

MEMBERS PRESENT: Chairman Bennett Mr. Brady
 Mr. Chaney Mrs. Caynar
 Mr. Glover

MEMBERS ABSENT: Mr. Craddock
 Mr. Getto

GUESTS PRESENT: Verlia M. Davis, Clark County
 Doris Carpenter, Washoe County
 Joseph L. Nebe, Consumer Health, State
 Gene Glock, Washoe County District Health
 Consumer Health
 Carl R. Cahill, Washoe County District Health
 Environmental Services
 Sam Mamet, Clark County
 Floyd Chambliss, Clark County Health District
 Marian Hurst, Nevada State Welfare
 George Miller, Nevada State Welfare
 Mery Flanders, Services to the Blind

Chairman Bennett convened the meeting at 5:02 P.M.

AB 595

Sam Mamet, representing Clark County said AB 595 was a proposal submitted by both the Clark County Board of Commissioners and the Clark County Social Services Department. This is not a new proposal - it has been around at least 3 sessions. The proposal asks the State to pick up medically needy costs, relieving the counties of significant financial responsibility. NRS 428 generally deals with legal and financial responsibility relative to welfare. One of the areas for which the county is entirely responsible is the medically needy costs. Title 19 covers medically indigent, the state portion of federal medicaid. Ad valorem tax of 11¢ goes to the State to support Title 19 program. Medical needy costs refer to those forms of medical assistance granted to individuals who do not strictly fall into legal category of indigent, but lack adequate financial resources to provide adequate medical care for themselves. Clark County provides this program for the medically needy.

Verlia Davis, Clark County Social Services, read from a prepared statement, saying AB 595 would represent cost savings to counties, and would have the added benefit of federal funding assistance. They are in favor of AB 595 as it would provide additional medical coverage to aged, blind, disabled and ADC related cases. (EXHIBIT #1)

AB 595 - continued

Mr. Sam Mamet added there would be a significant financial impact on the State if the proposal were adopted, as the fiscal note indicates - nearly \$4 million. If the state were to participate in the medically needy program there would be a 50% match from the federal government. The total impact, both to federal and state would be approximately \$7.5 million. The State would be responsible for about \$3.6 million, the federal match would be about \$3.8 million. At present, with tax reform such an important issue, state mandates upon county government is a very serious issue. There will be a cap placed on county budgets, and one of the first areas will be welfare and human resource programs. They feel the state has to take a stronger role in relieving counties of some of these financial responsibilities. Mandates are continuing to grow, Clark County Commissioners and commissioners throughout the State feel strongly that this is an area that has to be examined. The Nevada Association of County Commissioners have passed several resolutions supporting this approach.

Mr. Chaney questioned the relative costs of the program, the \$3 million figure and the \$7 million figure. Ms. Davis informed him their estimates were very rough. The \$7 million would be in State Welfare and a portion of that would be for their costs.

Doris Carpenter, Washoe County stated their position on AB 595 was the same as that of the representatives of Clark County.

Mr. George Miller, State Welfare Director, discussed the cost of the present program to the counties, arriving at a figure of \$500,000 to Clark County for discussion purposes, and for the State, overall, a figure of \$1 million dollars. Whether the State or the County carries the responsibility, the burden still rests with the taxpayer, the savings is not there. We have to operate under federal guidelines when federal money is involved and it will cost more. More people will be eligible for the program.

Marian Hurst, Nevada State Welfare Department, said some of the figures mentioned were based on 1973 statistics supplied by Clark County. It is about \$3.6 million state share only, which would exceed what the counties are now paying without federal matching. There are inherent problems in running a federal program. Anytime federal money is involved adherence to federal requirements and regulations is mandatory. The State Welfare Department is opposed to AB 595 because services are being performed by the counties and they are also opposed to getting further involved with federal domination. They see no savings to the state taxpayers.

AB 595 - continued

Mr. Miller added the county could do things that the State could not do. The figures do not match up. The state costs would be greater than that of the county.

Upon questioning by Mr. Chaney, Mr. Miller stated there would be more services but even current services were being cut, he could not see how they could institute new programs that would cost still more.

