

Senate Bill No. 93—Committee on
Health and Human Services

CHAPTER.....

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 Commission; making the Executive Director of the Commission a full-time, paid position; 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: (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.

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

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 ~~[or 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 ~~[or 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 : ~~[or 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 ~~[]~~ ;

(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.

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 Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The 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 Governor or the Chair or a majority of its voting members as is necessary to carry out its responsibilities.

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

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

8. The Commission may:

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

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

(c) Collect information concerning persons 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 Commission must solicit input from various persons, including, without limitation, persons 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, that serve persons who are deaf, hard of hearing or speech impaired and advise such agencies regarding such goals, policies, programs and services, including, without limitation, the outcomes of services provided to persons 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 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.

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

(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 or other assistive technology; and

(c) Interpreters are made available, when possible, to the Executive, Judicial and Legislative Departments of State



Government to assist those departments in providing access to persons who are deaf or hard of hearing. The Division shall, to the extent money is available, employ one or more interpreters in the unclassified service of the State for the purposes of this paragraph.

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 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;

(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.

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. 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 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 ~~;~~ **and**

(d) Cover the costs 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.

➔ 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. 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 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 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. (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.

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

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

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

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

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

