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SENATE BILL NO. 93—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE  
ON HEALTH CARE)

PREFILED JANUARY 24, 2019

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Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired. (BDR 38-449)

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

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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; revising the name and membership of the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired; making the Director of the Commission a full-time, paid position; making an appropriation for certain costs of the Commission; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law creates the Nevada Commission for Persons Who Are Deaf, Hard  
2 of Hearing or Speech Impaired within the Office of the Governor. The Commission  
3 consists of persons with knowledge of issues relating to communications  
4 disabilities who are appointed by the Governor. The Commission is required to: (1)  
5 advise state and local governmental entities concerning programs for persons with  
6 communications disabilities and compliance with laws and regulations concerning  
7 such persons; and (2) provide information to such persons concerning services and  
8 resources that promote equality for such persons. The Commission is authorized to  
9 perform certain other duties relating to such persons. (NRS 427A.750) **Sections 1**  
10 **and 2** of this bill change the name of the Commission to the Nevada Commission  
11 for Persons Who Are Deaf and Hard of Hearing. **Section 2** also revises the  
12 membership of the Commission.

13 Existing law requires the Governor to appoint the Director of the Commission,  
14 who serves without compensation and performs such duties as are directed by the  
15 Commission. (NRS 427A.752) **Section 3** of this bill instead makes the Director a  
16 full-time, paid position. **Section 4** of this bill requires the compensation and other



17 expenses of the Director to be paid from the surcharge imposed on the access lines  
18 of telephone customers. **Section 5** of this bill makes an appropriation of \$50,000  
19 from the State General Fund to the Commission in each fiscal year of the biennium  
20 to pay for per diem, travel and administrative costs of the Commission.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 427A.740 is hereby amended to read as  
2 follows:

3 427A.740 As used in this section and NRS 427A.750 and  
4 427A.752, unless the context otherwise requires, "Commission"  
5 means the Nevada Commission for Persons Who Are Deaf ~~{}~~ and  
6 Hard of Hearing ~~{or Speech Impaired}~~ created by NRS 427A.750.

7 **Sec. 2.** NRS 427A.750 is hereby amended to read as follows:

8 427A.750 1. The Nevada Commission for Persons Who Are  
9 Deaf ~~{}~~ and Hard of Hearing ~~{or Speech Impaired}~~ is hereby created  
10 within the Office of the Governor. The Commission consists of  
11 ~~{nine}~~ **11** members appointed by the Governor. The Governor shall  
12 consider recommendations made by the Nevada Commission on  
13 Services for Persons with Disabilities and appoint to the Nevada  
14 Commission for Persons Who Are Deaf ~~{}~~ and Hard of Hearing :  
15 ~~{or Speech Impaired:}~~

16 (a) One nonvoting member who is employed by the State and  
17 who participates in the administration of the programs of this State  
18 that provide services to persons who are deaf, hard of hearing or  
19 speech impaired;

20 (b) One member who is a member of the Nevada Association of  
21 the Deaf, or, if it ceases to exist, one member who represents an  
22 organization which has a membership of persons who are deaf, hard  
23 of hearing or speech-impaired;

24 (c) One member who has experience with and knowledge  
25 of services for persons who are deaf, hard of hearing or  
26 speech-impaired;

27 (d) One nonvoting member who is the Executive Director of the  
28 Nevada Telecommunications Association or, in the event of its  
29 dissolution, who represents the telecommunications industry;

30 (e) ~~{Three members}~~ **One member** who ~~{are users}~~ **is a user** of  
31 telecommunications relay services or the services of persons  
32 engaged in the practice of interpreting or the practice of realtime  
33 captioning;

34 (f) One member who is a parent of a child who is deaf, hard of  
35 hearing or speech-impaired; ~~{and}~~

36 (g) One member who represents educators in this State and has  
37 knowledge concerning the provision of communication services to



1 persons who are deaf, hard of hearing or speech impaired in  
2 elementary, secondary and postsecondary schools and the laws  
3 concerning the provision of those services **H**;

4 *(h) One member who represents an advocacy organization*  
5 *whose membership consists of persons who are deaf, hard of*  
6 *hearing or speech-impaired;*

7 *(i) One member who is deaf or hard of hearing;*

8 *(j) One member who specializes in issues relating to the*  
9 *employment of persons with disabilities; and*

10 *(k) One member who is the parent or guardian of a child who*  
11 *is less than 6 years of age and is deaf or hard of hearing.*

12 2. After the initial term, the term of each member is 3 years. A  
13 member may be reappointed.

