

*Assembly*HEALTH & WELFARE COMMITTEE MINUTESAPRIL 6, 1973

MEMBERS PRESENT: BENNETT, GETTO, MCNEEL, CRADDOCK, HICKEY,
WITTENBERG

MEMBERS ABSENT: FRY

GUESTS: See Exhibit A attached.

Meeting called to order by Chairman Bennett for purpose of discussing AB-924.

Mr. Jack Middleton, Associate Administrator of Division of Mental Hygiene and Mental Retardation, stated this was a proposal to purchase Torrey Pines, approximately 37,000 square feet and consisting of three buildings. This legislation would enable the Department to establish Torrey Pines as a base to give treatment to the mentally retarded. The only other facility in Nevada is Mental Health Institute and they are very over-crowded. There is currently a waiting list of some 40 names. The Welfare Department has people who would also benefit from this facility. They are hoping to receive a grant from the Max C. Fleischmann Foundation for the purchase, remodeling and equipping of the complex and this legislation is necessary to enable them to receive the funds.

Mrs. Joylin Vandenberg, President of the Nevada Association for Retarded Children, stated the proposed facility was one of their major projects and she urged that this enabling legislation be passed.

Roger S. Trounday, Director of Department of Health, Welfare and Rehabilitation, also urged passage of the bill on behalf of his Department.

Mr. Middleton gave the Committee a statement covering the Division of Mental Hygiene and Mental Retardation's plans for Torrey Pines, and a copy of such statement is marked Exhibit B, attached hereto, and made a part of these minutes.

The next bill to be discussed was AB-823.

The first speaker was Ruby Duncan of Clark County Welfare Rights, in opposition to the bill. It is a hard pill to swallow and another program to exploit the poor. It is a California program and they will talk about the experience California has had with it. She referred to a Critique

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passed around in the Assembly yesterday. A copy of such Critique is attached hereto marked Exhibit C and made a part of these minutes. Out of 70,000 people in California 110 were in job training, and the training was picking up weeds, picking up dirt and baby sitting. Under this bill when they worked they would be working for about 55¢ an hour. Why would this legislature pass legislation of this type when it has not worked in California.

George E. Miller, Administrator of the Welfare Division, stated that he agreed with everything Mrs. Duncan said. He is also in opposition to the bill. They have work technicians in their department that find jobs and then find a welfare recipient for that job. In two years they have never had a recipient refuse a job. It is not like this suggested training program where you train people for jobs that aren't there. As Ruby Duncan pointed out, they have the highest group of working mothers of any State in the Union.

California had to get special permission from H.E.W. to initiate this program - it is on the basis of a "demonstration" program there and whether they would give Nevada permission or not, he does not know. Also, it is not an inexpensive program. They estimate a cost of 2-1/2 million a year - 1.9 million by Federal Government and \$600,000 by State. Approximately 1500 people would be affected for this amount of money.

He feels that their Department would be going from a positive position in the work technician program to a position of harassment.

Also the Unions are very much against this bill, and call it "union busting".

Nevada, by the very nature of its welfare program, has work incentive built in. A recipient gets so much money for food and so much for rent - it is not enough to cover both, so they are anxious to obtain other employment. Why follow California when the program is a failure.

Questioned about the breakdown on their anticipated cost of 2-1/2 million dollars, Mr. Miller quoted various figures. A complete summary of this breakdown is attached hereto marked Exhibit D, and made a part of these minutes. Mr. McNeel questioned Mr. Miller extensively about these costs, particularly in regard to child care and transportation, and felt they could be greatly reduced by using welfare people for child care, and State vehicles for transportation.

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Mr. McNeel said a Mr. Lawson in the California program had told him it had cust welfare costs 50%. Mr. Miller felt you could call anyone and get any answer you want, and suggested someone have an on-site survey. He quoted an article from the San Francisco Chronicle of April 3, 1973, giving derogatory reports on the California program. A copy of such article is marked Exhibit E, attached hereto, and made a part of these minutes.

