money of the officer.

27 (b) Disqualifies any widow with a dependent as an employee of
28 any officer or board in this State, or any of its counties, townships,
29 municipalities or school districts.

30 4. A person employed contrary to the provisions of this section
31 must not be compensated for the employment.

32 5. Any person violating any provisions of this section is guilty
33 of a gross misdemeanor.

34 **Sec. 7.** NRS 361.157 is hereby amended to read as follows:

35 361.157 1. When any real estate or portion of real estate
36 which for any reason is exempt from taxation is leased, loaned or
37 otherwise made available to and used by a natural person,
38 association, partnership or corporation in connection with a business
39 conducted for profit or as a residence, or both, the leasehold interest,
40 possessory interest, beneficial interest or beneficial use of the lessee
41 or user of the property is subject to taxation to the extent the:

42 (a) Portion of the property leased or used; and

43 (b) Percentage of time during the fiscal year that the property is
44 leased by the lessee or used by the user, in accordance with
45 NRS 361.2275,



1 ↪ can be segregated and identified. The taxable value of the interest
2 or use must be determined in the manner provided in subsection 3 of
3 NRS 361.227 and in accordance with NRS 361.2275.

4 2. Subsection 1 does not apply to:

5 (a) Property located upon a public airport, park, market or
6 fairground, or any property owned by a public airport, unless the
7 property owned by the public airport is not located upon the public
8 airport and the property is leased, loaned or otherwise made
9 available for purposes other than for the purposes of a public airport,
10 including, without limitation, residential, commercial or industrial
11 purposes;

12 (b) Federal property for which payments are made in lieu of
13 taxes in amounts equivalent to taxes which might otherwise be
14 lawfully assessed;

15 (c) Property of any state-supported educational institution,
16 except any part of such property located within a tax increment area
17 created pursuant to NRS 278C.155;

18 (d) Property leased or otherwise made available to and used by a
19 natural person, private association, private corporation, municipal
20 corporation, quasi-municipal corporation or a political subdivision
21 under the provisions of the Taylor Grazing Act or by the United
22 States Forest Service or the Bureau of Reclamation of the United
23 States Department of the Interior;

24 (e) Property of any Indian or of any Indian tribe, band or
25 community which is held in trust by the United States or subject to a
26 restriction against alienation by the United States;

27 (f) Vending stand locations and facilities operated by persons
28 who are blind under the auspices of the Bureau of ~~Services to~~
29 ~~Persons Who Are} Blind {or Visually Impaired} *Services and*
30 *Vocational Rehabilitation* of the Rehabilitation Division of the
31 Department of Employment, Training and Rehabilitation, whether
32 or not the property is owned by the federal, state or a local
33 government;~~

34 (g) Leases held by a natural person, corporation, association,
35 municipal corporation, quasi-municipal corporation or political
36 subdivision for development of geothermal resources, but only for
37 resources which have not been put into commercial production;

38 (h) The use of exempt property that is leased, loaned or made
39 available to a public officer or employee, incident to or in the course
40 of public employment;

41 (i) A parsonage owned by a recognized religious society or
42 corporation when used exclusively as a parsonage;

43 (j) Property owned by a charitable or religious organization all,
44 or a portion, of which is made available to and is used as a residence



1 by a natural person in connection with carrying out the activities of
2 the organization;

3 (k) Property owned by a governmental entity and used to
4 provide shelter at a reduced rate to elderly persons or persons having
5 low incomes;

6 (l) The occasional rental of meeting rooms or similar facilities
7 for periods of less than 30 consecutive days;

8 (m) The use of exempt property to provide day care for children
9 if the day care is provided by a nonprofit organization; or

10 (n) Any lease, easement, operating agreement, license, permit or
11 right of entry for any exempt state property granted by the
12 Department or the Regional Transportation Commission of
13 Southern Nevada pursuant to section 45 of the Boulder City Bypass
14 Toll Road Demonstration Project Act.

15 3. Taxes must be assessed to lessees or users of exempt real
16 estate and collected in the same manner as taxes assessed to owners
17 of other real estate, except that taxes due under this section do not
18 become a lien against the property. When due, the taxes constitute a
19 debt due from the lessee or user to the county for which the taxes
20 were assessed and, if unpaid, are recoverable by the county in the
21 proper court of the county.

22 **Sec. 8.** NRS 361.159 is hereby amended to read as follows:

23 361.159 1. Except as otherwise provided in subsection 3,
24 when personal property, or a portion of personal property, which for
25 any reason is exempt from taxation is leased, loaned or otherwise
26 made available to and used by a natural person, association or
27 corporation in connection with a business conducted for profit, the
28 leasehold interest, possessory interest, beneficial interest or
29 beneficial use of any such lessee or user of the property is subject to
30 taxation to the extent the:

31 (a) Portion of the property leased or used; and

32 (b) Percentage of time during the fiscal year that the property is
33 leased to the lessee or used by the user, in accordance with
34 NRS 361.2275,

35 ➤ can be segregated and identified. The taxable value of the interest
36 or use must be determined in the manner provided in subsection 3 of
37 NRS 361.227 and in accordance with NRS 361.2275.

