

Date: February 7, 1979

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Committee in Session at 8:47 am on Wednesday, February 7, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth
Vice-Chairman Joe Neal
Senator Clifton Young
Senator Rick Blakemore
Senator Wilbur Faiss
Senator Jim Kosinski

GUESTS: Dr. William L. Thomason, Bureau of Health
Facilities, Division of Health
Mr. M. D. Templeton, Bureau of Health Facilities,
Division of Health
Ms. Mimi Rodden, Administrator, Historic Preserva-
tion and Archeology
Mr. Robert Fink, Historic Preservation and
Archeology
Mr. Donald Klasic, Office of the Attorney General
Mr. Sam Mamet, Management Analyst, Clark County
Mr. Maynard Yasmer, Chief of Staff Services,
Rehabilitation Division
Mr. Merv Flander, Chief, Bureau of Services for
the Blind

Chairman Ashworth opened the meeting and presented to the committee an organizational chart for the Department of Human Resources (see Exhibit "A"). He requested a hearing be set at a later date with a representative of the Department to explain the chart, for the benefit of the committee.

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

Dr. William L. Thomason, representing the Bureau of Health Facilities, Division of Health, stated that S.B. 83 had been presented for the removal of two words, "for compensation." Dr. Thomason said this would allow the Department into certain child care facilities for licensure purposes. Dr. Thomason added the removal of the words would place parent-cooperative groups, where there is no compensation, into the area of licensure. Dr. Thomason said the Division feels, on some occasions, it is important to review the operation for the well-being of the children, such as safety requirements.

Senator Blakemore asked if there was a record of unregulated child care facilities with serious problems. He questioned if it was possible that due to stringent regulations, no-compensation facilities have been established. Dr. Thomason said he did not believe that was true. Senator Blakemore asked if there were any facilities in which accidents have occurred and Dr. Thomason said there was no record of any facilities having accidents.

Senator Young asked the number of facilities presently licensed and the number of facilities that would be affected by this legislation. Dr. Thomason replied that thirty-five child care facilities are currently licensed, excluding facilities in Clark

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County, Washoe County and Carson City which have a local licensing ordinance that supersedes state law. Dr. Thomason said approximately three or four facilities would be affected by this legislation.

Senator Young asked how the family with three children, taking in two neighborhood children, would be affected by this law. He expressed concern as to over-regulation. Dr. Thomason said that the home of a natural parent or guardian is not included under section 1.

Senator Faiss stated if only three or four facilities were affected by this legislation, he could not see the existence of a problem. Dr. Thomason stated the problem was in the area of complaints and not having a legal base to review the facilities.

Senator Kosinski asked if the jurisdiction of the three large counties would be increased should the legislation be passed. Mr. M. D. (Dave) Templeton, representing the Bureau of Health Facilities, Division of Health, stated the local licensing ordinances of these entities have all excluded the term, "for compensation." Mr. Templeton explained that the Division can delegate the authority that exists in the law to a local entity, if that entity chooses to adopt an ordinance, with the provision that the ordinance must be as restrictive as the Division's.

Chairman Ashworth questioned if this legislation is being directed to a particular area or operation. Dr. Thomason said that was not the case. Chairman Ashworth asked where the three or four facilities were that would be affected by this legislation. Mr. Templeton stated that one facility was located in Ely and the two Children's Behavioral Services facilities in Reno and Las Vegas would be affected. Mr. Templeton stated the Children's Behavioral Services facilities have requested licensing. Chairman Ashworth asked why the local ordinance would not apply to them. Mr. Templeton responded that, as a state or governmental facility, the local ordinance does not apply. Mr. Templeton stated that these entities have requested this legislation to be eligible for reimbursement under Title XVIII ; Title XIX and Title XX. Chairman Ashworth questioned this as the facilities are not receiving compensation. Mr. Templeton stated that even though money is changing hands, they are not operating on a profit-making basis and the attorney general has determined that is not compensation. (See Exhibit "B")

Senator Neal questioned why the Children's Behavioral Services would fall into a category of a child care facility as they are a teaching facility. Senator Kosinski stated the facility is in operation on a 24-hour basis and thereby would fall into the category of a child care facility.

Senator Young asked the amount of money involved with these facilities as to reimbursement and Mr. Templeton estimated \$400 per child. Senator Young questioned if the purpose could

be accomplished by specifying the Children's Behavioral Services in the law. Dr. Thomason stated that the sole purpose of the legislation was not to provide for the Children's Behavioral Services, but also the licensure of other facilities that are not charging a fee.

Senator Kosinski requested that Dr. Thomason submit an amendment to the committee that would provide for licensing of state-operated facilities and leave the language, "for compensation." Dr. Thomason said he would comply (see Exhibit "C").

There being no further testimony, Chairman Ashworth closed the hearing on S.B. 83 and opened the hearing on S.B. 116.

Ms. Mimi Rodden, Administrator, Historic Preservation and Archeology, stated that S.B. 116 was a technical correction to allow the disbursement of money to private persons and enterprises.

