

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

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
May 20, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 9:03 a.m., Wednesday, May 20, 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 E. Blakemore  
Senator Wilbur Faiss  
Senator Virgil M. Getto  
Senator James H. Bilbray

GUEST LEGISLATORS:

Senator Lawrence E. Jacobsen

STAFF MEMBERS PRESENT:

Connie S. Richards, Committee Secretary

SENATE BILL NUMBER 549

Senator Kosinski told the committee the amendment for Senate Bill No. 549 is still in the process of being drafted.

The committee agreed to review Senate Bill No. 549 when the amendment is completed.

ASSEMBLY BILL NUMBER 147

Senator Getto moved to "Do Pass" Assembly Bill No. 147.

The motion died for the lack of a second.

Senator Kosinski said he had been contacted by a group of people who had not had a chance to testify at the hearing when it was held.

Senator Bilbray said he would like to have additional time

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to review the bill.

ASSEMBLY BILL NUMBER 221 (EXHIBIT C)

Senator Faiss moved to "Indefinitely Postpone" Assembly Bill No. 221.

Senator Getto seconded the motion.

The motion carried. (Senators Kosinski and Blakemore voted "No".)

ASSEMBLY BILL NUMBER 462 (EXHIBIT D)

Senator Blakemore moved to "Do Pass" Assembly Bill No. 462.

Senator Getto seconded the motion.

The motion carried unanimously.

ASSEMBLY BILL NUMBER 412

Senator Bilbray remarked that the subcommittee had met and agreed on amendments for Assembly Bill No. 412. He said the amendments are in the process of being drafted.

ASSEMBLY BILL NUMBER 196 (EXHIBIT E)

The committee reviewed the memorandum regarding Assembly Bill No. 196 received from Samuel F. Hohmann, Senior Research Analyst, Legislative Counsel Bureau (Exhibit F).

Senator Bilbray moved to "Amend and Do Pass" Assembly Bill No. 196 with the amendment attached as Exhibit F.

Senator Getto seconded the motion.

The motion carried. (Senator Kosinski abstained from voting.)

SENATE BILL NUMBER 575 (EXHIBIT G)

Senator Bilbray moved to "Indefinitely Postpone" Senate Bill No. 575.

Senator Faiss seconded the motion.

The motion carried unanimously.

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SENATE BILL NUMBER 394 (EXHIBIT H)

Senator Faiss moved to "Indefinitely Postpone" Senate Bill No. 394.

Senator Bilbray seconded the motion.

The motion carried unanimously.

SENATE BILL NUMBER 651 (EXHIBIT I)

Senator Bilbray moved to "Amend and Do Pass" Senate Bill No. 651 amending the bill to serve in an advisory capacity only, leaving the same three members who currently sit on the board.

Senator Faiss seconded the motion.

The motion carried. (Senator Kosinski voted "No".)

SENATE BILL NUMBER 316 (EXHIBIT J)

Senator Getto moved to "Indefinitely Postpone" Senate Bill No. 316.

Senator Blakemore seconded the motion.

The motion carried. (Senator Bilbray voted "No".)

SENATE BILL NUMBER 324 (EXHIBIT K)

Senator Bilbray moved to "Do Pass" Senate Bill No. 324.

Senator Getto seconded the motion.

The motion carried. (Senator Faiss abstained from voting.)

SENATE BILL NUMBER 650

Mr. Bob Warren, Representative, Nevada Mining Association told the committee the industry has no consensus on the bill. He asked the committee to consider authorizing one person to sit on the board who can provide expertise in the mining field if the committee does choose to process the bill.

Ms. Peggy Twedt, League of Women Voters spoke relative to Senate Bill No. 650. Ms. Twedt's testimony is Exhibit L.

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Mr. Tom Young, Nevada Environmental Action Trust expressed concerns already stated by Ms. Twedt and Mr. Warren.

Senator Lawrence Jacobsen asked the committee to consider Senate Bill No. 433. He noted that only two people spoke in opposition to the bill when the hearing was held. He said he feels the bill is a "step for good government" and he became involved in the issue when it was in the Finance Committee and determined the consolidation could be made with the lost city museum and the history of museums; it was felt that consolidation of historical preservation and archeology could be moved at the same time. Senator Jacobsen noted from testimony given at the hearing of Senate Bill No. 433 Mr. Roland Westergard had indicated that the division could survive and function at either place. He said he felt the bill has a great deal of merit.

Senator Jacobsen said he had called the national office in Washington to get their opinion. They reassured him that there has never been a challenge and 33 states have now merged the divisions.

The Chairman said he does not feel that it is correct for an individual to have legislation introduced to move a division because he or she cannot get along with management. He said when Mr. Westergard was asked whether he wanted to keep the agency, he replied that he would.

Senator Jacobsen said the minutes of that meeting did not reflect that. He quoted:

"Senator Kosinski asked Mr. Westergard if he was in support of the transfer. Mr. Westergard said he has mixed feelings, He can see merits in having it in both agencies and does not feel the resource would be hurt if it were transferred and he feels it has been properly administered within the department it is in now. It can function in either place."

Senator Jacobsen said he feels it is his job as a legislator to consolidate state agencies when it can be done. He agreed that there is a personality conflict in the current administration, but added that he doesn't think "we should walk away from those things either".

The Chairman said the governor has the authority to make changes within an agency if there is a problem and it

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should not become a legislative issue. He said legislators are "here to legislate" not to manage.

Senator Blakemore said he agreed with the concept of putting all the "old things" together under one agency.

Senator Getto said he feels Senate Bill No. 651 is inconsistent with that idea in that it creates a new division against administrative will.

Senator Kosinski said he does not have strong feelings about the bill one way or the other but feels that if the state is funding the position, it very logically should be under the department of museums and natural history. As long as there are federal mandates, he would prefer to see a very strong administrator over that particular office and though he meant no criticism of Mr. Porter as he does not know him well, he does have a great deal of confidence in Mr. Westergard. He said he would not support the bill.


Senator Jacobsen said he has a great deal of faith in Mr. Porter and in Mr. Westergard and feels that both are good administrators. He thanked the committee for their time.

There being no further business, the meeting adjourned at 10:00 a.m.

Respectfully submitted:

  
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Connie S. Richards, Committee Secretary

APPROVED BY:

  
\_\_\_\_\_  
Senator Joe Neal, Chairman

DATE: May-28, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities, Room 323.

Day Wednesday, Date May 20, Time 9:00 a.m.

WORK SESSION

A. B. No. 147--Prohibits manufacture, sale or use of detergents which contain phosphates.

A. B. No. 196--Provides for regulation of hazardous waste.

A. B. No. 221--Makes various changes in provisions concerning water pollution.

A. B. No. 462--Extends commission on professional standards in education.

S. B. No. 549--Authorizes use of guide dog and cane by deaf person and makes other statutory amendments to protect visually and aurally handicapped persons.

A. B. No. 412--Provides for regulation of condition of manufactured housing. (Subcommittee report)



**A. B. 221**

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**ASSEMBLY BILL NO. 221—COMMITTEE ON ECONOMIC  
DEVELOPMENT AND NATURAL RESOURCES**

FEBRUARY 24, 1981

Referred to Committee on Economic Development  
and Natural Resources

**SUMMARY**—Makes various changes in provisions concerning water  
pollution. (BDR 40-344)

**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 water pollution; making changes in the procedures for designating beneficial uses and for designating water as being of higher quality; removing a superfluous definition of "water quality standard"; 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. Chapter 445 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 *The commission may, after notice and a public hearing in the affected*  
4 *area, designate an additional use for a stream segment or other body of*  
5 *surface water, as follows:*  
6 1. *If the existing quality of the water would support the additional*  
7 *use, the person applying for the designation must show that a need exists*  
8 *for the additional use.*  
9 2. *If the existing quality of the water would not support the addi-*  
10 *tional use, the person applying for the designation must:*  
11 *(a) Show that a need exists for the additional use; and*  
12 *(b) Show the cost of improving the quality of the water to the extent*  
13 *required for support of the additional use and establish that the burdens*  
14 *of that cost would be outweighed by the benefits to be received from the*  
15 *additional use.*  
16 SEC. 2. NRS 445.133 is hereby amended to read as follows:  
17 445.133 As used in NRS 445.131 to 445.354, inclusive, and section  
18 *1 of this act, unless the context otherwise requires, the terms defined in*  
19 *NRS 445.134 to 445.196, inclusive, have the meanings ascribed to them*  
20 *in those sections.*  
21 SEC. 3. NRS 445.244 is hereby amended to read as follows:



1 445.244 1. The commission shall establish [water quality] stand-  
2 ards for the degree of pollution of water or the physical, chemical or bio-  
3 logical condition of water, expressed numerically or descriptively, at a  
4 level designed to protect and ensure a continuation of the [designated]  
5 existing beneficial use or uses which the commission has determined to be  
6 applicable to each stream segment or other body of surface water in the  
7 state.

8 2. The commission shall base its [water quality] standards of water  
9 quality on [water quality] criteria which numerically or descriptively  
10 define the conditions necessary to maintain the designated beneficial use  
11 or uses of the water. The [water quality] standards must reflect [water  
12 quality] criteria which define the conditions necessary to support, protect  
13 and allow the propagation of fish, shellfish and other wildlife and to pro-  
14 vide for recreation in and on the water if these objectives are reasonably  
15 attainable. *The commission may determine that a beneficial use exists for  
16 the maintenance of aquatic life or other wildlife or for recreation only if  
17 it finds and specifies sufficient detail concerning presence and usefulness  
18 of species or recreational activity to allow selection of criteria appropriate  
19 to protect that use.*

20 3. The commission may establish [water quality] standards for indi-  
21 vidual segments of streams or for other bodies of surface water which vary  
22 from standards based on recognized criteria if such variations are justified  
23 by the circumstances pertaining to particular places, as determined by  
24 biological monitoring or other appropriate studies.

25 SEC. 4. NRS 445.253 is hereby amended to read as follows:

26 445.253 1. [Any surface waters of the state whose quality is] *If,*  
27 *after notice and a public hearing, the commission determines that the*  
28 *quality of any surface water is substantially higher than the applicable*  
29 *standards of water quality as of the date when those standards become*  
30 *effective and makes an affirmative finding that to maintain the higher*  
31 *quality is in the public interest, the commission may designate the water*  
32 *as being of the higher quality. After such a designation, the water must be*  
33 *maintained in [their] its higher quality. The division shall regularly test*  
34 *the quality of water so designated and record the results and shall*  
35 *annually report the results to the commission. No discharges of waste may*  
36 *be made which will result in lowering the quality of [these waters unless*  
37 *it has been] that water unless it is thereafter demonstrated to the com-*  
38 *mission that the lower quality is justifiable because of economic or social*  
39 *considerations. This subsection does not apply to normal agricultural*  
40 *rotation, improvement or farming practices.*

41 2. Any person who plans to discharge waste from any public or  
42 private project or development which would constitute a new or increased  
43 source of pollution to waters of the state whose quality is high shall, as  
44 part of the initial design of the project or development, provide:

45 (a) If the discharge will be from a point source, the highest and best  
46 degree of waste treatment available under the existing technology, con-  
47 sistent with the best practice in the particular field under the conditions  
48 applicable, and reasonably consistent with the economic capability of  
49 the project or development.

1 (b) If the discharge will be from a diffuse source, such measures,  
2 methods of operation or practices as are reasonably calculated or  
3 designed to prevent, eliminate or reduce water pollution from the source,  
4 under the circumstances pertaining to the particular place, in order to  
5 achieve control over water pollution which is reasonably consistent with  
6 the economic capability of the project or development.

7 3. This section does not limit a municipal sewage treatment plant in  
8 disposing of its solid sludge on land if the sludge is properly spread and  
9 incorporated into the soil.

10 SEC. 5. NRS 445.271 is hereby amended to read as follows:

11 445.271 1. Any permit issued under NRS 445.227 to 445.237,  
12 inclusive, may be revoked, modified or suspended in whole or in part  
13 during its term for cause including but not limited to the following:

14 (a) Violating any terms or conditions of the permit;

15 (b) Obtaining a permit by misrepresentation or failure to disclose fully  
16 all relevant facts; or

17 (c) A change in conditions, or the existence of a condition, which  
18 requires either a temporary or permanent reduction or an elimination of  
19 the permitted activity.

20 Any such revocation, modification or suspension is effective no later  
21 than 30 days after the [permitholder] holder of the permit receives  
22 written notice, issued by the director, of the facts or conduct warranting  
23 such an action.

24 2. *As an alternative to the actions enumerated in subsection 1, the*  
25 *director may provide by order for the continued operation of a treatment*  
26 *works while the operator carries out a schedule of compliance.*

27 3. Any permit issued under NRS 445.227 to 445.237, inclusive, may  
28 be modified by the director during its term if the [permitholder] holder  
29 petitions the director requesting a modification.

30 SEC. 6. NRS 445.196 is hereby repealed.

31 SEC. 7. The state environmental commission shall amend its regula-  
32 tions which were adopted before the effective date of this act pursuant to  
33 NRS 445.201 to make them comply with the provisions of this act.





(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

**A. B. 462**

**ASSEMBLY BILL NO. 462—COMMITTEE ON EDUCATION**

APRIL 8, 1981

Referred to Committee on Education

SUMMARY—Extends commission on professional standards in education. (BDR S-1457)

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

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

AN ACT relating to education; extending the commission on professional standards in education; removing restrictions on the scheduling of meetings; 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. Sections 1 and 4 of chapter 538, Statutes of Nevada  
2 1979, at pages 1073 and 1074, respectively, are hereby amended to read  
3 as follows:

4 Section 1. 1. The commission on professional standards in  
5 education, consisting of 11 members appointed by the governor, is  
6 hereby created.

7 2. The governor shall appoint the following persons to the  
8 commission:

9 (a) Three classroom teachers recommended by the Nevada State  
10 Education Association.

11 (b) Two school administrators recommended by the Nevada  
12 Association of School Administrators.

13 (c) The deans of the respective Colleges of Education of the  
14 University of Nevada at Las Vegas and at Reno, or their delegates.

15 (d) A representative of the Nevada Personnel Guidance Associa-  
16 tion.

17 (e) A representative of private schools.

18 (f) A representative of the general public.

19 (g) A representative of the Nevada School Boards Association.

20 3. The superintendent of public instruction or his designee  
21 shall serve as the executive secretary to the commission but does  
22 not have voting privileges. The executive secretary shall coordinate  
23 the activities of the commission.

1  
2  
3  
4  
5

4. [The commission shall meet at least once a month.

5.] The members of the commission are entitled to the travel expenses and subsistence allowances provided by law for state employees while attending meetings of the commission.

Sec. 4. This act expires by limitation on July 1, [1981.] 1983.





(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

**A. B. 196**

ASSEMBLY BILL NO. 196—ASSEMBLYMAN SCHOFIELD

FEBRUARY 19, 1981

Referred to Committee on Economic Development  
and Natural Resources

SUMMARY—Provides for regulation of hazardous waste. (BDR 40-768)

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

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

AN ACT relating to hazardous waste; providing for regulation of its generation, transportation, treatment, storage and disposal; prescribing powers and duties of the state department of conservation and natural resources and the state environmental commission; providing for a system of permits; providing penalties; and providing other matters properly relating thereto.