14 3. If a vacancy occurs during the term of a member, the  
15 Governor shall appoint a person similarly qualified to replace that  
16 member for the remainder of the unexpired term.

17 4. The Commission shall:

18 (a) At its first meeting and annually thereafter, elect a Chair  
19 from among its voting members; and

20 (b) Meet at the call of the Governor or the Chair or a majority of  
21 its voting members as is necessary to carry out its responsibilities.

22 5. A majority of the voting members of the Commission  
23 constitutes a quorum for the transaction of business, and a majority  
24 of the voting members of a quorum present at any meeting is  
25 sufficient for any official action taken by the Commission.

26 6. Members of the Commission serve without compensation,  
27 except that each member is entitled, while engaged in the business  
28 of the Commission, to the per diem allowance and travel expenses  
29 provided for state officers and employees generally if funding is  
30 available for this purpose.

31 7. A member of the Commission who is an officer or employee  
32 of this State or a political subdivision of this State must be relieved  
33 from his or her duties without loss of regular compensation so that  
34 the person may prepare for and attend meetings of the Commission  
35 and perform any work necessary to carry out the duties of the  
36 Commission in the most timely manner practicable. A state agency  
37 or political subdivision of this State shall not require an officer or  
38 employee who is a member of the Commission to make up the time  
39 he or she is absent from work to carry out his or her duties as a  
40 member of the Commission or use annual vacation or compensatory  
41 time for the absence.

42 8. The Commission may:

43 (a) Make recommendations to any state agency, including,  
44 without limitation, the Division, concerning the establishment and  
45 operation of programs for persons who are deaf, hard of hearing or



1 speech impaired to ensure equal access to state programs and  
2 activities.

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

6 (c) Collect information concerning persons who are deaf, hard  
7 of hearing or speech impaired.

8 (d) Create and annually review a 5-year strategic plan consisting  
9 of short-term and long-term goals for services provided by or on  
10 behalf of the Division. In creating and reviewing any such plan, the  
11 Commission must solicit input from various persons, including,  
12 without limitation, persons who are deaf, hard of hearing or speech  
13 impaired.

14 (e) Review the goals, policies, programs and services of state  
15 agencies, including, without limitation, the Division, that serve  
16 persons who are deaf, hard of hearing or speech impaired and advise  
17 such agencies regarding such goals, policies, programs and services,  
18 including, without limitation, the outcomes of services provided to  
19 persons who are deaf, hard of hearing or speech impaired and the  
20 requirements imposed on providers.

21 (f) Based on information collected by the Department of  
22 Education, advise the Department of Education on research and  
23 methods to ensure the availability of language and communication  
24 services for children who are deaf, hard of hearing or  
25 speech-impaired.

26 (g) Consult with the personnel of any state agency, including,  
27 without limitation, the Division, concerning any matter relevant to  
28 the duties of the Commission. A state agency shall make available  
29 to the Commission any officer or employee of the agency with  
30 which the Commission wishes to consult pursuant to this paragraph.

31 9. The Commission shall:

32 (a) Make recommendations to the Division concerning the  
33 practice of interpreting and the practice of realtime captioning,  
34 including, without limitation, the adoption of regulations to carry  
35 out the provisions of chapter 656A of NRS.

36 (b) Make recommendations to the Division concerning all  
37 programs and activities funded by the surcharge imposed pursuant  
38 to subsection 3 of NRS 427A.797.

