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SENATE BILL NO. 164—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE TO  
STUDY THE STATE PROGRAM FOR PROVIDING SERVICES TO  
PERSONS WITH DISABILITIES)

FEBRUARY 19, 2003

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Referred to Committee on Finance

SUMMARY—Creates the Office of Disability Services within  
Department of Human Resources to coordinate and  
administer certain services and programs for persons  
with disabilities. (BDR 38-701)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Contains Appropriation not included  
in Executive Budget.

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

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AN ACT relating to persons with disabilities; creating the Office of  
Disability Services within the Department of Human  
Resources; requiring the Office to serve as the agency of  
State Government for persons to obtain information  
concerning any service or program available to persons  
with disabilities in this state; requiring the Office to  
coordinate services and programs available to persons  
with disabilities among state and local governmental  
agencies; requiring the Office to administer certain  
programs available in this state for persons with  
disabilities; making an appropriation for the provision of  
legal aid to persons with disabilities; 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 11, inclusive, of this  
3 act.

4       **Sec. 2.** *As used in sections 2 to 11, inclusive, of this act,*  
5 *unless the context otherwise requires, the words and terms defined*  
6 *in sections 3 and 4 of this act have the meanings ascribed to them*  
7 *in those sections.*

8       **Sec. 3.** *“Department” means the Department of Human*  
9 *Resources.*

10       **Sec. 4.** *“Office” means the Office of Disability Services*  
11 *created pursuant to section 5 of this act.*

12       **Sec. 5.** *The Office of Disability Services is hereby created*  
13 *within the Department. The Office shall:*

14       1. *Provide access to information about services or programs*  
15 *for persons with disabilities that are available in this state.*

16       2. *Work with persons with disabilities, persons interested in*  
17 *matters relating to persons with disabilities and state and local*  
18 *governmental agencies in:*

19       (a) *Developing and improving policies of this state concerning*  
20 *programs or services for persons with disabilities, including,*  
21 *without limitation, policies concerning the manner in which*  
22 *complaints relating to services provided pursuant to specific*  
23 *programs should be addressed; and*

24       (b) *Making recommendations concerning new policies or*  
25 *services that may benefit persons with disabilities.*

26       3. *Serve as a liaison between state governmental agencies*  
27 *that provide services or programs to persons with disabilities to*  
28 *facilitate communication and the coordination of information and*  
29 *any other matters relating to services or programs for persons with*  
30 *disabilities.*

31       4. *Serve as a liaison between local governmental agencies in*  
32 *this state that provide services or programs to persons with*  
33 *disabilities to facilitate communication and the coordination of*  
34 *information and any other matters relating to services or*  
35 *programs for persons with disabilities. To inform local*  
36 *governmental agencies in this state of services and programs of*  
37 *other local governmental agencies in this state for persons with*  
38 *disabilities pursuant to this subsection, the Office shall:*

39       (a) *Provide technical assistance to local governmental*  
40 *agencies, including, without limitation, assistance in establishing*  
41 *an electronic network that connects the Office to each of the local*  
42 *governmental agencies that provides services or programs to*  
43 *persons with disabilities;*



- 1       ***(b) Work with counties and other local governmental entities***
- 2 ***in this state that do not provide services or programs to persons***
- 3 ***with disabilities to establish such services or programs; and***
- 4       ***(c) Assist local governmental agencies in this state to locate***
- 5 ***sources of funding from the Federal Government and other***
- 6 ***private and public sources to establish or enhance services or***
- 7 ***programs for persons with disabilities.***
- 8       **5. Administer the following programs in this state that**
- 9 ***provide services for persons with disabilities:***
- 10       ***(a) The program established pursuant to sections 7, 8 and 9 of***
- 11 ***this act to provide financial assistance to persons with physical***
- 12 ***disabilities;***
- 13       ***(b) The program established pursuant to section 10 of this act***
- 14 ***to provide services to persons with traumatic brain injuries;***
- 15       ***(c) The program established pursuant to section 11 of this act***
- 16 ***to provide devices for telecommunication to deaf persons and***
- 17 ***persons with impaired speech or hearing;***
- 18       ***(d) Any state program for persons with developmental***
- 19 ***disabilities established pursuant to the Developmental Disabilities***
- 20 ***Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001***
- 21 ***et seq.;***
- 22       ***(e) Any state program for independent living established***
- 23 ***pursuant to 29 U.S.C. §§ 796 et seq.; and***
- 24       ***(f) Any state program established pursuant to the Assistive***
- 25 ***Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.***
- 26       **6. Provide information to persons with disabilities on matters**
- 27 ***relating to the availability of housing for persons with disabilities***
- 28 ***and identify sources of funding for new housing opportunities for***
- 29 ***persons with disabilities.***
- 30       **7. Ensure that state and local governmental agencies comply**
- 31 ***with the provisions of the Americans with Disabilities Act of 1990,***
- 32 ***42 U.S.C. §§ 12101 et seq.***
- 33       **8. Before establishing policies or making decisions that will**
- 34 ***affect the lives of persons with disabilities, consult with persons***
- 35 ***with disabilities and members of the public in this state through***
- 36 ***the use of surveys, focus groups, hearings or councils of persons***
- 37 ***with disabilities to receive:***
- 38       ***(a) Meaningful input from persons with disabilities regarding***
- 39 ***the extent to which such persons are receiving services, including,***
- 40 ***without limitation, services described in their individual service***
- 41 ***plans, and their satisfaction with those services; and***
- 42       ***(b) Public input regarding the development, implementation***
- 43 ***and review of any programs or services for persons with***
- 44 ***disabilities.***
- 45       **9. Publish a biennial report which:**



