

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON HUMAN RESOURCES AND FACILITIES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 16, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal, at 8:12 a.m., Saturday, May 16, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Joe Neal, Chairman
Senator James N. Kosinski, Vice Chairman
Senator Richard Blakemore
Senator Virgil Getto

COMMITTEE MEMBERS ABSENT:

Senator James Bilbray (Excused)
Senator Wilbur Faiss (Excused)

STAFF MEMBER PRESENT:

Joy-el McBride, Secretary

SENATE BILL NO. 631 (Exhibit C)

Senator Kosinski questioned the legal issue Mr. Del Frost had mentioned in previous testimony as to whether Services for the Deaf could be included with Services for the Blind. Senator Neal said if there was a conflict, Frank Daykin would have notified the committee.

Senator Getto moved to "Do Pass" Senate Bill No. 631 and re-refer to the Senate Committee on Finance.

Senator Blakemore seconded the motion.

The motion carried unanimously.

SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES
May 16, 1981

SENATE BILL NO. 640 (Exhibit D)

Senator Blakemore moved to "Do Pass" Senate Bill No. 640.

Senator Getto seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 650

Senator Kosinski stated he felt Senate Bill No. 650 should be indefinitely postponed. Senator Blakemore said he would like to see the separate commission. He stated he thought the division has too much power. Senator Kosinski said he did not see how breaking up the department is going to have any impact at all. Senator Neal said it would not have any impact on the reason the bill was requested. It was the outcome of a disagreement on the budget.

ASSEMBLY BILL NO. 396

Senator Kosinski said the bill should be amended to exclude those students who demonstrate competency equivalency from being mandated to take a free enterprise course.

Senator Neal would not go along with the amendment.

ASSEMBLY BILL NO. 227 (Exhibit E)

Senator Getto moved to "Indefinitely Postpone" Assembly Bill No. 227.

Senator Kosinski seconded the motion.

The motion was carried unanimously.


Being no further business, the meeting was adjourned at 9:42 a.m.


APPROVED BY:

Senator Joe Neal, Chairman

DATE: May 29, 1981

Respectfully submitted by:


Joy-el McBride, Secretary

1512

SENATE AGENDA

COMMITTEE MEETINGS

Committee on HUMAN RESOURCES AND FACILITIES, Room 323.

Day Saturday, Date May 16, 1981, Time 8:00 a.m.

WORK SESSION

S. B. 631

SENATE BILL NO. 631—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

APRIL 30, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Creates division of visual and aural services in
department of human resources. (BDR 38-1809)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the department of human resources; creating within the department a division of visual and aural services; strengthening provisions of law relating to vending facilities operated by blind persons; revising terminology; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 426.010 is hereby amended to read as follows:
2 426.010 The purposes of this chapter are:
3 1. To relieve blind persons *and deaf persons* from the distress of
4 poverty; [and]
5 2. To encourage and assist blind [individuals] *persons and deaf per-*
6 *sons* in their efforts to render themselves more self-supporting; and
7 3. To enlarge the opportunities of blind persons *and deaf persons* to
8 obtain education, vocational training and employment.
9 SEC. 2. NRS 426.520 is hereby amended to read as follows:
10 426.520 As used in [NRS 426.520 to 426.610, inclusive,] *this*
11 *chapter*, unless the context otherwise requires:
12 1. "Administrator" means the administrator of the division.
13 2. "Blind person" means any person who by reason of loss or impair-
14 ment of [eyesight is unable to provide himself with the necessities of life,
15 and who has not sufficient income of his own to maintain himself,] *vision*
16 *possesses a disability which limits, contributes to limiting or, if not cor-*
17 *rected, will probably result in limiting his activities or functions, and*
18 [shall include] *includes* any person whose visual acuity with correcting
19 lenses does not exceed 20/200 in the better eye, or whose vision in the
20 better eye is restricted to a field which subtends an angle of not greater
21 than 20°.
22 3. ["Bureau" means the bureau of services to the blind in the
23 rehabilitation division.

- 1 4. "Chief" means the chief of the bureau.
 2 5.] "Deaf person" means any person who by reason of loss or
 3 impairment of hearing possesses a disability which limits, contributes to
 4 limiting or, if not corrected, will probably result in limiting his activities
 5 or functions.
 6 4. "Department" means the department of human resources.
 7 [6.] 5. "Director" means the director of the department.
 8 [7.] 6. "Division" means the [rehabilitation] division of visual
 9 and aural services of the department. [of human resources.]
 10 SEC. 3. NRS 426.550 is hereby amended to read as follows:
 11 426.550 1. The [bureau shall be] *division is headed by [a chief]*
 12 *an administrator* who is experienced in work for the blind. Preference
 13 [shall] *must* be given to qualified blind persons in filling the position of
 14 [chief.] *administrator.*
 15 2. *The division is responsible for administering the state plan for the*
 16 *provision of vocational and other rehabilitative services to blind persons*
 17 *and deaf persons pursuant to 29 U.S.C. §§ 701 et seq., 42 U.S.C. §§*
 18 *6000 et seq. and other provisions of federal law relating to rehabilitation*
 19 *for blind persons and deaf persons.*
 20 3. The [bureau] *division shall:*
 21 (a) *Assist blind persons and deaf persons in achieving physical and*
 22 *psychological orientation, inform blind persons and deaf persons of avail-*
 23 *able services, stimulate and assist the blind and the deaf in achieving*
 24 *social and economic independence, and do all things which will ameliorate*
 25 *the condition of the blind [.] and the deaf.*
 26 (b) *Provide intensive programs of case finding, education, training,*
 27 *job [findings] finding and placement, physical restoration [.] and such*
 28 *other services and equipment as may assist in rendering blind persons and*
 29 *deaf persons more self-supporting and socially independent.*
 30 [3.] 4. The [bureau] *division may:*
 31 (a) *Provide for treatment or operations to prevent blindness or restore*
 32 *vision to applicants for or recipients of services to the blind who request*
 33 *and make written application for such treatment or operation; and*
 34 (b) *Pay for all necessary expenses incurred in connection with the*
 35 *diagnosis and treatment provided under paragraph (a). Necessary*
 36 *expenses [shall] include the costs of guide service, maintenance while*
 37 *the patient is away from his home, transportation to the eye physician or*
 38 *hospital and return to his home, and the cost of nursing home care when*
 39 *such care is necessary.*
 40 SEC. 4. NRS 426.555 is hereby amended to read as follows:
 41 426.555 [Subject to the approval of the director, the chief or his des-
 42 ignated representative] *The administrator shall [prepare] :*
 43 1. *Employ, within the limits of legislative appropriations and pur-*
 44 *suant to the provisions of chapter 284 of NRS, such staff as is necessary*
 45 *to the performance of his duties.*
 46 2. *Administer the provisions of this chapter and other provisions of*
 47 *law relating to the functions of the division.*
 48 3. *Prepare and submit to the appropriate federal agency a state plan*
 49 *for the provision of vocational and other rehabilitative services to blind*
 50 *persons and deaf persons.*