39 (c) Provide persons who are deaf, hard of hearing or speech  
40 impaired with information concerning services and resources that  
41 promote equality for such persons in education, employment and  
42 socialization and referrals for such services and resources;

43 (d) Review the procedures and practices of state and local  
44 governmental entities to ensure that persons who are deaf, hard of



1 hearing or speech impaired have equal access to resources and  
2 services provided by those governmental entities; ~~and~~

3 (e) Make recommendations to state and local governmental  
4 entities concerning:

5 (1) Compliance with laws and regulations concerning  
6 persons who are deaf, hard of hearing or speech impaired, including,  
7 without limitation, the Americans with Disabilities Act of 1990, 42  
8 U.S.C. §§ 12101 et seq.;

9 (2) Improving the health, safety, welfare and comfort of  
10 persons who are deaf, hard of hearing or speech impaired; and

11 (3) Integrating services and programs for persons who are  
12 deaf, hard of hearing or speech impaired and improving cooperation  
13 among state and local governmental entities that provide such  
14 services ~~and~~; *and*

15 *(f) Make recommendations to the Governor concerning the*  
16 *compensation of the Director of the Commission who is appointed*  
17 *pursuant to NRS 427A.752.*

18 10. As used in this section:

19 (a) "Practice of interpreting" has the meaning ascribed to it in  
20 NRS 656A.060.

21 (b) "Practice of realtime captioning" has the meaning ascribed to  
22 it in NRS 656A.062.

23 (c) "Telecommunications relay services" has the meaning  
24 ascribed to it in 47 C.F.R. § 64.601.

25 **Sec. 3.** NRS 427A.752 is hereby amended to read as follows:

26 427A.752 1. The Governor shall appoint the Director of the  
27 Commission ~~and~~ *within the Office of the Governor.* The Director:

28 (a) ~~Serves without compensation.~~ *Is in the unclassified*  
29 *service of the State and serves* at the pleasure of the Governor.

30 (b) Shall perform such duties as are directed by the  
31 Commission.

32 *(c) Must not be a member of the Commission.*

33 2. The Division shall provide ~~the~~ *any additional* personnel,  
34 facilities, equipment and supplies required by the Commission to  
35 carry out the provisions of this section and NRS 427A.750.

36 **Sec. 4.** NRS 427A.797 is hereby amended to read as follows:

37 427A.797 1. The Division shall develop and administer a  
38 program whereby:

39 (a) Any person who is a customer of a telephone company  
40 which provides service through a local exchange or a customer of a  
41 company that provides wireless phone service and who is certified  
42 by the Division to be deaf or to have severely impaired speech or  
43 hearing may obtain a device for telecommunication or other  
44 assistive technology capable of serving the needs of such persons at  
45 no charge to the customer beyond the rate for basic service;



1 (b) Any person who is deaf or has severely impaired speech or  
2 hearing may communicate by telephone, including, without  
3 limitation, a wireless phone, or other means with other persons  
4 through a dual-party relay system or other assistive technology; and

5 (c) Interpreters are made available, when possible, to the  
6 Executive, Judicial and Legislative Departments of State  
7 Government to assist those departments in providing access to  
8 persons who are deaf or hard of hearing. The Division shall, to the  
9 extent money is available, employ one or more interpreters in the  
10 unclassified service of the State for the purposes of this paragraph.

11 2. The program developed pursuant to subsection 1 must  
12 include the establishment of centers for persons who are deaf or  
13 hard of hearing that provide services which must include, without  
14 limitation:

15 (a) Facilitating the provision and distribution of devices for  
16 telecommunication and other assistive technology to persons with  
17 impaired speech or hearing;

18 (b) Assisting persons who are deaf or have severely impaired  
19 speech or hearing in accessing assistive devices, including, without  
20 limitation, hearing aids, electrolarynxes and devices for  
21 telecommunication and other assistive technology;

22 (c) Expanding the capacity for service using devices for  
23 telecommunication and other assistive technology in areas where  
24 there is a need for such devices and technology and services for  
25 persons with impaired speech or hearing are not available;

26 (d) Providing instruction in language acquisition to persons  
27 determined by the center to be eligible for services; and

28 (e) Providing programs designed to increase access to education,  
29 employment and health and social services.

30 3. A surcharge of not more than 8 cents per month is hereby  
31 imposed on each access line of each customer to the local exchange  
32 of any telephone company providing such lines in this State and on  
33 each personal wireless access line of each customer of any company  
34 that provides wireless phone services in this State. The surcharge  
35 must be used to:

36 (a) Cover the costs of the program;

37 (b) Fund the centers for persons who are deaf or hard of hearing  
38 established pursuant to subsection 2; ~~and~~

39 (c) Cover the costs incurred by the Division to carry out the  
40 provisions of chapter 656A of NRS that are not covered by the civil  
41 penalties received by the Division pursuant to NRS 656A.800 ~~;~~  
42 *and*

43 *(d) Cover the costs of the compensation and other expenses of*  
44 *the Director of the Nevada Commission for Persons Who are Deaf*  
45 *and Hard of Hearing pursuant to NRS 427A.752.*



1 ↪ The Public Utilities Commission of Nevada shall establish by  
2 regulation the amount to be charged. Those companies shall collect  
3 the surcharge from their customers and transfer the money collected  
4 to the Commission pursuant to regulations adopted by the  
5 Commission.

