

SENATE FINANCE COMMITTEE
MINUTES OF MEETINGS
APRIL 5, 1973

The meeting was called to order at 7:30 a.m. Senator Lamb was in the chair.

PRESENT: Floyd R. Lamb, Chairman
Warren L. Monroe
B. Mahlon Brown
James I. Gibson
William J. Raggio
Clifton Young
Archie Pozzi

Earl Oliver, LCB Fiscal Analyst
Bob Tripp, LCB Deputy Legislative Auditor
Howard Barrett, Budget Director
Cy Ryan, UPI

Jim Carmany, Clark County Juvenile Court
Orville A. Wahrenbreck, Dept. of Health, Welfare, Rehab.
Roger Trounday, "
Theodore Johnson, Nevada Retarded Children Assoc.
Carol Alldredge, "
Joylin Vandenberg, "
John Olson, Sinai & Sanai Attorneys
Daird Sinai, "
John Gamble, Department of Education
Kenneth Hansen, "
Smokey Davis, "
Herb Steffens, "
Lincoln Liston, "
Assemblyman John Vergiles
Kenny Guinn, Clark County Superintendent of Schools
David Tomlinson, Dept. of Health, Welfare, Rehab.

S.B. 471:

SUMMARY: Makes appropriation to state department of conservation and natural resources for subdivision evaluation in certain counties.

Senator Young had combined S.B. 471 and S.B. 460. Senator Young moved to kill this bill. Senator Raggio seconded the motion, and it passed.

yes - 5
absent - Senators Gibson and Pozzi

S.B. 460:

SUMMARY: Enables certain cities and counties to consult state planning board for proposed subdivision evaluation.

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Senator Young moved they amend and do pass. This appropriates \$125,000 to be used on a matching basis on counties over 100,000 population to assist them in planning. Senator Raggio seconded the motion, and it passed unanimously. Senators Gibson and Pozzi had arrived in the meeting at 7:35.

S.B. 587:

SUMMARY: Makes appropriation to contingency fund and removes certain limitations on allocations from the fund for 1973-74 and 1974-75.

Senator Young moved they recommend do pass. Senator Gibson seconded the motion, and it passed.

yes - 6
no - Senator Monroe

However, after the committee discussed the following bill, S.B. 582, Senator Monroe moved they rescind the action taken above to recommend do pass. Senator Brown seconded the motion, and it passed unanimously. Senator Gibson then made a motion that they amend out the bracket on line 19, page 1 to page two, line 7, and leave that section in the bill. (This section reads: However, if it is demonstrated to the interim finance committee that the preceding legislature made no appropriation for an agency or a program or reduced the amount of the requested appropriation or a new program requiring state financial participation and an Act of Congress, a regulation promulgated by the President or by an executive department of the Federal Government, or a decision of a court of the United States or of this state, enacted, promulgated or made after adjournment sine die of the preceding legislature requires an expenditure of money for which legislative authority is lacking, either absolutely or in the alternative of forfeiting a grant or grants of money or other thing of value, the interim finance committee may proceed to make an allocation therefor in the manner prescribed in subsection 3.) Senator Monroe seconded the motion, and it passed unanimously.

Senator Gibson then moved they recommend do pass as amended. Senator Raggio seconded the motion, and it passed unanimously.

S.B. 582:

SUMMARY: Requires state treasurer's office to accomodate and provide personnel for state board of finance.

Senator Young moved they recommend do pass, but this died eventually for lack of a second. Senator Raggio wondered

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why they needed legislation to move this position if there were no change in the budget.

Senator Pozzi moved they kill this bill. Senator Raggio seconded the motion, and it passed.

yes - Senators Gibson, Pozzi, Raggio, Young
no - Senators Lamb, Brown, Monroe

S.B. 604:

SUMMARY: Designates governor as exclusive agent of state for receipt and disbursement of any special revenue sharing funds from Federal Government.

Mr. Barrett said this bill was necessary to allow the governor to accept and allocate any special revenue sharing funds that might come to the state, and this is specific legislation allowing him to do that. He said without it there would be problems. He said they had no objection to allowing the interim finance committee to do this, but that if funds just dribbled in the interim finance committee would be meeting too often. It would work out if funds came in in large lump packages, but it is doubtful they will do this. Senator Young moved they recommend do pass. Senator Monroe seconded the motion, and it passed unanimously.

S.B. 504:

SUMMARY: Creates position of staff attorney for Indian affairs commission.