EXHIBIT C

— 3 —

1 4. Prepare such reports [for] as may be required by the Federal
2 Government [pursuant to the Vocational Rehabilitation Act Amend-
3 ments of 1965 (Title 29 U.S.C., as amended), any future amendments
4 thereof and the regulations promulgated thereunder.] in connection with
5 programs of rehabilitation for blind persons and deaf persons.

6 5. Advocate, without limitation, the programs and services neces-
7 sary to meet the unique, special needs of blind persons and of deaf
8 persons.

9 6. Whenever possible, confer with and seek advice from blind per-
10 sons and deaf persons and groups or organizations which represent their
11 interests.

12 SEC. 5. NRS 426.560 is hereby amended to read as follows:

13 426.560 1. Subject to the approval of the department, the division
14 shall [direct the bureau to make administrative rules and regulations to
15 enforce] adopt such regulations as are necessary to carry out the provi-
16 sions of this chapter. [related to services for the blind, which rules and
17 regulations shall not conflict with the provisions of this chapter.

18 2. Such rules and] 2. The regulations [shall] must recognize that
19 the needs and problems of blind persons and of deaf persons are special
20 to them and may differ materially from the needs and problems of other
21 persons.

22 SEC. 6. NRS 426.563 is hereby amended to read as follows:

23 426.563 [Costs of administration of NRS 426.520 to 426.720, inclu-
24 sive, shall be paid out] Disbursements for the purposes of this chapter
25 must be made on claims presented by the [bureau] division in the same
26 manner as other claims against the state are paid.

27 SEC. 7. NRS 426.565 is hereby amended to read as follows:

28 426.565 1. There is hereby created the [services to the blind]
29 revolving fund [.] of the division of visual and aural services, in the
30 amount of \$25,000, which must be used by the [chief] administrator for
31 the purposes of:

32 (a) Providing inventories of tools, aids, appliances, supplies and other
33 accessories used by [the] blind [;] persons and deaf persons; and

34 (b) Payment of the claims of applicants for or recipients of services of
35 the [bureau] division and vendors providing services to those applicants
36 or recipients, including but not limited to maintenance and transporta-
37 tion.

38 The [chief] administrator shall sell [such] the tools, aids, appliances,
39 supplies and other accessories [used by the blind] at cost or cost-plus-
40 administration cost and receipts must be deposited forthwith in the
41 [services to the blind] revolving fund.

42 2. The [chief] administrator shall deposit the money in the [serv-
43 ices to the blind] revolving fund in a bank qualified to receive deposits
44 of public money. The deposit must be secured by a depository bond
45 satisfactory to the state board of examiners, unless otherwise secured by
46 the Federal Deposit Insurance Corporation.

47 3. Purchases made for the purpose of providing and maintaining the
48 inventories authorized by subsection 1 are exempt from the provisions of
49 the State Purchasing Act at the discretion of the chief of the purchasing

1 division of the department of general services or his designated repre-
2 sentative.

3 4. The [bureau] division shall:

4 (a) Maintain current inventory records of all merchandise charged to
5 the [services to the blind] revolving fund [;] of the division of visual
6 and aural services;

7 (b) Conduct a periodic physical count of all the merchandise; [and]

8 (c) Reconcile the results of the periodic physical count with the inven-
9 tory records [and cash balance in the fund.] ;

10 (d) Promptly record all charges for purchases of items for the inventory
11 and reimburse the revolving fund from money available; and

12 (e) Periodically reconcile the bank account with the books of account.

13 5. After expenditure of money [for payment of the claims of appli-
14 cants for or recipients of services from the bureau and vendors providing
15 services to those applicants or recipients, including but not limited to
16 maintenance and transportation,] from the [services to the blind] revol-
17 ving fund, the [chief] administrator shall present a claim to the state
18 board of examiners. When approved by the state board of examiners, the
19 state controller shall draw his warrant in the amount of the claim in favor
20 of the [services to the blind] revolving fund of the division of visual and
21 aural services and the state treasurer shall pay it. The receipt must be
22 deposited forthwith in the [services to the blind] revolving fund.

23 SEC. 8. NRS 426.567 is hereby amended to read as follows:

24 426.567 1. All gifts of money which the [bureau] division is
25 authorized to accept must be deposited in the state treasury for credit to
26 the state grant and gift account for the blind and the deaf in the depart-
27 ment of human resources' gift fund.

28 2. The state grant and gift account must be used for the purposes
29 specified by the donor or for the purpose of carrying out the provisions of
30 this chapter and other programs or laws administered by the [bureau.]
31 division.

32 3. All claims must be approved by the [chief] administrator before
33 they are paid.

34 SEC. 9. NRS 426.570 is hereby amended to read as follows:

35 426.570 1. All employees of the [bureau shall be] division are
36 directly responsible to the [chief.] administrator.