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

12 (a) For the purchase, maintenance, repair and distribution of the  
13 devices for telecommunication and other assistive technology,  
14 including the distribution of such devices and technology to state  
15 agencies and nonprofit organizations;

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

17 (c) To reimburse telephone companies and companies that  
18 provide wireless phone services for the expenses incurred in  
19 collecting and transferring to the Public Utilities Commission of  
20 Nevada the surcharge imposed by the Commission;

21 (d) For the general administration of the program developed and  
22 administered pursuant to subsection 1;

23 (e) To train persons in the use of the devices for  
24 telecommunication and other assistive technology;

25 (f) To fund the centers for persons who are deaf or hard of  
26 hearing established pursuant to subsection 2; ~~and~~

27 (g) To cover the costs incurred by the Division to carry out the  
28 provisions of chapter 656A of NRS that are not covered by the civil  
29 penalties received by the Division pursuant to NRS 656A.800 ~~;~~  
30 *and*

31 *(h) Cover the cost of the compensation and other expenses of*  
32 *the Director of the Nevada Commission for Persons Who are Deaf*  
33 *and Hard of Hearing pursuant to NRS 427A.752.*

34 5. For the purposes of this section:

35 (a) "Device for telecommunication" means a device which is  
36 used to send messages through the telephone system, including,  
37 without limitation, the wireless phone system, which visually  
38 displays or prints messages received and which is compatible with  
39 the system of telecommunication with which it is being used.

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



1     **Sec. 5.** 1. There is hereby appropriated from the State  
2 General Fund to the Nevada Commission for Persons Who Are Deaf  
3 and Hard of Hearing created by NRS 427A.750, as amended by  
4 section 2 of this act, for the per diem, travel and administrative costs  
5 of the Commission the following sums:

6	For the Fiscal Year 2019-2020 .....	\$50,000
7	For the Fiscal Year 2020-2021 .....	\$50,000

8     2. Any balance of the sums appropriated by subsection 1  
9 remaining at the end of the respective fiscal years must not be  
10 committed for expenditure after June 30 of the respective fiscal  
11 years by the entity to which the appropriation is made or any entity  
12 to which money from the appropriation is granted or otherwise  
13 transferred in any manner, and any portion of the appropriated  
14 money remaining must not be spent for any purpose after  
15 September 18, 2020, and September 17, 2021, respectively, by  
16 either the entity to which the money was appropriated or the entity  
17 to which the money was subsequently granted or transferred, and  
18 must be reverted to the State General Fund on or before  
19 September 18, 2020, and September 17, 2021, respectively.

20     **Sec. 6.** 1. Notwithstanding the amendatory provisions of this  
21 act, a member of the Nevada Commission for Persons Who Are  
22 Deaf, Hard of Hearing or Speech Impaired who was appointed  
23 pursuant to NRS 427A.750 as that section existed on June 30, 2019,  
24 and who is serving a term on July 1, 2019, is entitled to serve the  
25 remainder of the term to which he or she was appointed as a  
26 member of the Nevada Commission for Persons Who Are Deaf,  
27 Hard of Hearing or Speech Impaired created by NRS 427A.750, as  
28 amended by section 2 of this act. The Governor shall appoint to the  
29 Commission:

30     (a) The member described in paragraph (h) of subsection 1 of  
31 NRS 427A.750, as amended by section 2 of this act, to replace the  
32 first member described in paragraph (e) of subsection 1 of NRS  
33 427A.750 whose term expires after July 1, 2019.

34     (b) The member described in paragraph (i) of subsection 1 of  
35 NRS 427A.750, as amended by section 2 of this act, to replace the  
36 second member described in paragraph (e) of subsection 1 of NRS  
37 427A.750 whose term expires after July 1, 2019.

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

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

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





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

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