

ASSEMBLY BILL NO. 200—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON SENIOR  
CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS)

FEBRUARY 26, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to persons with impaired  
speech or hearing. (BDR 38-419)

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

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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; making certain voting  
members of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing  
and Persons With Speech Disabilities of the Nevada  
Commission on Services for Persons with Disabilities  
nonvoting members; requiring the Subcommittee to make  
certain recommendations; revising provisions relating to  
the program to provide devices for telecommunication to  
persons with impaired speech or hearing; and providing  
other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law establishes the Subcommittee on Communication Services for  
2 Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of  
3 the Nevada Commission on Services for Persons with Disabilities. The  
4 Subcommittee consists of nine voting members appointed by the Administrator of  
5 the Aging and Disability Services Division of the Department of Health and Human  
6 Services. One member of the Subcommittee is required to be an employee of the  
7 Division, and another member is required to be the Executive Director of the  
8 Nevada Telecommunications Association or, in the event of its dissolution, another  
9 representative of the telecommunications industry. (NRS 427A.750) **Section 1** of  
10 this bill makes these two members nonvoting members.

11 The Aging and Disability Services Division is required to develop and  
12 administer a program to provide devices for telecommunication to persons with  
13 impaired speech or hearing and to fund centers for persons who are deaf or hard of



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14 hearing operated by this State. (NRS 427A.797) **Section 2** requires that this  
15 program include the provision of other assistive technology and the provision of  
16 certain services by such centers, including, without limitation: (1) facilitating the  
17 provision and distribution of devices for telecommunication and other assistive  
18 technology to persons with impaired speech or hearing; (2) assisting persons with  
19 impaired speech or hearing in accessing assistive devices; (3) expanding service  
20 capacity for devices for telecommunication and other assistive technology in areas  
21 where there is a need and services are not available; (4) providing instruction in  
22 language acquisition; (5) providing programs designed to increase access to  
23 education, employment and health and social services; and (6) providing for the  
24 hiring of or contracting with interpreters for use, if available, by the Executive,  
25 Judicial and Legislative Departments of the State Government to ensure that  
26 appropriate access to the State Government is provided for persons who are deaf or  
27 hard of hearing. **Section 2** also removes the requirement in existing law that the  
28 Public Utilities Commission of Nevada approve the program.

29 Existing law requires that funding be provided for the program, the centers and  
30 certain administrative costs from the surcharge imposed on each telephone and  
31 wireless telephone line of each customer in this State. The amount of the surcharge  
32 is established by the Public Utilities Commission. (NRS 427A.797) **Section 2**  
33 limits the amount of the surcharge to not more than eight cents per month. **Section**  
34 **1** requires the Subcommittee to make recommendations concerning the programs  
35 and activities funded by the surcharge.

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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.750 is hereby amended to read as  
2 follows:

3 427A.750 1. The Subcommittee on Communication Services  
4 for Persons Who Are Deaf or Hard of Hearing and Persons With  
5 Speech Disabilities of the Nevada Commission on Services for  
6 Persons with Disabilities is hereby created. The Subcommittee  
7 consists of nine members appointed by the Administrator. The  
8 Administrator shall consider recommendations made by the Nevada  
9 Commission on Services for Persons with Disabilities and appoint  
10 to the Subcommittee:

11 (a) One *nonvoting* member who is employed by the Division  
12 and who participates in the administration of the program of this  
13 State that provides services to persons with communications  
14 disabilities which affect their ability to communicate;

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

19 (c) One member who has experience with or an interest in and  
20 knowledge of the problems of and services for the deaf, hard of  
21 hearing or speech-impaired;



1 (d) ~~{The}~~ *One nonvoting member who is the* Executive Director  
2 of the Nevada Telecommunications Association or, in the event of  
3 its dissolution, ~~{a member}~~ who represents the telecommunications  
4 industry;

5 (e) Three members who are users of telecommunications relay  
6 services or the services of persons engaged in the practice of  
7 interpreting or the practice of realtime captioning;

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

10 (g) One member who represents educators in this State and has  
11 knowledge concerning the provision of communication services to  
12 persons with communications disabilities in elementary, secondary  
13 and postsecondary schools and the laws concerning the provision of  
14 those services.