37 2. [Such] The employees [shall consist of persons] must be skilled
38 in assisting blind persons [to achieve] and deaf persons in achieving
39 social and economic independence. In filling professional positions, the
40 administrator shall give preference to qualified blind persons and quali-
41 fied deaf persons.

42 SEC. 10. NRS 426.573 is hereby amended to read as follows:

43 426.573 Information with respect to any [individual] person apply-
44 ing for or receiving services [to the blind shall] must not be disclosed
45 by the [bureau] division or any of its employees or volunteer workers
46 to any person, association or body unless [such] the disclosure is related
47 directly to carrying out the provisions of [NRS 426.520 to 426.610,
48 inclusive,] this chapter or is upon written permission of the applicant or
49 recipient.

50 SEC. 11. NRS 426.575 is hereby amended to read as follows:

1 426.575 When [a blind person who is eligible to receive a mainte-
2 nance allowance while pursuing a training program administered by the
3 bureau is accepted for such a training program, the bureau may in its
4 discretion] *an applicant for or recipient of services under this chapter has*
5 *been authorized to receive an allowance for maintenance, transportation*
6 *or another purpose, the division may pay any installment of [such main-*
7 *tenance] the allowance in advance, based upon the amount allowed [to*
8 *the blind person,] , and adjust any succeeding payment [to reflect actual*
9 *duration of training during the period for which such advance was made.]*
10 *accordingly.*

11 SEC. 12. NRS 426.590 is hereby amended to read as follows:

12 426.590 The [bureau] *division* is hereby designated as the licensing
13 agency for the purposes of 20 U.S.C. § 107 (a-f), and acts amendatory
14 thereto, and the [bureau] *division* is authorized to comply with such
15 requirements as may be necessary to qualify for federal approval and
16 achieve maximum federal participation in the vending [stand] *facility*
17 program under [such] *those* federal statutes.

18 SEC. 13. NRS 426.600 is hereby amended to read as follows:

19 426.600 No [blind] person who [may benefit from] *is otherwise*
20 *eligible for services [authorized under NRS 426.520 to 426.610, inclu-*
21 *sive, shall] under this chapter may be denied such services except the*
22 *services for which a determination of economic need is required by the*
23 *Federal Government as a condition of reimbursement to this state.*

24 SEC. 14. NRS 426.610 is hereby amended to read as follows:

25 426.610 1. [If] *Except as otherwise provided by regulation pur-*
26 *suant to the provisions of NRS 426.630 to 426.720, inclusive, if any*
27 *applicant for or recipient of services [to the blind] under this chapter is*
28 *dissatisfied with any action taken by, or failure to act on the part of [,]*
29 *the [bureau] division in respect to his case, he [shall have the right of]*
30 *may appeal to the [department] administrator or his designee and [the*
31 *right to] may be represented in [such] the appeal by his counsel or*
32 *agent.*

33 2. The [department] *administrator* shall provide an opportunity for
34 a fair hearing of [such individual's] *the* appeal and shall review [his]
35 *the* case in all matters in respect to which [he] *the applicant or recipi-*
36 *ent* is dissatisfied.

37 3. [If] *such individual feels himself aggrieved by the decision of the*
38 *department in respect to his case he shall have the right, at any time*
39 *within 90 days after the mailing to him of written notice of the decision,*
40 *to petition the district court of the judicial district in which he resides to*
41 *review such decision and the district court shall have jurisdiction to*
42 *review the decision on the record of the case before the department, a*
43 *copy of which shall be certified as correct by the director and filed by the*
44 *department with the clerk of the court as part of its answer to any such*
45 *petition for review. The district court shall either affirm the decision of*
46 *the department or, if it concludes that the findings of the department are*
47 *not supported by evidence or that the department's decision is arbitrary,*
48 *capricious or otherwise contrary to law, reverse the decision and remand*
49 *the case to the department for further proceedings in conformity with*

1 the decision of the court.] *The decision of the division is a final decision*
2 *in a contested case for the purpose of judicial review.*

3 SEC. 15. NRS 426.630 is hereby amended to read as follows:

4 426.630 As used in NRS 426.630 to 426.720, inclusive, unless the
5 context otherwise requires:

6 1. ["Blind person" means any person whose visual acuity with cor-
7 recting lenses does not exceed 20/200 in the better eye, or whose vision
8 in the better eye is restricted to a field which subtends an angle of not
9 greater than 20°.

10 2. "Bureau" means the bureau of services to the blind in the rehabili-
11 tation division of the department of human resources.

12 3.] "Licensee" means an individual blind person licensed by the divi-
13 sion to operate a vending facility. The term is synonymous with the term
14 "vendor" as it is used in 20 U.S.C. § 107 (a-f).

15 2. "Operator" means the individual blind person responsible for the
16 day-to-day conduct of the vending [stand operation.

17 4.] facility.

18 3. "Public building" or ["] "public property" means any building,
19 land or other real property, owned, leased or occupied by any department
20 or agency of the State of Nevada or any of its political subdivisions except
21 public elementary and secondary schools, the University of Nevada Sys-
22 tem and the Nevada state park system.

23 [5.] 4. "Vending [stand]" facility" means:

24 (a) [Such buildings,] Buildings, shelters, counters, shelving, display
25 and wall cases, refrigerating apparatus and other appropriate auxiliary
26 equipment [as are] necessary or customarily used for the vending of
27 [such] articles [as may be] approved by the [bureau and] division in
28 consultation with the head of the department or agency having care, cus-
29 tody and control of the building or property in or on which the vending
30 [stand] facility is located;

31 (b) Manual or coin-operated vending machines or similar devices for
32 vending [such] those articles, operated in a particular building, even
33 though no person is [physically] present on the premises except to serv-
34 ice the machines;

35 (c) Cafeteria or snack bar facilities for the dispensing of foodstuffs and
36 beverages; or

37 (d) Portable shelters which can be disassembled and reassembled, and
38 the equipment therein, used for the vending of approved articles, food-
39 stuffs or beverages.