- 1 (a) *Reviews the current and projected capacity of:*
- 2 (1) *Services available to persons with disabilities pursuant*
- 3 *to the State Plan for Medicaid;*
- 4 (2) *Waivers to the State Plan for Medicaid for the provision*
- 5 *of home and community-based services in this state;*
- 6 (3) *Services available to persons with disabilities from*
- 7 *counties and other local governmental entities in this state; and*
- 8 (4) *Any other services available to persons with disabilities*
- 9 *from any governmental or nonprofit agency;*
- 10 (b) *Identifies the costs of existing and new services in the*
- 11 *community for persons with disabilities;*
- 12 (c) *Provides a strategy for the expanding or restructuring of*
- 13 *services in the community for persons with disabilities that is*
- 14 *consistent with the need for such expansion or restructuring;*
- 15 (d) *Recommends plans to provide services or programs for*
- 16 *persons with disabilities by using the data from any waiting lists of*
- 17 *persons seeking such services or programs;*
- 18 (e) *Reports the outcomes of persons with disabilities who have*
- 19 *received services for persons with disabilities in this state; and*
- 20 (f) *Reports the progress of the Office in carrying out the*
- 21 *strategic planning goals for persons with disabilities identified*
- 22 *pursuant to chapter 541, Statutes of Nevada 2001.*
- 23 10. *Provide on or before January 15 of each year a report to*
- 24 *the Governor and on or before January 15 of each odd-numbered*
- 25 *year a report to the Legislature, including, without limitation:*
- 26 (a) *A summary of the activities of the Office for the preceding*
- 27 *fiscal year or 2 preceding fiscal years, if the report is provided to*
- 28 *the Legislature;*
- 29 (b) *Documentation of significant problems affecting persons*
- 30 *with disabilities when accessing public services, if the Office is*
- 31 *aware of any such problems;*
- 32 (c) *A summary and analysis of the trends in the systems of*
- 33 *care and services available for persons with disabilities; and*
- 34 (d) *Recommendations for improving the ability of the State of*
- 35 *Nevada to provide services to persons with disabilities and*
- 36 *advocate for the rights of persons with disabilities.*
- 37 **Sec. 6.** *The Department may adopt any regulations to carry*
- 38 *out the provisions of sections 1 to 11, inclusive, of this act.*
- 39 **Sec. 7.** *As used in sections 8 and 9 of this act, unless the*
- 40 *context otherwise requires, "person with a physical disability"*
- 41 *means a person with a physical disability that substantially limits*
- 42 *his ability to participate and contribute independently in the*
- 43 *community in which he lives.*
- 44 **Sec. 8. 1.** *The Department shall, through the Office,*
- 45 *establish a program to provide financial assistance to persons with*



1 *physical disabilities for such essential personal care required*  
2 *pursuant to section 9 of this act as is necessary to enable them to*  
3 *live in a noninstitutional or unsupervised residential setting.*

- 4 2. *The Department shall adopt regulations:*  
5 (a) *Establishing the procedures for applying for assistance for*  
6 *essential personal care;*  
7 (b) *Prescribing the criteria for determining the eligibility of an*  
8 *applicant;*  
9 (c) *Prescribing the nature and the amounts of assistance*  
10 *which may be provided and the conditions imposed; and*  
11 (d) *Prescribing such other provisions as the Department*  
12 *considers necessary to administer the program.*

13 3. *The decision of the Department regarding the eligibility of*  
14 *an applicant is a final decision for the purposes of judicial review.*

15 **Sec. 9.** *The essential personal care for which the Department*  
16 *may provide assistance to a person with a physical disability*  
17 *pursuant to section 8 of this act must include assisting the person*  
18 *with the physical disability in:*

- 19 1. *The elimination of wastes from the body.*  
20 2. *Dressing and undressing.*  
21 3. *Bathing and grooming.*  
22 4. *The preparation and eating of meals.*  
23 5. *Getting in and out of bed.*  
24 6. *Repositioning while asleep.*  
25 7. *The use of prostheses and other medical equipment.*  
26 8. *Moving about.*

27 **Sec. 10.** 1. *The Office shall establish a program for persons*  
28 *with traumatic brain injuries.*

29 2. *The program may, subject to legislative appropriation,*  
30 *provide:*

31 (a) *The following services to persons with traumatic brain*  
32 *injuries:*

- 33 (1) *Treatment during the day on an outpatient basis;*  
34 (2) *Care provided in a facility operated and maintained to*  
35 *furnish food, shelter, assistance and limited supervision;*  
36 (3) *Care provided in the home;*  
37 (4) *Instruction in the skills required for independent living;*  
38 (5) *Placement for jobs; and*  
39 (6) *Counseling and treatment for the abuse of drugs or*  
40 *alcohol.*

41 (b) *Support services for families of persons with traumatic*  
42 *brain injuries.*

43 (c) *For the dissemination of information for the prevention of*  
44 *traumatic brain injuries.*



1       3. *The Office shall evaluate the program and submit a report*  
2 *containing the evaluation and any recommended legislation to*  
3 *each regular session of the Legislature.*