Senator Young asked if this bill would affect the Lake Mansion project and Ms. Rodden said that it would. Senator Young asked the cause of the legislation. Ms. Rodden replied that the Division had been disbursing funds without knowledge that it was in violation of the law.

Mr. Robert Fink, representing Historic Preservation and Archeology, enumerated to Senator Young the projects on which the disbursement of funds had occurred.

Senator Blakemore questioned which projects were being held back due to the lack of this legislation. Ms. Rodden enumerated the projects and the amounts involved and stated she would submit a package of information to the committee (see Exhibit "D").

Chairman Ashworth asked the amount of the bond money. Ms. Rodden replied that it is \$500,000 in state funds matched by federal funds.

Senator Young stated that the new verbage in the bill would still exclude non-profit organizations. Chairman Ashworth concurred and questioned if the term, "eleemosynary," should also be included.

Mr. Fink stated that funds to private individuals were normally used for the exterior of buildings and on a reimbursement basis.

Senator Faiss asked what criteria is used for designating historical places. Ms. Rodden replied that applicants must petition to appear on the National Register of Historic Places, which is a very involved process with stringent criteria.

Ms. Rodden asked if the committee would like to have an amendment prepared. Chairman Ashworth stated, with the committee's concurrence, the insertion of the words, "non-profit" and "eleemosynary," would be included in the discussion on the floor.

There being no further testimony, Chairman Ashworth closed the hearing on S.B. 116 and opened the hearing on S.B. 118.

Mr. Donald Klasic, representing the Office of the Attorney General, stated that S.B. 118 is a housekeeping measure to reflect what is, in actuality, taking place.

Senator Kosinski stated that the bill shows a fiscal note as to the effect on local government and asked if Chairman Ashworth had received the note. Chairman Ashworth said that he had not. Mr. Klasic stated he was not aware of any fiscal impact.

Mr. Sam Mamet, Management Analyst with Clark County, testified that Clark County has no problems with the bill because that currently is the practice used by the County. Mr. Mamet was also unsure as to the reason for the fiscal note.

Senator Young asked if anyone has been sued under this bill. He expressed concern as to the constitutionality of the legislation. Mr. Mamet said he did not have that information but would explore the situation.

There being no further testimony, Chairman Ashworth closed the hearing on S.B. 118 and opened the hearing on S.B. 139.

Mr. Maynard Yasmer, Chief of Staff Services, Rehabilitation Division and Mr. Merv Flander, Chief, Bureau of Services for the Blind, testified in support of S.B. 139. Mr. Yasmer stated the purpose of the bill is to increase the ability to expedite the payments to clients and vendors involved in Services to the Blind facilities; in addition, maintain an inventory of specialized aids and appliances for the blind and visually-impaired clients. Mr. Yasmer said there would be the establishment of weekly client payrolls for maintenance, transportation and other payments of clients, emergency payments to vendors and services to clients, and inventory of appliances. Mr. Yasmer said the increase in the revolving fund was also necessitated by an increase in clients served and cost of living increases.

Chairman Ashworth asked if, in essence, due to the increase in business, more money is required as part of the cash flow. Mr. Yasmer responded that was correct.

Senator Kosinski asked the reason for the language change on Page 1, Line 7 through 10. Mr. Flander said that the term "clients" suggests an on-going process. However, the purpose

of the program is to close the cases once the individuals are self-supporting. With the existing terminology, there is confusion as to applicability. Senator Kosinski asked if that was the reason for deleting the term, "rehabilitation services." Mr. Flander responded that it was the same reason.

Senator Faiss stated that the last time the fund had been increased was in 1975. Mr. Flander stated that action did occur on combining of funds in 1975 but there was no monetary increase.

Chairman Ashworth closed the hearing on S.B. 139 and opened the hearing on S.B. 142.

Mr. Maynard Yasmer and Mr. Merv Flander testified as the originators of S.B. 142. Mr. Yasmer read into the record a statement on the business enterprise program (see Exhibit "E").

Mr. Flander stated that there is a basic conflict in the law whereby the Bureau is to insure continuing operation of the blind vending facilities, yet this is difficult in emergency situations. He noted a situation presently occurring where the operator had conducted his business on a cash basis. The Bureau needs to set up a checking account to account for the funds while the operator is unable to maintain his business. Based on this situation, Mr. Flander requested the committee make the legislation effective on passage.

Chairman Ashworth stated there was the connotation in the legislation, as written, which would imply a non-blind person could operate the facility. Mr. Flander said that under federal law, the only licensees are those who are legally blind. Chairman Ashworth expressed concern about the language and the implication.

Senator Blakemore suggested the addition of language denoting that a non-blind person could operate the facility on an emergency basis. Senator Blakemore also asked if the language had been reviewed by the Audit Division of the Legislative Counsel Bureau. Mr. Flander replied that it had not been reviewed.

Chairman Ashworth also suggested the provision for notification stating an emergency situation exists and that a checking account is being established, including all financial information.

Chairman Ashworth suggested the bill be discussed with the Audit Division of the Legislative Counsel Bureau for their input and the committee would hold action at this time.

There being no further testimony, Chairman Ashworth closed the hearing on S.B. 142.