40 SEC. 16. NRS 426.640 is hereby amended to read as follows:

41 426.640 For the purposes of providing blind persons with remunera-
42 tive employment, enlarging the economic opportunities of blind persons
43 and stimulating blind persons to greater efforts to make themselves self-
44 supporting with independent livelihoods, [blind persons licensed under
45 the provisions of NRS 426.630 to 426.720, inclusive, by the bureau
46 have] the division has priority of right, on behalf of blind persons, to
47 operate vending [stands] facilities in or on any public buildings or prop-
48 erties where the locations are determined to be suitable, pursuant to the
49 procedure provided in NRS 426.630 to 426.720, inclusive. If the division
50 chooses to exercise its priority, the head of the department or agency

EXHIBIT C

— 7 —

1 *charged with the maintenance of any public building or property shall*
2 *grant to the division the right to operate the vending facilities in that*
3 *building or on that property.*

4 SEC. 17. NRS 426.650 is hereby amended to read as follows:

5 426.650 Each head of the department or agency in charge of the
6 maintenance of public buildings or properties shall:

7 1. Not later than July 1, [1959,] 1982, notify the [bureau] *division*
8 in writing of any and all existing locations where vending [stands] *facili-*
9 *ties* are in operation or where vending [stands] *facilities* might properly
10 and satisfactorily be operated.

11 2. Not less than 30 days [prior to] *before* the reactivation, leasing,
12 re-leasing, licensing or issuance of a permit for operation of any vending
13 [stand,] *facility*, inform the [bureau of such] *division of the contem-*
14 *plated action.*

15 3. Inform the [bureau] *division* of any locations where [such] vend-
16 ing [stands] *facilities* are planned or might properly and satisfactorily be
17 operated in or about other public buildings or properties as may now or
18 thereafter come under the jurisdiction of the department or agency for
19 maintenance, [such information to be given] not less than 30 days [prior
20 to] *before* leasing, re-leasing, licensing or issuance of a permit for opera-
21 tion of any vending [stand] *facility* in [such] *the* public building or on
22 [such] *the* property.

23 SEC. 18. NRS 426.660 is hereby amended to read as follows:

24 426.660 [To effectuate further the purposes of NRS 426.630 to
25 426.720, inclusive, when] *When* new construction, remodeling, leasing,
26 acquisition or improvement of public buildings or properties is authorized,
27 consideration [shall] *must* be given to planning and making available
28 suitable space and facilities for vending [stands] *facilities* to be operated
29 by blind persons. Within 30 days after the commencement of the planning
30 and design of any such project, written notice [shall] *must* be given to
31 the [bureau] *division* by the person or agency having charge of [such]
32 *the* planning and design.

33 SEC. 19. NRS 426.665 is hereby amended to read as follows:

34 426.665 If a suitable location is available for a vending [stand]
35 *facility* which requires the construction of a permanent building, the
36 [bureau] *division* may construct [such] *the* building, but only after
37 obtaining approval of the legislature.

38 SEC. 20. NRS 426.670 is hereby amended to read as follows:

39 426.670 The [bureau] *division* shall:

40 1. Make surveys of public buildings or properties to determine their
41 suitability as locations for vending [stands] *facilities* to be operated by
42 blind persons and advise the heads of departments or agencies charged
43 with the maintenance of [such] *the* buildings or properties as to their
44 findings.

45 2. With the consent of the head of the department or agency charged
46 with the maintenance of the buildings or properties, establish vending
47 [stands] *facilities* in those locations which the [bureau] *division* has
48 determined to be suitable, and may enter into leases or licensing agree-
49 ments therefor.

50 3. Select, train, license and install qualified blind persons to manage

1521

EXHIBIT C

— 8 —

1 or operate, or both manage and operate, [such] the vending [stands.]
2 facilities.

3 4. Execute contracts or agreements with blind persons to manage or
4 operate, or both manage and operate, vending [stands,] facilities, which
5 agreements may concern finances, management, operation and other
6 matters concerning [such stands.] the facilities.

7 5. When the [bureau] division deems such action appropriate,
8 impose and collect license fees for the privilege of operating [such] the
9 vending [stands.] facilities.

10 6. [Establish and effectuate such rules and] Adopt regulations [as
11 it may from time to time deem] necessary to assure the proper and satis-
12 factory operation of [such] the vending [stands. Such rules and regula-
13 tions shall] facilities. The regulations must provide a method for setting
14 aside [funds] money from the revenues of vending [stand] facility
15 operations, and [shall] provide for the payment and collection thereof.

16 7. The [bureau] division may enter into contracts with vendors for
17 the establishment and operation of vending [stands. Such contracts
18 shall] facilities. The contract must include provision for payment of
19 commissions to the [bureau] division based on revenues of the vending
20 [stands. Such] facilities. The commissions may, at the discretion of the
21 [bureau,] division, be assigned to [licensed vending stand operators]
22 licensees for maintenance of income purposes.

23 8. The [bureau may, by rule or regulation,] division may adopt regu-
24 lations to fulfill federal requirements imposed pursuant to 20 U.S.C. §
25 107 (a-f), as amended, and other regulations to provide methods for
26 recovering the cost of establishing vending [stands.] facilities.

27 SEC. 21. NRS 426.675 is hereby amended to read as follows:

28 426.675 1. The business enterprise contingent fund for the blind, a
29 special revenue fund, is hereby created and [shall] must be managed by
30 the [chief.] administrator.

31 2. Money received by the [bureau] division under the provisions of
32 NRS [426.670,] 426.630 to 426.720, inclusive, except commissions
33 assigned to [licensed vending stand operators, shall:] licensees, must:

34 (a) Be deposited in the business enterprise contingent fund for the
35 blind.

36 (b) Except as provided in subsection 4, remain in the fund and [shall]
37 must not revert to the state general fund.

