

Senate

HEALTH, WELFARE AND STATE INSTITUTIONS

Minutes of Meeting - March 18, 1975

The fourteenth meeting of the Health, Welfare and State Institutions Committee was held on March 18, 1975 at 3:00 p.m., Room 323.

COMMITTEE MEMBERS PRESENT: Chairman Lee E. Walker
 Senator Neal
 Senator Gojack
 Senator Herr
 Senator Hilbrecht
 Senator Schofield
 Senator Young

See Exhibit A for others present.

S.B. 169 - Enlarges state welfare board and specifies certain counties as meeting place for minimum number of board meetings.

Jan Wilson, Legislative Counsel Bureau, was present to testify on S.B. 169, 170 and 171. Ms. Wilson advised the committee that the reason for this bill is to provide more representation from Clark County. This bill would allow two more members on the Welfare Board, and would allow Clark County three representatives. At present, it is a burden for constituents in the welfare community to submit input if the meetings are held in northern Nevada.

Senator Young commented that if policy is determined by the federal government, possible the Board would not have the power of implementation. Ms. Wilson replied that some things are decided at the state level and gave SSI as an example. Ms. Wilson further commented that since the Clark County Advisory Committee position was that they must have more representation, the compromise was whether to take part of the Board and shift it around or to enlarge the Board -- it was decided to enlarge the Board.

Senator Walker felt that the Board should remain at its present size, but that more should be selected from Clark County. Senator Young felt that it should be to the discretion of the Governor or members of the Board as to where the meetings are held.

Senator Young moved "Do Pass" and amend as follows: strike Section 1; Section 2, line 10 - change from three to four; and strike the remaining sections. Motion seconded by Senator Schofield, unanimously carried. -- (No fiscal impact).

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S.B. 170 - Permits appointment of county welfare advisory committees or county welfare advisers.

Ms. Wilson stated that the Clark County delegation felt they would like to have a more official capacity when they went to the Board with recommendations, etc.; the main thrust of the bill is to give representatives some status at the State Welfare meetings. Ms. Wilson further stated that this is a discretionary matter as far as the counties are concerned.

Mr. Robert Cohen, Coalition for Mass Action, advised the committee that he has been requested by Arlene Joyce to state her opinion that there is a real need for this bill. Ms. Joyce wished to advise the committee that the Welfare Board makes determinations without consulting or considering the needs of the counties.

Senator Neal moved "Do Pass" and amend as follows: line 10, page 1 to read "...one shall be the Director of County Welfare Division, one..."; seconded by Senator Gojack, Senators Walker and Young voted "No"; motion failed due to lack of majority.

S.B. 171 - Establishes a program of state reimbursement to hospitals for care provided nonresident indigents injured in motor vehicle accidents.

Mr. Bob Petroni expressed Clark County's concern about the D.A. determining indigency; feels this should come from County Welfare.

Ms. Wilson feels the problem is in the smaller counties through which the inter-state goes; if there is an accident in their county, they may find that they have not budgeted adequately to cover the accident. Ms. Wilson feels that we should prorate whatever is appropriated.

Father Dunphy spoke for Barbara Brady of Clark County Social Services who feels that this bill would alleviate many problems, since the cost for these kinds of services is estimated at \$20,000 per year.

Senator Neal moved "Do Pass" and refer to Finance; seconded by Senator Schofield; unanimously carried.

S.B. 98 - Clarifies rights of handicapped persons.

Senator Young provided the committee with copy of memo from Andrew P. Grose, Legislative Counsel Bureau (see Exhibit B).

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The committee members agreed to use a portion of New Mexico's definition of handicap; the section is as follows: "physical or mental handicap means a handicap unrelated to a person's ability to perform a particular job or position available to him for hire or promotion." The incorporation of this definition into the bill will be left to the discretion of the bill drafter. It was further agreed that "physical or visual handicap", as it appears throughout the bill, will be replaced by "physical or mental".

Senator Gojack moved "Do Pass" as amended; seconded by Senator Neal; unanimously carried. Senator Young added that he has checked with Jim Wittenberg and was advised that they are, in essence, doing this now for their affirmative action program. Mr. Wittenberg sees no problems with this.

S.B. 95 - Eliminates requirements of advisory boards of youth training center and Nevada girls training center to meet at quarterly intervals.

Senator Schofield feels that they should meet at quarterly intervals; therefore the bill should be killed in order to leave it as such.

Senator Young moved "Do Kill"; seconded by Senator Schofield; unanimously carried.

Mr. Wahrenbrock asked if it was the intent of the legislature that these boards meet quarterly, whether they want to or not. Senator Walker advised Mr. Wahrenbrock that this bill was taken to the floor, and there was a motion there to send it back to the committee. Senator Gojack advised Mr. Wahrenbrock that since the committee agrees with Mr. Wahrenbrock's views on this bill, he should talk to those on the floor to try to get his point across.