Jack Anderson, Clark County Legal Services, was the next witness in opposition to the bill. He discussed the minimum wage requirement in the bill. He also discussed the unions strongly reisting this legislation at a national level. In California only 11 counties are participating, and as of last Thursday Ventura County dropped out of program. H.E.W. let bids to private consultants to find out if program in California was working. The lowest bid was \$900,000. They are not going to spend this kind of money to evaluate a dead program.

COMMITTEE ACTION:

AB 924 - Mr. Wittenberg moved "do pass", second by Mr. McNeel. Unanimously passed.

AB 823 - "Do Pass" motion by Mr. McNeel. Second by Mr. Craddock.
Yes votes: Craddock, Wittenberg, Getto, McNeel
No votes: Bennett, Hickey.
Motion passed.

Respectfully submitted,

Jane Dunne, Secretary

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ASSEMBLY

AGENDA FOR COMMITTEE ON HEALTH & WELFARE

Friday

Date April 6, 1973 Time 8:00 a.m. Room 240

Bills or Resolutions
to be considered

Subject

Counsel
requested*

THIS AGENDA SUPERSEDES AND CANCELS PREVIOUSLY

PUBLISHED AGENDA FOR FRIDAY, APRIL 6, 1973

- | | |
|--------|--|
| AB 823 | Requires participation in community work experience program as condition to receiving public assistance. |
| AB 924 | Enables director of department of health, welfare and rehabilitation to accept grant funds for purchase of mental retardation facility in Las Vegas known as Torrey Pines Complex. |

*Please do not ask for counsel unless necessary.

HEALTH AND WELFARE COMMITTEE
LEGISLATION ACTION

DATE April 6, 1973

SUBJECT AB 924

MOTION:

Do Pass x Amend _____ Indefinitely Postpone _____ Reconsider --

Moved By Wittenberg Seconded by McNeel

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved By _____ Seconded By _____

VOTE:

	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
Bennett, M.	<u>x</u>	_____	_____	_____	_____	_____
Craddock, R.	<u>x</u>	_____	_____	_____	_____	_____
Hickey, T.	<u>x</u>	_____	_____	_____	_____	_____
Wittenberg, A.	<u>x</u>	_____	_____	_____	_____	_____
Fry, L.	<u>Absent</u>	_____	_____	_____	_____	_____
Getto, V.	<u>x</u>	_____	_____	_____	_____	_____
McNeel, R.	<u>x</u>	_____	_____	_____	_____	_____

TALLY:

Original Motion: Passed x Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes 4-6-73
(Date)

57TH NEVADA LEGISLATURE

HEALTH AND WELFARE COMMITTEE
LEGISLATION ACTION

DATE April 6, 1973

SUBJECT AB 823

MOTION:

Do Pass x Amend _____ Indefinitely Postpone _____ Reconsider --

Moved By McNeel Seconded by Craddock

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved By _____ Seconded By _____

VOTE:

	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
Bennett, M.		x				
Craddock, R.	x					
Hickey, T.		x				
Wittenberg, A.	x					
Fry, L.	Absent					
Getto, V.	x					
McNeel, R.	x					

TALLY:

Original Motion: Passed x Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes _____
(Date)

HEALTH & WELFARE COMMITTEE

GUEST REGISTER

DATE	NAME	REPRESENTING	WISH TO SPEAK (Specify Bill)	
			YES	NO
	George Malle E. YAMASHITA	Welfare "	X AB-823	
	Frank Holzauer	Developmental Disabilities		
	Jack Middleton	Retardation Div.	X	
	Marjory Dawson	Div. of Mental Retardation	924	
	Carol Aldredge	OVARC	yes 924	
	Jaylin Glenderson	Nevada Assn. for Retarded Children	yes 924	
	Bruce [unclear]	McNeel's Intern		✓
	Cynthia Childs	CCWRO		
	Susie Smith	CCWRO.		
	Essie Henderson	CCWRO.		
	Dorothy [unclear]	CCWRO		
	Eloise Russell	C.C.W.R.O.		
	Jack [unclear]	Clark County Legal Services		
	Subby Duncan	Clark County Welfare Rights	823	



STATE OF NEVADA
DIVISION OF MENTAL HYGIENE
AND MENTAL RETARDATION

P.O. Box 2480
RENO, NEVADA 89505
LOCATION: 480 GALLETTI WAY

Exhibit B

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MIKE O'CALLAGHAN
Governor

CHARLES R. DICKSON, Ph.D.
Clinical Administrator
MENTAL HYGIENE AND
MENTAL RETARDATION

(702) 784-6341

JACK MIDDLETON
Associate Administrator for
Mental Retardation

A unique opportunity exists now for Nevada to provide critically needed care and training for many mentally retarded persons---and to do it within their own community in Las Vegas.