38 (c) Be used for:

39 (1) Purchasing, maintaining or replacing vending [stands] facilities
40 or the equipment therein;

41 (2) Maintaining a stock of equipment, parts, accessories and mer-
42 chandise used or planned for use in the vending [stand] facility program;
43 and

44 (3) Such other purposes, consistent with NRS 426.640, as may be
45 provided by regulation.

46 3. Purchases made pursuant to paragraph (c) of subsection 2 are
47 exempt from the provisions of the State Purchasing Act at the discretion
48 of the chief of the purchasing division of the department of general serv-
49 ices or his designated representative, but the [bureau] division shall:

1522

EXHIBIT C

— 9 —

1 (a) Maintain current inventory records of all equipment, parts, acces-
2 sories and merchandise charged to the business enterprise contingent fund
3 for the blind;

4 (b) Conduct a periodic physical count of all [such] equipment, parts,
5 accessories and merchandise; and

6 (c) Reconcile the results of the periodic physical count with the inven-
7 tory records. [and cash balance in the fund.]

8 4. If the business enterprise contingent fund for the blind is dis-
9 solved, any money remaining therein [shall revert to the state general
10 fund.] *must be disbursed to blind persons who are licensees at the time*
11 *of dissolution, in the same proportions as their contributions to the fund.*

12 5. Money from any source which may lawfully be used for the vend-
13 ing [stand] facility program may be transferred or deposited by the
14 [bureau] division to the business enterprise contingent fund for the
15 blind.

16 6. *Money in the business enterprise contingent fund for the blind*
17 *may be invested. All investment income must be deposited in the fund*
18 *and used for the same purposes and in the same manner as other money*
19 *in the fund.*

20 SEC. 22. NRS 426.677 is hereby amended to read as follows:

21 426.677 1. The [bureau] division may, in interim periods when no
22 blind licensee is available to operate a vending facility and its continuous
23 operation is required, establish a checking account in a depository bank
24 qualified to receive deposits of public money. [pursuant to chapter 356
25 of NRS.] All money received from the vending facility during the
26 interim period must be deposited to the account and all expenses neces-
27 sary to maintain the interim operation of the facility must be paid from
28 the account.

29 2. If the blind licensee who operated the facility returns after a tem-
30 porary disability, the [bureau] division shall prepare a financial report
31 and close the checking account by making a check in the amount of any
32 balance remaining in the account payable to the licensee.

33 3. If a blind licensee other than the one who previously operated the
34 facility is permanently assigned to it, the [bureau] division shall prepare
35 a financial report and close the checking account by making a check in
36 the amount of any balance remaining in the account payable to the busi-
37 ness enterprise contingent fund for the blind.

38 SEC. 23. NRS 426.680 is hereby amended to read as follows:

39 426.680 1. If, after a vending [stand] facility survey as authorized
40 by NRS 426.670, the head of a department or agency in charge of the
41 maintenance of any public building or property rejects or does not act
42 upon a written recommendation of the [bureau] division that a vending
43 [stand] facility be established or operated for the employment of blind
44 persons, the matter [shall] *must* be referred to the director of the depart-
45 ment of human resources for review.

46 2. After reviewing the recommendation of the [bureau,] division,
47 the director may refer the matter to the head of the department or agency
48 concerned for further review and disposition.

49 3. If the director is not satisfied with the decision of the head of the

1523

1 department or agency concerned, the director may refer the matter for
2 final decision and disposition to:

- 3 (a) The governor, in the case of state buildings or properties.
4 (b) The board of county commissioners, in the case of county build-
5 ings or properties.
6 (c) The city council or other governing board of the municipality in
7 the case of municipal buildings or properties.
8 (d) The governing board of the political subdivision in the case of
9 buildings or properties of other political subdivisions of this state.

10 SEC. 24. NRS 426.685 is hereby amended to read as follows:

11 426.685 The [bureau] *division* may establish vending [stands in
12 privately owned buildings, if the building owner in each instance consents
13 and enters into an agreement approved by the bureau.] *facilities in or on*
14 *property owned, leased or occupied by a private person if the person*
15 *issues to the division a permit consenting to the establishment of the*
16 *facility and the division accepts the terms and conditions of the permit.*

17 SEC. 25. NRS 426.690 is hereby amended to read as follows:

18 426.690 Vending [stands] *facilities* operated under the provisions
19 of NRS 426.630 to 426.720, inclusive, [shall] *must* be used solely for
20 the vending of [such] commodities [and] , articles [as may be] *and*
21 *services* approved by the [bureau and by] *division in consultation with*
22 the head of the department or agency in charge of the maintenance of the
23 building or property in or on which [such stand] *the facility* is operated.

24 SEC. 26. NRS 426.695 is hereby amended to read as follows:

25 426.695 Blind persons who operate a vending [stand] *facility* under
26 the provisions of NRS 426.630 to 426.720, inclusive, may keep a guide
27 dog with them at all times on the premises where [such] *the vending*
28 [stand] *facility* is located.

29 SEC. 27. NRS 426.700 is hereby amended to read as follows:

30 426.700 The operator of each vending [stand] *facility* operated
31 under the provisions of NRS 426.630 to 426.720, inclusive, [shall be]
32 *is* subject to:

33 1. The provisions of [any and] all laws and ordinances applying
34 within the territory within which [such stand] *the facility* is located,
35 including those requiring a license or permit for the conduct of such a
36 business or any particular aspect thereof.

37 2. The provisions of chapter 446 of NRS relating to food and drink
38 establishments.

39 SEC. 28. NRS 426.710 is hereby amended to read as follows:

40 426.710 The [bureau may, in its discretion,] *division may* utilize
41 appropriate nonprofit corporations organized under the laws of this state,
42 or other agencies, as trustees to provide day-to-day management and
43 operation services for the vending [stand] *facility* program for the blind.
44 [Such] *These* corporations or agencies [shall] *must* be reimbursed for
45 their actual and necessary expenses by the operators of the vending
46 [stand] *facility* units which compose the vending [stand] *facility* pro-
47 gram for the blind in accordance with [such rules and] regulations [as
48 may be] adopted by the [bureau] *division* and approved by the depart-
49 ment. [of human resources.]