Senator Young moved they kill this bill. Senator Gibson seconded the motion, and it passed unanimously.

S.B. 605:

SUMMARY: Makes appropriation from general fund to state board of examiners for settlement of claim.

Mr. Barrett said, "The board of examiners has neither the authority nor the money to settle anything above \$1,000. They will settle this for \$35,000 per person, and there are several children involved here. The attorney general's office has told us we stand little chance of being successful in the courts on this."

Senator Monroe mentioned that Idaho had raised their limitation to \$100,000 and permits settlements to be made so they don't have to come before the legislature every time. They also have a different insurance policy than we do and

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have a special fund appropriated for the purpose of allowing settlement of claims. Senator Lamb said, "Why are we just now having to settle these claims?" Mr. Barrett said it was because the ~~legis~~ machinery is just getting around to this and there will be even more next year.

Senator Pozzi moved they recommend do pass. Senator Monroe seconded the motion, and it passed.

yes - 5
no - Senators Gibson and Lamb

S.B. 531:

SUMMARY: Provides method for computing amount of assistance to blind persons.

It would cost \$26,100 the first year for this which would actually only be a half year as it would be effective January, 1974. The second year would cost \$52,200. This would provide a basic grant of \$215 for each person. The basic amount now is \$155, and this would actually increase this \$25 or so over and above their special needs. The caseload now is 126 persons and they are expecting an increase of 19 persons to 145. The small numbers in this category are the reasons why raises can be given for such small appropriations.

Senator Raggio moved they take out "as the basic sum of" on line 17, page 1, and remove entirely section 4 which begins on line 22 of page 1, and then recommend do pass as amended. Senator Young seconded the motion, and it passed unanimously. The committee also agreed that this action automatically changed the budget affected by this and would increase it by the above mentioned amounts.

S.B. 601:

SUMMARY: Fixes travel expenses and provides per diem allowance for members of state board of education.

Mr. Gamble said this bill was submitted in order to bring the state board of education into an equal amount with the state board of regents. Mr. Barrett said that he felt the law is currently sufficient to do this as the bill providing raises for per diem also mentions state boards as well as state employees, etc.

Senator Young moved they kill this bill. Senator Pozzi seconded the motion, and it passed unanimously.

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S.B. 559:

SUMMARY: Eliminates certain minimum license fees for boxing and wrestling events, and exempts promoters of amateur boxing and wrestling events from permit requirement.

Senator Gibson moved they recommend do pass. Senator Pozzi seconded the motion, and it passed unanimously.

A.B. 405:

SUMMARY: Creates youth services agency within department of health, welfare and rehabilitation.

See the attached chart with the shaded areas being affected by this bill. Mr. Wahrenbrock said that they would be responsible for \$875,000 flowing through to the various counties and they need to be equipped to report what happens to that money. This bill establishes one person as head of community services. Mr. Wahrenbrock said it is not our intent to run the program but to determine the impact of the funding. This would also reorganize the department to bring together under one head similar functions.

Mr. Carmany of Clark County Juvenile Services said that they objected to line nine, page one, which states, "The agency, through the department of health, welfare and rehabilitation, shall be the sole state agency for federal funding in the field of juvenile development and delinquency prevention programs." He said that they have \$185,000 coming into Clark County for juvenile programs and were reluctant to see a state agency be the sole receiving agency. He said they would like to provide that local governments can have autonomy and ability to seek federal funds. See the language he suggested as attached.

Senator Raggio said that he had received communications from people who were concerned that this would create a youth authority similar to the California Youth Authority which is a major expense and a very expensive item. Mr. Carmany said it would take a major revision of this bill to make it similar to the California Youth Authority.

Senator Gibson said he was adverse to writing that broad language into the law, concerning reorganization. Mr. Barrett said it was the same language that was used and written into all reorganization revisions made in 1963.

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Senator Monroe asked what the prospects of this were of becoming an entire department with another deputy, another secretary, another car, etc. Mr. Wahrenbrock said, "I would be less than honest to say that it wouldn't happen. You have been around long enough to see the Peter principal."

S.B. 245:

SUMMARY: Provides for planning and implementation of programs to assure free public education for all handicapped children of this state.