S.B. 76 (Exhibit "F")

Senator Young moved "Do Pass" out of committee on S.B. 76.

Seconded by Senator Blakemore.

Motion carried.

Yeas -- 5

Nays -- None

Not Voting -- Senator Neal

Senator Kosinski stated that by repealing this section, the power to create other bureaus and agencies within the Division of Health goes only to the administrator of the division. He requested this be read into the record on the floor. Chairman Ashworth assigned Senator Kosinski to explain the bill on the floor.

S.B. 78 (Exhibit "G")

Senator Young moved to "Amend" and "Do Pass" out of committee on S.B. 78.

Seconded by Senator Faiss.

Chairman Ashworth stated the amendment to S.B. 78 would be on Page 1, Line 5 and would read, "infirm, mentally retarded or" and on Line 8, delete "; or" and delete Lines 9 through 11 (subsection 3.).

Motion carried.

Yeas -- 5

Nays -- None

Not Voting -- Senator Neal

S.B. 79 (Exhibit "H")

Senator Blakemore moved to "Do Pass" out of committee on S.B. 79.

Seconded by Senator Young.

Motion carried.

Yeas -- 5

Nays -- None

Not Voting -- Senator Neal

S.B. 80 (Exhibit "I")

Senator Kosinski recommended S.B. 80 be referred to the Finance Committee without recommendation.

Senator Neal moved to "Do Pass" and refer to Senate Finance Committee.

Seconded by Senator Faiss.

Motion carried.

Yeas -- 6
Nays -- None

S.B. 81 (Exhibit "J")

Chairman Ashworth stated that Dr. William Thomason had been requested to submit an amendment to S.B. 81 and presented Exhibit "K" to the committee. Senator Kosinski stated that he did not believe the facilities adequately justified why their licensure records should not be open. He further stated he had concerns as to the confidentiality of records. Senator Young concurred with Senator Kosinski but said he would support the bill because it addressed the immediate problem.

Senator Young moved to "Amend" and "Do Pass" out of committee on S.B. 81.

Seconded by Senator Blakemore.

Motion carried.

Yeas -- 4
Nays -- Senators Kosinski and Neal

S.B. 116

Senator Blakemore moved to "Amend" and "Do Pass" out of committee on S.B. 116.

Seconded by Senator Young.

Chairman Ashworth stated the amendment would be at the end of Line 22 with a ", " after "political subdivisions" and the insertion of the words, "non-profit, eleemosynary".

Motion carried.

Yeas -- 5
Nays -- None
Not Voting -- Senator Kosinski

S.B. 118 (Exhibit "L")

Senator Neal moved to "Do Pass" out of committee on S.B. 118.

Seconded by Senator Blakemore.

Motion carried.

Yeas -- 6

Nays -- None

S.B. 139 (Exhibit "M")

Senator Young moved to "Do Pass" out of committee on S.B. 139 and re-refer to the Senate Finance Committee.

Seconded by Senator Faiss.

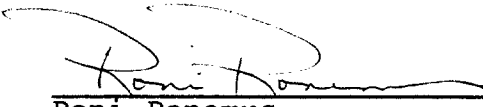
Motion carried.

Yeas -- 6

Nays -- None

There being no further business, Chairman Ashworth adjourned the meeting at 10:30 am.

Respectfully submitted,



Roni Ronemus
Committee Secretary

Approved:

Chairman
Senator Keith Ashworth

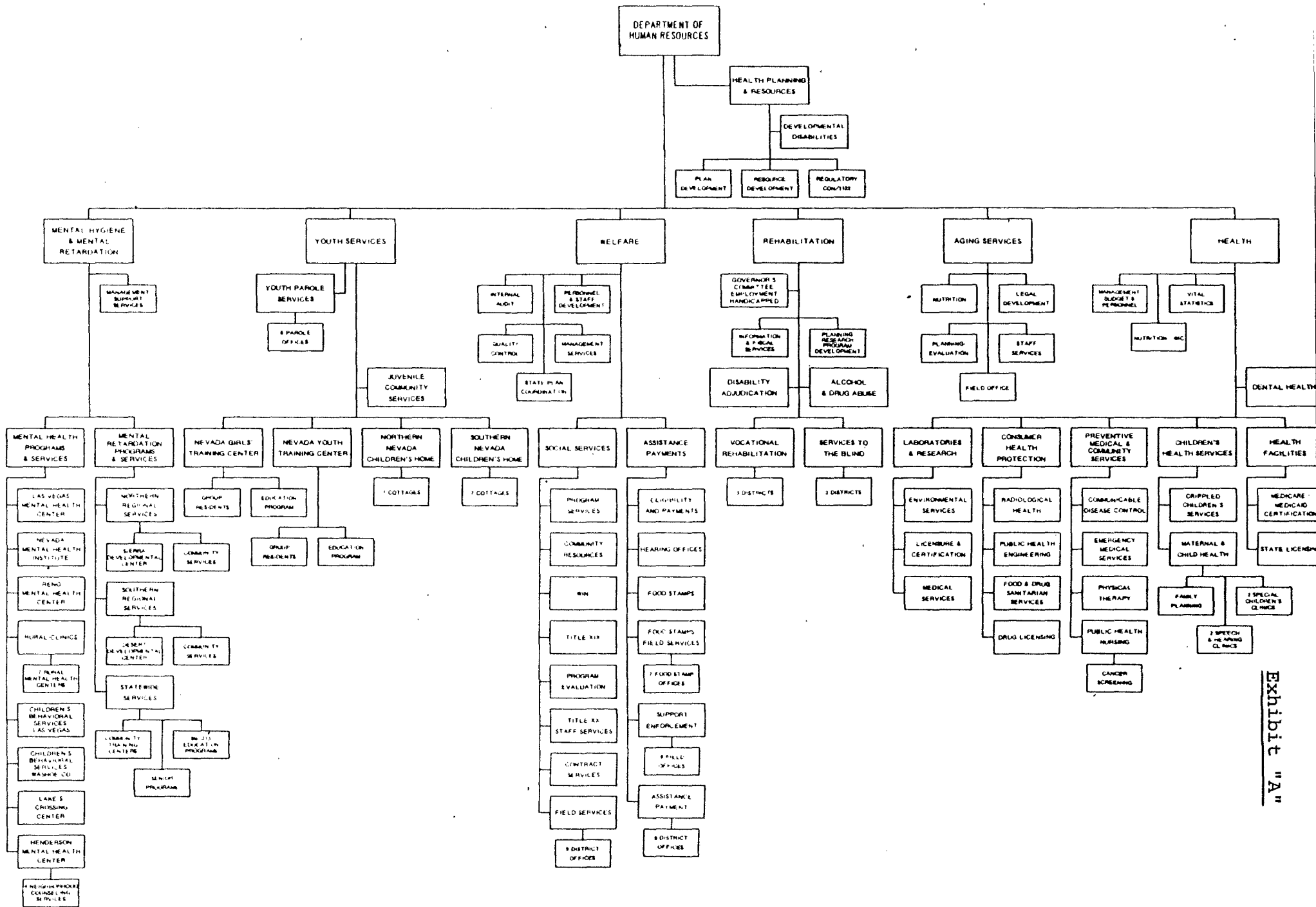


Exhibit "A"

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STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF HUMAN RESOURCES

UNION FEDERAL BUILDING, ROOM 205
308 NORTH CURRY STREET
CARSON CITY, NEVADA 89701
TELEPHONE (702) 885-4730

ROBERT LIST
ATTORNEY GENERAL

D. Michael Clasen
~~XXXXXXXXXXXX~~
DEPUTY ATTORNEY GENERAL

September 22, 1975

Ms. Myrl Nygren
Coordinator
Health Facilities
201 South Fall Street
Carson City, Nevada 89701

Dear Ms. Nygren:

You have recently requested an opinion of this office concerning the possibility of a fee waiver for certain child care facilities, and the licensure of government operated child care facilities. Considering these questions respectively, please be advised as follows:

QUESTION I

May the City of Las Vegas set a license fee for any child care facility at a rate less than the equivalent of the state established fee of fifty cents (\$0.50) per child?

ANALYSIS

By way of background it should be pointed out that the State Board of Health, pursuant to NRS Chapter 449, is empowered with pervasive regulatory authority in the area of health and care facilities, including child care facilities. For example, NRS 449.037 provides in part under subsection 1 that the State Board of Health shall adopt:

- (a) Licensing standards for each class of health and care facility covered by NRS 449.001 to 449.240...
- (b) Rules and regulations governing the licensing of such institutions...[emphasis added]

NRS 449.050 then provides that each application for a license "...shall be accompanied by such fee as may be determined by regulation of the state board of health." [emphasis added] From a literal reading of the above two sections of Nevada Revised Statutes, then, it becomes clear that provision for fees, as prescribed by the state board of health, is a "regulation" within the meaning of NRS 449.037 (1)(b).

Furthermore, NRS 449.060 provides for license renewal on an annual basis only if it is determined that the applicant is in compliance with NRS 449.001 to 449.240 "...and with the standards, rules and regulations promulgated thereunder." [emphasis added]

Any county or incorporated city may, in lieu of the state, license such child care facilities if their respective governing bodies have established a child care licensing agency and enacted an ordinance requiring that child care facilities be licensed by such county or incorporated city. In this regard, NRS 449.070 (2) provides that such local licensing agencies "...regulations shall be not less restrictive than those adopted by the state board of health..." Consequently, since provisions for fees, as we have seen, are regulations within the meaning of NRS Chapter 449, they are subject to the requirement that local regulations be at least as restrictive as those promulgated by the state board of health.

The question then becomes one as to the meaning of the term "restrictive" as used in NRS 449.070 (2). In other words, does the establishment of a fee less than that provided for under Article 2.2.2 of the Licensing Regulations for Nevada Child Care Facilities, January 1975, which currently provides for a fee of fifty cents (\$0.50) per child, constitute a less restrictive regulation in contravention of NRS 449.070 (2)?