50 SEC. 29. NRS 426.720 is hereby amended to read as follows:

EXHIBIT C

— 11 —

1 426.720 1. Persons operating vending [stands] facilities in public
2 buildings or on public properties [as defined in NRS 426.630 prior to]
3 before March 13, 1959, [shall] are not [be] affected by the provisions
4 of NRS 426.630 to 426.720, inclusive, except [and only insofar] as
5 provided by subsection 2 of NRS 426.650.

6 2. Any blind person who is presently operating a vending [stand]
7 facility in or on public buildings or properties who desires to avail him-
8 self of the advantages of the program authorized by NRS 426.630 to
9 426.720, inclusive, [shall have the right to] may do so. [; and, in such
10 instance, the bureau] The division may negotiate and consummate
11 arrangements for the purchase of [such] vending [stand] facility equip-
12 ment [as it may deem] necessary for the satisfactory operation of the
13 vending [stand.] facility.

14 SEC. 30. NRS 426.800 is hereby amended to read as follows:

15 426.800 1. Whoever knowingly obtains or attempts to obtain, or
16 aids or abets any person to obtain by means of a willfully false statement
17 or representation or by impersonation, or other fraudulent device, serv-
18 ices to which he is not entitled, or services greater than those to which he
19 is entitled, with the intent to defeat the purposes of this chapter, is guilty
20 of a gross misdemeanor.

21 2. For the purposes of subsection 1, whenever a recipient of services
22 under the provisions of this chapter receives an overpayment for the third
23 time and [such] the overpayments have resulted from a false statement
24 or representation by [such] the recipient or from the failure of the recip-
25 ient to notify the [bureau of services to the blind in the rehabilitation
26 division of the department of human resources] division of a change in
27 his circumstances which would affect the amount of services [such]
28 which the recipient receives, a rebuttable presumption arises that [such]
29 the payment was fraudulently received.

30 SEC. 31. NRS 232.300 is hereby amended to read as follows:

31 232.300 1. The department of human resources is hereby created.

32 2. The department consists of a director and the following divisions:

33 (a) Aging services division.

34 (b) Health division.

35 (c) Mental hygiene and mental retardation division.

36 (d) Rehabilitation division.

37 (e) Welfare division.

38 (f) Youth services division.

39 (g) Division of visual and aural services.

40 3. The department is the sole agency responsible for administering
41 the provisions of law relating to its respective divisions.

42 SEC. 32. NRS 232.320 is hereby amended to read as follows:

43 232.320 The director:

44 1. Shall appoint, with the consent of the governor, chiefs of the divi-
45 sions of the department, who are respectively designated as follows:

46 (a) The administrator of the aging services division;

47 (b) The state health officer;

48 (c) The administrator of the mental hygiene and mental retardation
49 division;

50 (d) The administrator of the rehabilitation division;

EXHIBIT C

— 12 —

- 1 (e) The state welfare administrator; **[and]**
2 (f) The administrator of the youth services division **[.]**; and
3 (g) *The administrator of the division of visual and aural services.*
4 2. Is responsible for the administration, through the divisions of the
5 department, of the provisions of chapter 210, 422 to 427A, inclusive, and
6 430 to 436, inclusive, 439 to 443, inclusive, 446, 447, 449, 450, 458
7 and 615 of NRS, NRS 444.003 to 444.430, inclusive, 445.015 to 445.-
8 038, inclusive, and all other provisions of law relating to the functions of
9 the divisions of the department, but is not responsible for the clinical
10 activities of the health division or the professional line activities of the
11 other divisions.
12 3. Has such other powers and duties as are provided by law.
13 SEC. 33. NRS 232.340 is hereby amended to read as follows:
14 232.340 The chief of each division of the department:
15 1. Is in the unclassified service of the state pursuant to the provisions
16 of chapter 284 of NRS, unless federal law or regulation requires other-
17 wise, in which case he **[is]** *must be placed* in the classified service of the
18 state pursuant to the provisions of that chapter.
19 2. Is entitled to receive an annual salary in an amount determined
20 pursuant to the provisions of NRS 284.182, unless he is in the classified
21 service of the state, in which case his salary must, unless otherwise fixed
22 by law, be fixed pursuant to the provisions of chapter 284 of NRS.
23 3. Shall administer the provisions of law relating to his division, sub-
24 ject to the administrative supervision of the director.
25 4. Shall devote his entire time and attention to the business of his
26 office. **[and shall]**
27 5. Shall not pursue any other business or occupation or hold any
28 other office of profit **[.]**, *except when:*
29 (a) *The office of profit is related to the duties of his position;*
30 (b) *The duties of the office of profit are performed while he is on leave;*
31 *and*
32 (c) *The director has approved his acceptance of the office of profit.*
33 SEC. 34. NRS 232.360 is hereby amended to read as follows:
34 232.360 The rehabilitation division of the department **[shall con-**
35 **sist]** *consists* of the administrator and the following bureaus:
36 1. **[Bureau of services to the blind.**
37 **2.]** Bureau of alcohol and drug abuse.
38 **[3.]** 2. Bureau of vocational rehabilitation.
39 SEC. 35. NRS 232.370 is hereby amended to read as follows:
40 232.370 The administrator of the rehabilitation division of the
41 department: **[shall:**
42 1. **Be]** 1. *Is* in the unclassified service of the state pursuant to the
43 provisions of chapter 284 of NRS unless federal law or regulation
44 requires otherwise, in which case the administrator **[shall be]** *must be*
45 *placed* in the classified service of the state pursuant to the provisions of
46 **[such]** *that* chapter.
47 2. **[Be]** *Is* responsible for the administration, through the bureaus of
48 the division, of the provisions of **[NRS 426.520 to 426.720, inclusive,]**
49 chapters 458 and 615 of NRS, NRS 232.360 to 232.390, inclusive, and
50 all other provisions of law relating to the functions of the division and

1 its bureaus, but [shall not be] *is not* responsible for the professional line
2 activities of the bureaus except as specifically provided by law.