4       4. *The Department shall adopt regulations concerning the*  
5 *care of persons with traumatic brain injuries. The Department*  
6 *shall, in adopting the regulations, consider the criteria established*  
7 *by the Commission on Accreditation of Rehabilitation Facilities*  
8 *for the care of such persons.*

9       5. *As used in this section, "traumatic brain injury" means a*  
10 *sudden shock or damage to the brain or its coverings which is not*  
11 *of a degenerative nature and produces an altered state of*  
12 *consciousness or temporarily or permanently impairs the mental,*  
13 *cognitive, behavioral or physical functioning of the brain. The*  
14 *term does not include:*

- 15       (a) *A cerebral vascular accident;*
- 16       (b) *An aneurism; or*
- 17       (c) *A congenital defect.*

18       **Sec. 11. 1.** *The Office shall develop and administer a*  
19 *program whereby:*

20       (a) *Any person who is a customer of a telephone company*  
21 *which provides service through a local exchange and who is*  
22 *certified by the Office to be deaf or to have severely impaired*  
23 *speech or hearing may obtain a device for telecommunication*  
24 *capable of serving the needs of such persons at no charge to the*  
25 *customer beyond the rate for basic service; and*

26       (b) *Any person who is deaf or has severely impaired speech or*  
27 *hearing may communicate by telephone with other persons*  
28 *through a dual-party relay system.*

29 *The program must be approved by the Public Utilities Commission*  
30 *of Nevada.*

31       2. *A surcharge is hereby imposed on each access line of each*  
32 *customer to the local exchange of any telephone company*  
33 *providing such lines in this state which is sufficient to cover the*  
34 *costs of the program. The Commission shall establish by*  
35 *regulation the amount to be charged. Those companies shall*  
36 *collect the surcharge from their customers and transfer the money*  
37 *collected to the Commission pursuant to regulations adopted by*  
38 *the Commission.*

39       3. *The Account for Telecommunication and Relay Services*  
40 *for Persons With Impaired Speech or Hearing is hereby created*  
41 *within the State General Fund and must be administered by the*  
42 *Office. Any money collected from the surcharge imposed pursuant*  
43 *to subsection 2 must be deposited in the State Treasury for credit*  
44 *to the Account. The money in the Account may be used only:*



- 1 (a) For the purchase, maintenance, repair and distribution of
- 2 the devices for telecommunication, including the distribution of
- 3 devices to state agencies and nonprofit organizations;
- 4 (b) To establish and maintain the dual-party relay system;
- 5 (c) To reimburse telephone companies for the expenses
- 6 incurred in collecting and transferring to the Commission the
- 7 surcharge imposed by the Commission;
- 8 (d) For the general administration of the program; and
- 9 (e) To train persons in the use of the devices.

10 4. For the purposes of this section:

11 (a) "Device for telecommunication" means a device which is

12 used to send messages through the telephone system, which

13 visually displays or prints messages received and which is

14 compatible with the system of telecommunication with which it is

15 being used.

16 (b) "Dual-party relay system" means a system whereby persons

17 who have impaired speech or hearing, and who have been

18 furnished with devices for telecommunication, may relay

19 communications through third parties to persons who do not have

20 access to such devices.

21 **Sec. 12.** NRS 426.005 is hereby amended to read as follows:

22 426.005 It is the policy of this state to:

23 1. Enable ~~the visually, aurally and physically handicapped~~

24 *persons with visual, aural or physical disabilities* to participate

25 fully in the social and economic life of the State and to engage in

26 remunerative employment and to secure for them the same rights as

27 ~~the able-bodied~~ *persons without disabilities* to the full and free use

28 of the street, highways, sidewalks, walkways, public buildings,

29 public facilities and other public places.

30 2. Promote these objectives by periodic public observance in

31 which the people of the State are reminded:

32 (a) Of the significance of the white cane and the blaze orange

33 dog leash.

34 (b) To observe the provisions of the laws for the protection of

35 ~~the disabled~~ *persons with disabilities* and to take precautions

36 necessary to the safety of ~~the disabled~~ *persons with disabilities*.

37 (c) Of the policies of the State with respect to ~~the visually and~~

38 ~~physically disabled~~ *persons with visual or physical disabilities* and

39 to cooperate in giving effect to them.

40 (d) Of the need to:

41 (1) Be aware of the presence of ~~disabled~~ *persons with*

42 *disabilities* in the community;

43 (2) Keep safe and functional for ~~the disabled~~ *persons with*

44 *disabilities* the streets, highways, sidewalks, walkways, public

45 buildings, public facilities, other public places, places of public





1 accommodation, amusement and resort, and other places to which  
2 the public is invited; and

3 (3) Offer assistance to ~~disabled~~ persons *with disabilities*  
4 upon appropriate occasions.