The common acceptance of the word "restrict" is to restrain within bounds; to limit or to confine. State ex rel. Lucey v. Terry, Del. Super., 196 A.163, 167. In the instant case the lower limit of fees was set at fifty cents (\$0.50) per child pursuant to the above mentioned state regulation. Therefore, applying the above definition to the question under consideration leads us to the inevitable conclusion that a local regulation must provide for fees equivalent to at least fifty cents (\$0.50) per child in order to be considered "not less restrictive than" the state standards.

In view of the fact that the state regulations contain no provision for waiver of license fees for certain child care facilities, it may be implied that the state board of health did not intend to allow waiver of fees; consequently, any such waiver provision in the local regulations, or any such waiver in fact by a county or incorporated city would be in derogation of Article 2.2.2 of the above mentioned regulation and would constitute a "less restrictive" regulation than that promulgated by the state board of health. CF. State ex rel. Bartlett v. Brodigan, 37 Nev. 245, 141 Pac. 988 (1914), Rodgers v. Carpenter, 44 Nev. 4, 189 Pac. 67 (1920).

CONCLUSION

The City of Las Vegas may not set a license fee for any child care facility at a rate less than the equivalent of the state set fee of fifty cents (\$0.50) per child. A lesser fee would constitute "less restrictive" regulation under NRS 449.070 (2) since the state board of health has set the application fee at fifty cents (\$0.50) per child and has not provided for any waiver of such fees.

QUESTION II

Is a government operated child care institution a "child care facility" within the meaning of NRS 449.003, thereby rendering such institutions subject to the licensing requirements of NRS 449.030?

ANALYSIS

For purposes of this analysis it will be assumed that the institution qualifies in all respects as a "child care facility" within NRS 449.003, except that the institution is operated by state or local governmental units.

NRS 449.003 provides in part as follows:

"'Child care facility' means an establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, for compensation, to five or more children under 18 years of age..."

NRS 449.030 provides as follows:

"No person, state or local government unit or agency thereof shall operate or maintain in this state any health and care facility without first obtaining a license therefor as provided in NRS 449.001 to 449.240, inclusive."

Thus, if a government operated child care institution may be regarded as a child care facility within NRS 449.003, such facility would then, by operation of law, be subject to the licensing requirement of NRS 449.030.

Resolution of this question appears to hinge on whether a government operated child care institution may properly be regarded under NRS 449.003 as an "...establishment operated and maintained for the purpose of furnishing care...for compensation..." [emphasis added]

The word compensation has many meanings in the law, depending upon the particular issue under consideration. For example, the definition of "just compensation," which must be paid when the sovereign exercises its power of eminent domain, is necessarily going to be different and quite meaningless in attempting to ascertain the meaning of "compensation" as used in workmen's compensation acts. Likewise, the term "for compensation" as used in NRS 449.003 does not have precisely the same meaning as either of the other two usages of "compensation" in the examples above.

In the absence of an indication that a special usage of the term "compensation" is to be applied, it will be assumed that its ordinary meaning is intended by NRS 449.003. In this regard, it has been said that the word compensation is a term of larger scope than mere "cost", and especially "actual cost." City of Newton v. Boston & A.R. Co., 51 N.E. 183, 185. This observation tends to imply that compensation involves something more than the mere exchange of equivalents; although, it does not necessarily mean a profit is involved. On this point, the court in Jablonowski v. Modern Can. Mfg. Co., 279 S.W. 89, 95, held that "compensation" as commonly understood carries with it the idea of making whole, or giving an equivalent or substitute of equal value. This acceptation of the term is echoed by Black's Law Dictionary wherein it is provided in part that "compensation" means:

"Indemnification; payment of damages; making amends; making whole; giving an equivalent or substitute of equal value;..."

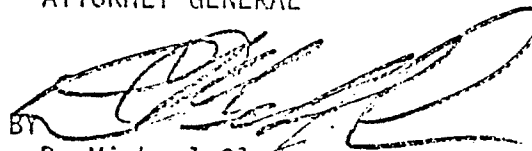
Applying the above authority to the question involved, it may then be concluded as a general proposition that a "child care facility" under NRS 449.003 means an establishment operated and maintained for the purpose of furnishing care in exchange for a monetary consideration equivalent to the value of services rendered. In other words, there must be a twofold purpose behind the existence of the facility. First, it must exist for the purpose of furnishing care. Second, it must furnish care for purpose of receiving compensation for its services. It is thus apparent that government institutions do not fall within the definition of "child care facility" for the reason that such establishments are not operated and maintained for the purpose of furnishing care for compensation. Rather, such institutions are carrying out a public charge pursuant to legislative direction principally at tax payer expense. Consequently, tax supported, government operated child care institutions are not "child care facilities" within the meaning of NRS 449.003; therefore, such institutions are not subject to the licensing requirements of NRS 449.030.

CONCLUSION

Government operated child care institutions, which are principally tax supported, are not "child care facilities" within NRS 449.003 for the reason that such institutions are not operated and maintained for the purpose of furnishing care for compensation. Therefore such institutions are not subject to the licensing requirements of NRS 449.030.