Mr Chaney asked how much the state would be involved in this program and was told the state would be totally involved. Mr. Chaney also asked if extra money came in to the state, under provisions of AB 616, would that have a bearing on the proposed bill AB 595. Mr. Miller stated that at this point, "no".

Mr. Miller added it would be ill advised for the State to take on this responsibility. The counties could do a better job and hold the costs down. It would be very poor to impose more taxes on the people at this time.

Mr. Mamet said the 11¢ advalorem tax being eliminated was a welcome advent for the county even though they would no longer have an access to it, but they are still responsible for other programs that have to be funded. The state is picking up the "Sandy" program.

AB 637

Carl R. Cahill, Assistant director for Environmental Services in Washoe County, said their job function was implementation and enforcement in planning for environmental type laws. Included in that is solid waste acts. NRS 444.440 - 444.610 inclusive, district boards of health and local municipalities are given authority to do solid waste management planning, adopt regulations and control solid waste. In Washoe County they have done planning and adopted the regulations, however, nowhere in NRS 444.440 - 610 inclusive nor in NRS 439, is there any authority that provides power to enforce the law. They are directed to enforce it but have no clear cut authority. The proposed changes would be a help but they also recommend the inclusion of subsection 4 to NRS 444.630. "All District Boards of Health, District Health officers and their designated employees may issue misdemeanor citations for any act constituting a violation of regulations adopted pursuant to NRS 444.440 to 444.610, inclusive." (EXHIBIT # 2)

Mr. Cahill stated further their staff included 6 field investigators deputized by Sheriff Galli as deputy sheriffs which put them in a peace officer status. They do not need that peace officer status, their staff does not need the 20 year retirement as they are not in jobs that of risk to themselves. However there is an additional problem. Sheriff Galli provides the Environmental Services his police powers yet has no administrative authority over the staff.

AB 637 - continued

Sheriff Galli does have concern that should they make an error in the arrest of someone, he is the one that is responsible. By including subsection 4 to AB 637 it would give them power to do their job yet would not provide them peace officer status.

Mr. Cahill added they did not make a physical arrest. If there were need for a uniformed officer, they called for police assistance. In those cases when people dump refuse illegally, they trace material back to them if possible; they are required to haul their own waste to an approved land disposal site or pay for a licensed collector to haul it. The Environmental Services can issue a warning citation and tell them to pick up material, properly dispose of it, and present a receipt from a land disposal site. There are individuals who do not comply. They go to justice court. They have had good support from the justice court. Flagrant violators can be charged as much as \$200 for a first offense.

Mr. Chaney said he had no problem with their function of keeping the county clean, but he did not like everyone having police powers.

Mr. Cahill stated in reply that police agencies were overburdened with what they considered to be more serious offenses. Improper waste disposal is considered a low caliber crime doesn't pose a significant risk to the individual. The local peace officers do not enforce these laws for lack of time and manpower.

Mr. Chaney questioned the possibility of encountering violent situations which health officers were not trained to handle.

Mr. Cahill said they had worked within the existing police framework. Training officers from the sheriff's department have trained health services staff; they have used EPA schools in air pollution for evidence collection; they have sent several staff members to basic post put on by Nevada Highway Patrol at Stead Facility, which is a 6 week course in basic peace officer training. They also use the services of the District Attorney. About 2000 complaints a year are processed, for solid waste alone. Less than 10 people have been taken to court. It is authority they do use and because they now have police powers delegated by Sheriff Galli, people are less willing to take a chance with illegal dumping. Quite a bit of waste is dumped because of their high transient population. They have been successful in tracing people and getting them to return and clean up, or effect the clean up, of illegally disposed waste matter.

Mr. Chaney asked the cost of tracing and forcing the clean up of waste materials as compared to the cost of the environmental health services effecting the clean up.

AB 637 - continued

Mr. Cahill replied this was manpower intensive. A great deal of the work was done by phone. They had good cooperation from other agencies - law enforcement, Post Office records, utility company records. It is not difficult to trace the people. If they paid people to haul waste, several men and a truck would be involved, plus other costs. The health environmental services prefers to educate the populace in waste disposal and convince them solid wastes must not be improperly "dumped".

