

Date: February 15, 1979

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Committee in Session at 8:35 am on Thursday, February 15, 1979

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth  
Senator Clifton Young  
Senator Rick Blakemore  
Senator Wilbur Faiss  
Senator Jim Kosinski

ABSENT: Vice-Chairman Joe Neal

GUESTS: Senator Lawrence Jacobsen  
Dr. William L. Thomason, Chief, Bureau of Health  
Facilities, Nevada State Health Division  
Ms. Dawn Magnuson, Division of Mental Hygiene  
and Mental Retardation

Chairman Ashworth opened the meeting with the hearing on  
S.B. 198.

Senator Lawrence Jacobsen, sponsor of S.B. 198, stated the bill was mandatory for the rural counties. As a volunteer fire department, they cannot afford to hire administration for professional service. Senator Jacobsen said that the Fire Marshal's term is currently scheduled to terminate at the end of this fiscal year quarter. The Senator stated that this step was taken in the Finance Committee in 1977 because of personality conflicts with the individual who was Fire Marshal at that time. Senator Jacobsen said that he has made several telephone calls regarding the service provided by the present Fire Marshal and he has received total positive response. The Senator said the bill contains a fiscal note for \$32,000 for the remaining 1979 quarter; \$100,000 for 1978-80; and \$103,000 for 1980-81; and if approved, will have to be re-referred to Finance.

Chairman Ashworth asked Senator Jacobsen the basis of the bill. Senator Jacobsen said the bill reinstitutes the Fire Marshal's office under its current status.

Chairman Ashworth stated that as this bill would have to be re-referred to the Senate Finance Committee, further testimony would be unnecessary as the witnesses would have to repeat their testimony. Chairman Ashworth asked for a motion on S.B. 198.

S.B. 198 (See Exhibit "A")

Senator Blakemore moved to "Do Pass"  
S.B. 198 and re-refer to Senate  
Committee on Finance.

Seconded by Senator Faiss.

Motion carried.

Yeas -- 5  
Nays -- None  
Absent -- Senator Neal

Chairman Ashworth opened the administrative hearing on S.B. 83.

Dr. William L. Thomason, Chief of the Bureau of Health Facilities, Nevada State Health Division, stated that after the last hearing on S.B. 83, he was contacted by Ms. Dawn Magnuson of the Division of Mental Hygiene and Mental Retardation. She notified Dr. Thomason that Dr. Bing Oberle, Acting Administrator of the Division of Mental Hygiene and Mental Retardation, did not wish the Children's Behavioral Service facility to fall under state licensure. Dr. Thomason said that due to Dr. Oberle's statement and the concern of the Human Resources and Facilities Committee that S.B. 83 constituted over-regulation, they requested withdrawal of the bill.

Chairman Ashworth read a letter from Dr. Thomason into the record (see Exhibit "B").

S.B. 83 (Exhibit "C")

Senator Blakemore moved to "Indefinitely Postpone" S.B. 83.

Seconded by Senator Young.

Discussion: Senator Kosinski questioned Ms. Dawn Magnuson if the Children's Behavioral Service facility used Title IX funds and if they had clients who qualified for that funding. Ms. Magnuson responded that the facility is not receiving Title IX funds, but there are clients who could be eligible for this funding. Ms. Magnuson stated that the facility cannot receive Title IX funds at this time because it is not accredited by the Joint Committee for Accreditation of Hospitals (JCAH). Ms. Magnuson stated that, currently, only the Mental Health Institute is eligible for Title IX funds for patients under twenty-one years of age because the Institute is accredited by JCAH.

The motion carried.

Yeas -- 5  
Nays -- None  
Absent -- Senator Neal

(Committee Minutes)

Chairman Ashworth presented BDR 40-221<sup>\*</sup> for committee introduction.

Senator Young moved to introduce  
BDR 40-221 as a committee introduction.

Seconded by Senator Kosinski.

Motion carried.


Yeas -- 5  
Nays -- None  
Absent -- Senator Neal

Regarding S.B. 69, Senator Kosinski said that he was still concerned about district boards of health having to file their regulations with the Office of the Secretary of State. The Senator said that if the boards are removed from the jurisdiction of the Administrative Procedures Act, they will not be subject to scrutiny by the state. Senator Kosinski said that the committee has an amendment prepared by the Secretary of State. Chairman Ashworth said that he will bring the bill before the committee for administrative action on Friday, February 16.