3 3. [Be] *Is* responsible for the preparation of a [consolidated] state
4 plan for [the bureau of services to the blind,] the bureau of vocational
5 rehabilitation and any other program administered by the rehabilitation
6 division which he considers appropriate to incorporate into [the] a con-
7 solidated state plan [prior to] *before* submission to the [Rehabilitation
8 Services Administration of the United States Department of Health, Edu-
9 cation, and Welfare.] *appropriate federal agency*. This subsection [shall
10 not be applicable] *does not require a consolidated plan* if any federal
11 regulation exists which prohibits a consolidated plan. *The administrator*
12 *is not responsible for preparing, submitting or administering any state*
13 *plan for the provision of vocational and other rehabilitative services to*
14 *blind persons and deaf persons.*

15 SEC. 36. NRS 281.210 is hereby amended to read as follows:

16 281.210 1. Except as provided in this section, it is unlawful for any
17 [individual] *person* acting as a school trustee, state, township, municipal
18 or county official, or as an employing authority of the University of
19 Nevada, any school district or of the state, any town, city or county, or
20 for any state or local board, agency or commission, elected or appointed,
21 to employ in any capacity on behalf of the State of Nevada, or any
22 county, township, municipality or school district thereof, or the Univer-
23 sity of Nevada, any relative of such [individual] *person* or of any
24 member of such board, agency or commission, within the third degree of
25 consanguinity or affinity.

26 2. This section does not apply:

27 (a) To school districts, when the teacher or other school employee so
28 related is not related to more than one of the trustees or person who is an
29 employing authority by consanguinity or affinity and [shall receive]
30 *receives* a unanimous vote of all members of the board of trustees and
31 approval by the [state] department of education.

32 (b) To school districts, when the teacher or other school employee so
33 related has been employed by an abolished school district or educational
34 district, which constitutes a part of the employing county school district,
35 and the county school district for 4 years or more prior to April 1, 1957.

36 (c) To the wife of the superintendent of an institution of the depart-
37 ment of prisons.

38 (d) To the wife of the superintendent of the Nevada girls training cen-
39 ter.

40 (e) To relatives of blind officers and employees of the [bureau of serv-
41 ices to the blind of the rehabilitation division of the department of human
42 resources] *State of Nevada* when [such] *the* relatives are employed as
43 automobile drivers for [such] *the* officers and employees.

44 3. Nothing in this section:

45 (a) Prevents any officer in this state, employed under a flat salary,
46 from employing any suitable person to assist in any such employment,
47 when the payment for any [such] *the* service [shall be] *is* met out of the
48 personal funds of [such] *the* officer.

49 (b) Disqualifies any widow with a dependent or dependents as an

EXHIBIT C

1 employee of any officer or board in this state, or any of its counties,
2 townships, municipalities or school districts.

3 4. A person employed contrary to the provisions of this section
4 **[shall] must** not be compensated for such employment.

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

7 SEC. 37. NRS 331.100 is hereby amended to read as follows:

8 331.100 The superintendent shall: **[have the following specific pow-**
9 **ers and duties:**

10 1. **To keep]**

11 1. *Keep* all buildings, rooms, basements, floors, windows, furniture
12 and appurtenances clean, orderly and presentable as befitting public
13 property.

14 2. **[To keep] Keeps** all yards and grounds clean and presentable,
15 with proper attention to landscaping and horticulture.

16 3. Under the supervision of the state fire marshal, **[to] make**
17 arrangements for the installation and maintenance of water sprinkler sys-
18 tems, fire extinguishers, fire hoses and fire hydrants, and **[to] take** other
19 fire prevention and suppression measures, necessary and feasible, that
20 may reduce the fire hazards in all buildings under his control.

21 4. **[To make] Make** arrangements and provision for the mainte-
22 nance of the state's water system supplying the state-owned buildings at
23 Carson City, with particular emphasis upon the care and maintenance of
24 water reservoirs, in order that a proper and adequate supply of water be
25 available to meet any emergency.

26 5. **[To make] Make** arrangements for the installation and mainte-
27 nance of water meters designed to measure accurately the quantity of
28 water obtained from sources not owned by the state.

29 6. **[To make] Make** arrangements for the installation and mainte-
30 nance of a lawn sprinkling system on the ground adjoining the Capitol
31 Building at Carson City, or on any other state-owned grounds where such
32 installation is practical or necessary.

33 7. **[To make] Make** arrangements for the installation of a central
34 telephone switchboard or switchboards to serve the state offices, in one
35 or more buildings as may be practical or feasible.

36 8. **[To investigate] Investigate** the feasibility, and economies result-
37 ant therefrom, if any, of the installation of a central power meter, to
38 measure electrical energy used by the state buildings in the vicinity of and
39 including the Capitol Building at Carson City, assuming the buildings
40 were served with power as one unit.

41 9. **[To purchase,] Purchase,** use and maintain such supplies and
42 equipment as are necessary for the care, maintenance and preservation of
43 the buildings and grounds under his supervision and control.

44 10. Subject to the provisions of chapter 426 of NRS relative to the
45 operation of vending **[stands] facilities** in or on public buildings and
46 properties by blind persons **[to] install** or remove vending **[machines**
47 **and vending stands] facilities** in the buildings under his supervision and
48 control, and have control of and be responsible for **[their operation.]**
49 *maintaining the areas where the facilities are located.*

EXHIBIT C

— 15 —

1 SEC. 38. NRS 361.157 is hereby amended to read as follows:

2 361.157 1. When any real estate which for any reason is exempt
3 from taxation is leased, loaned or otherwise made available to and used
4 by a natural person, association, partnership or corporation in connec-
5 tion with a business conducted for profit, it is subject to taxation in the
6 same amount and to the same extent as though the lessee or user were
7 the owner of the real estate.