- 1 WHEREAS, Continuing progress in technology, increases in manufactur-  
2 ing activity and the abatement of air and water pollution have given rise  
3 to larger quantities of hazardous waste; and  
4 WHEREAS, Human health, public safety and the environment are  
5 threatened where hazardous waste is not managed in a sound, responsible  
6 manner; and  
7 WHEREAS, Knowledge and technology necessary to alleviate adverse  
8 effects on health, safety, environment and esthetic life from the irrespon-  
9 sible disposal of hazardous waste is available but is not widely used; and  
10 WHEREAS, The problem of managing hazardous waste and its disposal  
11 has become a matter of concern to the entire State of Nevada; now,  
12 therefore,  
13  
14 *The People of the State of Nevada, represented in Senate and Assembly,*  
15 *do enact as follows:*  
16  
17 SECTION 1. Chapter 444 of NRS is hereby amended by adding  
18 thereto the provisions set forth as sections 2 to 35, inclusive, of this act.  
19 SEC. 2. *The purposes of sections 2 to 35, inclusive, of this act are to:*  
20 1. *Protect human health, public safety and the environment from the*  
21 *effects of improper, inadequate or unsound management of hazardous*  
22 *waste;*  
23 2. *Establish a program for regulation of the storage, generation,*  
24 *transportation, treatment and disposal of hazardous waste; and*  
25 3. *Ensure safe and adequate management of hazardous waste.*

1     **SEC. 3.** *As used in sections 2 to 35, inclusive, of this act, unless the*  
2 *context otherwise requires, the words and terms defined in sections 4*  
3 *to 12, inclusive, of this act have the meanings ascribed to them in those*  
4 *sections.*

5     **SEC. 4.** *"Commission" means the state environmental commission.*

6     **SEC. 5.** *"Department" means the state department of conservation*  
7 *and natural resources.*

8     **SEC. 6.** *"Director" means the director of the department.*

9     **SEC. 7.** *"Disposal" means the discharge, deposit, injection, dumping,*  
10 *spilling, leaking or placing of any hazardous waste into or on any land*  
11 *or water in a manner which might allow the hazardous waste or any part*  
12 *of it to enter the environment, be emitted into the air or be discharged*  
13 *into any water, including any groundwater.*

14     **SEC. 8.** *"Hazardous waste" means any waste or combination of*  
15 *wastes, including solids, semisolids, liquids or contained gases, which:*

16     1. *Because of its quantity or concentration or its physical, chemical*  
17 *or infectious characteristics may:*

18     (a) *Cause or significantly contribute to an increase in mortality or*  
19 *serious irreversible or incapacitating illness; or*

20     (b) *Pose a substantial hazard or potential hazard to human health,*  
21 *public safety or the environment when it is given improper treatment,*  
22 *storage, transportation, disposal or other management.*

23     2. *Is identified as hazardous by the department as a result of studies*  
24 *undertaken for the purpose of identifying hazardous wastes.*

25 *The term includes, among other wastes, toxins, corrosives, flammable*  
26 *materials, irritants, strong sensitizers and materials which generate*  
27 *pressure by decomposition, heat or otherwise.*

28     **SEC. 9.** *"Management of hazardous waste" means the systematic*  
29 *control of the generation, collection, storage, transportation, processing,*  
30 *treatment, recovery and disposal of hazardous waste.*

31     **SEC. 9.5.** *"Manifest" means a document used to identify hazardous*  
32 *waste during its transportation from between any two of the points of*  
33 *generation, storage, treatment and disposal, and specifying the quantity,*  
34 *composition, origin, route and destination of the waste.*

35     **SEC. 10.** *"Person" means a natural person, trust, firm, partnership,*  
36 *association or corporation or an agency of the Federal Government, any*  
37 *state or its local governments.*

38     **SEC. 11.** *"Storage" means the containment of hazardous waste,*  
39 *temporarily or for a period of years, in a manner which does not con-*  
40 *stitute disposal.*

41     **SEC. 12.** *"Treatment" means a process, including neutralization,*  
42 *which is designed to change the physical, chemical or biological char-*  
43 *acter or composition of hazardous waste so as to neutralize it or render*  
44 *it less hazardous, nonhazardous, safer for transportation, storage and dis-*  
45 *posal, amenable to recovery of resources from it, or reduce its volume.*

46     **SEC. 12.5.** 1. *Sections 2 to 35, inclusive, of this act do not apply to*  
47 *any activity or substance which is subject to control pursuant to NRS*  
48 *445.131 to 445.399, inclusive, NRS 459.010 to 459.160, inclusive, and*  
49 *sections 2 to 6, inclusive, of chapter 116, Statutes of Nevada 1981 except*



1 to the extent that they can be applied in a manner which is not inconsis-  
2 ent with those sections.

3 2. The director shall administer sections 2 to 35, inclusive, of this act  
4 in a manner which avoids duplication of the provisions of NRS 445.131  
5 to 445.601, inclusive, and the Federal Insecticide, Fungicide and Rodenti-  
6 cide Act, 7 U.S.C. §§ 136 et seq.

7 SEC. 13. The commission shall:

8 1. Adopt regulations governing systems of hazardous waste manage-  
9 ment, including the plan for management of hazardous waste in the entire  
10 state;

11 2. Through the department:

12 (a) Advise, consult and cooperate with other agencies of the state,  
13 other states, the Federal Government, municipalities and other persons  
14 on matters relating to formulation of plans for managing hazardous  
15 waste.

16 (b) Develop a plan for management of hazardous waste in the entire  
17 state.

18 SEC. 14. Regulations adopted by the commission pursuant to sec-  
19 tion 13 of this act must be based upon studies, guidelines and regulations  
20 of the Federal Government and must:

21 1. Set out mechanisms for determining whether any waste is  
22 hazardous;

23 2. Govern combinations of wastes which are not compatible and  
24 may not be stored, treated or disposed of together;

25 3. Govern generation, storage, treatment and disposal of hazardous  
26 waste;

27 4. Govern operation and maintenance of facilities for the treatment,  
28 storage and disposal of hazardous waste, including the qualifications and  
29 requirements for ownership, continuity of operation, closure and care  
30 after closing;

31 5. Provide standards for location, design and construction of facilities  
32 for treatment, storage and disposal of hazardous waste;

33 6. Govern the transportation, packing and labeling of hazardous  
34 waste in a manner consistent with regulations issued by the United States  
35 Department of Transportation relating to hazardous waste;

36 7. Provide procedures and requirements for the use of a manifest for  
37 each shipment of hazardous waste. The procedures and requirements  
38 must be applied equally to those persons who transport hazardous waste  
39 generated by others and those who transport hazardous waste which they  
40 have generated themselves; and

41 8. Take into account climatic and geologic variations and other fac-  
42 tors relevant to the management of hazardous waste.

43 SEC. 14.3. The regulation of the generation of hazardous waste is  
44 limited to provisions relating to:

45 1. Keeping of records;

46 2. Use of appropriate containers and requirements for labeling;

47 3. Furnishing of information relating to the general chemical com-  
48 position of hazardous waste;

1 4. Use of a system of manifests for shipments of hazardous waste;  
2 and

3 5. Required reports to the department.

4 SEC. 14.5. The following types of waste are subject to the provisions  
5 of sections 2 to 35, inclusive, of this act only if they are regulated pursuant  
6 to the federal Resource Conservation and Recovery Act of 1976, 42  
7 U.S.C. §§ 6901 et seq.:

8 1. Fly ash, bottom ash, slag and waste removed from flue gas from  
9 the combustion of coal or other fossil fuels;

10 2. Solid waste from extraction, beneficiation and processing of ores  
11 and minerals, including phosphate rock and overburden from the mining  
12 of uranium ore;

13 3. Dust from cement kilns; and

14 4. Drilling fluids and other wastes produced by exploration, develop-  
15 ment or production of oil, gas or geothermal energy.

16 SEC. 14.7. 1. Regulations of the commission must provide for safety  
17 in packaging, handling, transport and disposal of hazardous waste, includ-  
18 ing safety of vehicles and drivers, and may provide for the licensing and  
19 other necessary regulation of generators and transporters, including ship-  
20 pers, brokers and carriers, both intrastate and interstate, who transport  
21 that waste or cause it to be transported into or through Nevada or for dis-  
22 posal in Nevada.

23 2. The regulations may include provisions for:

24 (a) Fees to pay the cost of inspection and other regulation;

25 (b) Administrative penalties of not more than \$2,500 per violation or  
26 \$10,000 per shipment for violations by persons licensed by the depart-  
27 ment, and the criminal prosecution of violations of its regulations by per-  
28 sons who are not licensed by the department.

29 3. Designated employees of the department, inspectors and peace  
30 officers of the motor carrier division of the department of motor vehicles,  
31 the public service commission of Nevada and the Nevada highway patrol  
32 shall enforce the regulations of the commission relating to the transport  
33 and handling of hazardous waste, as they affect the safety of drivers and  
34 vehicles and the leakage or spill of that waste from packages.

35 SEC. 15. 1. The department is hereby designated to act as the state  
36 agency for the purposes of federal laws and regulations on hazardous  
37 waste, except that the commission has the exclusive power to adopt regu-  
38 lations pursuant to sections 2 to 35, inclusive, of this act.

39 2. The department may take any action necessary and appropriate to  
40 secure the benefits of any federal law relating to hazardous waste.

41 SEC. 16. The department shall:

42 1. Except as provided in section 16.5 of this act, enforce the commis-  
43 sion's regulations on hazardous waste.

44 2. Develop and publish a plan of management of hazardous waste  
45 in this state, including among other things, descriptions of:

46 (a) Sources of hazardous waste, including information on the types and  
47 quantities of the waste; and

48 (b) Current practices and costs in the management of hazardous waste,  
49 including treatment, storage and disposal; and



1 3. Cooperate with other states to bring about improved management  
2 of hazardous waste, encourage the enactment of uniform state laws  
3 relating to hazardous waste, and develop compacts between this and  
4 other states which are designed to provide for improved management of  
5 hazardous waste.

6 SEC. 16.5. The department may delegate responsibility for the  
7 enforcement of sections 2 to 35, inclusive, of this act or any regulations  
8 adopted pursuant to those sections to suitably qualified agencies of the  
9 political subdivisions of this state.

10 SEC. 17. 1. It is unlawful for any person to:

11 (a) Construct, substantially alter or operate any facility for the treat-  
12 ment, storage or disposal of hazardous waste; or

13 (b) Treat, store or dispose of any hazardous waste,  
14 unless he has first obtained a permit from the department to do so.

15 2. A person who:

16 (a) Conducts an activity for which a permit is required pursuant to this  
17 section, and is doing so on the effective date of the regulations establish-  
18 ing procedures for the system of permits; and

19 (b) Has made an application for a permit,  
20 shall be deemed to have been issued a permit until his application has  
21 been acted upon, unless a delay in that action was caused by his failure  
22 to furnish information which was reasonably requested or required for  
23 the processing of the application.

24 3. The commission may require a person who is conducting an activ-  
25 ity pursuant to subsection 2 to comply with requirements which it has  
26 specified by regulation before a permit is issued.

27 SEC. 18. 1. The commission shall adopt regulations for the granting,  
28 renewal, modification, suspension, revocation and denial of permits.

29 2. Permits may contain terms and conditions which the department  
30 considers necessary and which conform to the provisions of regulations  
31 adopted by the commission.

32 3. Permits may be issued for any period not more than 5 years.

33 4. The department may suspend or revoke a permit pursuant to the  
34 commission's regulations if the holder of the permit fails or refuses to  
35 comply with the terms of the permit or a regulation of the commission  
36 relating to hazardous waste.

37 SEC. 19. 1. The commission shall adopt regulations requiring that  
38 the owner or operator of any facility for the treatment, storage or disposal  
39 of hazardous waste show his financial responsibility for the undertaking  
40 by providing:

41 (a) Evidence that he has a policy of liability insurance in an amount  
42 which the department has determined is necessary for the protection of  
43 human health, public safety and the environment;

44 (b) Evidence of security, in a form and amount which the depart-  
45 ment deems necessary, to ensure that at the time of any abandonment,  
46 cessation or interruption of the service provided by the facility, and  
47 thereafter, all appropriate measures will be taken to prevent damage  
48 to human health, public safety and the environment; and

49 (c) Any other evidence of financial responsibility which the commis-  
50 sion finds necessary for those purposes.

1       2. Requirements established pursuant to this section may not exceed  
2 those requirements for financial responsibility established pursuant to the  
3 Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901  
4 et seq.

5       SEC. 20. All proceeds from agreements entered into pursuant to sec-  
6 tion 35 of this act, all fees collected, all civil penalties imposed and all  
7 interest accrued pursuant to sections 2 to 35, inclusive, of this act must  
8 be deposited with the state treasurer for credit to the fund for the man-  
9 agement of hazardous waste, which is hereby created as a special revenue  
10 fund. The money in the fund may be expended only to pay for the costs  
11 of monitoring or other management of hazardous waste, and must be paid  
12 as other claims against the state are paid.

13       SEC. 21. Money in the emergency fund created by NRS 353.263 may  
14 be spent as provided in that section to clean and decontaminate the site  
15 of an accident involving hazardous waste or a spill of hazardous waste,  
16 and to render the site safe. The director shall seek reimbursement of the  
17 emergency fund by legal action against the person or persons who are  
18 responsible for the accident or spill and by applying for reimbursement to  
19 the proper agencies of the Federal Government.

20       SEC. 22. When the department receives an application for a permit  
21 to carry out modifications to an existing facility or finds that modifica-  
22 tions are necessary to enable the owner or operator of a new facility to  
23 comply with the requirements of sections 2 to 35, inclusive, of this  
24 act, it may include a condition in the permit specifying the time which  
25 will be allowed to complete the modifications.

26       SEC. 23. 1. The commission may by regulation adopt a procedure  
27 under which an applicant or holder of a permit may demonstrate that  
28 a standard he proposes would offer protection of human health, public  
29 safety and the environment which is equivalent to a standard of the  
30 commission.

31       2. The commission may specify certain standards which may be  
32 considered for substitution pursuant to this section.

33       SEC. 24. 1. The commission shall adopt regulations which require  
34 licensees to keep records and submit reports on hazardous waste and  
35 which prescribe procedures for:

36       (a) Installing, calibrating, using and maintaining monitoring equip-  
37 ment or other methods for obtaining data on hazardous wastes;

38       (b) Taking samples and performing tests and analyses;

39       (c) Establishing and maintaining suitable records; and

40       (d) Making reports to the department.

41       2. It is unlawful for any person to generate, store, transport, treat  
42 or dispose of hazardous waste without reporting each activity to the  
43 department in accordance with regulations adopted by the commission.

44       SEC. 25. 1. Except as provided in subsection 2, information which  
45 the department obtains in the course of the performance of its duties  
46 relating to hazardous waste is public information.

47       2. Information which relates to:

48       (a) The trade secrets, processes, operations, style of work or apparatus  
49 of any person; or



1 (b) The identity, confidential statistical information, amount or source  
2 of any income, profits, losses or expenditures of any particular person,  
3 is confidential and may be disclosed only to other officers, employees and  
4 authorized representatives of the commission or department.