Dr. Hansen said there were two defects in the prior law concerning handicapped children which led to the lawsuit against them. They were that they only had to provide education for 2-1/2% of school children and that that the office of state superintendent could make rather arbitrary decisions and that children as a result of this language in rural areas could be ignored if they felt there were too few to receive special education in this area. He said this bill was an attempt to remedy this and make the language more specific. Dr. Picollo later said that, "We have been serving 2-1/2% of these children, and federal studies indicate that 12% of all children fit into this handicapped category. With this bill we would then be serving about 3.7% or an increase of 1-1/2% which would answer the point of this lawsuit because it would indicate that we would be moving toward this 12%."

The attached recommendations for this bill were presented and discussed. Dr. Hansen said they follow all the suggestions that they picked up in the hearing the other day and they tried to have fidelity to the board's intent and still respond to the ideas of the Senate Finance Committee.

Dr. Gamble suggested that because of the lawsuit they make this effective upon passage. Dr. Liston stated that they have been very fortunate in that the estimates and actual numbers of children in the school system have been accurate. Dr. Liston said the committee could either limit this by limiting and specifying the number of units which could be offered or limiting the actual dollars for this program. Senator Monroe asked if they limited the units if they weren't leaving themselves open for a lawsuit by parents who feel their child should be included. Dr. Liston agreed to this.

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The original estimate was for 450 units which was not a magical figure, and would cost \$14,500 each which would require \$6.5 million for 1973-74. There would be 500 units at \$14,500 for 1974-75 which would cost \$7 million something. Dr. Liston said he attended federal meetings where they were told by experts that this state needs 900 units. Dr. Guinn said that Clark County alone could use 437 units to serve all the students which they could identify under existing guidelines. Dr. Liston said that by 1980 they were told they could need 900-950 units based upon national figures. There are now 340 such units being operated in the state at the present time.

The committee discussed the fact that schools should be allowed to teach some three-year-olds such as gifted children. Dr. Guinn said, "We need to have permissive legislation in this area to let us teach children under five. We could let them in now but we don't get paid for them."

Dr. Hansen said, "What we are really talking about is a limited state funding of unlimited state need. We know there are lots of youngsters that could be helped and there are limited resources, but we could pick up the number of most urgent kids with the number of units suggested." Senator Lamb said, "I would like to give you an amount of money here and make this a little permissive so you can take care of these problems." The committee agreed that they should let education decide how best to handle these needs with what funds they might have.

Mr. Ted Johnson of the Nevada Retarded Children Association said, "I think some of the suggestions recommended are almost immoral such as, 'commensurate with their needs.' This leaves it up to the school district." He was concerned that retarded children might only receive schooling on half day basis and felt they needed even more education than normal children. He felt that they would like to see the age moved back to three, although the upper limit could be 18 because by then most of them have had whatever education they are basically capable of.

Senator Lamb said, "I understand and sympathize with your concern over the language, but we went to court over welfare over just this same type of wording (that Mr. Johnson suggested and the committee is trying to take out of S.B. 245). And that's why we are gunshy of this type of language. I can see your point, but you have to protect yourself or you're in trouble." Senator Gibson said, "The more specific you get into it the more difficulties you get into. In welfare the judge said it wasn't important how much money the state had appropriated or had, that they could go to

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the general fund and appropriate and take whatever money they need. When we see these words, from our experience, we don't want them in our statute. I don't see how we can write it into the law. We can write in that they get a full day, but I know there are some handicapped children who couldn't stand a full day."

Senator Lamb said, "I think the school board knows of our intent here." He discussed the fact that the state hasn't had the experience in this program that the S.B. 245 proposes and that in two years they will be able to see how it works and make adjustments as necessary, but, "today we are kind of flying by the seat of our pants. It isn't all going to be lily white, but I think we are heading in the right direction."

Senator Gibson said, "If we put too much in here and they can't use all these funds because we have specified they will be used only for this purpose, then that hurts the other areas for which they could have used this money for general education. This doubles our problems here, so we have to be conservative in our approach."

Pat Shank from Las Vegas with the PTA said, "I would like to agree with what Dr. Guinn said about being able to admit children under the age of five. You should lower the age when you have a child of four with a social and mental age of seven who can read and do math, and you tell this child that in two years he can go to kindergarten and learn his abc's and color, you are frustrating him. The academically talented child is one of our most potentially productive child but they are the most discriminated against. One child in a test which was set so that no one was supposed to be able to finish in less than three minutes finished this test in three minutes and scored in the 99 to 100 percentile. He did beautifully in a private school but when he was old enough for public school he did very badly, because this inward child just withdrew within himself. He would just take his crayon and scribble. His teacher suggested putting him in a class for retarded children. His parents came to the decision that the tests done by the private school were wrong. There was a girl of 15 with an I.Q. of 160 who gets c's and d's because she couldn't tolerate the pressure of being that girl who's a brain. She had to come down to this lower level."