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

17 3. If a vacancy occurs during the term of a member, the  
18 Administrator shall appoint a person similarly qualified to replace  
19 that member for the remainder of the unexpired term.

20 4. The Subcommittee shall:

21 (a) At its first meeting and annually thereafter, elect a Chair  
22 from among its *voting* members; and

23 (b) Meet at the call of the Administrator, the Chair of the  
24 Nevada Commission on Services for Persons with Disabilities, the  
25 Chair of the Subcommittee or a majority of its *voting* members as is  
26 necessary to carry out its responsibilities.

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

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

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



1 her duties as a member of the Subcommittee or use annual vacation  
2 or compensatory time for the absence.

3 8. The Subcommittee may:

4 (a) Make recommendations to the Nevada Commission on  
5 Services for Persons with Disabilities concerning the establishment  
6 and operation of programs for persons with communications  
7 disabilities which affect their ability to communicate.

8 (b) Recommend to the Nevada Commission on Services for  
9 Persons with Disabilities any proposed legislation concerning  
10 persons with communications disabilities which affect their ability  
11 to communicate.

12 (c) Collect information concerning persons with  
13 communications disabilities which affect their ability to  
14 communicate.

15 (d) Create and annually review a 5-year strategic plan consisting  
16 of short-term and long-term goals for services provided by or on  
17 behalf of the Division. In creating and reviewing any such plan, the  
18 Subcommittee must solicit input from various persons, including,  
19 without limitation, persons with communications disabilities.

20 (e) Review the goals, programs and services of the Division for  
21 persons with communications disabilities and advise the Division  
22 regarding such goals, programs and services, including, without  
23 limitation, the outcomes of services provided to persons with  
24 communications disabilities and the requirements imposed on  
25 providers.

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

31 9. The Subcommittee shall make recommendations to ~~the~~ :

32 (a) *The* Nevada Commission on Services for Persons with  
33 Disabilities concerning the practice of interpreting and the practice  
34 of realtime captioning, including, without limitation, the adoption of  
35 regulations to carry out the provisions of chapter 656A of NRS.

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

39 10. As used in this section:

40 (a) "Nevada Commission on Services for Persons with  
41 Disabilities" means the Nevada Commission on Services for  
42 Persons with Disabilities created by NRS 427A.1211.

43 (b) "Practice of interpreting" has the meaning ascribed to it in  
44 NRS 656A.060.



1 (c) "Practice of realtime captioning" has the meaning ascribed to  
2 it in NRS 656A.062.

3 (d) "Telecommunications relay services" has the meaning  
4 ascribed to it in 47 C.F.R. § 64.601.

5 **Sec. 2.** NRS 427A.797 is hereby amended to read as follows:

6 427A.797 1. The Division shall develop and administer a  
7 program whereby:

8 (a) Any person who is a customer of a telephone company  
9 which provides service through a local exchange or a customer of a  
10 company that provides wireless phone service and who is certified  
11 by the Division to be deaf or to have severely impaired speech or  
12 hearing may obtain a device for telecommunication *or other*  
13 *assistive technology* capable of serving the needs of such persons at  
14 no charge to the customer beyond the rate for basic service; and

15 (b) Any person who is deaf or has severely impaired speech or  
16 hearing may communicate by telephone, including, without  
17 limitation, a wireless phone, *or other means* with other persons  
18 through a dual-party relay system †.