5 SEC. 26. Any authorized representative or employee of the commis-  
6 sion or the department may, for the purpose of carrying out his duties  
7 pursuant to sections 2 to 35, inclusive, of this act, or to enforce a regula-  
8 tion adopted pursuant to those sections:

9 1. Enter any place where waste which the department has reason to  
10 believe may be hazardous is or may have been generated, stored, trans-  
11 ported, treated, disposed of or otherwise handled;

12 2. Inspect and obtain samples of any waste which the department has  
13 reason to believe may be hazardous, including samples from any vehicle  
14 in which waste is being transported, and samples of containers and  
15 labels; and

16 3. Inspect and copy any records, reports, information or test results  
17 relating to the management of hazardous wastes.

18 SEC. 27. If the department receives information that the handling,  
19 storage, transportation, treatment or disposal of any waste may present  
20 an imminent and substantial hazard to human health, public safety or the  
21 environment, it may:

22 1. Issue an order directing the owner or operator of the facility for  
23 treatment, storage or disposal of the waste or other person who has  
24 custody of the waste to take necessary steps to prevent the act or elimi-  
25 nate the practice which constitutes the hazard.

26 2. Request that the attorney general commence an action to enjoin  
27 the practices or acts which constitute the hazard.

28 3. Take any other action designed to reduce or eliminate the hazard.

29 SEC. 28. Whenever the director finds that any person is engaging or  
30 has engaged in any act or practice which violates any provision of sec-  
31 tions 2 to 26, inclusive, of this act or a regulation adopted pursuant to  
32 those sections or any term or condition of a permit issued by the depart-  
33 ment, he may issue an order:

34 1. Specifying the provision which is alleged to have been violated or  
35 which is about to be violated;

36 2. Setting forth the facts alleged to constitute the violation;

37 3. Prescribing any corrective action which must be taken and a  
38 reasonable time within which it must be taken; and

39 4. Requiring the person to whom the order is directed to appear  
40 before the director or a hearing officer appointed by him to show cause  
41 why the department should not commence an action against him in  
42 district court for appropriate relief.

43 SEC. 29. In carrying out the provisions of sections 2 to 26, inclusive,  
44 of this act, the commission, the department and the attorney general may  
45 by subpoena require the attendance and testimony of witnesses and the  
46 production of reports, papers, documents and other evidence which they  
47 deem necessary.

48 SEC. 30. 1. The director may seek an injunction in district court to  
49 prevent the occurrence or continuance of any act or practice which

1 violates any provision of sections 2 to 26, inclusive, of this act or any  
2 regulation adopted or permit or order issued pursuant to those sections.

3 2. If the director shows that a person is or has engaged in any act  
4 or practice which violates sections 2 to 26, inclusive, of this act or any  
5 regulation adopted or permit or order issued pursuant to those sections,  
6 the court may issue, without bond any prohibitory or mandatory injunction  
7 which the facts warrant, including a temporary restraining order  
8 or a preliminary or permanent injunction. A temporary restraining order  
9 may be granted only if the director has attempted to notify the defendant  
10 of his intention to seek it before the beginning of the hearing.

11 3. The court may not deny a temporary restraining order or an  
12 injunction because the director has failed to show that there is no  
13 adequate remedy at law or because he has not shown that irreparable  
14 harm will result from the act or practice which is the subject of the  
15 action.

16 4. The court may require a performance bond or other security by  
17 the respondent to ensure his compliance with the order.

18 SEC. 31. 1. Any person who violates or contributes to a violation of  
19 any provision of sections 2 to 26, inclusive, of this act, or of any regula-  
20 tion adopted or permit or order issued pursuant to those sections, or who  
21 does not take action to correct a violation within the time specified in an  
22 order, is liable to the department for a civil penalty of not more than  
23 \$10,000 for each day on which the violation occurs. This penalty is in  
24 addition to any other penalty provided by sections 2 to 35, inclusive, of  
25 this act.

26 2. The department may recover, in the name of the State of Nevada,  
27 actual damages which result from a violation, in addition to the civil  
28 penalty provided in this section. The damages may include expenses  
29 incurred by the department in removing, correcting or terminating any  
30 adverse effects which resulted from the violation and compensation for  
31 any fish, aquatic life or other wildlife destroyed as a result of the  
32 violation.

33 SEC. 32. Any person who:

34 1. Knowingly makes any false statement, representation or certifica-  
35 tion on any application, record, report, plan or other document filed or  
36 required to be maintained by any provision of sections 2 to 26, inclusive,  
37 of this act or by any regulation adopted or permit or order issued pur-  
38 suant to those sections; or

39 2. Falsifies, tampers with or knowingly renders inaccurate any moni-  
40 toring device or method required by a provision of sections 2 to 26,  
41 inclusive, of this act or by any regulation adopted or permit or order  
42 issued pursuant to those sections,  
43 shall be punished by imprisonment in the county jail for not more than 1  
44 year, or by a fine of not more than \$10,000, or by both fine and imprison-  
45 ment.

46 SEC. 33. Any person who, intentionally or with criminal negligence,  
47 violates any term or condition of a permit issued pursuant to section  
48 18 of this act or an order issued by the department relating to haz-  
49 ardous waste:

50 1. For the first violation, shall be punished by imprisonment in the



1 county jail for not more than 1 year, or by a fine of not more than  
2 \$25,000, or by both fine and imprisonment.

3 2. For a second or subsequent violation, shall be punished by  
4 imprisonment in the state prison for not less than 1 year or more than  
5 6 years, or by a fine of not more than \$50,000, or by both fine and  
6 imprisonment.

7 SEC. 34. The commission may establish by regulation:

8 1. License fees and any other fees for the use of state-owned disposal  
9 areas for hazardous wastes, in an amount sufficient to defray all costs of  
10 monitoring, securing or otherwise regulating the storage or disposal of  
11 hazardous wastes. The fee for use of a disposal area must not be less than  
12 25 cents per cubic foot of material placed in the area. The person who  
13 contracts with the state for the use of a disposal area is responsible for  
14 the payment of these fees.

15 2. Procedures for the collection of interest on delinquent fees and  
16 other accounts for the use of disposal areas.

17 3. Penalties of no more than \$3,000 per day for each separate failure  
18 to comply with a license or agreement or \$25,000 for any 30-day period  
19 for all failures to comply.

20 SEC. 35. 1. The director may enter into agreements relating to state  
21 land for the purpose of providing areas to dispose of hazardous waste and  
22 for related purposes.

23 2. No agreement may extend for more than 99 years.

24 3. All land used as provided in subsection 1 must be closed to the  
25 public, in a manner which the director shall prescribe, during the term of  
26 the lease or agreement and thereafter until all danger to public health  
27 arising from that use no longer exists.

28 4. Regulations adopted by the commission for the control of disposal  
29 sites immediately become part of each agreement entered into pursuant to  
30 subsection 1.

31 SECS. 36 and 37. (Deleted by amendment.)

32 SEC. 38. NRS 459.045 is hereby amended to read as follows:

33 459.045 The state board of health shall establish by regulation:

34 1. License fees and any other fees for the operation of state-owned  
35 areas in an amount sufficient to defray all costs of monitoring, securing  
36 or otherwise regulating the storage or disposal of radioactive materials.  
37 [and chemical wastes.] The person who contracts with the state for the  
38 operation of such an area is responsible for the payment of these fees.

39 2. Procedures for the collection of interest on delinquent fees and  
40 other accounts for the operation of disposal areas.

41 3. Penalties of no more than \$3,000 per day for each separate failure  
42 to comply with an agreement, license, regulation or statute governing the  
43 operation of a disposal area.

44 4. License fees and other fees for the use of such an area to store or  
45 dispose of radioactive materials, which are chargeable against shippers or  
46 brokers in amounts sufficient to defray the costs to the state of inspecting,  
47 monitoring, securing or otherwise regulating their use of the area. In addi-  
48 tion, the board may establish by regulation a fee chargeable against ship-  
49 pers and brokers for revenue for the State of Nevada. Before establishing  
50 a fee for revenue, the board must consider the amounts of the fees for

1 licensing and disposal which are chargeable against the users of such areas  
2 in other states, in order that a shipper or broker be neither encouraged  
3 nor discouraged from disposing of such waste in this state, and that he  
4 base his decision about where to dispose of the waste primarily on the  
5 cost of transportation to the areas which are available for disposal. The  
6 regulations adopted pursuant to this subsection may include a method  
7 for the collection of fees from the users of an area, and each of the fees  
8 may be a percentage of the fee paid by a user to the operator of the area.  
9 The board shall report to the legislature at the end of January of odd-  
10 numbered years the amounts of revenue paid to the state for the use of  
11 such areas in the preceding biennium.

12 SEC. 39. NRS 444.490 is hereby amended to read as follows:  
13 444.490 "Solid waste" means all putrescible and nonputrescible  
14 refuse in solid or semisolid form, including, but not limited to, garbage,  
15 rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead  
16 animals, demolition waste, construction waste, solid or semisolid com-  
17 mercial and industrial waste. [and hazardous waste, including explo-  
18 sives, pathological waste, chemical waste, and herbicide or pesticide  
19 waste.] *The term does not include hazardous waste managed pursuant to*  
20 *sections 2 and 35, inclusive, of this act.*

21 SEC. 40. Section 4 of chapter 374, Statutes of Nevada 1961, at page  
22 756, as last amended by chapter 116, Statutes of Nevada 1981, is hereby  
23 amended to read as follows:

24 Sec. 4. 1. The director of the department of human resources  
25 may enter into agreements relating to any of the lands described in  
26 section 2 of this act for the purpose of providing areas to dispose of  
27 low-level radioactive [and hazardous chemical] waste materials by  
28 burial, and for related purposes.

29 2. No such agreement may extend for more than 99 years.

30 3. *The director of the department of human resources may set*  
31 *off any of the lands described in section 2 of this act to be used by*  
32 *the director of the state department of conservation and natural*  
33 *resources for the disposal of chemical and other hazardous waste*  
34 *materials.*

35 4. *The director of the state department of conservation and*  
36 *natural resources may enter into agreements relating to any of the*  
37 *lands set off pursuant to subsection 3 for the purpose of providing*  
38 *areas to dispose of chemical and other hazardous waste materials by*  
39 *burial, and for related purposes.*

40 5. All lands used as provided in subsection 1 shall be closed to  
41 the public, in a manner which the director of the department of  
42 human resources shall prescribe, during the term of the lease or  
43 agreement and thereafter until all danger to public health arising  
44 from such use no longer exists.

45 [4.] 6. Regulations adopted by the state board of health for the  
46 control of disposal sites immediately become part of each agreement  
47 entered into pursuant to subsection 1.

48 SEC. 41. Section 4 of chapter 43, Statutes of Nevada 1977, at page  
49 113, is hereby amended to read as follows:

50 Sec. 4. 1. The director of the department of human resources



1 is vested with [the entire control,] *control of disposal of radioactive*  
2 *waste on behalf of the State of Nevada [of] on the NW¼ NE¼*  
3 *and the NE¼ NW¼ of Section 35, Township 13 South, Range 47*  
4 *East, M.D.B. & M.*

5 2. *The director of the state department of conservation and*  
6 *natural resources is vested with control of disposal of hazardous*  
7 *waste other than radioactive waste on behalf of the State of Nevada*  
8 *on that land.*

9 SEC. 42. This act shall become effective upon passage and approval.

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
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May 19, 1981

EXHIBIT F

M E M O R A N D U M

TO: Senator Joe Neal  
FROM: Samuel F. Hohmann, Senior Research Analyst  
SUBJECT: A.B. 196 Hazardous Waste Exemptions

This memorandum is in response to your request for information regarding the exemptions allowed in A.B. 196 Section 14.5.

Section 7 of the Solid Waste Disposal Act Amendments of 1980 (P.L. 96-482) amends the Resource Conservation and Recovery Act of 1976 to exempt the four items listed in A.B. 196 Section 14.5 from further regulation until such time as federal studies have been completed which determine that these four items are hazardous and should be included in state and federal hazardous waste management regulations. (A copy is enclosed.) Section 14.5 of A.B. 196 is written so as to provide the same exemption until such wastes have been determined to be hazardous waste.

I hope this information is helpful. If you have any questions or would like additional information, please do not hesitate to contact me.

SFH:jlc.5.1.WASTE



1. Add subsection 2c to section 13 (page 13):

(c) May delegate responsibilities to qualified local authorities.

2. Add to the end of line 47, page 7;

issued ex parte or, after notice and hearing,

and remove [or] at the beginning of line 48, page 7.

3. Delete sections 36 and 37 entirely. (page 9)

4. Replace section 36 (page 9) with:

Sec. 36. All money received by the director of the department of conservation and natural resources from leases or agreements entered into pursuant to the provisions of section 35 of this act or of fees, interest or civil and criminal penalties arising from hazardous waste activities must be deposited in the hazardous waste management fund, hereby created in the state treasury, to defray the state's costs of monitoring or otherwise managing hazardous waste.

S. B. 575

SENATE BILL NO. 575—COMMITTEE ON  
HUMAN RESOURCES AND FACILITIES

APRIL 21, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Changes internal organization of rehabilitation division  
in department of human resources. (BDR 38-1326)

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 rehabilitation; changing the internal organization of the rehabilitation division of the department of human resources; revising provisions on vending facilities for blind operators; requiring the separate crediting of interest earned on certain deposits; allowing fees to be imposed for certifying programs on alcohol or drug abuse; 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 232.360 is hereby amended to read as follows:  
2 232.360 The rehabilitation division of the department [shall consist]  
3 [consist] of the administrator and the following *office and* bureaus:  
4 1. [Bureau] *Office of services [to] for the blind.*  
5 2. Bureau of alcohol and drug abuse.  
6 3. Bureau of vocational rehabilitation.  
7 4. *Bureau of benefits.*

- 8 SEC. 2. NRS 232.370 is hereby amended to read as follows:  
9 232.370 The administrator of the rehabilitation division of the  
10 department [shall:] is:  
11 1. [Be in] *In the unclassified service of the state pursuant to the provisions*  
12 *of chapter 284 of NRS unless federal law or regulation requires*  
13 *otherwise, in which case the administrator [shall be] is in the classified*  
14 *service of the state pursuant to the provisions of [such] that chapter.*  
15 2. [Be responsible] *Responsible for the administration, through the*  
16 *office and bureaus of the division, of the provisions of NRS 426.520 to*  
17 *[426.720,] 426.710, inclusive, chapters 458 and 615 of NRS, NRS*  
18 *232.360 to 232.390, inclusive, and sections 2 to 15, inclusive, of this act,*  
19 *and all other provisions of law relating to the functions of the division*  
20 *and its office and bureaus, but [shall] is not [be] responsible for the professional*  
21 *line activities of the bureaus except as specifically provided by*  
22 *law.*

1 3. [Be responsible] *Responsible* for the preparation of a [consoli-  
2 dated] state plan for the bureau of [services to the blind,] *alcohol and*  
3 *drug abuse*, the bureau of vocational rehabilitation and any other program  
4 administered by the rehabilitation division which he considers appropri-  
5 ate to incorporate into the [consolidated] state plan [prior to] *before*  
6 submission to the Rehabilitation Services Administration of the United  
7 States Department of Health, Education, and Welfare. [This subsection  
8 shall not be applicable if any federal regulation exists which prohibits a  
9 consolidated plan.]

10 SEC. 3. NRS 232.390 is hereby amended to read as follows:

11 232.390 1. The administrator of the rehabilitation division of the  
12 department shall appoint, with the consent of the director, a [head of]  
13 *chief of the office* of each bureau in the division. [ , to be known as the  
14 chief of his respective bureau.]

