

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

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON HEALTH CARE)

PREFILED JANUARY 24, 2019

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.

AN ACT relating to persons with disabilities; transferring the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired from the Office of the Governor to the Aging and Disability Services Division of the Department of Health and Human Services; revising the name and membership of the Commission; making the Executive Director of the Commission a full-time, paid position; 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) **Section 1**
10 of this bill transfers the Commission from the Office of the Governor to the Aging and
11 Disability Services Division of the Department of Health and Human Services.
12 **Sections 1 and 2** of this bill change the name of the Commission to the Nevada



13 Commission for Persons Who Are Deaf and Hard of Hearing. **Section 2** also
14 revises the membership of the Commission.

15 Existing law requires the Governor to appoint the Director of the Commission,
16 who serves without compensation and performs such duties as are directed by the
17 Commission. (NRS 427A.752) **Section 3** of this bill: (1) changes the title of this
18 position to "Executive Director; (2) requires the Administrator of the Aging and
19 Disability Services Division of the Department of Health and Human Services to
20 appoint the Executive Director; and (3) makes the Executive Director a full-time,
21 paid position in the unclassified service. **Section 4** of this bill requires the
22 compensation and other expenses of the Executive Director to be paid from the
23 surcharge imposed on the access lines of telephone customers.

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



1 engaged in the practice of interpreting or the practice of realtime
2 captioning;

3 (f) One member who is a parent of a child who is deaf, hard of
4 hearing or speech-impaired; ~~and~~

5 (g) One member who represents educators in this State and has
6 knowledge concerning the provision of communication services to
7 persons who are deaf, hard of hearing or speech impaired in
8 elementary, secondary and postsecondary schools and the laws
9 concerning the provision of those services ~~H~~;

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

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

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

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

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

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

23 4. The Commission shall:

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

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

28 5. A majority of the voting members of the Commission
29 constitutes a quorum for the transaction of business, and a majority
30 of the voting members of a quorum present at any meeting is
31 sufficient for any official action taken by the Commission.

32 6. Members of the Commission serve without compensation,
33 except that each member is entitled, while engaged in the business
34 of the Commission, to the per diem allowance and travel expenses
35 provided for state officers and employees generally if funding is
36 available for this purpose.

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



1 member of the Commission or use annual vacation or compensatory
2 time for the absence.

3 8. The Commission may:

4 (a) Make recommendations to any state agency, including,
5 without limitation, the Division, concerning the establishment and
6 operation of programs for persons who are deaf, hard of hearing or
7 speech impaired to ensure equal access to state programs and
8 activities.

9 (b) Recommend to the Governor any proposed legislation
10 concerning persons who are deaf, hard of hearing or speech
11 impaired.

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

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

20 (e) Review the goals, policies, programs and services of state
21 agencies, including, without limitation, the Division, that serve
22 persons who are deaf, hard of hearing or speech impaired and advise
23 such agencies regarding such goals, policies, programs and services,
24 including, without limitation, the outcomes of services provided to
25 persons who are deaf, hard of hearing or speech impaired and the
26 requirements imposed on providers.

27 (f) Based on information collected by the Department of
28 Education, advise the Department of Education on research and
29 methods to ensure the availability of language and communication
30 services for children who are deaf, hard of hearing or
31 speech-impaired.

32 (g) Consult with the personnel of any state agency, including,
33 without limitation, the Division, concerning any matter relevant to
34 the duties of the Commission. A state agency shall make available
35 to the Commission any officer or employee of the agency with
36 which the Commission wishes to consult pursuant to this paragraph.

37 9. The Commission shall:

38 (a) Make recommendations to the Division concerning the
39 practice of interpreting and the practice of realtime captioning,
40 including, without limitation, the adoption of regulations to carry
41 out the provisions of chapter 656A of NRS.

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



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

5 (d) Review the procedures and practices of state and local
6 governmental entities to ensure that persons who are deaf, hard of
7 hearing or speech impaired have equal access to resources and
8 services provided by those governmental entities; and

9 (e) Make recommendations to state and local governmental
10 entities concerning:

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

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

17 (3) Integrating services and programs for persons who are
18 deaf, hard of hearing or speech impaired and improving cooperation
19 among state and local governmental entities that provide such
20 services.