Mrs. Cavnar commented it appeared a good job was now being done and asked the reason for the request for change.

Mr. Cahill replied Sheriff Galli was concerned that he had no administrative control over their staff. They are using his police powers. The sheriff's staff does not feel enforcement of environmental violations is good use of their time. The health services should have the authority to do the job they are told to do yet not empowered to do. Another bill AB 636 proposes to give health officers powers to do what is requested here but that is for regulations adopted by State Board of Health. Their laws are adopted by the State Environmental Protection Commission.

Mr. Floyd Chambliss, Clark County Health District, read a prepared statement supporting AB 637 and the testimony of Mr. Cahill, adding that complaints can only be managed if the violator is a permit holder. (EXHIBIT # 3)

Mrs. Cavnar asked if Clark County were in agreement with the possible amendment suggested by Mr. Cahill - (exhibit # 2)

Mr. Chambliss said they did not object to the proposed amendment,

Mr. Cahill added Clark County had two approaches -- they utilized a hearing board and a civil penalty. They have indicated support for this type of legislation.

Mr. Chaney asked how Clark County handled illegal waste dumping and what was the response in terms of manner of operation, the issuance of citations,

Mr. Chambliss stated they had not had as much success as Washoe. In response to a citizens request an investigator is sent to the site and if the violator can be found, they are requested, to correct violation, which is all they are empowered to do. If not, once a violator is known, they may file a complaint in the District Attorney's office. They have no power to enforce. They welcome the enforcement provision in AB 637.

AB 637

Mr. Chaney asked if Clark County had people qualified to make an arrest and handle possibly violent situations.

Mr. Chambliss stated they did not. They were primarily in the health care business. If there were a refusal to accept a citation city police would be called, the recourse available to every citizen. Now they must file a complaint with the District Attorney's office. Citations are now issued in the area of air pollution. Violators are subject to civil penalties up to \$25,000 a day.

Joseph L. Nebe, State Bureau of Consumer Health Protection Services, stated they had not experienced the difficulties the counties had experienced in enforcing this matter - primarily because they are not in the areas of high population. Their normal method of enforcement is to issue a citation with a copy to the district attorney. Many times district attorneys are hesitant to act on this type of citation and the law enforcement will not act without his direction. In most cases the rectifying of the situation is voluntary. He said he foresaw some problems with enforcement as their people were not trained in this area.

Sam Mamet said he supported Mr. Chambliss's cause. He was aware of significant problems in curbing violations.

AB 639

Gene Glock, Washoe County District, Health Consumer Health, stated this measure originated from a draft by the Washoe County District Health Department last July. The purpose was to allow the health authorities to pursue different regulations for regulating food establishments. After the draft was submitted, they met with the health division and also Clark County to see if they had uniform support. Clark County was opposed to the proposed measure. They wanted to keep the same grading system now in effect. The health department and Washoe County would like now to recommend this measure be tabled until such time as all entities can come up with a uniform recommendation for grading food establishments.

Chairman Bennett stated he had note from Mr. Mc Donald of Washoe County requesting withdrawal of the proposal. (Exhibit # 4)

Mr. Nebe, Consumer Health, stated they agreed to the withdrawal of the measure.

SB 142

Merv Flanders, Chief of Bureau of Services to the Blind, explained the purpose of the bill. They administer the business enterprise program for the blind. Those are the vending facilities located in federal, state and local public buildings and operated by individuals licensed by the Bureau and they receive the net profits from the

SB 142 - continued

operations as their employment opportunity. Situations are encountered where a vending facility is vacant and there is no existing trained operator to take it over and an interim operation has to be set up because they are obligated to maintain a continuous operation. These facilities provide food service for the building population and it would be irresponsible to discontinue the service. There have been a number of instances when the blind operator of the vending operation became incapacitated and there was no one to handle the operation or the funds. It is quite risky to handle the funds on a cash basis. They are asking for the ability to open a checking account so that receipts from the businesses are deposited, giving a complete and business-like record for any purpose. "Mr. Crosly, of the Legislative Counsel Bureau has advised we could state the bill has his support."