15 2. [The chief of each such bureau shall:] *Each of the chiefs:*

16 (a) [Be] *Is* in the unclassified service of the state pursuant to the pro-  
17 visions of chapter 284 of NRS unless federal law or regulation requires  
18 otherwise, in which case the chief [shall be] *is* in the classified service of  
19 the state pursuant to the provisions of [such] *that* chapter.

20 (b) [Receive] *Is entitled to* an annual salary in an amount determined  
21 pursuant to the provisions of chapter 284 of NRS.

22 (c) [Administer] *Shall administer* the provisions of law relating to his  
23 *office or bureau*, subject to the administrative supervision of the admin-  
24 *istrator*.

25 (d) [Be] *Is* directly responsible to the administrator of the rehabilita-  
26 *tion division* of the department.

27 3. Subject to the approval of the administrator of the rehabilitation  
28 division of the department, the chief of the *office and* each bureau may  
29 employ, within the limits of legislative appropriations and pursuant to the  
30 provisions of chapter 284 of NRS, such a staff as is necessary [to] *for*  
31 *the performance of his duties*.

32 SEC. 4. NRS 281.210 is hereby amended to read as follows:

33 281.210 1. Except as provided in this section, it is unlawful for any  
34 [individual] *person* acting as a school trustee, state, township, municipal  
35 or county official, or as an employing authority of the University of  
36 Nevada, any school district or of the state, any town, city or county, or  
37 for any state or local board, agency or commission, elected or appointed,  
38 to employ in any capacity on behalf of the State of Nevada, or any  
39 county, township, municipality or school district thereof, or the Univer-  
40 sity of Nevada, any relative of [such individual] *the person* or of any  
41 member of [such] *the board, agency or commission*, within the third  
42 degree of consanguinity or affinity.

43 2. This section does not apply:

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

49 (b) To school districts, when the teacher or other school employee so  
50 related has been employed by an abolished school district or educational



1 district, which constitutes a part of the employing county school district,  
2 and the county school district for 4 years or more [prior to] before  
3 April 1, 1957.

4 (c) To the wife of the superintendent of an institution of the depart-  
5 ment of prisons.

6 (d) To the wife of the superintendent of the Nevada girls training cen-  
7 ter.

8 (e) To relatives of blind officers and employees of the [bureau of serv-  
9 ices to the blind of the] rehabilitation division of the department of  
10 human resources when [such] the relatives are employed as automobile  
11 drivers for such officers and employees.

12 3. Nothing in this section:

13 (a) Prevents any officer in this state, employed under a flat salary,  
14 from employing any suitable person to assist in any such employment,  
15 when the payment for any such service [shall be] is met out of the per-  
16 sonal funds of [such] the officer.

17 (b) Disqualifies any widow with a dependent or dependents as an  
18 employee of any officer or board in this state, or any of its counties, town-  
19 ships, municipalities or school districts.

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

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

24 SEC. 5. NRS 331.100 is hereby amended to read as follows:

25 331.100 The superintendent shall: [have the following specific  
26 powers and duties:]

27 1. [To keep] Keep all buildings, rooms, basements, floors, windows,  
28 furniture and appurtenances clean, orderly and presentable as befitting  
29 public property.

30 2. [To keep] Keep all yards and grounds clean and presentable,  
31 with proper attention to landscaping and horticulture.

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

37 4. [To make] Make arrangements and provision for the maintenance  
38 of the state's water system supplying the state-owned buildings at Carson  
39 City, with particular emphasis upon the care and maintenance of water  
40 reservoirs, in order that a proper and adequate supply of water [be] is  
41 available to meet any emergency.

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

45 6. [To make] Make arrangements for the installation and mainte-  
46 nance of a lawn sprinkling system on the grounds adjoining the Capitol  
47 Building at Carson City, or on any other state-owned grounds where such  
48 an installation is practical or necessary.

49 7. [To make] Make arrangements for the installation of a central

1 telephone switchboard or switchboards to serve the state offices, in one or  
2 more buildings as may be practical or feasible.

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

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

11 10. Subject to the provisions of chapter 426 of NRS relative to the  
12 operation of vending [stands] *facilities* in or on public buildings and  
13 properties by blind persons, [to] install or remove vending machines and  
14 vending [stands] *facilities* in the buildings under his supervision and con-  
15 trol, and [to] have control of and be responsible for their operation.

16 SEC. 6. NRS 356.087 is hereby amended to read as follows:

17 356.087 1. Except as provided in subsections 2 and 3, all interest  
18 paid on money belonging to the State of Nevada must be deposited in the  
19 state general fund.

20 2. At the end of each quarter of each fiscal year, the state treasurer  
21 shall:

22 (a) Compute the proportion of total deposits of state money pursuant  
23 to the provisions of this chapter which were attributable during the quar-  
24 ter to the state highway fund, the motor vehicle fund and the taxicab  
25 authority fund created by NRS 408.235, NRS 482.180 and NRS 706.-  
26 8825, respectively;

27 (b) Apply such proportion to the total amount of interest paid during  
28 that quarter to the state treasurer on deposits of state money; and

29 (c) Credit to the state highway fund and the taxicab authority fund an  
30 amount equal to the amount arrived at by the computation in paragraph  
31 (b).

32 3. The proportionate shares of the interest earned and received by:

33 (a) The dairy commission fund;

34 (b) The legislators' retirement fund;

35 (c) The public employees' retirement fund;

36 (d) The state permanent school fund;

37 (e) The silicosis and disabled pension fund;

38 (f) *The business enterprise contingent fund for the blind;*

39 (g) The wildlife account; [and

40 (g)] (h) *The state grant and gift account for the blind and the reha-*  
41 *ilitation gift account in the department of human resources' gift fund;*  
42 *and*

43 (i) The Colorado River resources fund, the Colorado River research  
44 and development fund, the Eldorado Valley development fund, the Fort  
45 Mohave Valley development fund and any other special revenue fund,  
46 capital projects construction fund, trust fund, enterprise fund or agency  
47 fund for which the division of Colorado River resources of the depart-  
48 ment of energy is responsible,

49 must be accounted for as separate income and assets of those respective  
50 funds and [account.] *accounts.*



1 SEC. 7. 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  
9 of 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  
21 in amounts equivalent to taxes which might otherwise be lawfully  
22 assessed;

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

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

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

33 (f) [Vending stand locations and] *The locations of vending facilities*  
34 operated by blind persons under the auspices of the [bureau] office of  
35 services [to] for the blind of the rehabilitation division of the department  
36 of human resources, regardless of whether the property is owned by the  
37 federal, state or a local government; or

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

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

49 SEC. 8. NRS 361.159 is hereby amended to read as follows:

50 361.159 1. Personal property exempt from taxation which is leased,

1 loaned or otherwise made available to and used by a natural person, asso-  
2 ciation or corporation in connection with a business conducted for profit  
3 is subject to taxation in the same amount and to the same extent as  
4 though the lessee or user were the owner of the property, except for per-  
5 sonal property used in vending [stands] facilities operated by blind per-  
6 sons under the auspices of the [bureau] office of services [to] for the  
7 blind of the rehabilitation division of the department of human resources.

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

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

24 SEC. 9. Title 38 of NRS is hereby amended by adding thereto a new  
25 chapter to consist of the provisions set forth as sections 10 to 13, inclu-  
26 sive, of this act.

27 SEC. 10. As used in this chapter, unless the context otherwise  
28 requires:

29 1. "Bureau" means the bureau of benefits in the rehabilitation divi-  
30 sion.

31 2. "Department" means the department of human resources.

32 3. "Rehabilitation division" means the rehabilitation division in the  
33 department.

34 SEC. 11. 1. The department:

35 (a) Is the sole agency of the State of Nevada for the administration of  
36 this chapter.

37 (b) Shall administer the provisions of this chapter through the rehabili-  
38 tation division.

39 2. The director of the department may enter into agreements with the  
40 United States Social Security Administration allowing the department to  
41 make determinations of disability and to receive and expend federal  
42 money for making those determinations.

43 SEC. 12. 1. The bureau of benefits is hereby created in the rehabili-  
44 tation division.

45 2. The chief of the bureau must be appointed to his position on the  
46 basis of his qualifications:

47 (a) By education and training;

48 (b) By experience as an administrator; and

49 (c) By his interest in the determination of benefits for disabled persons  
50 and in related matters.



1 3. Subject to approval by the administrator of the rehabilitation divi-  
2 sion:

3 (a) The chief of the bureau shall:

4 (1) Adopt regulations necessary to carry out the purposes of this  
5 chapter;

6 (2) Establish appropriate administrative units within the bureau;

7 (3) Appoint such employees as are necessary for the efficient per-  
8 formance of the functions of the bureau and shall prescribe their duties;  
9 and

10 (4) Certify for disbursement the federal money available for carry-  
11 ing out the purposes of this chapter.

12 (b) The chief may take such other action as is appropriate to ensure  
13 the cooperation of public and private agencies with the bureau and to  
14 carry out the purposes of this chapter.

15 (c) The chief may delegate any of his powers and duties to any  
16 employee of the bureau if he finds such a delegation necessary to carry  
17 out the purposes of this chapter.

18 SEC. 13. The bureau shall:

19 1. Act expeditiously upon all applications submitted to it for dis-  
20 ability insurance benefits and supplemental security income to be pro-  
21 vided under the Social Security Act.

22 2. Make fair and accurate determinations of the disabilities and eli-  
23 gibility of applicants for such benefits and income.

24 3. Refer qualified applicants to the other bureaus of the rehabilita-  
25 tion division for rehabilitative services.

26 SEC. 14. Chapter 426 of NRS is hereby amended by adding thereto a  
27 new section which shall read as follows:

28 *Subject to approval by the administrator, the chief may purchase from*  
29 *available money and sell at cost, or cost plus the expense of administra-*  
30 *tion, such supplies, tools, aids, appliances and other accessories as are*  
31 *used by the blind.*

32 SEC. 15. NRS 426.520 is hereby amended to read as follows:

33 426.520 As used in NRS 426.520 to [426.610,] 426.590, inclusive,  
34 and section 14 of this act, unless the context otherwise requires:

35 1. "Administrator" means the administrator of the division.

36 2. "Blind person" means any person who by reason of loss or impair-  
37 ment of [eyesight is unable to provide himself with the necessities of  
38 life, and who has not sufficient income of his own to maintain himself,  
39 and shall include any person] *his vision has a disability which limits or*  
40 *contributes to limiting, or if not corrected will probably result in limiting,*  
41 *his functions or activities and whose visual acuity with correcting lenses*  
42 *does not exceed 20/200 in the better eye, or whose vision in the better*  
43 *eye is restricted to a field which subtends an angle of not greater than*  
44 *20°.*

45 3. ["Bureau" means the bureau of services to the blind in the reha-  
46 bilitation division.

47 4.] "Chief" means the chief of the [bureau.] office.

48 [5.] 4. "Department" means the department of human resources.

49 [6.] 5. "Director" means the director of the department.



1 [7.] 6. "Division" means the rehabilitation division of the depart-  
2 ment. [Of human resources.]

3 7. "Office" means the office of services for the blind in the division.

4 SEC. 16. NRS 426.531 is hereby amended to read as follows:

5 426.531 The department shall administer the provisions of NRS  
6 426.520 to [426.610.] 426.590, inclusive, and section 14 of this act,  
7 through the division, as the sole agency in the state for [such] the pur-  
8 pose [.] of those sections.

9 SEC. 17. NRS 426.550 is hereby amended to read as follows:

10 426.550 1. The [bureau shall] office must be headed by a chief  
11 who is experienced in work for the blind. Preference [shall] must be  
12 given to qualified blind persons in filling the position of chief.

13 2. The [bureau shall:] chief shall, subject to approval of the admin-  
14 istrator:

15 (a) [Assist blind persons in achieving physical and psychological  
16 orientation, inform blind persons of available services, stimulate and  
17 assist the blind in achieving social and economic independence, and do all  
18 things which will ameliorate the condition of the blind.

19 (b) Provide intensive programs of case finding, education, training,  
20 job findings and placement, physical restoration, and such other services  
21 and equipment as may assist in rendering blind persons more self-  
22 supporting and socially independent.

23 3. The bureau may:

24 (a) Provide for treatment or operations to prevent blindness or restore  
25 vision to applicants for or recipients of services to the blind who request  
26 and make written application for such treatment or operation; and

27 (b) Pay for all necessary expenses incurred in connection with the  
28 diagnosis and treatment provided under paragraph (a). Necessary  
29 expenses shall include the costs of guide service, maintenance while the  
30 patient is away from his home, transportation to the eye physician or  
31 hospital and return to his home, and the cost of nursing home care when  
32 such care is necessary.] Inform blind persons of available services.

33 (b) Provide technical assistance and training to personnel of the divi-  
34 sion concerning the special services needed by blind persons.

35 (c) Serve as an advocate for the blind and other persons who have  
36 severe visual handicaps.

37 (d) Conduct research, studies and investigations regarding the popula-  
38 tion of blind persons in this state and report the results of those under-  
39 takings to the administrator.

40 (e) Assess community resources for purposes of coordination and  
41 cooperative financing of services for the blind and visually impaired.

42 (f) Administer the provisions of NRS 426.520 to 426.710, inclusive,  
43 section 15 of this act, and other laws relating to his office.

44 SEC. 18. NRS 426.555 is hereby amended to read as follows:

45 426.555 Subject to the approval of the [director,] administrator, the  
46 chief or his designated representative shall prepare reports for the Fed-  
47 eral Government pursuant to the [Vocational Rehabilitation Act Amend-  
48 ments of 1965 (Title 29 U.S.C.,] Randolph-Sheppard Act (20 U.S.C. §§

1 107a-107f, as amended), any future amendments thereof and the regu-  
2 lations promulgated thereunder [.] as a condition of receiving benefits  
3 under that act.

4 SEC. 19. NRS 426.567 is hereby amended to read as follows:

5 426.567 1. All gifts of money which the [bureau] office is author-  
6 ized to accept and all revenue from its sale of supplies and accessories  
7 pursuant to section 14 of this act must be deposited in the state treasury  
8 for credit to the state grant and gift account for the blind in the depart-  
9 ment of human resources' gift fund.

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

14 3. All claims must be approved by the chief before they are paid.

15 SEC. 20. NRS 426.590 is hereby amended to read as follows:

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

23 SEC. 21. NRS 426.630 is hereby amended to read as follows:

24 426.630 As used in NRS 426.630 to [426.720,] 426.710, inclusive,  
25 and section 14 of this act, unless the context otherwise requires:

26 1. "Administrator" means the administrator of the rehabilitation divi-  
27 sion in the department of human resources.

28 2. "Blind persons" means any person whose visual acuity with cor-  
29 recting lenses does not exceed 20/200 in the better eye, or whose vision  
30 in the better eye is restricted to a field which subtends an angle of not  
31 greater than 20°.

32 [2. "Bureau"] 3. "Office" means the [bureau] office of services  
33 [to] for the blind in the rehabilitation division of the department of  
34 human resources.

35 [3.] 4. "Operator" means the [individual] blind person responsible  
36 for the day-to-day [conduct of the vending stand] operation [.] of a  
37 vending facility.