21 10. As used in this section:

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

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

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

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

29 427A.752 1. The ~~Governor~~ *Administrator* shall appoint the
30 *Executive* Director of the Commission. The *Executive* Director:

31 (a) ~~Serves without compensation,~~ *Is in the unclassified*
32 *service of the State and serves* at the pleasure of the ~~Governor~~
33 *Administrator*.

34 (b) Shall perform such duties as are directed by the
35 *Administrator, as advised by the* Commission.

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

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

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

41 427A.797 1. The Division shall develop and administer a
42 program whereby:

43 (a) Any person who is a customer of a telephone company
44 which provides service through a local exchange or a customer of a
45 company that provides wireless phone service and who is certified



1 by the Division to be deaf or to have severely impaired speech or
2 hearing may obtain a device for telecommunication or other
3 assistive technology capable of serving the needs of such persons at
4 no charge to the customer beyond the rate for basic service;

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

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

15 2. The program developed pursuant to subsection 1 must
16 include the establishment of centers for persons who are deaf or
17 hard of hearing that provide services which must include, without
18 limitation:

19 (a) Facilitating the provision and distribution of devices for
20 telecommunication and other assistive technology to persons with
21 impaired speech or hearing;

22 (b) Assisting persons who are deaf or have severely impaired
23 speech or hearing in accessing assistive devices, including, without
24 limitation, hearing aids, electrolarynxes and devices for
25 telecommunication and other assistive technology;

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

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

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

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

40 (a) Cover the costs of the program;

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

43 (c) Cover the costs incurred by the Division to carry out the
44 provisions of chapter 656A of NRS that are not covered by the civil



1 penalties received by the Division pursuant to NRS 656A.800 ~~§~~ ;
2 *and*

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

6 ↪ The Public Utilities Commission of Nevada shall establish by
7 regulation the amount to be charged. Those companies shall collect
8 the surcharge from their customers and transfer the money collected
9 to the Commission pursuant to regulations adopted by the
10 Commission.

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

17 (a) For the purchase, maintenance, repair and distribution of the
18 devices for telecommunication and other assistive technology,
19 including the distribution of such devices and technology to state
20 agencies and nonprofit organizations;

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

22 (c) To reimburse telephone companies and companies that
23 provide wireless phone services for the expenses incurred in
24 collecting and transferring to the Public Utilities Commission of
25 Nevada the surcharge imposed by the Commission;

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

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

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

32 (g) To cover the costs incurred by the Division to carry out the
33 provisions of chapter 656A of NRS that are not covered by the civil
34 penalties received by the Division pursuant to NRS 656A.800 ~~§~~ ;
35 *and*

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

39 5. For the purposes of this section:

40 (a) "Device for telecommunication" means a device which is
41 used to send messages through the telephone system, including,
42 without limitation, the wireless phone system, which visually
43 displays or prints messages received and which is compatible with
44 the system of telecommunication with which it is being used.



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

6 **Sec. 5.** (Deleted by amendment.)

7 **Sec. 6.** 1. Notwithstanding the amendatory provisions of this
8 act, a member of the Nevada Commission for Persons Who Are
9 Deaf, Hard of Hearing or Speech Impaired who was appointed
10 pursuant to NRS 427A.750 as that section existed on June 30, 2019,
11 and who is serving a term on July 1, 2019, is entitled to serve the
12 remainder of the term to which he or she was appointed as a
13 member of the Nevada Commission for Persons Who Are Deaf,
14 Hard of Hearing or Speech Impaired created by NRS 427A.750, as
15 amended by section 2 of this act. The Governor shall appoint to the
16 Commission:

17 (a) The member described in paragraph (h) of subsection 1 of
18 NRS 427A.750, as amended by section 2 of this act, to replace the
19 first member described in paragraph (e) of subsection 1 of NRS
20 427A.750 whose term expires after July 1, 2019.

21 (b) The member described in paragraph (i) of subsection 1 of
22 NRS 427A.750, as amended by section 2 of this act, to replace the
23 second member described in paragraph (e) of subsection 1 of NRS
24 427A.750 whose term expires after July 1, 2019.

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

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

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

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

