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SENATE BILL 62 (REQUESTED BY SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES) HEARING 2/24/03

Requires publisher or manufacturer of instructional materials to provide electronic version of such materials for use by university or college students, staff or faculty with print access disabilities who are unable to use standard instructional materials. (BDR 34-114)

Senate Bill 62 includes an amendment proposed by Chancellor Jane Nichols of the University and Community College System of Nevada (UCCSN). The proposed amendment:

1. Deletes Section 7 and inserts new language to require that an institution of the UCCSN provide to a student with a "print access disability" an electronic version of instructional material in the timeliest manner practical after receiving a written request from a student.
2. Amends the bill to require that a UCCSN institution that receives a request for "non-printed material" must ensure the availability and adequacy of the instructional material. If a non-printed version is not currently available at the institution requested or at another UCCSN institution, it must contact the publisher and request such a version. If the publisher has a "non-print" version of the instructional material, the publisher must provide it to the institution for distribution to the student. If the publisher is unable to provide a non-printed version of the instructional material, the institution must then create and provide to the student a non-print version in the timeliest manner practicable.
3. To eliminate the fiscal note, delete Section 8 (authorizing the Board to establish centers to process requests); Section 9 (requiring regents to establish guidelines related to the bill); Section 10 (allowing transcription or translation of materials); and Section 11 (liability provisions).

The full version of the proposed amendment is attached.

Steven Dickerson proposes the following:

4. Replace "Board of Regents" throughout with "University and Community College System of Nevada".
5. Revise Section 8 to so specify that "agents" be established to process requests for electronic versions of materials versus the "centers" mentioned in the bill.
6. Retain Sections 9, 10, and 11.

Mr. Dickerson's full proposal is included.

PROPOSED AMENDMENT SENATE BILL 62

*Proposed by the
University and Community College System of Nevada (UCCSN)*

The following bullets provide a framework for new language for SB 62 which is intended to (1) eliminate the fiscal note, (2) ensure that students with print access disabilities receive instructional materials in a format that is comprehensible given the student's specific disability, and (3) mandate that institutions work with publishers to provide electronic instructional materials to students with print access disabilities:

- Delete Section 7 of the bill and insert new language to require that an institution of the UCCSN provide to a student with a "print access disability" an electronic version of instructional material in the timeliest manner practical after receiving a written request from the student. Suggested language follows:

In the most timely manner practicable, after receiving a written request for an electronic version of instructional material from a student with a print access disability, the institution shall provide, at no additional cost, an electronic version of the requested material ("non-printed instructional material") if it is determined to be essential to the success of the student in the course of study offered by an institution of the System in which the student is enrolled.

- Amend the bill to require that an institution that receives a request for "non-printed material" must ensure the availability and adequacy of the instructional material. If a non-printed version is not currently available at the institution requested or at another UCCSN institution, it must contact the publisher and request such a version. If the publisher has a "non-print" version of the instructional material, the publisher must provide it to the institution for distribution to the student. If the publisher is unable to provide a non-printed version of the instructional material, the institution must then create and provide to the student a non-print version in the timeliest manner practicable.
- Delete Section 8.
- Delete Section 9.
- Delete Section 10.
- Delete Section 11.

STEVEN W. DICKERSON

517 Smithridge Park

Reno, Nevada 89502-5772

Phone: (775) 826-5633 Voice / (775) 250-2171 Cell / (775) 826-8627 Fax

E-mail stevendickerson@sbcglobal.net

March 12, 2003

Senator Raymond D. Rawson
Senate Human Resources and Facilities Committee
Legislative Building
401 South Carson Street
Carson City, Nevada 89701

Re: S.B. 62

Senator Rawson:

At the initial hearing on S.B. 62 you requested the University and Community College System of Nevada (UCCSN) resubmit their fiscal note, and some recommendations on revised language that could be adopted in S.B. 62. I contacted the UCCSN office at the University of Nevada, Reno, and expressed my desire to jointly work with them on recommendations that could be submitted. For reasons beyond my knowledge the UCCSN and I did not meet to submit a joint recommendation, and because of this I am addressing you via separate correspondence.

There are several sections of the language of S.B. 62 that refers to "*The Board Of Regents.*" It is my opinion that this should be amended, and in its place use the University and Community College System of Nevada.

In the summary description of "AN ACT" preceding the body of the bill there is the phrase; *establish centers to process such written requests.* My recommendation would be to amend this phrase to read: appoint an agent, or agents already employed within the UCCSN to process such written requests.

Section 7 of S.B. 62 as originally drafted contains specific language that mandates the delivery of electronic versions of the materials requested, establishes the timeliness of the delivery of this material, as well as, other vital provisions of the proposed act. The language in Section 7 is of the utmost importance to this proposed legislation because it is the framework of the changes that need to occur in order to put usable specific printed academic materials in the hands of students with print access disabilities in as close to the same time that the same printed materials would be available to students without disabilities.

Section 8 of S.B. 62 as originally drafted authorizes "The Board of Regents may establish one or more centers to process requests for electronic versions of instructional materials

pursuant to section 2 to 11, inclusive, of this act.” The use of the word “center” may be misleading when all that maybe initially required is an “agent” to process the request. I offer the revised Section 8 below for your review:

Sec. 8 *The University and Community College System of Nevada may establish one or more agents to process requests for electronic versions of instructional materials pursuant to section 2 to 11, inclusive, of this act. If the University and Community College System of Nevada establishes such an agent or agents:*

1. Each institution designated within the jurisdiction of an agent must submit each request for an electronic version of instructional material to that agent, which shall transmit the request to the publisher or manufacturer of the instructional material;

2. Each agent shall make every effort to coordinate written requests with the other agents, if more than one agent is established;

3. A publisher or manufacturer is required to honor only those written requests for electronic versions of instructional materials that have been submitted to the publisher or manufacturer by the appropriate agent(s); and

4. If a publisher or manufacturer has previously provided an electronic version of instructional material to an agent pursuant to a written request submitted by an authorized agent on behalf of an institution or other agents, all subsequent requests for the same electronic version by an institution or other agents must be satisfied by the agent to which the electronic version was first provided.

Sections 9 and 10 of the proposed bill as originally drafted are sufficient, and supportive to the effectiveness of the proposed bill.

Section 11 gives the private citizen an avenue of redress should a violation occur. This section is key to the future effect of the bill should it become law. Other states have mentioned enforcement concerns, and even the UCCSN has voiced a shared concern about the enforcement issue. This section will give the private citizen who has been ' arm

by a violation a means to bring it to the legal system where the true questions of enforcement will be addressed. This section has a rightful place in the proposed bill and should remain.

Baring any unforeseen issues I will be at the work session for S.B. 62 to answer any questions you may have for me, and too assist in any matter you may direct.

Respectfully submitted,

Steven W. Dickerson