Regarding S.B. 159, Senator Kosinski said that the Legislative Counsel Bureau will have an amendment prepared by next week for the committee's consideration.

There being no further business, Chairman Ashworth adjourned the meeting at 9 am.

Respectfully submitted,

  
Sheba Frost, Acting Secretary for  
Roni Ronemus, Committee Secretary

Approved:

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Chairman  
Senator Keith Ashworth

\*SB 287

**S. B. 198****SENATE BILL NO. 198—SENATORS JACOBSEN, BLAKE-  
MORE, DODGE, GLASER, FAISS AND NEAL**

FEBRUARY 8, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Restores office of state fire marshal and amends his powers  
and duties. (BDR 42-1328)FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: Yes.EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to the state fire marshal; restoring his office and amending his powers and duties; reorganizing the state fire marshal division of the department of commerce; providing penalties; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Chapter 477 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 1. *A fire chief or fire marshal designated by a local government*  
4 *which maintains an organized fire department may serve as a special*  
5 *deputy state fire marshal, without additional compensation. The special*  
6 *deputy state fire marshal shall carry out the provisions of this chapter in*  
7 *the jurisdiction of the local government.*  
8 2. *A special deputy state fire marshal may retire under chapter 286*  
9 *of NRS at age 55 if he is otherwise eligible.*  
10 SEC. 2. NRS 477.010 is hereby amended to read as follows:  
11 477.010 1. The state fire marshal division is hereby established in  
12 the department of commerce.  
13 2. The division consists of the fire protection *and control* section,  
14 [the factory-built housing section and the mobile home and travel trailer  
15 section.  
16 3. The director of the department of commerce shall appoint the  
17 state fire marshal, who shall be in the unclassified service of the state.]  
18 *the fire investigation section, the public education section and the fire data*  
19 *section.*  
20 SEC. 3. NRS 477.013 is hereby amended to read as follows:  
21 477.013 1. The state fire marshal [is authorized to] may appoint.



NEVADA STATE DIVISION OF HEALTH  
BUREAU OF HEALTH FACILITIES

CAPITOL COMPLEX  
505 EAST KING STREET  
CARSON CITY, NEVADA 89710

(702) 883-4475

February 8, 1979

The Honorable Keith Ashworth  
Senate Human Resources and Facilities Committee  
Legislative Council Building, Room 213  
Carson City, Nevada 89710


Dear Senator Ashworth:

During our testimony before your committee several days ago, it was indicated to you that the Children's Behavioral Services operations in Reno and Las Vegas had evidenced interest in being licensed by us as Child Care Facilities to enable them to seek federal funding.

There have been several administrative changes in the Division of Mental Hygiene and Retardation in the past several months. Today we received a telephone communication from a staff member of that Division indicating that the new Acting Administrator does not wish these facilities to be subject to licensure. In view of the committee's reluctance to extend the provisions of NRS 449.003 to non-profit operations, and Dr. Oberle's stated position opposing licensure of his state operation, it is our feeling that SB 83 should not be reported out of committee.

Thank you for your kind attention to this matter.

Sincerely yours,

  
William L. Thomason, D.D.S.  
Administrator  
Bureau of Health Facilities

cc: Senate Human Resources & Facilities  
Committee Members  
Judson B. Oberle, Ph.D.  
John H. Carr, M.D.

S. B. 83

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 SENATE BILL NO. 83—COMMITTEE ON HUMAN RESOURCES  
AND FACILITIES

JANUARY 23, 1979

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 Referred to Committee on Human Resources and Facilities

SUMMARY—Provides for regulation of child care facilities operated without compensation. (BDR 40-212)

 FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

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 EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.
 

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AN ACT relating to health and care facilities; providing for the licensing, regulation and inspection of child care facilities which are operated without compensation; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

- 1 SECTION 1. NRS 449.003 is hereby amended to read as follows:  
2 449.003 "Child care facility" means an establishment operated and  
3 maintained for the purpose of furnishing care on a temporary or perma-  
4 nent basis, during the day or overnight, [for compensation,] to five or  
5 more children under 18 years of age. "Child care facility" does not  
6 include:  
7 1. The home of a natural parent or guardian, foster home as defined  
8 in chapter 424 of NRS or maternity home; or  
9 2. A home in which the only children received, cared for and main-  
10 tained are related within the third degree of consanguinity or affinity by  
11 blood, adoption or marriage to the person operating the facility.