19 ~~→ The program must be approved by the Public Utilities~~  
20 ~~Commission of Nevada.† or other assistive technology.~~

21 2. *The program developed pursuant to subsection 1 must*  
22 *include the establishment of centers for persons who are deaf or*  
23 *hard of hearing that provide services which must include, without*  
24 *limitation:*

25 (a) *Facilitating the provision and distribution of devices for*  
26 *telecommunication and other assistive technology to persons with*  
27 *impaired speech or hearing;*

28 (b) *Assisting persons who are deaf or have severely impaired*  
29 *speech or hearing in accessing assistive devices, including,*  
30 *without limitation, hearing aids, electrolarynxes and devices for*  
31 *telecommunication and other assistive technology;*

32 (c) *Expanding the capacity for service using devices for*  
33 *telecommunication and other assistive technology in areas where*  
34 *there is a need for such devices and technology and services for*  
35 *persons with impaired speech or hearing are not available;*

36 (d) *Providing instruction in language acquisition to persons*  
37 *determined by the center to be eligible for services;*

38 (e) *Providing programs designed to increase access to*  
39 *education, employment and health and social services; and*

40 (f) *Providing for the hiring of or contracting with interpreters*  
41 *for use, if available, by the Executive, Judicial and Legislative*  
42 *Departments of State Government to ensure that appropriate*  
43 *access to the State Government is provided for persons who are*  
44 *deaf or hard of hearing.*



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1       **3.** A surcharge *of not more than 8 cents per month* is hereby  
2 imposed on each access line of each customer to the local exchange  
3 of any telephone company providing such lines in this State and on  
4 each personal wireless access line of each customer of any company  
5 that provides wireless phone services in this State . ~~which is~~  
6 ~~sufficient~~ *The surcharge must be used* to:

7       (a) Cover the costs of the program;

8       (b) Fund the centers for persons who are deaf or hard of hearing  
9 ~~operated by this State;~~ *established pursuant to subsection 2;* and

10       (c) Cover the costs incurred by the Division to carry out the  
11 provisions of chapter 656A of NRS that are not covered by the civil  
12 penalties received by the Division pursuant to NRS 656A.800.

13       ↳ The *Public Utilities* Commission *of Nevada* shall establish by  
14 regulation the amount to be charged. Those companies shall collect  
15 the surcharge from their customers and transfer the money collected  
16 to the Commission pursuant to regulations adopted by the  
17 Commission.

18       ~~3.~~ **4.** The Account for Services for Persons With Impaired  
19 Speech or Hearing is hereby created within the State General Fund  
20 and must be administered by the Division. Any money collected  
21 from the surcharge imposed pursuant to subsection ~~2~~ **3** must be  
22 deposited in the State Treasury for credit to the Account. The money  
23 in the Account may be used only:

24       (a) For the purchase, maintenance, repair and distribution of the  
25 devices for telecommunication ~~+~~ *and other assistive technology,*  
26 including the distribution of *such* devices *and technology* to state  
27 agencies and nonprofit organizations;

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

29       (c) To reimburse telephone companies and companies that  
30 provide wireless phone services for the expenses incurred in  
31 collecting and transferring to the *Public Utilities* Commission *of*  
32 *Nevada* the surcharge imposed by the Commission;

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

35       (e) To train persons in the use of the devices ~~+~~ *for*  
36 *telecommunication and other assistive technology;*

37       (f) To fund the centers for persons who are deaf or hard of  
38 hearing ~~operated by this State;~~ *established pursuant to subsection*  
39 *2;* and

40       (g) To cover the costs incurred by the Division to carry out the  
41 provisions of chapter 656A of NRS that are not covered by the civil  
42 penalties received by the Division pursuant to NRS 656A.800.

43       ~~4.~~ **5.** For the purposes of this section:

44       (a) "Device for telecommunication" means a device which is  
45 used to send messages through the telephone system, including,



1 without limitation, the wireless phone system, which visually  
2 displays or prints messages received and which is compatible with  
3 the system of telecommunication with which it is being used.

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

9 **Sec. 3.** 1. This section and section 1 of this act become  
10 effective upon passage and approval.

11 2. Section 2 of this act becomes effective:

12 (a) Upon passage and approval for the purpose of performing  
13 any preparatory administrative tasks necessary to carry out the  
14 provisions of this act; and

15 (b) On July 1, 2015, for all other purposes.