The committee agreed to introduce Senator Gojack's bill regarding regulations for massage establishments.

Being no further business at this time, the meeting was adjourned at 3:45 p.m.

Respectfully submitted,


 Sharon W. Maher, Secretary

APPROVED;


 Lee E. Walker, Chairman

ROOM # 323
DAY Tues.

DATE 3-18-75

Health & Welfare

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NAME	ORGANIZATION	ADDRESS
Harry Dunphy	Franciscan Center	215 N. Main St. L.V.
Robert Cohen	Coalition for Mass. Action	215 N. Main L.V.
Richard Donaldson	Disability Supplement Council	-
Hazuko Kojima	Churchill Co. Welfare	Fallon, Nev.
Yoshiko Yamashita	State Welfare Div.	Carson City
Charles Kahanoff	Dept. of H.P.	Carson City
Sally K. Landau	State Welfare Division	Carson City
Robert J. Petroni	Southern Nev. Memorial Hptl.	L.V.

Exhibit A

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CARSON CITY, NEVADA 89701



LEGISLATIVE COMMISSION
LAWRENCE E. JACOBSEN, Assemblyman, ¹⁹⁸Chairman

INTERIM FINANCE COMMITTEE
FLOYD R. LAMB, Senator, Chairman

ARTHUR J. PALMER, Director

PERRY P. BURNETT, Legislative Counsel
EARL T. OLIVER, Legislative Auditor
ARTHUR J. PALMER, Research Director

March 12, 1975

M E M O R A N D U M

TO: Senator Clifton Young.
FROM: Andrew P. Grose, ^{AG}Chief Deputy Research Director
SUBJECT: S.B. 98 and Definitions of "Handicap"

I have checked all the references on the list provided by Blaine Rose. There are a number of problems with the list, mostly in terms of accuracy. First, I will straighten out that and then discuss definitions appropriate to S.B. 98.

Alaska--no definition.

California--no definition and coverage is only in accommodations and it is in the Civil Code, not the Labor Code.

District of Columbia--no definition.

Maine--no definition.

Iowa--the reference should be to 601A and there is no definition.

Illinois--no definition.

Washington--no definition.

Vermont--covers physical handicap only and no definition.

Rhode Island--covers physical handicap only and definition provided (see below).

New York--only Nassau and Suffolk counties prohibit discrimination against the handicapped in public employment. There is no such reference in the New York Code as the one provided.

North Carolina--limited definition (see below).

Oregon--incorrect reference, should be ORS 659.400 and no definition.

Oklahoma--applies only to state merit system and no definition.

Maryland--applies only to state merit system and no definition.

Massachusetts--applies only to those handicapped who are "rehabilitated" and no definition of "handicapped" or "rehabilitated."

EXHIBIT B

"Handicap" Definition

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New Hampshire--called White Cane Law, primarily for blind,
and no definition.

New Jersey--physical handicap only and has definition
(see below).

New Mexico--has definition (see below).

The definition proposed for S.B. 98 is essentially taken from the
New Jersey and Rhode Island definition which reads as follows:

Physical handicap means any physical disability, infirmity,
malformation or disfigurement which is caused by bodily
injury, birth defect or illness, including epilepsy, and
which shall include but not be limited to, any degree of
paralysis, amputation, lack of physical coordination,
blindness or visual impediment, muteness or speech
impediment, deafness or hearing impediment, or reliance
on a seeing eye dog, wheelchair or other remedial appliance
or device.

Iowa's definition reads as follows:

Disability means the physical or mental condition of a
person which constitutes a substantial handicap. In
reference to employment, under this chapter, disability
also means the physical or mental condition of a person
which constitutes a substantial handicap, but is unrelated
to such person's ability to engage in a particular occu-
pation.

North Carolina's definition reads as follows:

"handicapped persons" shall include those individuals
with physical, mental and visual disabilities.

New Mexico's definition reads as follows:

"physical or mental handicap" means a handicap unrelated
to a person's ability to perform a particular job or
position available to him for hire or promotion or unre-
lated to a person's ability to acquire or to rent or to main-
tain particular real property or housing accomodation.

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Based upon Rehab's proposed definition, I assume the bill is being amended to include mental handicap. Note that the last four lines of the proposed definition, beginning with "and shall" is added on to the New Jersey and Rhode Island definition. This adds the determination of a physician to the definition which appears to add an element of uncertainty without adding any protections for the handicapped. Someone could be denied a job because the employer preferred another person, but if the one denied has a handicap in his records he may have standing to sue even though the employer knew nothing about the handicap.

Finally, it would seem that a shorter definition such as the first half of New Mexico's is adequate. Rehab's proposal makes little sense in listing numerous conditions and then saying plus any others determined by a physician. The critical concern is that no one be denied a job that he is capable of performing because of any unrelated condition. I think the New Mexico language covers this in a parsimonious manner.

APG/jd