The three-building Torrey Pines complex in the southwest part of the city is available and, with appropriate funding, the Division of Mental Hygiene and Mental Retardation can initiate a program there to serve retarded persons and their families---close to their southern Nevada homes.

A proposal has been submitted to the Max C. Fleischmann Foundation for a \$1,075,250.00 grant for the purchase, remodeling and equipping of the complex.

With appropriate funding, the Division can provide services now lacking in southern Nevada: a 60-bed residential program for severely and profoundly retarded persons, and a comprehensive diagnostic, treatment, and training center.

The present situation is virtually intolerable. With no residential program for the severely retarded in Las Vegas, many families must be widely separated and cannot be closely involved with training programs for their retarded members. Family life is disrupted and effectiveness of the training programs is badly hampered.

The planned Torrey Pines program will:

- * relieve overcrowding and poor staff-resident ratios in the State's sole residential unit for the severely retarded at the Nevada Mental Health Institute by returning more than half of the Las Vegas residents to their home community;
- * relieve the continuing pressure on the existing Southern Nevada Mental Retardation Center to serve more residents than its staffing and design can permit;

...

- * provide services for the large number of families of mentally retarded persons known to reside in Las Vegas, but who have not previously sought help because they refuse to send their children 500 miles away to the Nevada Mental Health Institute;
- * eliminate most of the current waiting list for the Las Vegas region;
- * provide a pool of professional and trained retardation workers to the southern Nevada community and greatly expand the outpatient diagnostic, treatment, and training services available;
- * provide alternatives to long-term placement--- that is, various types of part-time and respite care---that are now available only to northern Nevada families.

The problems caused by the lack of residential care in Las Vegas can only increase with time. Though it is not the complete solution, the Torrey Pines proposal can be a significant step toward meeting the needs of all Nevada's retarded citizens, and their families.

4/6/73
/md

Exhibit C

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AB 823

THE COMMUNITY WORK EXPERIENCE PROGRAM

A Critique

Prepared by:

COALITION FOR ALTERNATIVES TO WELFARE

CLARK COUNTY WELFARE RIGHTS ORGANIZATION
400 West Jackson Street
Las Vegas, Nevada 89106

Bennett

(NOTE: KEY WORDING IS UNDERLINED)

Summary Requires participation in community work experience program as condition to receiving public assistance.

The purpose of the bill is not to provide for job development or training to help recipients off welfare and out of poverty, but rather to make them work to receive their meager grants.

Sec. 2 ... (C)ommunity work experience program" means a program to provide work experience ...

Welfare recipients have plenty of work experience of the type provided by this bill. They know how to empty bed pans and scrub toilets for wages that keep them in poverty. What they need are decent wages for their work or training for jobs that pay decent wages. AB 823 provides neither.

Sec. 5(1) ... applicants or recipients of public assistance referred ... to a community work experience program shall, as a condition to receiving any public assistance or any further public assistance, participate in such program ...

Forced work.

Sec. 5(3) Any applicant or recipient of public assistance refusing ... to participate shall not be considered a needy relative of a recipient child and shall not be entitled to receive or use any part of a grant paid on behalf of such child.

A needy relative (mother) with three children can receive a maximum of \$178 per month. If she is not considered a needy relative, the maximum would be only \$134 per month.

Therefore, if she refused to "participate" she will lose \$44 per month.

If she "participates" she may be required to work up to 80 hours per month for no compensation. All she would receive is her regular grant instead of a reduced grant. In other words, so she won't lose her \$44, she must work up to 80 hours per month, which works out to 55¢ per hour (80 X 55¢ = \$44).

Sec. 8 A community work experience program shall:

(3) Not apply to jobs covered by a collective bargaining agreement.