5 *3. Provide persons with disabilities in this state and their*  
6 *families, within the limits of available resources, assistance in*  
7 *securing an equal opportunity to access and enjoy fully:*

8 (a) *Freedom and independence in planning and managing*  
9 *their lives, including, without limitation, the ability to exercise*  
10 *individual initiative;*

11 (b) *Suitable housing that is independently selected, designed*  
12 *and located with consideration of the special needs of persons with*  
13 *disabilities, and that is affordable to persons with disabilities;*

14 (c) *The best possible physical and mental health, without*  
15 *regard to economic status;*

16 (d) *Necessary health, personal assistance and independent*  
17 *living services that are designed to enable persons with disabilities*  
18 *to avoid receiving institutional care, or to transition from an*  
19 *institutional setting back to their communities;*

20 (e) *Respite for family members of persons with disabilities*  
21 *from their duties as primary caregivers; and*

22 (f) *Meaningful participation in a wide range of civic, cultural*  
23 *and recreational opportunities.*

24 **Sec. 13.** NRS 426.010 is hereby amended to read as follows:

25 426.010 The purposes of this chapter are:

26 1. To relieve ~~handicapped~~ persons *with disabilities* from the  
27 distress of poverty;

28 2. To encourage and assist ~~handicapped~~ persons *with*  
29 *disabilities* in their efforts to render themselves more self-  
30 supporting; and

31 3. To enlarge the opportunities of ~~handicapped~~ persons *with*  
32 *disabilities* to obtain education, vocational training and employment.

33 **Sec. 14.** NRS 426.055 is hereby amended to read as follows:

34 426.055 "Deaf person" means any person who, by reason of  
35 the loss or impairment of his hearing, has an aural ~~handicap~~  
36 *disability* which limits, contributes to limiting or which, if not  
37 corrected, will probably result in limiting his activities or functions.

38 **Sec. 15.** NRS 426.083 is hereby amended to read as follows:

39 426.083 "Helping dog" means a dog which has been or is  
40 being specially trained by or in conjunction with a school for  
41 helping dogs to the individual requirements of a ~~physically~~  
42 *handicapped* person *with a physical disability* to:

43 1. Provide a minimum of protection;

44 2. Rescue the person in certain situations;





- 1 3. Pull a wheelchair;
- 2 4. Fetch dropped items; or
- 3 5. Provide other services to the person.

4 **Sec. 16.** NRS 426.097 is hereby amended to read as follows:  
5 426.097 "Service animal" means an animal which has been or  
6 is being trained to provide a specialized service to a ~~handicapped~~  
7 person *with a disability* by a school that is approved by the Division  
8 to train such an animal.

9 **Sec. 17.** NRS 426.510 is hereby amended to read as follows:  
10 426.510 1. Except as otherwise provided in subsections 2, 3  
11 and 4, a person shall not:

12 (a) Use a guide dog, hearing dog, helping dog or other service  
13 animal or a blaze orange leash; or

14 (b) Carry or use on any street or highway or in any other public  
15 place a cane or walking stick which is white or metallic in color, or  
16 white tipped with red.

17 2. A blind person may use a guide dog or other service animal,  
18 a blaze orange leash and a cane or walking stick which is white or  
19 metallic in color, or white tipped with red.

20 3. A deaf person may use a hearing dog or other service animal  
21 and a blaze orange leash.

22 4. A ~~physically handicapped~~ person *with a physical disability*  
23 may use a helping dog or other service animal and a blaze orange  
24 leash.

25 5. Any pedestrian who approaches or encounters a person  
26 using a guide dog or other service animal or carrying a cane or  
27 walking stick white or metallic in color, or white tipped with red,  
28 shall immediately come to a full stop and take such precautions  
29 before proceeding as may be necessary to avoid accident or injury to  
30 the blind person.

31 6. Any person other than a blind person who:

32 (a) Uses a guide dog or other service animal or carries a cane or  
33 walking stick such as is described in this section, contrary to the  
34 provisions of this section;

35 (b) Fails to heed the approach of a person using a guide dog or  
36 other service animal or carrying such a cane as is described by this  
37 section;

38 (c) Fails to come to a stop upon approaching or coming in  
39 contact with a person so using a guide dog or other service animal or  
40 so carrying such a cane or walking stick; or

41 (d) Fails to take precaution against accident or injury to such a  
42 person after coming to a stop,  
43 as provided for in this section, is guilty of a misdemeanor.



1 7. Any person other than a blind ~~[.]~~ *person*, deaf *person* or  
2 ~~[physically handicapped]~~ person *with a physical disability* who uses  
3 a blaze orange leash is guilty of a misdemeanor.

4 8. This section does not apply to any person who is instructing  
5 a blind ~~[.]~~ *person*, deaf *person* or ~~[physically handicapped]~~ person  
6 *with a physical disability* or training a guide dog, hearing dog,  
7 helping dog or other service animal.

8 **Sec. 18.** NRS 426.515 is hereby amended to read as follows:  
9 426.515 The failure of a:

10 1. Blind person to carry a white or metallic colored cane or to  
11 use a guide dog or other service animal or a blaze orange leash;

12 2. Deaf person to use a hearing dog or other service animal or a  
13 blaze orange leash; or

14 3. ~~[Physically handicapped person]~~ *Person with a physical*  
15 *disability* to use a helping dog or other service animal or a blaze  
16 orange leash,

17 does not constitute contributory negligence per se, but may be  
18 admissible as evidence of contributory negligence in a personal  
19 injury action by that person against a common carrier or any other  
20 means of public conveyance or transportation or a place of public  
21 accommodation as defined by NRS 651.050 when the injury arises  
22 from the blind ~~[.]~~ *person's*, deaf *person's* or ~~[physically~~  
23 ~~handicapped person's]~~ *person with a physical disability's* making  
24 use of the facilities or services offered by the carrier or place of  
25 public accommodation.