Yours very truly,

ROBERT LIST
ATTORNEY GENERAL

A handwritten signature in dark ink, appearing to read "D. Michael Clasen", written over a horizontal line.

BT
D. Michael Clasen
Deputy Attorney General

RL:DMC:db



FEB 8 1979

Exhibit "C"

NEVADA STATE DIVISION OF HEALTH
BUREAU OF HEALTH FACILITIES
CAPITOL COMPLEX
505 EAST KING STREET
CARSON CITY, NEVADA 89710

(702) 885-4475

February 7, 1979

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

Dear Senator Ashworth:

At your direction, we offer the following alternative wording to be considered in your deliberations on SB 83:

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

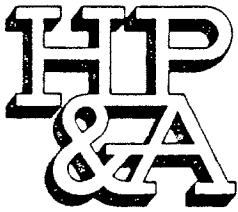
We hope that this is adequate to your needs. If we may be of further assistance, please call us at 885-4475.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "William L. Thomason".

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

WLT/met



THE NEVADA DIVISION OF HISTORIC PRESERVATION AND ARCHEOLOGY
201 South Fall Street — Nye Building — Room 113 — Carson City, Nevada 89710
MIMI RODDEN, Administrator Telephone (702) 885-5138

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

ROLAND D. WESTERGARD, Director

ROBERT LIST
GOVERNOR

File:

February 7, 1979

MEMORANDUM

TO: Human Resources & Facilities Senate Committee

FROM: Mimi Rodden, Administrator
Division of Historic Preservation & Archeology

SUBJECT: List of Preservation Projects for Fiscal Years 1978
and 1979 as Requested by Senator Kosinski

The attached list represents the active projects initiated in F.Y. 1978, plus the projects we anticipate funding this year. The State Historic Bond Money (\$500,000) is part of the State Parks Bond Issue approved by the electorate some years back. The Division is attempting to assist private or non-profit applicants meet their federal match via the use of bond money. The federal funds are part of the Division's flow-through account; an amount allocated by the Department of the Interior annually to Nevada. Ideally, the federal funds may reimburse the applicant for 50% of his approved project costs. Because of the limited amount of funds, the federal reimbursable amount is frequently less than 50%.

To qualify for federal project funds, a property must be either listed individually upon the National Register of Historic



MEMORANDUM

Human Resources & Facilities Senate Committee

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Places or located within a district which is listed. As a condition of an awarded grant, the applicant must spend his money first and apply, with documentation, for reimbursement. In addition, the applicant signs a maintenance covenant with the State to insure the upkeep of the property in the manner restored by the project. The duration of the covenant is determined by the amount of federal assistance; the maximum time is twenty (20) years.

RF/j

cc: Peter G. Morros, Ass't. Director
Dept. of Conservation & Natural Resources

DIVISION OF HISTORIC PRESERVATION AND ARCHEOLOGY

Projects for Fiscal Year 1979

Project Name	Location	Public Ownership	Private Ownership	Non-Profit Ownership	Total Cost	Federal Share	Assigned State Bond	Type of Project Treatment
Crumley Residence	Belmont Nye County Belmont N.R. Dist.		X		\$10,000	\$ 5,000	\$ 2,500	Exterior Restoration
Seaton Residence	Virginia City Storey County		X		12,000	6,000	3,000	Rehabilitation and Exterior Restoration
Bommarito House	Genoa/Douglas Co.		X		1,104	552	276	Exterior Rehabilitation
H. Davis Store	Genoa/Douglas Co.		X		650	325	163	Exterior Rehabilitation
Mizpah Hotel	Tonopah		X		100,000,000	62,561	12,439	Exterior Restoration & Interior Rehabilitation
V & T R.R. Shops Phase I	Carson City		X		80,000	40,000	20,000	Exterior Restoration and Interior Rehabilitation
Gateclift	Monitor Valley/Nye Co.			X	65,000	20,000	10,000	Stabilization
Westside School	City of L.V.	X			442,000	69,062	62,872	Exterior Restoration Interior Rehabilitation
Stewart-Nye Res.	Carson City			X	15,000	7,500	3,750	Ex. Rest./Int. Rehab.
Lake Mansion	Washoe Co/Reno			X	10,000	5,000	2,500	Int. Rehab. to code, etc.
V & T Mail Exp #21	Carson City	X			48,000	24,000	-0-	Restoration
Bank of Calif.	Gold Hill Storey Co.		X		50,000	25,000	12,500	Restoration/Rehab.