Senator Raggio said, "I don't disagree with what you say about the academically talented, but will this take away from the handicapped?" Senator Monroe said, "The academically talented are just as handicapped." Senator Lamb said, "Let's leave them in and let them work it out."

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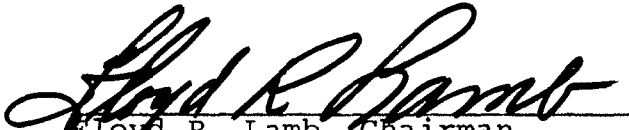
Dr. Guinn said, "If we could just get paid for the child under five we could put them in a special class like our normal classes and it wouldn't take away from our special education program." He felt this could be done at no more cost than the regular classrooms and would not be as expensive as the special education classes.

The meeting adjourned at 10:05 a.m.

Respectfully submitted,


Ellen Hocker, Secretary

APPROVED:


Floyd R. Lamb, Chairman

500
14

2000

5-2000

7000

SENATE BILL NO. 245 AMENDMENTS AND REVISIONS

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this act.

Section 2. 1. As used in sections 2 to 4, inclusive, of this act, "handicapped child" means any person who:

- (a) Has attained the age of 5 years but has not attained the age of 18 years, except as provided in subsection 2 of NRS 388.490; and
- (b) Deviates either educationally, intellectually, physically, socially or emotionally so markedly from normal growth and development patterns that he is or will be unable to progress effectively in a regular school program.
- (c) Needs special education which includes but is not necessarily limited to special instruction, special services or supportive services, or any combination thereof; and
- (d) Is not receiving educational benefits for the visually or aurally handicapped under the provisions of chapter 395 of NRS.

2. Subject to the provisions of subsection 1, the state board of education shall establish standards to determine the eligibility of handicapped children for inclusion in the preliminary plan for special education developed pursuant to section 3 of this act. Children eligible for inclusion in such plan shall include but need not be limited to children who are:

- (a) Aurally handicapped;
- (b) Visually handicapped;
- (c) Physically handicapped or have other disabling medical conditions;
- (d) Speech handicapped;
- (e) Mentally retarded;
- (f) Educationally handicapped, including seriously emotionally disturbed, learning disabled or any combination thereof; and
- (g) Multiple handicapped.

Section 3. The state department of education shall prepare for submission to the governor and the members of the legislature no later than July 1, 1974, a preliminary plan for assuring all handicapped children of this state a free public education. The plan shall be made available for public distribution and shall include but need not be limited to:

- 1. An identification of the handicapped children in the state showing the total number of such children and their geographic distribution;
- 2. Standards and procedures for diagnosis and screening of handicapped children;
- 3. Standards for the education of handicapped children in schools, state institutions and other facilities where such children may receive a public education, including methods of assuring that education afforded the handicapped will be as nearly equivalent as may be to that afforded regular children.
- 4. Any additional matters which the department determines are necessary or appropriate, including recommendations for amendment of laws, changes in administrative practices and patterns of organization and changes in levels and patterns of financial support in relation to the education of handicapped children.

Section 4. No later than January 1, 1974, each school district shall report to the state department of education the extent to which it is providing free public education to handicapped children. Such reports shall be made on forms prescribed by the state superintendent of public instruction and shall include information concerning the means by which the school district proposes to assure all of its handicapped children a free public education.

Section 5. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 16, inclusive, of this act.

Section 6. 1. As used in sections 6 to 16, inclusive, of this act, "handicapped child", means any person who:

- (a) Has attained the age of 5 years but has not attained the age of 18 years, except as provided in subsection 2 of section 12 of this act; and
- (b) Deviates either educationally, intellectually, physically, socially or emotionally so markedly from normal growth and development patterns that he is or will be unable to progress effectively in a regular school program.
- (c) Needs special education which includes but is not necessarily limited to special instruction, special services or supportive services, or any combination thereof; and
- (d) Is not receiving educational benefits for the visually or aurally handicapped under the provisions of chapter 395 of NRS.