The type of incidents that confront the Bureau are spelled out in the proposal. There is a need to move quickly when a vending operator is incapacitated. There is not time to go to a Board of Examiners but there is time to notify them that an account is being opened. They would also be notified when the account was closed. At the end of the interim operation, the operator indicated the money belonged to him, a check would be made payable to him, otherwise the money would go to Business Enterprise Contingency fund,

Mr. Brady asked who now received the proceeds from a vending operation. He was told the licensed operator was an independent merchant. All the revenues are his. Mr. Brady asked if the person taking over a vending operation upon incapacitation of regular vendor were an independent vendor.

Mr. Flanders said when an operator was temporarily incapacitated, a staff member took over the operation. It is that interim period when the money collected would be deposited into a checking account. When the ill operator returns, the balance in the account would be paid to him. If he were terminated and a new person were trained to replace, the money would go to the contingency fund,

SB 170

Mr. Glover moved to Do Pass SB 170; Mr. Chaney seconded the motion; Chairman Bennett, Mr. Chaney, Mr. Brady and Mr. Glover voted "yes"; motion carried.

The meeting was adjourned at 6:10 P.M.

Respectfully submitted:

M Robertson

MARJORIE D. ROBERTSON, Secretary

Clark County Social Service

LUCE W. SPAULDING
County Manager

651 SHADOW LANE
LAS VEGAS, NEVADA 89106
(702) 386-4271

BARBARA J. BRADY
Social Service Director

AB 595 will represent cost savings to counties. The Welfare Division guidelines that adhere to Federal Medicaid regulations would have the added benefit of federal funding assistance to meet the cost to the State of a Medically Needy Program.

We have reviewed Clark County paid bills that may have qualified under a medically needy program in order to provide information (admittedly a rough estimate) of cost savings to Clark County. This should not be construed as cost of a medically needy program as due to "spend down" provision of Federal Medically Needy, there may be eligible clients who do not now qualify for State or County Medical Relief. It does not establish firmly what disregards there may be before addressing net income ceilings; it is therefore possible that some persons not in need of expensive inpatient services may not qualify although they have been included in our cost estimate.

We will continue to refine our figures and develop a broader sampling of client files before AD 595 comes up for additional hearings. Cost savings at this time are estimated at \$300,000.00 annually for Clark County.

We do favor AB 595 as it would provide some additional medical coverage to aged, blind, disabled and ADC related cases. It additionally would solidify the Medical Assistance to Aged, Blind, and Disabled Institutional Program.

EXHIBIT # 1

N.R.S. 444.610

4. All District Boards of Health, District Health officers and their designated employees may issue misdemeanor citations for any act constituting a violation of regulations adopted pursuant to N.R.S. 444.440 to 444.610, inclusive.

EXHIBIT # 2

A. B. 637

The Clark County Health District receives a large number of citizens complaints regarding unlawful disposal of "garbage" as defined in Section 1 of this Bill.

Although the Health District investigates in response to the calls, these Health and Environmental hazards are not clearly permit issues, and complaints can only be managed if the violator is a permit holder.

Currently, the Health District can request the violation be corrected and file a complaint with the District Attorneys office like any citizen.

With this Bill, the Health District can assist in the enforcement of the control of these Health and Environmental hazards.

The Health District welcomes the clear authority to issue citations and adopt regulations to this end.

EXHIBIT # 3

4-4-1079

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Mr Bennett.

AB 639

Washtoe County requested this bill
but now wishes to withdraw it.
You have scheduled the bill
for a hearing today. There is no
need to proceed with the bill
unless you care to.

Russell McDonald

EXHIBIT # 4

60th NEVADA LEGISLATURE

HEALTH AND WELFARE COMMITTEE

LEGISLATIVE ACTION

DATE April 4, 1979

SUBJECT SB 170

MOTION:

Do Pass XX Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Glover Seconded By Mr. Chaney

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved BY _____ Seconded By _____

MOTION

AMEND

AMEND

VOTE:

Yes

No

Yes

No

Yes

No

BENNETT X

CHANEY X

CRADDOCK _____

GLOVER X

BRADY X

CAVNAR _____

GETTO _____

ORIGINAL MOTION: Passed _____ Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes _____

EXHIBIT A D