EXHIBIT D

DIVISION OF HISTORIC PRESERVATION AND ARCHEOLOGY

Active Projects for Fiscal Year 1978

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Project Name	Location	Public Ownership	Private Ownership	Non-Profit Ownership	Total Cost	Federal Share	Assigned State Bond	Type of Project Treatment
Berlin State Park	Berlin, Nye Co.	X			\$35,700	\$17,850	-0-	Stabilize and Restore
Eureka Sentinel Building	Eureka	X County			89,400	29,800	\$29,800	Stabilize & Restore
Huber House	Genoa		X		2,500	1,250	625	Exterior Work
(former) Methodist Church	Austin	X County			40,000	20,000	10,000	Exterior Work
Mormon Fort	Las Vegas	X City			100,000	40,000	30,000	Exterior & Interior Restoration
Morrill Hall Phase III	Reno	X		X	250,000	125,000	25,000	Exterior Work & Mechanical Equipment
Mount Rose Elem. School	Reno	X			120,000	60,000	30,000	Structural Stabilization & Exterior Work
Roberts House	Carson City	X			20,000	10,000	5,000	Exterior Work
St. Paul's Episcopal Church	Virginia City			X	50,000	25,000	12,500	Exterior Work
Spring Mountain Ranch State Park	Clark County	X			60,000	10,000	-0-	Stabilization Plans, Site Drainage
Sutro Stables	Dayton Vicinity		X		20,000	5,000	5,000	Exterior Work
V & T Locomotives 18 & 22	Carson City	X State Park			15,500	6,000	-0-	Restoration Plans

EXHIBIT D

DIVISION OF HISTORIC PRESERVATION AND ARCHEOLOGY

NEVADA ENTRIES IN THE NATIONAL REGISTER OF HISTORIC PLACES

NAME	TYPE OF ENTRY	COUNTY
Fort Ruby **	Site	White Pine
Leonard Rock Shelter **	Archeological Site	Pershing
Senator Newland's Home**	Building	Washoe
Virginia City**	District	Storey
Fort Churchill**	Site	Lyon
Austin	District	Lander
Berlin	District	Nye
Gold Springs	Site	Churchill
Times Point	Archeological Site	Churchill
Las Vegas Mormon Fort	Site	Clark
Fort Schellbourne	Site	White Pine
Ward Charcoal Ovens	Site	White Pine
Bristol Well	Site	Lincoln
Belmont	District	Nye
Lake Mansion	Site	Washoe
Eureka	District	Eureka
V & T Locomotives	Objects	Carson City
Caliente R.R. Depot	Site	Lincoln
Morrill Hall	Site	Washoe

** - National Historic Landmarks in Nevada

Nevada Entries In the National Register of Historic Places (cont)

p. 2

NAME	TYPE OF ENTRY	COUNTY
Aurora	District	Mineral
Old Winters Ranch/Winters Mansion	Site	Washoe
Benson Dillon Billingham Home	Building	Washoe
Potosi	Site	Clark
James Wild Horse Trap	Site	Nye
Tybo Charcoal Ovens	Structures	Nye
Tim Springs Petroglyphs	Archeological Site	Clark
Mormon Well Spring	Site	Clark
Corn Creek Campsite	Site	Clark
Deep Mountain Range Archeological	District	Clark
Hidden Forest Cabin	Building	Clark
Ruby Valley Pony Express Station	Building	Elko
Rhodes Cabin	Building	White Pine
Lehaman Orchard & Aqueduct	Site	White Pine
Stillwater Marsh	Site	Churchill
Genoa	District	Douglas
Governor Nye's Mansion	Building	Carson City
Black Canyon Petroglyphs	Site	Lincoln
Micca House	Building	Humboldt
Nevada State Capitol	Building	Carson City
U.S. Mint	Building	Carson City
le Ranch	Site	Clark
Rinckel Mansion	Building	Carson City

Nevada Entries in the National Register of Historic Places (cont.)

Pg. 3

NAME	TYPE OF ENTRY	COUNTY
Last Supper Cave	Building	Carson City
Bowers Mansion	Building	Washoe
Humboldt Cave	Archeological Cave	Churchill
Sandstone Ranch	District	Clark
Silver State Flour Mill	Building	Humboldt
Raycraft Ranch	Site	Carson City
Governor's Mansion	Building	Carson City
Mt. Rose Elementary	Building	Reno (Washoe)
Virginia & Truckee Railroad Shops	Building	Carson City
James D. Roberts House	Building	Carson City
St. Peter's Episcopal Church	Building	Carson City
Lakeview House	Building	Carson City
Glendale School	Building	Washoe
Sunshine Locality	Archeological Site	White Pine
Lincoln County Courthouse	Building	Lincoln
Nevada State Printing Office	Building	Carson City
Lagomarsino	Site	Storey
Derby Dam	Structure	Storey & Washoe
Cold Springs Pony Express Station	Site	Churchill
White River Narrows Archeological District	Archeological Site	Lincoln
Lew Meder House	Building	Carson City

Nevada Entries in the National Register of Historic Places (cont.)

Pg. 4

NAME	TYPE OF ENTRY	COUNTY
Rye Patch Archeological Site	Archeological Site	Pershing
Carson Brewing Company	Building	Carson City
Minden Flour Milling Company	Building	Douglas
V & T Combination Car #21	Object	Carson City
Las Vegas Springs	Site	Clark
Applegate-Lassen Trail	District	Humboldt Pershing Washoe
Sloan Petroglyphs	Archeological Site	Clark

S.B. 142

B.E.P. TESTIMONY (BDR 38.155)

The primary purpose of the Business Enterprise Program is to provide blind persons with worthwhile employment, to enlarge the economic opportunities of the blind and to stimulate the blind to greater efforts in striving to make themselves self-supporting.