2. Subject to the provisions of subsection 1, the state board of education shall establish standards to determine the eligibility of children for handicapped education pursuant to the provisions of sections 6 to 16, inclusive of this act. Children eligible for handicapped education shall include but need not be limited to children who are:

- (a) Aurally handicapped;
- (b) Visually handicapped;
- (c) Physically handicapped or have other disabling medical conditions;
- (d) Speech handicapped;
- (e) Mentally retarded;
- (f) Educationally handicapped, including seriously emotionally disturbed, learning disabled or any combination thereof; and
- (g) Multiple handicapped.

Section 7. 1. The state board of education shall submit each biennium to the legislature a budget request sufficient to assure each such handicapped child a free public education.

Section 8. No child shall be required to take advantage of the special provisions for the education of handicapped children if the parent or guardian of the child files a statement with the board of trustees of the school district showing that the child is receiving an education.

Section 9 The board of trustees of each school district shall provide that before any handicapped child is placed in a special program, school or class:

- 1. An evaluation shall be conducted in accordance with standards prescribed by the state board of education;
- 2. A consultation shall be held with the parents or guardian of the child;
- 3. The parents or guardian of the child shall be advised of their right to request and obtain a fair and impartial hearing on the proposed placement of the child. The hearing, if requested, shall be held as provided in section 10 of this act.

Section 10. 1. When the parents or guardian of a handicapped child request a hearing on the proposed placement of such child, a fair and impartial hearing shall be held before a hearing officer appointed by and acting in lieu of the superintendent of public instruction. The hearing officer shall not be an employee of the school district involved.

2. The state board of education shall prescribe guidelines and regulations for the conduct of such hearings. The guidelines and regulations shall include, but need not be limited to, the rights of the parents or guardian of the handicapped child to:

- (a) Receive notice within a reasonable time before any placement is effected;
- (b) Inspect any reports, records, evaluations or other materials which may have bearing on the placement being considered;
- (c) Submit as evidence an independent evaluation of the child; and
- (d) Obtain a transcript of the hearing.

Section 11. When parents or guardian are required to represent a handicapped

child and such parents or guardian are not known or are unavailable, or if the child is a ward of the state, the district court for the district in which such child resides shall appoint an individual to act as a surrogate for the parents or guardian for the purpose of sections 6 to 16, inclusive, of this act. The individual so appointed shall not be an employee of the state involved in the education or care of such child.

Section 12. 1. Except as provided in subsection 2, all handicapped children who have attained the age of 5 years but have not attained the age of 18 years are eligible for special instruction, special services or supportive services, or any combination thereof, and their attendance shall be counted for apportionment purposes.

2. Aurally handicapped children and visually handicapped children shall be admitted at age 3 and may be admitted at any age to special schools or classes established for such children, and their attendance shall be counted for apportionment purposes. *add provision for academically talented at age 3*

Section 13. 1. The state department of education shall prepare and keep current a plan for assuring all handicapped children of this state a free public education. The plan shall include, but need not be limited to:

(a) An identification of the handicapped children in the state showing the total number of such children and their geographic distribution;

(b) Standards and procedures for diagnosis and screening of handicapped children;

(c) Standards for the education of handicapped children in schools, state institutions and other facilities where such children receive a public education, including methods of assuring that education afforded the handicapped will be as nearly equivalent as may be to that afforded regular children.

(d) Any additional matters which the department determines are necessary or appropriate, including recommendations for amendment of laws, changes in administrative practices and patterns of organization and changes in levels and patterns of financial support in relation to the education of handicapped children.

2. The plan required by subsection 1 shall be submitted to the governor and the members of the legislature and made available for public distribution no later than July 1 of each odd-numbered year. Amendments and revisions to such plan shall be submitted to the governor and the members of the legislature and made available for public distribution no less than 90 days prior to the convening of each regular session of the legislature.

3. Each school district shall file with the state department of education annually a report relating to the education of handicapped children in the district. The state department of education shall prescribe the due dates, forms and all other necessary appropriate items relating to such reports.

Section 14. The state board of education shall prescribe minimum standards for the education of handicapped children. No apportionment of state funds shall be made by the superintendent of public instruction to any school district for the education of handicapped children until the program maintained therein for such handicapped children is approved by the state department of education as meeting the prescribed minimum standards.

Section 15. As required by subsection 2 of NRS 387.123, the state board of education shall establish rules and regulations for the computation of average daily attendance of pupils receiving special education under the provisions of sections 6 to 16, inclusive, of this act.