38 [4.] 5. "Public building" or "property" means any building, land or  
39 other real property, owned, leased or occupied by any department or  
40 agency of the State of Nevada or any of its political subdivisions except  
41 public elementary and secondary schools, the University of Nevada Sys-  
42 tem and the Nevada state park system.

43 [5.] 6. "Vending [stand]" facility" means:

44 (a) Such buildings, shelters, counters, shelving, display and wall cases,  
45 refrigerating apparatus and other appropriate auxiliary equipment as are  
46 necessary or customarily used for [the] vending [of such] articles [as  
47 may be] and services of the kinds approved by the [bureau] office and  
48 the department or agency having care, custody and control of the build-  
49 ing or property in or on which the vending [stand] facility is located;

50 (b) Manual or coin-operated vending machines or similar devices for



1 vending such articles, operated in a particular building, even though no  
2 person is physically present on the premises except to service the  
3 machines;

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

6 (d) Portable shelters which can be disassembled and reassembled,  
7 and the equipment therein, used for the vending of approved articles,  
8 foodstuffs or beverages.

9 SEC. 22. NRS 426.640 is hereby amended to read as follows:

10 426.640 For the purposes of providing blind persons with remunera-  
11 tive employment, enlarging the economic opportunities of blind persons  
12 and stimulating blind persons to greater efforts to make themselves self-  
13 supporting with independent livelihoods, blind persons licensed under the  
14 provisions of NRS 426.630 to [426.720,] 426.710, inclusive, by the  
15 [bureau] office have priority of right to operate vending [stands] facili-  
16 ties in or on any public buildings or properties where the locations are  
17 determined to be suitable, pursuant to the procedure provided in [NRS  
18 426.630 to 426.720, inclusive.] those sections.

19 SEC. 23. NRS 426.650 is hereby amended to read as follows:

20 426.650 Each head of the department or agency in charge of the  
21 maintenance of public buildings or properties shall:

22 1. Not later than July 1, [1959,] 1982, notify the [bureau] office  
23 in writing of any [and all] existing locations where vending [stands]  
24 facilities are in operation or where vending [stands] facilities might prop-  
25 erly and satisfactorily be operated.

26 2. Not less than 30 days [prior to] before the reactivation, leasing,  
27 re-leasing, licensing or issuance of a permit for operation of any vending  
28 [stand,] facility, inform the [bureau of such] office of the contemplated  
29 action.

30 3. Inform the [bureau] office of any locations where [such] vend-  
31 ing [stands] facilities are planned or might properly and satisfactorily be  
32 operated in or about other public buildings or properties as may now or  
33 thereafter come under the jurisdiction of the department or agency for  
34 maintenance. [, such] This information [to be given not less than] must  
35 be given at least 30 days [prior to] before leasing, re-leasing, licensing or  
36 issuance of a permit for operation of any vending [stand] facility in such  
37 a public building or on such property.

38 SEC. 24. NRS 426.660 is hereby amended to read as follows:

39 426.660 [To effectuate further the purposes of NRS 426.630 to  
40 426.720, inclusive, when] 1. Whenever any new construction, remodel-  
41 ing, leasing, acquisition or improvement of public buildings or proper-  
42 ties is authorized, consideration [shall] must be given to planning and  
43 making available suitable space and facilities for vending [stands] facili-  
44 ties to be operated by blind persons.

45 2. Within 30 days after the commencement of the planning and  
46 design of any such project, written notice [shall] must be given to the  
47 [bureau] office by the person or agency having charge of [such] the  
48 planning and design.

49 SEC. 25. NRS 426.665 is hereby amended to read as follows:

50 426.665 If a suitable location is available for a vending [stand]

1 facility which requires the construction of a permanent building, the  
2 [bureau] office may construct [such] the building, but only after obtain-  
3 ing approval of the legislature.

4 SEC. 26. NRS 426.670 is hereby amended to read as follows:

5 426.670 1. The [bureau] office shall:

6 [1.] (a) Make surveys of public buildings or properties to determine  
7 their suitability as locations for vending [stands] facilities to be operated  
8 by blind persons and advise the heads of departments or agencies charged  
9 with the maintenance of [such] the buildings or properties as to [their  
10 findings.] the results of the surveys.

11 [2.] (b) With the consent of the head of the department or agency  
12 charged with the maintenance of the buildings or properties, establish  
13 vending [stands] facilities in those locations which the [bureau] office  
14 has determined to be suitable, and may enter into leases or licensing  
15 agreements therefor.

16 [3.] (c) Select, train, license and install qualified blind persons to  
17 manage or operate, or both manage and operate, [such] vending  
18 [stands.] facilities.

19 [4.] (d) Execute contracts [or agreements] with blind persons to  
20 manage or operate, or both manage and operate, vending [stands,  
21 which agreements] facilities. These contracts may concern finances,  
22 management, operation and other matters [concerning such stands.]  
23 relating to the facilities.

24 [5.] (e) When the [bureau] office deems such action appropriate,  
25 impose and collect license fees for the privilege of operating [such]  
26 vending [stands.] facilities.

27 [6. Establish and effectuate such rules and] (f) Adopt such regula-  
28 tions as it may from time to time deem necessary to [assure] ensure the  
29 proper and satisfactory operation of [such] the vending [stands. Such  
30 rules and] facilities. The regulations [shall] must provide a method for  
31 setting aside [funds] money from the revenues of vending [stand opera-  
32 tions, and shall] facilities and provide for the payment and collection  
33 thereof.

34 [7.] 2. The [bureau] office may enter into contracts with vendors  
35 for the establishment and operation of vending [stands. Such] facilities.  
36 The contracts [shall include provision] must provide for payment of  
37 commissions to the [bureau] office, based on revenues of the vending  
38 [stands. Such] facilities. The commissions may [ at the discretion of the  
39 bureau,] be assigned to licensed [vending stand] operators of the facili-  
40 ties for maintenance of income. [purposes.

41 8.] 3. The [bureau] office may, by [rule or] regulation, provide  
42 methods for recovering the cost of establishing vending [stands.] facili-  
43 ties.

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

45 426.675 1. The business enterprise contingent fund for the blind, a  
46 special revenue fund, is hereby created. [and shall be managed by the  
47 chief.] The chief shall manage the fund.

48 2. Money received by the [bureau] office under the provisions of  
49 NRS 426.670, except commissions assigned to licensed [vending stand]  
50 operators [ shall:] of vending facilities must:



1 (a) Be deposited in the business enterprise contingent fund for the  
2 blind.

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

5 (c) Be used for:

6 (1) Purchasing, maintaining or replacing vending [stands] *facili-*  
7 *ties* or the equipment therein;

8 (2) Maintaining a stock of equipment, parts, accessories and mer-  
9 chandise used or planned for use in [the] vending [stand program;]  
10 *facilities*; and

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

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

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

20 (b) Conduct a periodic physical count of all such equipment, parts,  
21 accessories and merchandise; and

22 (c) Reconcile the results of the periodic physical count with the inven-  
23 tory records and cash balance in the fund.

24 4. If the business enterprise contingent fund for the blind is dissolved,  
25 any money remaining [therein shall revert] *in it reverts* to the state gen-  
26 eral fund.

27 5. Money from any source which may lawfully be used for [the]  
28 vending [stand program] *facilities* may be transferred or deposited by  
29 the [bureau] office to the business enterprise contingent fund for the  
30 blind.

31 SEC. 28. NRS 426.677 is hereby amended to read as follows:

32 426.677 1. The [bureau] office may, in interim periods when no  
33 blind licensee is available to operate a vending facility and its continuous  
34 operation is required, establish a checking account in a depository bank  
35 qualified to receive deposits of public money pursuant to chapter 356 of  
36 NRS. All money received from the vending facility during the interim  
37 period must be deposited to the account and all expenses necessary to  
38 maintain the interim operation of the facility must be paid from the  
39 account.

40 2. If the blind licensee who operated the facility returns after a tem-  
41 porary disability, the [bureau] office shall prepare a financial report and  
42 close the checking account by making a check in the amount of any bal-  
43 ance remaining in the account payable to the licensee.

44 3. If a blind licensee other than the one who previously operated the  
45 facility is permanently assigned to it, the [bureau] office shall prepare a  
46 financial report and close the checking account by making a check in the  
47 amount of any balance remaining in the account payable to the business  
48 enterprise contingent fund for the blind.

49 SEC. 29. NRS 426.680 is hereby amended to read as follows:

50 426.680 1. If, after a [vending stand] survey has been made as

1 authorized by NRS 426.670, the head of a department or agency in  
2 charge of the maintenance of any public building or property rejects or  
3 does not act upon a written recommendation of the [bureau] chief of  
4 the office that a vending [stand] facility be established or operated for  
5 the employment of blind persons [, the matter shall be referred to the  
6 director of the department of human resources for review.] and all  
7 informal attempts to resolve the matter have been unsuccessful, the chief  
8 of the office may, through the administrator, submit a complaint to the  
9 director of the department of human resources for review.

10 2. After reviewing the [recommendation] complaint of the [bureau,]  
11 chief, the director may refer the matter to the head of the department or  
12 agency concerned for further review and disposition.

13 3. If the director is not satisfied with the decision of the head of the  
14 department or agency concerned, the director [may refer the matter for  
15 final decision and disposition to:

16 (a) The governor, in the case of state buildings or properties.

17 (b) The board of county commissioners, in the case of county build-  
18 ings or properties.

19 (c) The city council or other governing board of the municipality in  
20 the case of municipal buildings or properties.

21 (d) The governing board of the political subdivision in the case of  
22 buildings or properties of other political subdivisions of this state.] shall  
23 convene an ad hoc arbitratve panel which shall give notice of hearing,  
24 conduct a hearing and render its decision on the matter, in the manner  
25 provided for adjudication of contested cases in chapter 233B of NRS.  
26 The decision of the panel is binding on the parties and constitutes a final  
27 administrative decision in a contested case.

28 4. The panel must be composed of three arbitrators as follows:

29 (a) One arbitrator who is designated by the administrator;

30 (b) One arbitrator who is designated by the head of the department or  
31 agency controlling the property over which the dispute has arisen; and

32 (c) One arbitrator who is not employed by the department or agency  
33 controlling the property over which the dispute has arisen and who is des-  
34 igned by the other two arbitrators. The arbitrator designated pursuant  
35 to this paragraph serves as chairman of the panel.

36 5. If the administrator or the department or agency fails to designate  
37 an arbitrator for the panel, the director shall designate an arbitrator on  
38 behalf of that party.

39 6. The costs of arbitration under this section must be borne equally  
40 by the parties involved.

41 7. If the panel's decision sustains the written recommendation of the  
42 chief of the office, the head of the department or agency controlling the  
43 property shall take such action as is necessary to carry out that decision.

44 SEC. 30. NRS 426.685 is hereby amended to read as follows:

45 426.685 The [bureau] office may establish a vending [stands in  
46 privately owned buildings,] facility on premises which are owned or  
47 leased by a private business if the [building] owner [in each instance] or  
48 lessor consents and enters into an agreement or issues a permit approved  
49 by the [bureau.] office for the establishment of the facility.



1 SEC. 31. NRS 426.690 is hereby amended to read as follows:  
2 426.690 Vending [stands] facilities operated under the provisions of  
3 [NRS 426.630 to 426.720, inclusive, shall] *this chapter must be used*  
4 *solely for the vending of such commodities, [and] articles and services as*  
5 *[may be approved by the bureau] are determined to be suitable for the*  
6 *location by the office and by the head of the department or agency in*  
7 *charge of the maintenance of the building or property in or on which*  
8 *[such stand] the facility is operated.*

9 SEC. 32. NRS 426.695 is hereby amended to read as follows:  
10 426.695 [Blind persons who operate a vending stand] *Any blind*  
11 *person who operates a vending facility under the provisions of [NRS*  
12 *426.630 to 426.720, inclusive,] this chapter may keep a guide dog with*  
13 *[them] him at all times on the premises where [such vending stand] the*  
14 *facility is located.*

15 SEC. 33. NRS 426.700 is hereby amended to read as follows:  
16 426.700 The operator of each vending [stand] facility operated  
17 under the provisions of [NRS 426.630 to 426.720, inclusive, shall be]  
18 *this chapter is subject to:*

19 1. The provisions of [any and] all laws and ordinances applying  
20 [within] to the territory [within which such stand] *in which the facility*  
21 *is located, including those requiring a license or permit for the conduct of*  
22 *such a business or any particular aspect thereof.*

23 2. The provisions of chapter 446 of NRS relating to food and drink  
24 establishments.

25 SEC. 34. NRS 426.710 is hereby amended to read as follows:

26 426.710 1. The [bureau] chief of the office may [, in its discretion,  
27 utilize] use appropriate nonprofit corporations organized under the laws  
28 of this state, or other agencies, as trustees to provide day-to-day services  
29 of management and operation [services] for the vending [stand pro-  
30 gram] facilities for the blind.

31 2. Such corporations or agencies [shall] *must be reimbursed for*  
32 *their actual and necessary expenses by the operators of the vending*  
33 *[stand units which compose the vending stand program for the blind]*  
34 *facilities, in accordance with such [rules and] regulations as may be*  
35 *adopted by the [bureau] chief and approved by the administrator and*  
36 *by the director of the department of human resources.*

37 SEC. 35. Chapter 458 of NRS is hereby amended by adding thereto  
38 a new section which shall read as follows:

39 1. *The chief may by regulation fix and collect reasonable fees for*  
40 *certification of facilities, programs or personnel to receive state and fed-*  
41 *eral money for participation in programs concerned with alcohol or drug*  
42 *abuse.*

43 2. *Upon collection, such fees must be deposited with the state treas-*  
44 *urer for credit to the operating account of the bureau to offset its costs*  
45 *related to the certifications.*

46 SEC. 36. NRS 483.800 is hereby amended to read as follows:

47 483.800 1. The following sources shall, [submit,] within 30 days  
48 [of learning such information,] *after acquiring the information, submit*  
49 *to the department of motor vehicles the name, address, birth date, social*  
50 *security number, visual acuity and any other information which may be*

1 required by regulation of the department, [of] concerning persons who  
2 are blind or night-blind or whose vision is severely impaired and shall  
3 designate whether *each* such person is blind, night-blind or has severely  
4 impaired vision:

5 (a) Hospitals, medical clinics and similar institutions which treat per-  
6 sons who are blind, night-blind or whose vision is severely impaired; and

7 (b) Agencies of the state and political subdivisions which provide spe-  
8 cial tax consideration for blindness.

9 2. When any source described in paragraphs (a) and (b) of subsec-  
10 tion 1 learns that vision has been restored to any person whose name  
11 appears in the registry established pursuant to subsection 3, the fact of  
12 restoration of vision [shall] *must* be reported to [such] *the* registry  
13 within 30 days [of] *after* learning [such] *that* fact.

14 3. The department may establish a registry for the purposes of this  
15 section and adopt regulations governing reports to and operation of  
16 [such] *the* registry.

17 4. The department shall maintain a file of the names, addresses, birth  
18 dates and social security numbers of persons who are blind or night-blind  
19 or whose vision is severely impaired.

20 5. All information learned by the department pursuant to this section  
21 is confidential. [and any] *Any* person who, without the consent of the  
22 [individual] *person* concerned, reveals such information for purposes  
23 other than those specified in this section, or other than for administration  
24 of the supplemental security income program, including state supplement-  
25 ary assistance and services to the aged, blind or disabled pursuant to  
26 chapters 422 and 427 of NRS, or services to the blind pursuant to NRS  
27 426.520 to [426.610.] 426.590, inclusive, and section 14 of this act, is  
28 guilty of a misdemeanor.