Any non-union employer, however, will find a ready supply of free or cheap labor. Those who doubt need only to contact Painters & Paperhangers Local #4 in San Francisco, which is involved in a suit against the state welfare department on this very issue. (California has forced work welfare legislation similar to AB 823 -- see newsclip attached.)

(6) No participant shall be required to participate in work experience programs for a period of time which would result in a total number of hours per month, which, if compared to the amount of the grant, in relation to the state or federal minimum wage, whichever is higher, would result in a ratio that would be less than such minimum wage....

At first blush, one would assume that a recipient would be guaranteed the minimum wage for his labor. However, we are speaking in ratios not hourly wages.

If a recipient with 3 children worked 80 hours per month, the family could receive the maximum grant of \$178 per month. One might think the recipient was receiving at least the ratio of \$2.22 per hour for her efforts.

However, whether the recipient worked or not -- the family would still receive \$134 (aid cannot be withheld from the children). Therefore, in order not to lose her \$44, she may have to work up to 80 hours -- which works out to a ratio of 55¢ per hour. It is important to note that the recipients' current grant of \$178 per month is one of the lowest in the nation, and represents only 55% of the Poverty Level. AB 823 provides no benefits for the recipient, and instead makes them work up to 80 hours per month just to keep their grants at the current meager levels.

.... Nothing in sections 2 to 9, inclusive, of this act shall be construed as requiring or permitting the payment of aid in exchange or as compensation for work performed.

This disclaimer at first may make one wonder if they had misunderstood all the foregoing. But the key word here is "construed." Recipients will in fact be forced to work in exchange for aid, but we are to "construe" their work as being only to gain experience.

This disclaimer was added only to avoid certain legal challenges:

- 1) Violation of the 13th Amendment to the U.S. Constitution prohibiting involuntary servitude (slavery).

2) Violation of the 14th Amendment to the U.S. Constitution guaranteeing equal protection of the laws.

As some recipients may be forced to work 20 hours for their regular grant, and others may be forced to work 80 hours for the same amount of grant -- if we "construe" their work to be in exchange for their grant, then some recipients would receive a higher ratio than others resulting in a violation of the equal protection clause.

3) Recipients would not receive NIC, Social Security, or Unemployment Insurance Benefits, and the Welfare Division would avoid the costs and red tape involved therein. If their work would be "construed" to be in exchange for aid -- this of course would be illegal by federal and state law.

Sec. 8(7) Nothing contained herein shall entitle any participant to a salary...

Forced work and no salary was in former times referred to as "slavery."

SUMMARY

AB 823 is a bill designed to punish people because they have the misfortune of being poor. It is a device intended for harassment and is unnecessary and un-American. Nevada already has the highest percentage of working welfare recipients in the nation; and our percentage is three times higher than the average of all Western states. Every recipient not exempted by age, incapacity, etc. is already required to register for employment or job training with the Nevada Employment Security Department.

Those persons who have been in the forefront lobbying for AB 823 have misled many well meaning but extremely busy legislators who are not familiar with welfare legislation. AB 823 is not a bill to provide jobs and training for welfare recipients so they may get off welfare. The practical effect of AB 823 is legalized slavery.

AB 823 is an anti-union bill which will provide a pool of free or cheap labor to employers who would otherwise have to pay union or prevailing wages. The AFL-CIO was the most vocal opponent of this type legislation when it was proposed at the national level.

Work-for-Welfare Program Assailed

Sacramento

Governor Ronald Reagan's work-for-welfare program is a failure and is not being administered legally, a report issued yesterday by the Joint Legislative Audit Committee charged.

The report, signed by Assemblyman Vincent Thomas (Dem-San Pedro; said directors of the controversial program have not followed a provision of the law that the work-for-welfare program be used only if all available training positions are filled.

The report also said the administrators in the State Department of Human Resources Development are ignoring the stated objective in the work-for-welfare law that the welfare jobs be "a valuable work experience" and are using the program to harass recipients.

Instead of being jobs that would develop skills, 91 per cent of the jobs are "janitorial in nature" including work such as pulling weeds and picking up litter, the report said.