26 **Sec. 19.** NRS 426.727 is hereby amended to read as follows:

27 426.727 "State personal assistance program" means a program  
28 established pursuant to NRS 422.396, 427A.250 or ~~[615.173.]~~  
29 *section 8 of this act.*

30 **Sec. 20.** NRS 426.740 is hereby amended to read as follows:

31 426.740 1. Every person who operates a service station or  
32 retail store which sells fuel for motor vehicles to the public shall,  
33 upon request, refuel a vehicle for a driver ~~[who is physically~~  
34 ~~handicapped.]~~ *with a physical disability.*

35 2. The price of the fuel charged to such a driver must not be  
36 greater than the price which would be charged to any other person  
37 for the fuel if that person had personally refueled his vehicle.

38 3. This section does not apply to a service station or a retail  
39 store which sells fuel if the service station or retail store does not  
40 provide a person to refuel the motor vehicles of its customers.

41 4. A person who violates any provision of this section is guilty  
42 of a misdemeanor.

43 **Sec. 21.** NRS 426A.060 is hereby amended to read as follows:

44 426A.060 1. The Advisory Committee on Traumatic Brain  
45 Injuries, consisting of 11 members, is hereby created.



- 1     2. The Administrator shall appoint to the Committee:
- 2     (a) One member who is an employee of the Rehabilitation
- 3     Division of the Department.
- 4     (b) One member who is an employee of the Division of Health
- 5     Care Financing and Policy of the Department of Human Resources
- 6     and participates in the administration of the state program providing
- 7     Medicaid.
- 8     (c) One member who is a licensed insurer in this state.
- 9     (d) One member who represents the interests of educators in this
- 10    state.
- 11    (e) One member who is a person professionally qualified in the
- 12    field of psychiatric mental health.
- 13    (f) Two members who are employees of private providers of
- 14    rehabilitative health care located in this state.
- 15    (g) One member who represents persons who operate
- 16    community-based programs for head injuries in this state.
- 17    (h) One member who represents hospitals in this state.
- 18    (i) Two members who represent the recipients of health care in
- 19    this state.
- 20    3. After the initial appointments, each member of the
- 21    Committee serves a term of 3 years.
- 22    4. The Committee shall elect one of its members to serve as
- 23    Chairman.
- 24    5. Members of the Committee serve without compensation and
- 25    are not entitled to receive the per diem allowance or travel expenses
- 26    provided for state officers and employees generally, except that
- 27    members of the Committee may receive any per diem allowance and
- 28    travel expenses that may be authorized by the Committee if the
- 29    payment of the per diem allowance and travel expenses:
- 30    (a) Is made from money received by the Committee from a
- 31    source other than the State of Nevada; and
- 32    (b) Is not inconsistent with any condition attached to the
- 33    acceptance of that money.
- 34    6. The Committee may:
- 35    (a) Make recommendations to the Administrator *and the Office*
- 36    *of Disability Services established pursuant to section 5 of this act*
- 37    relating to the establishment and operation of any program for
- 38    persons with traumatic brain injuries.
- 39    (b) Make recommendations to the Administrator *and the Office*
- 40    *of Disability Services established pursuant to section 5 of this act*
- 41    concerning proposed legislation relating to traumatic brain injuries.
- 42    (c) Collect information relating to traumatic brain injuries.
- 43    (d) Apply for grants.



1 (e) Accept and expend any money made available to the  
2 Committee by gift, grant, donation or bequest.

3 7. The Committee shall prepare a report of its activities and  
4 recommendations each year and submit a copy to the:

5 (a) Director of the Department;

6 (b) Administrator;

7 (c) *Office of Disability Services established pursuant to section*  
8 *5 of this act;*

9 (d) Legislative Committee on Health Care; and

10 ~~[(d)]~~ (e) Legislative Commission.

11 8. As used in this section:

12 (a) "Administrator" means the Administrator of the  
13 Rehabilitation Division of the Department.

14 (b) "Person professionally qualified in the field of psychiatric  
15 mental health" has the meaning ascribed to it in NRS 433.209.

16 (c) "Provider of health care" has the meaning ascribed to it in  
17 NRS 629.031.

18 **Sec. 22.** NRS 232.320 is hereby amended to read as follows:

19 232.320 1. Except as otherwise provided in subsection 2, the  
20 Director:

21 (a) Shall appoint, with the consent of the Governor,  
22 administrators of the divisions of the Department, who are  
23 respectively designated as follows:

24 (1) The Administrator of the Aging Services Division;

25 (2) The Administrator of the Health Division;

26 (3) The State Welfare Administrator;

27 (4) The Administrator of the Division of Child and Family  
28 Services; and

29 (5) The Administrator of the Division of Health Care  
30 Financing and Policy.

31 (b) Shall administer, through the divisions of the Department,  
32 the provisions of chapters 210, 423, 424, 425, 427A, 432A to 442,  
33 inclusive, 446 to 450, inclusive, of NRS, NRS 127.220 to 127.310,  
34 inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to  
35 432.139, inclusive, 444.003 to 444.430, inclusive, and 445A.010 to  
36 445A.055, inclusive, and all other provisions of law relating to the  
37 functions of the divisions of the Department, *and through the*  
38 *Office of Disability Services, the provisions of sections 2 to 11,*  
39 *inclusive, of this act,* but is not responsible for the clinical activities  
40 of the Health Division or the professional line activities of the other  
41 divisions.