38 2. Taxes must be assessed to lessees or users of exempt
39 personal property and collected in the same manner as taxes
40 assessed to owners of other personal property, except that taxes due
41 under this section do not become a lien against the personal
42 property. When due, the taxes constitute a debt due from the lessee
43 or user to the county for which the taxes were assessed and, if
44 unpaid, are recoverable by the county in the proper court of the
45 county.



1 3. The provisions of this section do not apply to personal
2 property:

3 (a) Used in vending stands operated by persons who are blind
4 under the auspices of the Bureau of ~~{Services to Persons Who Are}~~
5 ~~Blind {or Visually Impaired}~~ *Services and Vocational*
6 *Rehabilitation* of the Rehabilitation Division of the Department of
7 Employment, Training and Rehabilitation.

8 (b) Owned by a public airport and used for the purposes of the
9 public airport.

10 **Sec. 9.** NRS 615.031 is hereby amended to read as follows:

11 615.031 "Bureau" means the Bureau of *Blind Services and*
12 *Vocational Rehabilitation* in the Division.

13 **Sec. 10.** NRS 615.255 is hereby amended to read as follows:

14 615.255 1. There is hereby created the Rehabilitation
15 Division Revolving Account in an amount not to exceed \$90,000.
16 The money in the Revolving Account may be used for the payment
17 of claims of:

18 (a) Applicants for or recipients of services from ~~{~~
19 ~~(1) The}~~ *the* Bureau of *Blind Services and* Vocational
20 Rehabilitation, including, without limitation ~~{, the}~~ :

21 *(1) The* rehabilitation facilities described in subsection 2 of
22 NRS 615.200; and

23 (2) The ~~{Bureau of Services to Persons Who Are Blind or~~
24 ~~Visually Impaired, including, without limitation, the}~~ Vending Stand
25 Program for Persons Who Are Blind authorized by NRS 426.630 to
26 426.720, inclusive.

27 (b) Vendors providing services to those applicants or recipients
28 under procedures established by the Division.

29 2. The money in the Revolving Account must be deposited in a
30 bank or credit union qualified to receive deposits of public money.
31 The bank or credit union shall secure the deposit with a depository
32 bond satisfactory to the State Board of Examiners, unless it is
33 otherwise secured by the Federal Deposit Insurance Corporation, the
34 National Credit Union Share Insurance Fund or a private insurer
35 approved pursuant to NRS 678.755.

36 3. After expenditure of money from the Revolving Account,
37 the Administrator shall present a claim to the State Board of
38 Examiners. When approved by the State Board of Examiners, the
39 State Controller shall draw his or her warrant in the amount of the
40 claim in favor of the Rehabilitation Division Revolving Account, to
41 be paid to the order of the Administrator, and the State Treasurer
42 shall pay it.

43 4. Money in the Rehabilitation Division Revolving Account
44 does not revert to the State General Fund at the end of the fiscal
45 year, but remains in the Revolving Account.



1 5. Purchases paid for from the Rehabilitation Division
2 Revolving Account for the purposes authorized by subsection 1 may
3 be exempt from the provisions of the State Purchasing Act at the
4 discretion of the Administrator of the Purchasing Division of the
5 Department of Administration or the designated representative of
6 the Administrator.

7 **Sec. 11.** 1. Any administrative regulations adopted by an
8 officer, agency or other entity whose name has been changed or
9 whose responsibilities have been transferred pursuant to the
10 provisions of this act to another officer, agency or other entity
11 remain in force until amended by the officer, agency or other entity
12 to which the responsibility for the adoption of the regulations has
13 been transferred.

14 2. Any contracts or other agreements entered into by an officer,
15 agency or other entity whose name has been changed or whose
16 responsibilities have been transferred pursuant to the provisions of
17 this act to another officer, agency or other entity are binding upon
18 the officer, agency or other entity to which the responsibility for the
19 administration of the provisions of the contract or other agreement
20 have been transferred. Such contracts and other agreements may be
21 enforced by the officer, agency or other entity to which the
22 responsibility for the enforcement of the provisions of the contract
23 or other agreement has been transferred.

24 3. Any action taken by an officer, agency or other entity whose
25 name has been changed or whose responsibilities have been
26 transferred pursuant to the provisions of this act to another officer,
27 agency or entity remains in effect as if taken by the officer, agency
28 or other entity to which the responsibility for the enforcement of
29 such actions has been transferred.

30 **Sec. 12.** The Legislative Counsel shall, in preparing
31 supplements to the Nevada Administrative Code, substitute
32 appropriately the name of any agency, officer or instrumentality of
33 the State whose name is changed by this act for the name which the
34 agency, officer or instrumentality previously used.

35 **Sec. 13.** This act becomes effective on July 1, 2013.