8 2. When any real estate which is exempt from taxation by reason of
9 its public ownership is used for the generation of electric power, the
10 value of any right to receive electric power directly from the exempt real
11 estate by a natural person, association, partnership or corporation or by
12 a political subdivision of any other state is taxable as though the holder
13 of that right were the owner of the real estate in the same proportion
14 which his right bears to the total of all rights to receive electric power
15 generated through the use of that real estate.

16 3. Subsection 1 does not apply to:

17 (a) Property located upon or within the limits of a public airport,
18 park, market, fairground or upon similar property which is available to
19 the use of the general public;

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

22 (c) Property of any state-supported educational institution;

23 (d) Property leased or otherwise made available to and used by a
24 natural person, private association, private corporation, municipal cor-
25 poration, quasi-municipal corporation or a political subdivision under the
26 provisions of the Taylor Grazing Act or by the United States Forest
27 Service or the Bureau of Reclamation of the United States Department
28 of the Interior;

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

32 (f) Vending [stand locations and] facilities operated by blind persons
33 under the auspices of the [bureau of services to the blind of the rehabili-
34 tation] division of visual and aural services of the department of human
35 resources, regardless of whether the property is owned by the federal,
36 state or a local government; or

37 (g) Leases held by a natural person, corporation, association, municip-
38 al corporation, quasi-municipal corporation or political subdivision for
39 development of geothermal resources, but only for resources which have
40 not been put into commercial production.

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

47 SEC. 39. NRS 361.159 is hereby amended to read as follows:

48 361.159 1. Personal property exempt from taxation which is leased,
49 loaned or otherwise made available to and used by a natural person,
50 association or corporation in connection with a business conducted for

1679

1 profit is subject to taxation in the same amount and to the same extent
2 as though the lessee or user were the owner of the property, except for
3 personal property used in vending [stands] facilities operated by blind
4 persons under the auspices of the [bureau of services to the blind of the
5 rehabilitation] division of visual and aural services of the department of
6 human resources.

7 2. When any personal property which is exempt from taxation by
8 reason of its public ownership is used for the generation of electric
9 power, the value of any right to receive electric power directly from the
10 exempt personal property by a natural person, association, partnership
11 or corporation or by a political subdivision of any other state is taxable
12 as though the holder of that right were the owner of the personal prop-
13 erty in the same proportion which his right bears to the total of all
14 rights to receive electric power generated through the use of the per-
15 sonal property.

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

23 SEC. 40. Section 8 of this act shall become effective at 12:01 a.m.
24 on July 1, 1981.

EXHIBIT D

S. B. 640

SENATE BILL NO. 640—SENATOR BLAKEMORE

MAY 5, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Specifies criteria for closing public school. (BDR 34-1598)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to public schools; specifying the criteria for closing a school; repealing a provision on rehearing and review; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 393.080 is hereby amended to read as follows:
2 393.080 1. The board of trustees of a school district may:
3 (a) Build, purchase or rent schoolhouses and other school buildings,
4 including but not limited to teacherages, gymnasiums and stadiums, and
5 dormitories and dining halls. [as provided in NRS 393.090.]
6 (b) Change the location of schools.
7 (c) Close a school or change the use of the school building to a pur-
8 pose other than the teaching of kindergarten through 12th grade.
9 2. Any board of trustees which proposes to change the location of a
10 school, close a school or change the use of a school building [as pro-
11 vided in subsection 1] shall give 30 days' written notice to the principal
12 and teachers of the affected school and to the parents of the children
13 attending that school. In addition the board shall publish a notice of the
14 subject, time and place of the meeting at which the matter will be con-
15 sidered, in a newspaper of general circulation in the county at least 10
16 days before the meeting.
17 3. *The board of trustees of a school district may change the location*
18 *of a school, close a school or change the use of a school building for any*
19 *of the following reasons:*
20 (a) *A deterioration of a building as a result of use and age, as deter-*
21 *mined by a registered professional engineer;*
22 (b) *A deterioration of or damage to a building as a result of an earth-*
23 *quake, a fire or any other disaster (whether natural or man-caused), as*
24 *determined by a registered professional engineer;*
25 (c) *A lack of sufficient benefit from a school in comparison to its cost*

EXHIBIT D

- 1 of operation, as a result of a reduction in the number of pupils living in
- 2 the attendance area;
- 3 (b) The location of a school building in a predominately commercial
- 4 area of the community, giving rise to problems of safety for the pupils; or
- 5 (c) Any other condition which creates an environment constituting a
- 6 threat to the health, safety or welfare of the children who attend the
- 7 school.
- 8 SEC. 2. NRS 393.085 is hereby repealed.

1532

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 227

ASSEMBLY BILL NO. 227—ASSEMBLYMEN RUSK, BRADY,
DuBOIS, RACKLEY, RHOADS, STEWART, MALONE, BER-
GEVIN, PRICE, NICHOLAS AND HORN

FEBRUARY 25, 1981

Referred to Committee on Judiciary

SUMMARY—Requires arrested person to pay costs of positive test for
alcohol or controlled substance. (BDR 40-629)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to abuse of alcohol and drugs; providing for payment for chem-
ical and other tests for alcohol and controlled substances by a person in whose
body alcohol or a controlled substance is found and who is convicted of a
related crime; providing a lien against certain property of the person; and pro-
viding other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. Chapter 458 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *If a person:*
4 (a) *Has been given a test which has revealed:*
5 (1) *A sufficient amount of alcohol in his body to raise a presumption*
6 *that he is intoxicated; or*
7 (2) *A controlled substance, the presence of which raises a presump-*
8 *tion that he is under the influence of the substance or is an addict; and*
9 (b) *Has been convicted of a crime, an element of which is intoxication*
10 *or being under the influence of or addicted to a controlled substance, he*
11 *shall pay the costs of the test or tests which were given him.*
12 2. *The state or the local government at whose expense the test or*
13 *tests were undertaken has a lien on the personal property of the person in*
14 *whose body the alcohol or controlled substance was found and who was*
15 *convicted to the amount of the charges due to it.*