42 (c) Shall, after considering advice from agencies of local  
43 governments and nonprofit organizations which provide social  
44 services, adopt a master plan for the provision of human services in  
45 this state. The Director shall revise the plan biennially and deliver a



1 copy of the plan to the Governor and the Legislature at the  
2 beginning of each regular session. The plan must:

3 (1) Identify and assess the plans and programs of the  
4 Department for the provision of human services, and any  
5 duplication of those services by federal, state and local agencies;

6 (2) Set forth priorities for the provision of those services;

7 (3) Provide for communication and the coordination of those  
8 services among nonprofit organizations, agencies of local  
9 government, the state and the Federal Government;

10 (4) Identify the sources of funding for services provided by  
11 the Department and the allocation of that funding;

12 (5) Set forth sufficient information to assist the Department  
13 in providing those services and in the planning and budgeting for the  
14 future provision of those services; and

15 (6) Contain any other information necessary for the  
16 Department to communicate effectively with the Federal  
17 Government concerning demographic trends, formulas for the  
18 distribution of federal money and any need for the modification of  
19 programs administered by the Department.

20 (d) May, by regulation, require nonprofit organizations and state  
21 and local governmental agencies to provide information to him  
22 regarding the programs of those organizations and agencies,  
23 excluding detailed information relating to their budgets and payrolls,  
24 which he deems necessary for his performance of the duties  
25 imposed upon him pursuant to this section.

26 (e) Has such other powers and duties as are provided by law.

27 2. The Governor shall appoint the Administrator of the  
28 Division of Mental Health and Developmental Services.

29 **Sec. 23.** NRS 651.075 is hereby amended to read as follows:

30 651.075 1. It is unlawful for a place of public  
31 accommodation to:

32 (a) Refuse admittance or service to a person with a visual, aural  
33 or physical disability because he is accompanied by a guide dog,  
34 hearing dog, helping dog or other service animal.

35 (b) Refuse admittance or service to a person training such an  
36 animal.

37 (c) Refuse to permit an employee of the place of public  
38 accommodation who is training such an animal to bring the animal  
39 into:

40 (1) The place of public accommodation; or

41 (2) Any area within the place of public accommodation to  
42 which employees of the place have access, regardless of whether the  
43 area is open to the public.



- 1 (d) Refuse admittance or service to a person because he is  
2 accompanied by a police dog.
- 3 (e) Charge an additional fee for such an animal.
- 4 2. A place of accommodation may require proof that an animal  
5 is a guide dog, hearing dog, helping dog or other service animal, or  
6 that a person is training such an animal. This requirement may be  
7 satisfied, by way of example and not of limitation, by exhibition of  
8 the identification card normally presented to a trainer of such an  
9 animal or to a person with a visual, aural or physical disability upon  
10 his graduation from a school for guide dogs, school for hearing  
11 dogs, school for helping dogs or other school that is approved by the  
12 Rehabilitation Division of the Department of Employment, Training  
13 and Rehabilitation to train a service animal to provide a specialized  
14 service to a ~~handicapped person.~~ *person with a disability.*
- 15 3. A guide dog, hearing dog, helping dog or other service  
16 animal may not be presumed dangerous by reason of the fact it is  
17 not muzzled.
- 18 4. This section does not relieve:
- 19 (a) A person with a disability or a person who trains such an  
20 animal from liability for damage caused by his guide dog, hearing  
21 dog, helping dog or other service animal.
- 22 (b) A person who is accompanied by a police dog from liability  
23 for damage caused by the police dog.
- 24 5. Persons with disabilities who are accompanied by guide  
25 dogs, hearing dogs, helping dogs or other service animals are  
26 subject to the same conditions and limitations that apply to persons  
27 who are not so disabled and accompanied.
- 28 6. Persons who are accompanied by police dogs are subject to  
29 the same conditions and limitations that apply to person who are not  
30 so accompanied.
- 31 7. For the purposes of this section:
- 32 (a) The terms "guide dog," "hearing dog," "helping dog" and  
33 "service animal" have the meanings ascribed to them respectively in  
34 NRS 426.075, 426.081, 426.083 and 426.097.
- 35 (b) "Police dog" means a dog which is owned by a state or local  
36 governmental agency and which is used by a peace officer in  
37 performing his duties as a peace officer.
- 38 **Sec. 24.** NRS 704.040 is hereby amended to read as follows:
- 39 704.040 1. Every public utility shall furnish reasonably  
40 adequate service and facilities, and the charges made for any service  
41 rendered or to be rendered, or for any service in connection  
42 therewith or incidental thereto, must be just and reasonable.
- 43 2. Every unjust and unreasonable charge for service of a public  
44 utility is unlawful.



1 3. The Commission may exempt, to the extent it deems  
2 reasonable, services related to telecommunication or public utilities  
3 which provide telecommunication services from any or all of the  
4 provisions of this chapter, upon a determination after hearing that  
5 the services are competitive or discretionary and that regulation  
6 thereof is unnecessary. For the purposes of this subsection, basic  
7 local exchange service and access services provided to  
8 interexchange carriers are not discretionary.

9 4. The Commission shall adopt regulations necessary to  
10 establish an alternative plan of regulation of a public utility that  
11 provides telecommunication services. The alternative plan may  
12 include, but is not limited to, provisions that:

13 (a) Allow adjustment of the rates charged by a public utility that  
14 provides telecommunication services during the period in which the  
15 utility elects the alternative plan of regulation.

16 (b) Provide for flexibility of pricing for discretionary services  
17 and services that are competitive.