HEARING

Reagan administrator officials who received the report yesterday at an Assembly Ways and Means subcommittee hearing said they would study it before replying. Department news releases the past two months have told of successes in the

Assembly Gets Reagan Tax Plan

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Governor Ronald Reagan's tax limitation plan was introduced in the Assembly yesterday by a Democratic committee chairman in a move designed to give the proposal a quick public trial.

Assemblyman Joe A. Gonsalves of La Mirada, chairman of the Revenue and Taxation Committee, said he would carry the bill "to let people know how they would be affected" by the proposal. He said he has not decided whether he would vote for or against the measure.

The move was requested by Democratic Assembly Speaker Bob Moretti, who said the measure's chances of clearing Gonsalves' committee are "less than ever."

Reagan's plan also has been introduced in the Senate by Republican Robert J. Lagomarsino of Ojai.

United Press

work-for-welfare plan.

Statewide, 800 persons have been placed in the work program since it started last July 1, but it is

scheduled for expansion from 11 to 35 counties in the coming year, the administration says.

The 38-page audit focused on Ventura county, one of the 11 counties now participating in the work-for-welfare provision of Reagan's 1971 welfare reform.

It cited a provision of that law which stated no welfare recipient would be ordered to take part in the work-for-welfare programs so long as formal job training positions are vacant in the Work Incentive (WIN) program.

POSITIONS

But in December, 1972, 67 of Ventura county's 200 WIN positions were vacant and 40 welfare recipients were being ordered to fill take the work-for-welfare jobs or lose their grants, the report said.

The work-for-welfare program, formally known as Community Work Experience Program, requires that employable welfare recipients who are not in any other job or training program must work an average of 20 hours per week in community service jobs to retain their grants.

The report said since the committee inquiry into WIN openings was made that program is being filled in Ventura county to comply with the law.

But the committee accused the Reagan administration of "creaming" the labor market to fill the WIN programs slots.

Instead of placing in the program the unemployed persons who need training most, those with "high success potential" are picked first in order to make the program look good, the report said.

Associated Press

Exhibit D

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NEVADA STATE WELFARE DIVISION
NEVADA WORKFARE PROGRAM
AB-823

SUMMARY

	<u>Total</u>	<u>Federal</u>	<u>State</u>
Payroll	\$ 274,936.00	\$ 206,202.00	\$ 68,734.00
Travel	4,180.00	3,135.00	1,045.00
Operating	27,725.00	20,793.75	6,931.25
Equipment	13,997.00	10,497.75	3,499.25
Child Care	1,440,000.00	1,080,000.00	360,000.00
Transportation	774,000.00	580,500.00	193,500.00
	<u>\$2,534,838.00</u>	<u>\$1,901,128.50</u>	<u>\$633,709.50</u>

	<u>No. of Employ- ees</u>	<u>Unit Cost</u>	<u>Total</u>	<u>Federal</u>	<u>State</u>
<u>POSITIONS</u>					
Social Work Specialist	1	15,370	\$15,370		
Social Worker Superv.	3	14,005	42,015		
Social Workers	15	11,649	174,735		
Sr. Clerk Typist	6	7,136	42,816		
	25		<u>\$274,936</u>	<u>\$206,202</u>	<u>\$68,734</u>
<u>TRAVEL</u>					
In-state Travel	19	220	<u>\$ 4,180</u>	<u>\$3,135</u>	<u>\$1,045</u>
<u>OPERATING</u>					
Office Supplies	25	144	\$ 3,600		
Postage & Freight	25	139	3,475		
Tel & Tel	25	187	4,675		
Bldg Space	25	639	15,975		
			<u>\$ 27,725</u>	<u>\$ 20,793.75</u>	<u>\$ 6,931.25</u>
<u>EQUIPMENT</u>					
Executive Type	19	431	\$ 8,189		
Clerical Type	6	968	5,808		
			<u>\$ 13,997</u>	<u>\$ 10,497.75</u>	<u>\$ 3,499.25</u>
<u>CHILD CARE</u>					
750 Children @ \$160/month			<u>\$1,440,000</u>	<u>\$1,080,000</u>	<u>\$360,000</u>
<u>TRANSPORTATION</u>					
1,500 clients @ \$10/week			<u>\$774,000</u>	<u>\$580,500</u>	<u>\$193,500</u>

Exhibit E

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