29 SEC. 37. Chapter 615 of NRS is hereby amended by adding thereto  
30 a new section which shall read as follows:

31 *All fees which are collected pursuant to NRS 615.200 must be depos-*  
32 *ited with the state treasurer for credit to the general operating account of*  
33 *the bureau.*

34 SEC. 38. NRS 615.010 is hereby amended to read as follows:

35 615.010 1. The purposes of this chapter are to:

36 (a) Rehabilitate handicapped [individuals] *persons* so that they may  
37 prepare for and engage in gainful occupations;

38 (b) Provide physically and mentally disabled persons with a program  
39 of services which will result in greater opportunities for them to enter  
40 more fully into the life of the community;

41 (c) Promote activities which will assist the handicapped to reach their  
42 fullest potential; [and]

43 (d) Encourage and develop facilities and other resources needed by  
44 the handicapped [.] ; and

45 (e) *Provide services for the visually handicapped to enable them to*  
46 *participate fully in the social and economic life of the state, engage in*  
47 *remunerative employment and enjoy the same rights as the able-bodied to*  
48 *the full and free use of streets, highways, sidewalks, walkways, public*  
49 *buildings, public facilities and other public places.*



1       2. The provisions of this chapter [shall] *must* be liberally construed  
2 to effect its stated purposes.

3       SEC. 39. NRS 615.180 is hereby amended to read as follows:

4       615.180 1. [The] *Subject to approval by the administrator of the*  
5 *rehabilitation division of the department, the chief shall:*

6       (a) [Subject to the approval of the administrator of the rehabilitation  
7 division of the department, adopt rules and] *Adopt* regulations necessary  
8 to carry out the purposes of this chapter [;]. *The regulations must take*  
9 *into account the special needs and unique problems of blind persons.*

10       (b) Establish appropriate administrative units within the bureau [;].

11       (c) [Subject to the approval of the administrator of the rehabilitation  
12 division of the department, appoint] *Appoint* such personnel as is nec-  
13 cessary for the proper and efficient performance of the functions of the  
14 bureau [;].

15       (d) *Ensure the availability of a staff of persons who are trained and*  
16 *have skills in the provision of services for the blind and deaf and other*  
17 *persons who are severely disabled.*

18       (e) Prescribe the duties of the personnel of the bureau. [;]

19       (e) Prepare and submit to the governor, through the director, before  
20 September 1 of each even-numbered year for the biennium ending June  
21 30 of such year, reports of activities and expenditures and estimates of  
22 sums required to carry out the purposes of this chapter;]

23       (f) Make certification for disbursement of funds available for carrying  
24 out the purposes of this chapter [; and].

25       (g) Take such other action as may be necessary or appropriate for  
26 cooperation with public and private agencies and otherwise [to carry]  
27 for carrying out the purposes of this chapter.

28       2. [The] *Subject to the approval of the administrator, the chief may*  
29 *delegate to any officer or employee of the bureau [such] any of his pow-*  
30 *ers and duties [as] which he finds necessary to carry out the purposes of*  
31 *this chapter.*

32       SEC. 40. NRS 615.200 is hereby amended to read as follows:

33       615.200 The bureau may:

34       1. Enter into reciprocal agreements with other states (which, for this  
35 purpose, may include the District of Columbia, Puerto Rico, the Virgin  
36 Islands and Guam) to provide for the vocational rehabilitation of [indi-  
37 viduals] *persons* within the states concerned;

38       2. Establish or construct [rehabilitation] facilities and workshops  
39 *for rehabilitation* and make grants to, or contracts or other arrangements  
40 with, public and other nonprofit organizations for the establishment of  
41 *such* workshops and [rehabilitation] facilities;

42       3. Operate facilities for carrying out the purposes of this chapter;

43       4. *Fix and collect reasonable fees for direct services given by any*  
44 *employee of the bureau to any person:*

45       (a) *Who is a recipient of services from an organization or agency with*  
46 *which the bureau has a cooperative agreement; and*

47       (b) *To whom financial assistance is available from a third person;*

48       5. *Collect reimbursement for services provided to persons to whom*  
49 *financial assistance is available from a third person;*

50       6. In matters relating to vocational rehabilitation.

1 (a) Conduct research, studies, investigations and demonstrations and  
2 make reports;

3 (b) Provide training and instruction (including the establishment and  
4 maintenance of such research fellowships and traineeships with such sti-  
5 pends and allowances as may be deemed necessary);

6 (c) Disseminate information; and

7 (d) Render technical assistance;

8 [5. Provide] 7. Except as provided in chapter 426 of NRS, pro-  
9 vide for the establishment, supervision, management and control of small  
10 business enterprises to be operated by severely handicapped persons  
11 where their operation will be improved through the management and  
12 supervision of the bureau; and

13 [6.] 8. Maintain a list of persons who serve as interpreters for  
14 [handicapped] deaf persons, and the bureau shall make any such list  
15 available without charge to persons who request it.

16 SEC. 41. NRS 615.255 is hereby amended to read as follows:

17 615.255 1. There is hereby created the vocational rehabilitation  
18 revolving fund in the amount of [[\$50,000]] \$75,000 to be used for the  
19 payment of claims of applicants for or recipients of services from the  
20 [bureau] rehabilitation division of the department and vendors provid-  
21 ing services to those applicants or recipients under procedures established  
22 by the [bureau.] administrator of the rehabilitation division.

23 2. [Upon written request from the chief, the state controller shall  
24 draw his warrant from money already appropriated in favor of the chief  
25 in the sum of \$40,000. When the warrant is paid, the chief] The admin-  
26 istrator of the rehabilitation division shall deposit the [[\$40,000]] money  
27 in the revolving fund in a bank qualified to receive deposits of public  
28 money as provided by law. The bank must secure the deposit with a  
29 depository bond satisfactory to the state board of examiners, unless it is  
30 otherwise secured by the Federal Deposit Insurance Corporation.

31 3. After expenditure of money from the revolving fund, the [chief]  
32 administrator of the rehabilitation division shall present a claim to the  
33 state board of examiners. When approved by the state board of exam-  
34 iners, the state controller shall draw his warrant in the amount of the  
35 claim in favor of the vocational rehabilitation revolving fund, to be paid  
36 to the order of the [chief,] administrator, and the state treasurer shall  
37 pay it.

38 4. [Money in the] The vocational rehabilitation revolving fund  
39 [does not revert to the state general fund at the end of the fiscal year,  
40 but remains in the revolving fund.] is a continuing fund without rever-  
41 sion.

42 5. Purchases paid for from the vocational rehabilitation revolving  
43 fund for the purposes authorized by subsection 1 may be [exempt]  
44 exempted from the provisions of the State Purchasing Act [at the dis-  
45 cretion of] by the chief of the purchasing division of the department of  
46 general services or his designated representative.

47 SEC. 42. NRS 615.260 is hereby amended to read as follows:

48 615.260 1. All gifts of money which the bureau is authorized to  
49 accept must be deposited in the state treasury for credit to the rehabili-  
50 tation gift account in the department of human resources' gift fund. [The



1 money may be invested and reinvested and must be used in accordance  
2 with the conditions of the gift.]

3 2. *Money in the fund must be used in accordance with the conditions*  
4 *of the gift or for the purpose of carrying out the provisions of this chapter*  
5 *or other programs or laws administered by the bureau.*

6 3. All claims must be approved by the chief before they are paid.

7 SEC. 43. NRS 615.280 is hereby amended to read as follows:

8 615.280 1. Any person applying for or receiving vocational rehabil-  
9 itation who is aggrieved by any action or inaction of the bureau with  
10 respect to him is entitled, in accordance with regulations, to a hearing  
11 before the bureau.

12 2. If after the hearing the person feels himself aggrieved by the deci-  
13 sion of the bureau in respect to his case he may, *within 30 days after the*  
14 *mailing to him of written notice of the bureau's decision, appeal from that*  
15 *decision to the administrator of the rehabilitation division of the depart-*  
16 *ment for a hearing. The administrator shall render his decision within 30*  
17 *days after the hearing. The administrator's decision constitutes a final*  
18 *administrative decision in a contested case. If the person is dissatisfied with*  
19 *the administrator's decision, the person is entitled, at any time within 90*  
20 *days after the mailing to him of written notice of the decision, to petition*  
21 *the district court of the judicial district in which he resides to review the*  
22 *decision, and the district court has jurisdiction to review the decision on*  
23 *the administrative record of the case. [before the bureau.] A copy of the*  
24 *record must be certified as correct by the [chief] administrator and filed*  
25 *[by the bureau] with the clerk of the court as part of [its] his answer to*  
26 *a petition for review.*

27 3. The district court shall either affirm the decision of the [bureau,]  
28 administrator, or, if it concludes that the findings of the [bureau] admin-  
29 istrator are not supported by evidence or that [the bureau's] his decision  
30 is arbitrary, capricious or otherwise contrary to law, reverse the decision  
31 and remand the case to the [bureau] administrator for further proceed-  
32 ings in conformity with the decision of the court.

33 SEC. 44. NRS 426.560, 426.563, 426.565, 426.570, 426.573, 426.-  
34 575, 426.600, 426.610, 426.720, 426.800, 615.040, 615.080, 615.090,  
35 615.210 and 615.220 are hereby repealed.

36 SEC. 45. Sections 19, 42 and 43 of this act shall become effective at  
37 12:01 a.m. on July 1, 1981.

**S. B. 394**

**SENATE BILL NO. 394—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES**

**MARCH 10, 1981**

**Referred to Committee on Human Resources and Facilities**

**SUMMARY—Creates Nevada commission for the blind. (BDR 38-1179)**

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

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

**AN ACT relating to blind persons; creating the Nevada commission for the blind; providing for its organization; providing its powers and duties; abolishing the bureau of services to the blind of the rehabilitation division of the department of human resources; 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. Chapter 426 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 4, inclusive, of this act.
- 3 SEC. 2. *The Nevada commission for the blind, consisting of five*  
4 *members appointed by the governor, is hereby created. Three of the*  
5 *members must be blind persons who have been active in organizations*  
6 *for the blind. The governor shall designate one of the members of the*  
7 *commission to serve as chairman.*
- 8 SEC. 3. 1. *The commission shall meet at least once in each quarter,*  
9 *and may hold special meetings at the call of the chairman, a majority of*  
10 *the members of the commission or the director.*
- 11 2. *Three members of the commission constitute a quorum.*
- 12 3. *Each member of the commission is entitled to receive a salary of*  
13 *\$40 for each day of attendance at a meeting of the commission and the*  
14 *per diem allowance and travel expenses provided by law.*
- 15 SEC. 4. 1. *The commission shall establish policies to govern the*  
16 *administration of its programs and activities and shall:*
- 17 (a) *Appoint an executive director who is experienced in work for the*  
18 *blind to administer those programs and activities.*
- 19 (b) *Appoint other officers and employees which it deems necessary*  
20 *for the execution of its duties.*
- 21 2. *The commission, in appointing the executive director and other*  
22 *professional officers and employees, shall give preference to qualified*  
23 *blind persons.*



1 3. *The executive director is in the unclassified service of the state*  
2 *and serves at the pleasure of the commission.*

3 SEC. 5. NRS 426.520 is hereby amended to read as follows:

4 426.520 As used in NRS 426.520 to 426.610, inclusive, *and sections*  
5 *2 to 4, inclusive, of this act, unless the context otherwise requires:*

6 1. ["Administrator" means the administrator of the division.

7 2.] "Blind person" means any person who by reason of loss or  
8 impairment of eyesight is unable to provide himself with the necessities  
9 of life, and who has not sufficient income of his own to maintain him-  
10 self, and [shall include] *includes* any person whose visual acuity with  
11 correcting lenses does not exceed 20/200 in the better eye, or whose  
12 vision in the better eye is restricted to a field which subtends an angle  
13 of not greater than 20°.

14 [3. "Bureau" means the bureau of services to the blind in the  
15 rehabilitation division.

16 4. "Chief" means the chief of the bureau.

17 5. "Department" means the department of human resources.

18 6.] 2. "Commission" means the Nevada commission for the blind.

19 3. "Director" means the [director of the department.

20 7. "Division" means the rehabilitation division of the department of  
21 human resources.] *executive director appointed by the commission.*

22 SEC. 6. NRS 426.531 is hereby amended to read as follows:

23 426.531 The [department] *commission* shall administer the provi-  
24 sions of NRS 426.520 to 426.610, inclusive, as the sole agency in the  
25 state for [such] *that* purpose.

26 SEC. 7. NRS 426.550 is hereby amended to read as follows:

27 426.550 1. [The bureau shall be headed by a chief who is experi-  
28 enced in work for the blind. Preference shall be given to qualified blind  
29 persons in filling the position of chief.

30 2. The bureau] *The commission* shall:

31 (a) Assist blind persons in achieving physical and psychological  
32 orientation, inform blind persons of available services, stimulate and  
33 assist the blind in achieving social and economic independence, and do  
34 all things which will ameliorate the condition of the blind.

35 (b) Provide intensive programs of case finding, education, training,  
36 job findings and placement, physical restoration, and [such] other serv-  
37 ices and equipment [as may] *to* assist in rendering blind persons more  
38 self-supporting and socially independent.

39 [3. The bureau] 2. *The commission may:*

40 (a) Provide for treatment or operations to prevent blindness or restore  
41 vision to applicants for or recipients of services to the blind who request  
42 and make written application for [such] *the* treatment or operation; and

43 (b) Pay for all necessary expenses incurred in connection with the  
44 diagnosis and treatment provided under paragraph (a). Necessary  
45 expenses [shall] include the costs of guide service, maintenance while the  
46 patient is away from his home, transportation to the eye physician or  
47 hospital and return to his home, and the cost of nursing home care  
48 when such care is necessary.

49 SEC. 8. NRS 426.555 is hereby amended to read as follows:

50 426.555 Subject to the approval of the *commission, the director* [

1 the chief or his designated representative] shall prepare reports for the  
2 Federal Government pursuant to the Vocational Rehabilitation Act  
3 Amendments of 1965 (Title 29 U.S.C., as amended), any future amend-  
4 ments thereof and the regulations promulgated thereunder.

5 SEC. 9. NRS 426.560 is hereby amended to read as follows:

6 426.560 1. [Subject to the approval of the department, the divi-  
7 sion shall direct the bureau to make administrative rules and] *The com-*  
8 *mission may adopt* regulations to enforce the provisions of this chapter  
9 related to services for the blind. [, which rules and regulations shall]  
10 *The regulations must* not conflict with [the] other provisions of this  
11 chapter.

12 2. [Such rules and regulations shall recognize] *The regulations must*  
13 *be adopted with recognition* that the needs and problems of blind persons  
14 are special to them and may differ materially from the needs and prob-  
15 lems of other persons.

16 SEC. 10. NRS 426.563 is hereby amended to read as follows:

17 426.563 Costs of administration of NRS 426.520 to 426.720, inclu-  
18 sive, [shall] *must* be paid out on claims presented by the [bureau]  
19 *commission* in the same manner as other claims against the state are  
20 paid.