18 (c) Specify the provisions of this chapter, ~~and~~ chapter 707 of  
19 NRS *and section 11 of this act* that do not apply to a public utility  
20 that elects to be regulated under the alternative plan.

21 5. A public utility that elects to be regulated under the  
22 alternative plan established pursuant to subsection 4 is not subject to  
23 the remaining provisions of this chapter, ~~or~~ chapter 707 of NRS *or*  
24 *section 11 of this act* to the extent specified pursuant to paragraph  
25 (c) of subsection 4.

26 6. All providers of telecommunication services which offer the  
27 same or similar service must be subject to fair and impartial  
28 regulation, to promote adequate, economical and efficient service.

29 7. The Commission may provide for the levy and collection of  
30 an assessment, in an amount determined by the Commission, from a  
31 public utility that provides telecommunication services in order to  
32 maintain the availability of telephone service. Assessments levied  
33 pursuant to this subsection must be maintained in a separate fund  
34 established by the Commission. The Commission shall contract with  
35 an independent administrator to administer the fund pursuant to  
36 open competitive bidding procedures established by the  
37 Commission. The independent administrator shall collect the  
38 assessments levied and distribute them from the fund pursuant to  
39 a plan which has been approved by the Commission. Money in  
40 the fund must be used for the sole purpose of maintaining the  
41 availability of telephone service.

42 8. For the purposes of this section, "interexchange carrier"  
43 means any person providing intrastate telecommunications service  
44 for a fee between two or more exchanges.





1       **Sec. 25.** NRS 704.145 is hereby amended to read as follows:  
2       704.145 1. It is unlawful for a common carrier or other  
3 means of public conveyance or transportation operating in this state  
4 to:

5       (a) Refuse service to a ~~{visually, aurally or physically~~  
6 ~~handicapped}~~ person *with a visual, aural or physical disability*  
7 because he is accompanied by a guide dog, hearing dog, helping dog  
8 or other service animal;

9       (b) Refuse service to a person who is training a guide dog,  
10 hearing dog, helping dog or other service animal because he is  
11 accompanied by such an animal; or

12       (c) Charge an additional fee for such an animal.

13       2. This section does not relieve a ~~{visually, aurally or~~  
14 ~~physically handicapped}~~ person *with a visual, aural or physical*  
15 *disability* or a person who trains a guide dog, hearing dog, helping  
16 dog or other service animal from liability for damage which may be  
17 caused by his animal.

18       3. ~~{Visually, aurally or physically handicapped persons}~~  
19 *Persons with visual, aural or physical disabilities* accompanied by  
20 guide dogs, hearing dogs, helping dogs or other service animals are  
21 subject to the same conditions and limitations that apply to persons  
22 *without disabilities* who are not so ~~{handicapped and}~~ accompanied.

23       4. For the purposes of this section, the terms “guide dog,”  
24 “hearing dog,” “helping dog” and “service animal” have the  
25 meanings ascribed to them respectively in NRS 426.075, 426.081,  
26 426.083 and 426.097.

27       **Sec. 26.** NRS 706.366 is hereby amended to read as follows:

28       706.366 1. It is unlawful for a common motor carrier of  
29 passengers or other means of public conveyance or transportation  
30 operating in this state to:

31       (a) Refuse service to a ~~{visually, aurally or physically~~  
32 ~~handicapped}~~ person *with a visual, aural or physical disability*  
33 because he is accompanied by a guide dog, hearing dog, helping dog  
34 or other service animal;

35       (b) Refuse service to a person who is training a guide dog,  
36 hearing dog, helping dog or other service animal because he is  
37 accompanied by such an animal; or

38       (c) Charge an additional fee for such an animal.

39       2. This section does not relieve a ~~{visually, aurally or~~  
40 ~~physically handicapped}~~ person *with a visual, aural or physical*  
41 *disability* or a person who trains a guide dog, hearing dog, helping  
42 dog or other service animal from liability for damage which may be  
43 caused by his animal.

44       3. ~~{Visually, aurally or physically handicapped persons}~~  
45 *Persons with visual, aural or physical disabilities* accompanied by



1 guide dogs, hearing dogs, helping dogs or other service animals are  
2 subject to the same conditions and limitations that apply to persons  
3 *without disabilities* who are not so ~~handicapped and~~ accompanied.

4 4. For the purposes of this section, the terms "guide dog,"  
5 "hearing dog," "helping dog" and "service animal" have the  
6 meanings ascribed to them respectively in NRS 426.075, 426.081,  
7 426.083 and 426.097.

8 **Sec. 27.** NRS 426A.070, 426A.080, 615.173, 615.176 and  
9 707.360 are hereby repealed.

10 **Sec. 28.** 1. There is hereby appropriated from the State  
11 General Fund to the State Bar of Nevada to provide a program for  
12 legal aid to provide legal services to persons with disabilities who  
13 have exhausted all resources available to them from the Office of  
14 Disability Services:

15	For the fiscal year 2003-2004 .....	\$130,000
16	For the fiscal year 2004-2005 .....	\$130,000

17 2. The sums appropriated by subsection 1 are available for  
18 either fiscal year. Any balance of those sums must not be committed  
19 for expenditure after June 30, 2005, and reverts to the State General  
20 Fund as soon as all payments of money committed have been made.