Section 16. The attendance of all handicapped pupils educated in accordance with the provisions of sections 6 to 16, inclusive of this act, including those instructed under cooperative arrangements for vocational rehabilitation with the state department of education, shall be reported annually, together with all other attendance, on forms prescribed by the superintendent of public instruction.

AB 405 - Changes - 3/20/73

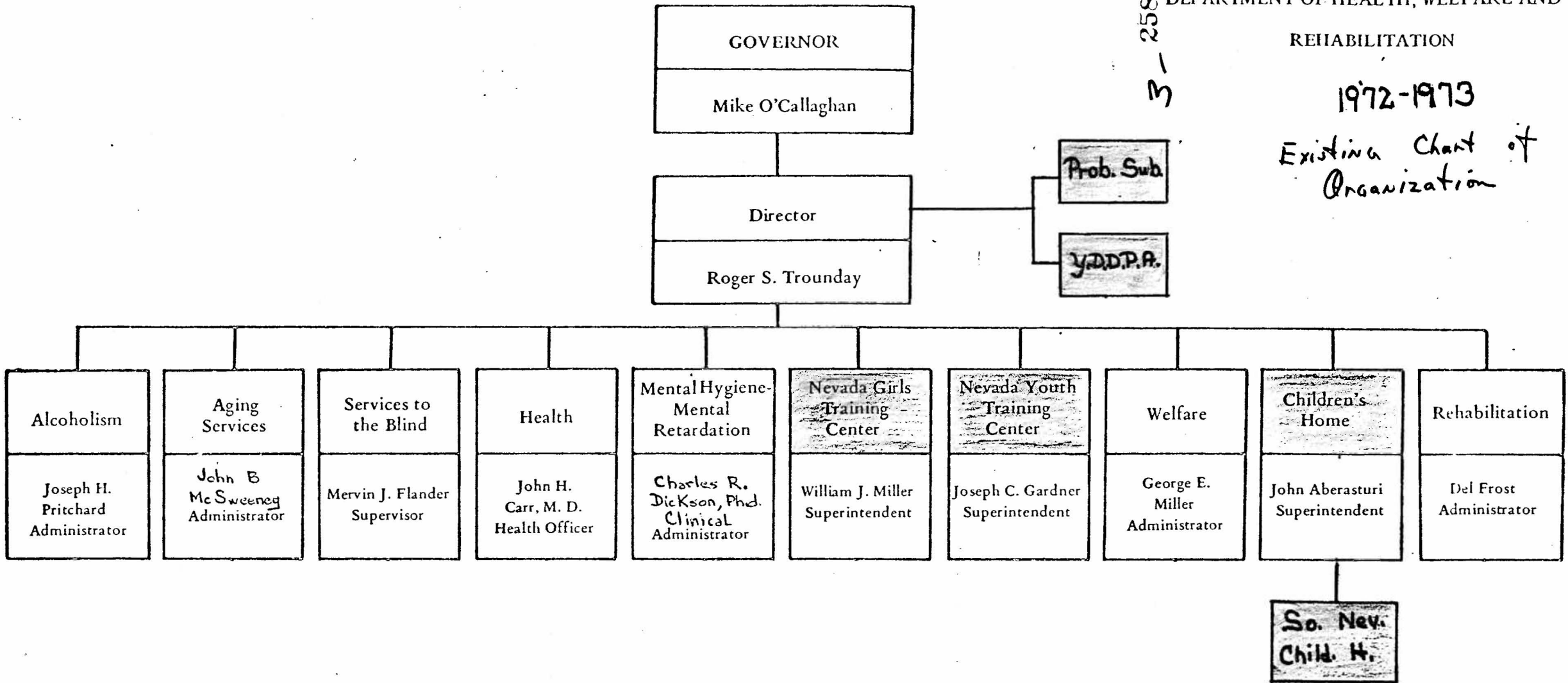
Section 1. Line 8 - The agency, through the department of health, welfare and rehabilitation, shall be the sole state agency /for federal funding/ for the establishment of standards for the receipt of federal funds in the field of juvenile development and delinquency prevention programs.

Line 10. The agency shall develop /and implement/ standards for implementation of programs aimed toward the prevention of delinquent acts of children and programs for the treatment of those brought to its attention. It shall /develop/ assist in the development of programs for the predelinquent children whose behavior tends to lead them into contact with law enforcement agencies.

1972-1973

Existing Chart of Organization

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Shaded areas indicate Divisions & functions effected by AB 405

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DEPARTMENT OF HEALTH, WELFARE AND
REHABILITATION

1973-1975