21 SEC. 11. NRS 426.565 is hereby amended to read as follows:

22 426.565 1. There is hereby created the services to the blind revol-  
23 ving fund, in the amount of \$25,000, which must be used by the [chief]  
24 *director* for the purposes of:

25 (a) Providing inventories of tools, aids, appliances, supplies and other  
26 accessories used by the blind; and

27 (b) Payment of the claims of applicants for or recipients of services of  
28 the [bureau] *commission* and vendors providing services to those  
29 applicants or recipients, including but not limited to maintenance and  
30 transportation.

31 The [chief] *director* shall sell [such] tools, aids, appliances, supplies  
32 and other accessories used by the blind at cost or cost-plus-administra-  
33 tion cost and receipts must be deposited forthwith in the services to  
34 the blind revolving fund.

35 2. The [chief] *director* shall deposit the money in the services to  
36 the blind revolving fund in a bank qualified to receive deposits of pub-  
37 lic money. The deposit must be secured by a depository bond satisfactory  
38 to the state board of examiners, unless otherwise secured by the Federal  
39 Deposit Insurance Corporation.

40 3. Purchases made for the purpose of providing and maintaining the  
41 inventories authorized by subsection 1 are exempt from the provisions  
42 of the State Purchasing Act at the discretion of the chief of the purchas-  
43 ing division of the department of general services or his designated repre-  
44 sentative.

45 4. The [bureau] *commission* shall:

46 (a) Maintain current inventory records of all merchandise charged to  
47 the services to the blind revolving fund;

48 (b) Conduct a periodic physical count of all the merchandise; and

49 (c) Reconcile the results of the periodic physical count with the  
50 inventory records and cash balance in the fund.



1 5. After expenditure of money for payment of the claims of appli-  
2 cants for or recipients of services from the [bureau] *commission* and  
3 vendors providing services to those applicants or recipients, including but  
4 not limited to maintenance and transportation, from the services to the  
5 blind revolving fund, the [chief] *director* shall present a claim to the  
6 state board of examiners. When approved by the state board of examiners,  
7 the state controller shall draw his warrant in the amount of the claim in  
8 favor of the services to the blind revolving fund and the state treasurer  
9 shall pay it. The [receipt] *receipts* must be deposited forthwith in the  
10 services to the blind revolving fund.

11 SEC. 12. NRS 426.567 is hereby amended to read as follows:

12 426.567 1. All gifts of money which the [bureau] *commission* is  
13 authorized to accept must be deposited in the state treasury for credit to  
14 a fund to be known as the state grant and gift fund for the blind.

15 2. The state grant and gift fund for the blind is a continuing fund  
16 without reversion, and money in the fund must be used for the purposes  
17 specified by the donor or for the purpose of carrying out the provisions of  
18 this chapter and other programs or laws administered by the [bureau.]  
19 *commission*.

20 SEC. 13. NRS 426.570 is hereby amended to read as follows:

21 426.570 1. All employees of the [bureau shall be] *commission are*  
22 directly responsible to the [chief.] *director*.

23 2. [Such employees shall consist of persons] *Every employee of the*  
24 *commission must be skilled in assisting blind persons to achieve social*  
25 *and economic independence.*

26 SEC. 14. NRS 426.573 is hereby amended to read as follows:

27 426.573 Information with respect to any [individual] *person* apply-  
28 ing for or receiving services to the blind [shall] *must* not be disclosed  
29 by the [bureau] *commission* or any of its employees to any person,  
30 association or body unless [such] *the* disclosure is related directly to  
31 carrying out the provisions of NRS 426.520 to 426.610, inclusive, or  
32 upon written permission of the applicant or recipient.

33 SEC. 15. NRS 426.575 is hereby amended to read as follows:

34 426.575 When a blind person who is eligible to receive a mainte-  
35 nance allowance while pursuing a training program administered by the  
36 [bureau] *commission* is accepted for such a training program, the  
37 [bureau] *commission* may [in its discretion] pay any installment of  
38 [such] *the* maintenance allowance in advance, based upon the amount  
39 allowed to the blind person, and adjust any succeeding payment to  
40 reflect actual duration of training during the period for which [such]  
41 *the* advance was made.

42 SEC. 16. NRS 426.590 is hereby amended to read as follows:

43 426.590 The [bureau] *commission* is hereby designated as the licens-  
44 ing agency for the purposes of 20 U.S.C. § 107 (a-f), and acts amenda-  
45 tory thereto, and the [bureau] *commission* is authorized to comply with  
46 such requirements as may be necessary to qualify for federal approval  
47 and achieve maximum federal participation in the vending stand program  
48 under [such] *those* federal statutes.

49 SEC. 17. NRS 426.610 is hereby amended to read as follows:

50 426.610 1. If any applicant for or recipient of services to the blind

1 is dissatisfied with any action taken by, or failure to act on the part of, the  
2 [bureau] director in respect to his case, he [shall have the right of] may  
3 appeal to the [department and the right to] commission and may be rep-  
4 resented in [such] the appeal by his counsel or agent.

5 2. The [department] commission shall provide an opportunity for a  
6 fair hearing of [such individual's] the appeal and shall review [his] the  
7 case in all matters in respect to which [he] the applicant or recipient is  
8 dissatisfied.

9 3. [If such individual feels himself aggrieved by the decision of the  
10 department in respect to his case he shall have the right, at any time  
11 within 90 days after the mailing to him of written notice of the decision,  
12 to petition the district court of the judicial district in which he resides to  
13 review such decision and the district court shall have jurisdiction to review  
14 the decision on the record of the case before the department, a copy of  
15 which shall be certified as correct by the director and filed by the depart-  
16 ment with the clerk of the court as part of its answer to any such petition  
17 for review. The district court shall either affirm the decision of the depart-  
18 ment or, if it concludes that the findings of the department are not  
19 supported by evidence or that the department's decision is arbitrary,  
20 capricious or otherwise contrary to law, reverse the decision and remand  
21 the case to the department for further proceedings in conformity with the  
22 decision of the court.] *The decision of the commission is a final decision*  
23 *in a contested case for the purpose of judicial review.*

24 SEC. 18. NRS 426.630 is hereby amended to read as follows:

25 426.630 As used in NRS 426.630 to 426.720, inclusive, unless the  
26 context otherwise requires:

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

31 2. ["Bureau" means the bureau of services to the blind in the reha-  
32 bilitation division of the department of human resources.] "Commission"  
33 means the Nevada commission for the blind.

34 3. "Operator" means the individual blind person responsible for the  
35 day-to-day conduct of the vending stand operation.

36 4. "Public building" or "property" means any building, land or other  
37 real property, owned, leased or occupied by any department or agency  
38 of the State of Nevada or any of its political subdivisions except public  
39 elementary and secondary schools, the University of Nevada System and  
40 the Nevada state park system.

41 5. "Vending stand" means:

42 (a) [Such buildings,] Buildings, shelters, counters, shelving, display  
43 and wall cases, refrigerating apparatus and other appropriate auxiliary  
44 equipment [as are] necessary or customarily used for the vending of  
45 [such] articles [as may be] approved by the [bureau] commission and  
46 the department or agency having care, custody and control of the build-  
47 ing or property in or on which the vending stand is located;

48 (b) Manual or coin-operated vending machines or similar devices for  
49 vending [such] those articles, operated in a particular building, even



1 though no person is [physically] present on the premises except to serv-  
2 ice the machines;

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

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

8 SEC. 19. NRS 426.640 is hereby amended to read as follows:

9 426.640 For the purposes of providing blind persons with remunera-  
10 tive employment, enlarging the economic opportunities of blind persons  
11 and stimulating blind persons to greater efforts to make themselves self-  
12 supporting with independent livelihoods, blind persons licensed under the  
13 provisions of NRS 426.630 to 426.720, inclusive, by the [bureau] *com-*  
14 *mission* have priority of right to operate vending stands in or on any pub-  
15 lic buildings or properties where the locations are determined to be  
16 suitable, pursuant to the procedure provided in NRS 426.630 to 426.720,  
17 inclusive.

18 SEC. 20. NRS 426.650 is hereby amended to read as follows:

19 426.650 Each head of the department or agency in charge of the  
20 maintenance of public buildings or properties shall:

21 1. [Not later than July 1, 1959, notify the bureau in writing of any  
22 and all existing locations where vending stands are in operation or where  
23 vending stands might properly and satisfactorily be operated.

24 2.] Not less than 30 days [prior to] *before* the reactivation, leasing,  
25 re-leasing, licensing or issuance of permit for operation of any vending  
26 stand, inform the [bureau of such] *commission of the contemplated*  
27 *action.*

28 [3.] 2. Inform the [bureau] *commission* of any locations where  
29 such vending stands are planned or might properly and satisfactorily be  
30 operated in or about other public buildings or properties as may now or  
31 thereafter come under the jurisdiction of the department or agency for  
32 maintenance, [such information to be given] not less than 30 days [prior  
33 to] *before* leasing, re-leasing, licensing or issuance of permit for oper-  
34 ation of any vending stand in [such] *the public building or on [such]*  
35 *the property.*

36 SEC. 21. NRS 426.660 is hereby amended to read as follows:

37 426.660 [To effectuate further the purposes of NRS 426.630 to  
38 426.720, inclusive, when] *When* new construction, remodeling, leasing,  
39 acquisition or improvement of public buildings or properties is author-  
40 ized, consideration [shall] *must* be given to planning and making avail-  
41 able suitable space and facilities for vending stands to be operated by  
42 blind persons. Within 30 days after the commencement of the planning  
43 and design of any such project, written notice [shall] *must* be given to  
44 the [bureau] *commission* by the person or agency having charge of  
45 [such] *the planning and design.*

46 SEC. 22. NRS 426.665 is hereby amended to read as follows:

47 426.665 If a suitable location is available for a vending stand which  
48 requires the construction of a permanent building, the [bureau] *commis-*  
49 *sion* may construct [such] *the building*, but only after obtaining approval  
50 of the legislature.

1 SEC. 23. NRS 426.670 is hereby amended to read as follows:

2 426.670 The [bureau] *commission* shall:

3 1. Make surveys of public buildings or properties to determine their  
4 suitability as locations for vending stands to be operated by blind persons  
5 and advise the heads of departments or agencies charged with the mainte-  
6 nance of [such] *the* buildings or properties as to their findings.

7 2. With the consent of the head of the department or agency charged  
8 with the maintenance of the buildings or properties, established vending  
9 stands in those locations which the [bureau] *commission* has determined  
10 to be suitable, and may enter into leases or licensing agreements therefor.

11 3. Select, train, license and install qualified blind persons to manage  
12 or operate, or both manage and operate, [such] *the* vending stands.

13 4. Execute contracts or agreements with blind persons to manage or  
14 operate, or both manage and operate, vending stands, which agreements  
15 may concern finances, management, operation and other matters concern-  
16 ing [such] *the* stands.

17 5. When the [bureau] *commission* deems such action appropriate,  
18 impose and collect license fees for the privilege of operating [such] *the*  
19 vending stands.

20 6. [Establish and effectuate such rules and regulations as it may  
21 from time to time deem.] *Adopt regulations* necessary to assure the proper  
22 and satisfactory operation of [such] *the* vending stands. [Such rules and  
23 regulations shall.] *The regulations must* provide a method for setting aside  
24 [funds] *money* from the revenues of vending stand operations, and  
25 [shall] provide for the payment and collection thereof.

26 7. The [bureau] *commission* may enter into contracts with vendors  
27 for the establishment and operation of vending stands. [Such contracts  
28 shall.] *The contracts must* include provision for payment of commissions  
29 to the [bureau] *commission* based on revenues of the vending stands.  
30 [Such] *The* commissions may, at the discretion of the [bureau,] *com-*  
31 *mission*, be assigned to licensed vending stand operators for maintenance  
32 of income purposes.

33 [8. The bureau may, by rule or regulation, provide methods for  
34 recovering the cost of establishing vending stands.]

35 SEC. 24. NRS 426.675 is hereby amended to read as follows:

36 426.675 1. The business enterprise contingent fund for the blind, a  
37 special revenue fund, is hereby created and [shall] *must* be managed by  
38 the [chief.] *director*.

39 2. Money received by the [bureau] *commission* under the provisions  
40 of NRS 426.670, except commissions assigned to licensed vending stand  
41 operators, [shall:] *must*:

42 (a) Be deposited in the business enterprise contingent fund for the  
43 blind.

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

46 (c) Be used for:

47 (1) Purchasing, maintaining or replacing vending stands or the  
48 equipment therein;

49 (2) Maintaining a stock of equipment, parts, accessories and mer-  
50 chandise used or planned for use in the vending stand program; and



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

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

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

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

12 (c) Reconcile the results of the periodic physical count with the inven-  
13 tory records and cash balance in the fund.

14 4. If the business enterprise contingent fund for the blind is dis-  
15 solved, any money remaining [therein shall revert] *in it reverts* to the  
16 state general fund.

17 5. Money from any source which may lawfully be used for the vend-  
18 ing stand program may be transferred or deposited by the [bureau] *com-*  
19 *mission* to the business enterprise contingent fund for the blind.

20 SEC. 25. NRS 426.677 is hereby amended to read as follows:

21 426.677 1. The [bureau] *commission* may, in interim periods when  
22 no blind licensee is available to operate a vending facility and its contin-  
23 uous operation is required, establish a checking account in a depository  
24 bank qualified to receive deposits of public money. [pursuant to chapter  
25 356 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] *commission* shall prepare a financial  
31 report and close the checking account by making a check in the amount  
32 of any 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] *commission* shall pre-  
35 pare a financial report and close the checking account by making a check  
36 in the amount of any balance remaining in the account payable to the  
37 business enterprise contingent fund for the blind.

38 SEC. 26. NRS 426.680 is hereby amended to read as follows:

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

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

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

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

3 [(a)] 1. The governor, in the case of state buildings or properties.

4 [(b)] 2. The board of county commissioners, in the case of county  
5 buildings or properties.

6 [(c)] 3. The city council or other governing board of the munici-  
7 pality in the case of municipal buildings or properties.

8 [(d)] 4. The governing board of the political subdivision in the  
9 case of buildings or properties of other political subdivisions of this state.

10 SEC. 27. NRS 426.685 is hereby amended to read as follows:

11 426.685 The [bureau] *commission* 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.] *commission*.

14 SEC. 28. NRS 426.690 is hereby amended to read as follows:

15 426.690 Vending stands operated under the provisions of NRS 426.-  
16 630 to 426.720, inclusive, [shall] *must* be used solely for the vending of  
17 [such] commodities and articles [as may be] approved by the [bureau]  
18 *commission* and by the head of the department or agency in charge of the  
19 maintenance of the building or property in or on which [such] *the* stand  
20 is operated.

21 SEC. 29. NRS 426.710 is hereby amended to read as follows:

22 426.710 The [bureau] *commission* may, in its discretion, utilize  
23 appropriate nonprofit corporations organized under the laws of this state,  
24 or other agencies, as trustees to provide day-to-day management and  
25 operation services for the vending stand program for the blind. [Such]  
26 *These* corporations or agencies [shall] *must* be reimbursed for their  
27 actual and necessary expenses by the operators of the vending stand units  
28 which compose the vending stand program for the blind in accordance  
29 with [such rules and] regulations [as may be] adopted by the [bureau  
30 and approved by the department of human resources.] *commission*.