21 **Sec. 29.** Notwithstanding the provisions of sections 8, 9, 10  
22 and 27 of this act that transfer the authority to adopt certain  
23 regulations from the Department of Employment, Training and  
24 Rehabilitation to the Department of Human Resources:

25 1. Any regulations adopted by the Department of Employment,  
26 Training and Rehabilitation pursuant to NRS 615.173 or 615.176  
27 before July 1, 2003, remain in effect and may enforced by the  
28 Director of the Department of Human Resources until the  
29 Department of Human Resources adopts regulations to replace those  
30 regulations of the Department of Employment, Training and  
31 Rehabilitation.

32 2. Any regulations adopted by the Rehabilitation Division of  
33 the Department of Employment, Training and Rehabilitation  
34 pursuant to NRS 426A.070 or 426A.080 before July 1, 2003, remain  
35 in effect and may enforced by the Director of the Department of  
36 Human Resources until the Department of Human Resources adopts  
37 regulations to replace those regulations of the Rehabilitation  
38 Division of the Department of Employment, Training and  
39 Rehabilitation.

40 **Sec. 30.** The State Controller shall transfer the money in the  
41 account created by NRS 707.360 to the account created by section  
42 11 of this act.

43 **Sec. 31.** This act becomes effective on July 1, 2003.



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TEXT OF REPEALED SECTIONS

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**426A.070 Program for Persons with Traumatic Brain Injuries: Establishment; services; evaluation; report to legislature.**

1. The Rehabilitation Division of the Department shall establish a Program for Persons with Traumatic Brain Injuries.

2. The Program may, subject to legislative appropriation, provide:

(a) The following services to persons with traumatic brain injuries:

- (1) Treatment during the day on an outpatient basis;
- (2) Care provided in a facility operated and maintained to furnish food, shelter, assistance and limited supervision;
- (3) Care provided in the home;
- (4) Instruction in the skills required for independent living;
- (5) Placement for jobs; and
- (6) Counseling and treatment for the abuse of drugs or alcohol.

(b) Support services for families of persons with traumatic brain injuries.

(c) For the dissemination of information for the prevention of traumatic brain injuries.

3. The Rehabilitation Division shall evaluate the Program and submit a report containing the evaluation and any recommended legislation to each regular session of the Legislature.

**426A.080 Regulations.** The Rehabilitation Division of the Department shall adopt regulations concerning the care of persons with traumatic brain injuries. The Division shall, in adopting the regulations, consider the criteria established by the Commission on Accreditation of Rehabilitation Facilities for the care of such persons.

**615.173 Program to enable physically disabled persons to live in unsupervised setting: Establishment; regulation.**

1. The Department shall, through its divisions, establish a program to provide financial assistance to physically disabled persons for such essential personal care as is necessary to enable them to live in a noninstitutional or unsupervised residential setting.

2. The Department shall adopt regulations:

(a) Establishing the procedures for applying for assistance for essential personal care;



(b) Prescribing the criteria for determining the eligibility of an applicant;

(c) Prescribing the nature and the amounts of assistance which may be provided and the conditions imposed; and

(d) Prescribing such other provisions as the Department considers necessary to administer the program.

3. The decision of the Department regarding the eligibility of an applicant is a final decision for the purposes of judicial review.

**615.176 Program to enable physically disabled persons to live in unsupervised setting: Required elements of essential personal care.** The essential personal care for which the Department may provide assistance must include assisting the physically disabled person in:

1. The elimination of wastes from the body.
2. Dressing and undressing.
3. Bathing and grooming.
4. The preparation and eating of meals.
5. Getting in and out of bed.
6. Repositioning while asleep.
7. The use of prostheses and other medical equipment.
8. Moving about.

**707.360 Program to provide devices for telecommunication to persons with impaired speech or hearing; surcharge; creation and use of Account for Telecommunication and Relay Services for Persons With Impaired Speech or Hearing.**

1. The Rehabilitation Division of the Department of Employment, Training and Rehabilitation shall develop and administer a program whereby:

(a) Any person who is a customer of a telephone company which provides service through a local exchange and who is certified by the Division to be deaf or to have severely impaired speech or hearing may obtain a device for telecommunication capable of serving the needs of such persons at no charge to the customer beyond the rate for basic service; and

(b) Any person who is deaf or has severely impaired speech or hearing may communicate by telephone with other persons through a dual-party relay system.

The program must be approved by the Public Utilities Commission of Nevada.

2. A surcharge is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this state which is sufficient to cover the costs of the program. The Commission shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from



their customers and transfer the money collected to the Commission pursuant to regulations adopted by the Commission.

3. The Account for Telecommunication and Relay Services for Persons With Impaired Speech or Hearing is hereby created within the State General Fund and must be administered by the Division. Any money collected from the surcharge imposed pursuant to subsection 2 must be deposited in the State Treasury for credit to the Account. The money in the Account may be used only:

(a) For the purchase, maintenance, repair and distribution of the devices for telecommunication, including the distribution of devices to state agencies and nonprofit organizations;

(b) To establish and maintain the dual-party relay system;

(c) To reimburse telephone companies for the expenses incurred in collecting and transferring to the Commission the surcharge imposed by the Commission;

(d) For the general administration of the program; and

(e) To train persons in the use of the devices.

4. For the purposes of this section:

(a) "Device for telecommunication" means a device which has a keyboard used to send messages by telephone, which visually displays or prints messages received and which is compatible with the system of telecommunication with which it is being used.

(b) "Dual-party relay system" means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for telecommunication, may relay communications through third parties to persons who do not have access to such devices.