31 SEC. 30. NRS 426.720 is hereby amended to read as follows:

32 426.720 1. Persons operating vending stands in public buildings or  
33 on public properties as defined in NRS 426.630 [prior to] *before* March  
34 13, 1959, [shall not be] *are not* affected by the provisions of NRS  
35 426.630 to 426.720, inclusive, except [and only insofar] as provided by  
36 [subsection 2 of] NRS 426.650.

37 2. Any blind person who is presently operating a vending stand in or  
38 on public buildings or properties who desires to avail himself of the  
39 advantages of the program authorized by NRS 426.630 to 426.720,  
40 inclusive, [shall have the right to] *may* do so. [; and, in such instance,  
41 the bureau] *The commission* may negotiate and consummate arrange-  
42 ments for the purchase of [such] vending stand equipment [as it may  
43 deem] necessary for the satisfactory operation of the vending stand.

44 SEC. 31. NRS 426.800 is hereby amended to read as follows:

45 426.800 1. Whoever knowingly obtains or attempts to obtain, or  
46 aids or abets any person to obtain by means of a willfully false statement  
47 or representation or by impersonation, or other fraudulent device, serv-  
48 ices to which he is not entitled, or services greater than those to which he  
49 is entitled, with the intent to defeat the purposes of this chapter, is guilty  
50 of a gross misdemeanor.



1 2. For the purposes of subsection 1, whenever a recipient of services  
2 under the provisions of this chapter receives an overpayment for the third  
3 time and [such] the overpayments have resulted from a false statement  
4 or representation by [such] the recipient or from the failure of the recip-  
5 ient to notify the [bureau of services to the blind in the rehabilitation  
6 division of the department of human resources] Nevada commission for  
7 the blind of a change in his circumstances which would affect the amount  
8 of services [such] which the recipient receives, a rebuttable presumption  
9 arises that [such] the payment was fraudulently received.

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

11 232.320 The director:

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

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

15 (b) The state health officer;

16 (c) The administrator of the mental hygiene and mental retardation  
17 division;

18 (d) The administrator of the rehabilitation division;

19 (e) The state welfare administrator; and

20 (f) The administrator of the youth services division.

21 2. Is responsible for the administration, through the divisions of the  
22 department, of the provisions of chapters 210, 422 to 425, inclusive, 427,  
23 427A, [inclusive, and] 430 to 436, inclusive, 439 to 443, inclusive, 446,  
24 447, 449, 450, 458 and 615 of NRS, NRS 444.003 to 444.430, inclusive,  
25 445.015 to 445.038, inclusive, and all other provisions of law relating to  
26 the functions of the divisions of the department, but is not responsible for  
27 the clinical activities of the health division or the professional line activi-  
28 ties of the other divisions.

29 3. Has such other powers and duties as are provided by law.

30 SEC. 33. NRS 232.360 is hereby amended to read as follows:

31 232.360 The rehabilitation division of the department [shall consist]  
32 consists of the administrator and the following bureaus:

33 1. [Bureau of services to the blind.

34 2.] Bureau of alcohol and drug abuse.

35 [3.] 2. Bureau of vocational rehabilitation.

36 SEC. 34. NRS 232.370 is hereby amended to read as follows:

37 232.370 The administrator of the rehabilitation division of the  
38 department: [shall:

39 1. Be] 1. Is in the unclassified service of the state pursuant to the  
40 provisions of chapter 284 of NRS unless federal law or regulation requires  
41 otherwise, in which case the administrator [shall be] must be placed in  
42 the classified service of the state pursuant to the provisions of [such] that  
43 chapter.

44 2. [Be] Is responsible for the administration, through the bureaus of  
45 the division, of the provisions of [NRS 426.520 to 426.720, inclusive,]  
46 chapters 458 and 615 of NRS, NRS 232.360 to 232.390, inclusive, and  
47 all other provisions of law relating to the functions of the division and  
48 its bureaus, but [shall not be] is not responsible for the professional line  
49 activities of the bureaus except as specifically provided by law.

50 3. [Be] Is responsible for the preparation of a consolidated state

1 plan for [the bureau of services to the blind,] the bureau of vocational  
 2 rehabilitation and any other program administered by the rehabilitation  
 3 division which he considers appropriate to incorporate into the consoli-  
 4 dated state plan prior to submission to the Rehabilitation Services Admin-  
 5 istration of the United States Department of Health, Education, and  
 6 Welfare. This subsection [shall not be applicable] *does not apply* if any  
 7 federal regulation exists which prohibits a consolidated plan.

8 SEC. 35. NRS 284.327 is hereby amended to read as follows:

9 284.327 1. Notwithstanding any other provisions of this chapter, in  
 10 order to assist handicapped persons certified by *the Nevada commission*  
 11 *for the blind* or the rehabilitation division of the department of human  
 12 resources, appointing authorities are encouraged and authorized to make  
 13 temporary limited appointments of [such] certified handicapped persons  
 14 for not to exceed 700 hours notwithstanding that the positions so filled  
 15 are continuing positions. [Such certified] *Certified* handicapped persons  
 16 [shall] *must* be placed on appropriate eligible lists as defined in NRS  
 17 284.250, but they [shall] *must* not be placed on [such] lists for positions  
 18 in the classified service above a class grade which is equal to the majority  
 19 of trainee or entry level classes in the professional series as determined  
 20 by the personnel division. All [such] handicapped persons [shall] *must*  
 21 possess the training and experience necessary for the positions for which  
 22 they are certified. The rehabilitation division [shall] *must* be notified of  
 23 an appointing authority's request for an eligible list on which the names of  
 24 one or more certified handicapped persons appear. A temporary lim-  
 25 ited appointment of a certified handicapped person pursuant to this sec-  
 26 tion [shall constitute such] *constitutes the person's examination* as  
 27 required by NRS 284.215.

28 2. The chief shall prescribe [rules and] regulations to [implement]  
 29 *carry out* the provisions of subsection 1.

30 3. Nothing contained in this section [shall be construed to deter or  
 31 prevent] *prevents* appointing authorities from employing:

32 (a) Physically handicapped persons when available and eligible for  
 33 permanent employment.

34 (b) Handicapped persons employed pursuant to the provisions of sub-  
 35 section 1 in permanent employment if [such] *those* persons qualify for  
 36 permanent employment before the termination of their temporary limited  
 37 appointments.

38 4. If a person appointed pursuant to this section is subsequently  
 39 appointed to a permanent position during or after the 700-hour period,  
 40 [such] *the* 700 hours or portion thereof [shall count toward such] *must*  
 41 *be counted in the employee's probationary period.*

42 SEC. 36. 1. The governor shall appoint five persons qualified under  
 43 section 2 of this act to the Nevada commission for the blind, as follows:

44 (a) One member, whom the governor has designated as chairman, to  
 45 a term expiring on June 30, 1984.

46 (b) Two members to terms expiring on June 30, 1983.

47 (c) Two members to terms expiring on June 30, 1982.

48 2. All public property, real and personal, including records, of the



- 1 bureau of services to the blind of the rehabilitation division of the depart-
- 2 ment of human resources is transferred to the control of the Nevada com-
- 3 mission for the blind.
- 4 3. All officers and employees of the bureau of services to the blind
- 5 are transferred to the staff of the commission.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

**S. B. 651**

SENATE BILL NO. 651—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

MAY 7, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Enlarges board of child care. (BDR 38-2052)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: Effect less than \$2,000.

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

AN ACT relating to the board for child care; limiting the board to advisory functions; transferring certain powers; 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 432A.070 is hereby amended to read as follows:  
2 432A.070 1. The chief shall:  
3 (a) Establish appropriate administrative units within the bureau;  
4 (b) Appoint such personnel and prescribe their duties as he deems  
5 necessary for the proper and efficient performance of the functions of the  
6 bureau;  
7 (c) Prepare and submit to the governor, through the director, before  
8 September 1 of each even-numbered year for the biennium ending June  
9 30 of that year, reports of activities and expenditures and estimates of  
10 sums required to carry out the purposes of this chapter;  
11 (d) Make certification for disbursement of money available for carry-  
12 ing out the purposes of this chapter; [and]  
13 (e) Take such other action as may be necessary or appropriate for  
14 cooperation with public and private agencies and otherwise to carry out  
15 the purposes of this chapter [.] ;  
16 (f) *Adopt licensing standards for child care facilities and adopt such*  
17 *other regulations as are necessary to carry out the purposes of this chap-*  
18 *ter; and*  
19 (g) *Require that the practices and policies of each child care facility*  
20 *provide adequately for the protection of the health and safety and the*  
21 *physical, moral and mental well-being of each child accommodated in*  
22 *the facility.*  
23 2. The chief may delegate to any officer or employee of the bureau



1 such of his powers and duties as he finds necessary to carry out the pur-  
2 poses of this chapter.

3 SEC. 2. NRS 432A.079 is hereby amended to read as follows:

4 432A.079 1. The board shall ~~establish~~ *advise the chief on estab-*  
5 *lishing* a policy ~~providing~~ for coordination among all interested  
6 public, private and commercial agencies or entities to foster their coop-  
7 eration in the interests of:

8 (a) Improving the quality of child care services offered by each par-  
9 ticipating agency and entity.

10 (b) Ensuring continuity in the program of community child care for  
11 each family.

12 (c) Reaching the maximum number of families possible within avail-  
13 able resources, with top priority given to low-income families.

14 (d) Increasing opportunities for developing staff competence and  
15 career development within and between cooperating agencies and entities.

16 (e) Developing the most efficient, effective and economical methods  
17 for providing services to children and families.

18 (f) Ensuring an effective voice by parents of children receiving child  
19 care in the policy for and direction of programs.

20 (g) Mobilizing the resources of the community in such a manner as to  
21 ensure maximum public, private and individual commitment to provide  
22 expanded child care.

23 2. Such a policy must be primarily concerned with the coordination  
24 of day care and preschool programs, and also be concerned with:

25 (a) Availability of other needed services for children in preschool or  
26 day care programs;

27 (b) Availability of needed services for children of school age; and

28 (c) Coordination of community services with preschool or day care  
29 programs.

30 SEC. 3. NRS 432A.077 is hereby repealed.

31 SEC. 4. All standards and other regulations adopted by the board of  
32 child care expire on July 1, 1981.

**S. B. 316**

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**SENATE BILL NO. 316—SENATOR BILBRAY**

**FEBRUARY 26, 1981**

Referred to Committee on Human Resources and Facilities

**SUMMARY**—Removes provision for early admission of academically talented minors to public schools. (BDR 34-1029)

**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; removing provisions for early admission of academically talented minors to special programs; 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 388.490 is hereby amended to read as follows:  
2 388.490 1. Except as provided in subsections 2, 3 [ , ] and 4, [and  
3 5, ] handicapped minors may be admitted at the age of 5 years to special  
4 programs established for such minors, and their enrollment or attend-  
5 ance may be counted for apportionment purposes.  
6 2. Aurally handicapped minors may be admitted at any age under  
7 5 to special programs established for such minors, and their enrollment  
8 or attendance may be counted for apportionment purposes.  
9 3. Visually handicapped minors may be admitted at any age under  
10 5 to special programs established for such minors, and their enrollment  
11 or attendance may be counted for apportionment purposes.  
12 4. [Academically talented minors may be admitted at the age of 4  
13 years to special programs established for such minors, and their enroll-  
14 ment or attendance may be counted for apportionment purposes.  
15 5.] Mentally retarded minors may be admitted at the age of 3 years  
16 to special programs established for such minors, and their enrollment  
17 or attendance may be counted for apportionment purposes.



S. B. 324

SENATE BILL NO. 324—SENATOR BILBRAY

FEBRUARY 27, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Increases salaries for boards of trustees of certain school districts. (BDR 34-1164)

FISCAL NOTE: Effect on Local Government: Yes.  
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 boards of trustees of school districts; increasing the salaries of the clerk, president and other trustees in certain districts; 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 386.320 is hereby amended to read as follows:  
2 386.320 1. If the total pupil enrollment in the school district for  
3 the immediately preceding school year is less than 1,000:  
4 (a) The clerk and president of the board of trustees may each receive  
5 a salary of \$20 for each board of trustees meeting they attend, not to  
6 exceed \$40 a month.  
7 (b) The other trustees may each receive a salary of \$15 for each board  
8 of trustees meeting they attend, not to exceed \$30 a month.  
9 (c) The board of trustees may hire a stenographer to take the minutes  
10 of the meetings of the board of trustees, and such stenographer may be  
11 paid a reasonable fee for each meeting attended.  
12 2. If the total pupil enrollment in the school district for the immedi-  
13 ately preceding school year is 1,000 or more:  
14 (a) The clerk and president of the board of trustees may each receive  
15 a salary of [~~\$40~~] \$55 for each board of trustees meeting they attend,  
16 not to exceed [~~\$160~~] \$220 a month.  
17 (b) The other trustees may each receive a salary of [~~\$35~~] \$50 for  
18 each board of trustees meeting they attend, not to exceed [~~\$140~~] \$200  
19 a month.  
20 (c) The board of trustees may hire a stenographer to take the minutes  
21 of the meetings of the board of trustees; and [~~such~~] *this* stenographer  
22 may be paid a reasonable fee for each meeting attended.

SB 650

The League of Women Voters of Nevada has been a supporter of the State Environmental Commission since its founding in 1971. The League has also been a critic - suggesting changes which we feel will make the Commission better able to carry out its functions. Is SB 650 a step in that direction?

The League feels there is both merit and fault in the bill as it is written. We have long favored more citizen membership on the Commission as opposed to agency heads. We particularly feel it is faulty governmental structure to have two division chiefs within the Department of Conservation and Natural Resources - namely the state engineer and the state forester firewarden - sitting on a board that is suppose to make independent objective judgments on Department recommendations. They can not be considered independent of the Department Administrator. It also gives each of them a veto vote over the chief of the Division of Environmental Protection who should be on equal footing with them. A more proper role would be for the three division chiefs to have their departmental relationships handled administratively. We would therefore recommend that at least these two agency heads be replaced with citizen members.

The League also approves of the deletion of the requirement that one public member be a general engineering contractor or building contractor. We can see no reason for favoring one special interest group over the interests of all the rest of the general public. However, we do feel that in making changes some criteria should be established in broad general outline for the governor to follow in making his appointments. We suggest that if membership is to be changed that the following three points be considered: 1) the governor be required to seek out persons who have demonstrated knowledge and interest in environmental affairs, 2) Commission membership be fairly apportioned and assure fair representation of the various state areas, and 3) appointments be made for a term on a staggered basis in order to maintain some continuity and experience on the Commission.



EXHIBIT L

While the League does believe the Commission needs more independence than it now has, it is also essential that the Commission have a relationship with the Department, especially the DEP staff that guarantees the necessary technical assistance as a foundation for Commission decisions. The League feels lines 11 and 17 on page 2 may go too far in the separation process. The Commission may need more than technical advice. To that end we would suggest only the deletion of the word "support". Total separation would necessitate a larger budget and staff for the Commission to adequately carry out those tasks which have been assigned to it by statute.

There are two areas where the League feels it is essential the Commission be independent. 1) The Commission should be responsible for the appropriation and approval of its proposed budget which is to be submitted to the Legislature. 2) The Commission should have a definite voice in choosing and evaluating its own staff who in turn should be responsible directly to the Commission rather than the Department Administrator. Certainly the executive director of the Commission should not be in a position of serving two masters, caught in the middle when the Administrator and the Commission disagree.

The League hopes you will incorporate our suggested changes and vote favorably on SB 658.