In the operation of the Business Enterprise Program (B.E.P.) and the seventeen existing B.E.P. locations, the Bureau is obligated to assure continuous operation of each facility, particularly because they provide food and beverage services in local, state, and federal buildings. The sudden death or resignation of a licensed blind operator occasionally requires the Bureau to undertake the operation of the vending facility until the training and selection process for a blind successor can be completed. For brief periods of time, direct operation by the Bureau staff is the only operational alternative.

Sound business practices and the need for full accountability necessitate the use of a checking account in which all vending facility receipts can be deposited and from which operational expenditures can be made. Legal authority under which the Bureau can open a checking account and maintain a complete record of receipts and disbursements will provide a sound audit trail.

When the checking account is closed, the net proceeds (representing the balance in the account) are deposited to the Contingency fund, thus contributing to the self-sustaining status of the program.

S. B. 76

SENATE BILL NO. 76—COMMITTEE ON
HUMAN RESOURCES AND FACILITIES

JANUARY 23, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Repeals obsolete provision relating to composition of health division of department of human resources. (BDR 40-219)

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

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

AN ACT relating to the administration of public health; repealing an obsolete provision relating to the composition of the health division of the department of human resources; 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 439.020 is hereby repealed.

Ⓢ

S. B. 78

SENATE BILL NO. 78—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

JANUARY 23, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Broadens definition of group care facility. (BDR 40-218)

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

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

AN ACT relating to health and care facilities; broadening the definition of group care facility; 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 449.005 is hereby amended to read as follows:
2 449.005 "Group care facility" means an establishment operated and
3 maintained for the purpose of furnishing food, shelter [and] or laundry
4 and providing personal care or services other than nursing care to:
5 1. Four or more ambulatory aged, infirm or handicapped [indi-
6 viduals] persons unrelated to the person operating the facility; [or]
7 2. Four or more females during pregnancy or after delivery, who are
8 unrelated to the person operating the facility [.] ; or
9 3. *Four or more mentally retarded persons during their transition*
10 *from living in an institution for the mentally retarded to living independ-*
11 *ently in the community.*

S. B. 79

SENATE BILL NO. 79—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

JANUARY 23, 1979

Referred to Committee on Human Resources and Facilities .

SUMMARY—Provides for regulation of home health agencies. (BDR 40-217)

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

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

AN ACT relating to health and care facilities; providing for the licensing, regulation and inspection of home health agencies; 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 449 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 SEC. 2. "*Home health agency*" means an agency operated by any
4 person or agency of state or local government which provides in the
5 home, through its employees, skilled nursing services and assistance and
6 training in health and housekeeping skills.

7 SEC. 3. A home health agency may also provide services in the home
8 which include:

- 9 1. *Speech or occupational therapy;*
- 10 2. *Guidance regarding nutrition or vocations; or*
- 11 3. *Other social or medical services,*

12 *through its employees or by contractual arrangement with other persons.*

13 SEC. 4 NRS 449.001 is hereby amended to read as follows:

14 449.001 As used in NRS 449.001 to 449.245, inclusive, unless the
15 context otherwise requires, the words and terms defined in NRS 449.002
16 to 449.018, inclusive, and section 1 of this act have the meanings
17 ascribed to them in those sections.

18 SEC. 5. NRS 449.007 is hereby amended to read as follows:

19 449.007 "Health and care facility" includes alcohol or drug treat-
20 ment facility, ambulatory surgical center, child care facility, group care
21 facility, *home health agency*, intermediate care facility, skilled nursing
22 facility and hospital.

S. B. 80

SENATE BILL NO. 80—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

JANUARY 23, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides for deposition of certain licensing fees. (BDR 40-216)

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

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

AN ACT relating to health and care facilities; providing for the deposit of certain licensing fees into the state general fund; 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 449.140 is hereby amended to read as follows:
2 449.140 1. **[Funds]** *Money* received from **[the licensure of]** *licens-*
3 *ing* health and care facilities shall be **[deposited in the health and care**
4 **facility licensing administration fund and thereby merged with appropri-**
5 **ated funds, and shall be disbursed on claims signed by the health division**
6 **and paid, as other claims against the state are paid, out of the health and**
7 **care facility licensing administration fund in the state treasury.]** *forwarded*
8 *to the state treasurer for deposit in the state general fund.*
9 2. The health division shall enforce the provisions of NRS 449.001
10 to 449.245, inclusive, and may incur any necessary expenses not in
11 excess of **[the revenue from fees from licensure and appropriated and**
12 **authorized]** state and federal **[funds.]** *money appropriated for that pur-*
13 *pose.*

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S. B. 81

SENATE BILL NO. 81—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

JANUARY 23, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Repeals provision which makes certain information about health and care facilities confidential. (BDR 40-213)

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

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

AN ACT relating to health and care facilities; repealing statutory provision requiring confidentiality of certain information; 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 449.200 is hereby repealed.



NEVADA STATE DIVISION OF HEALTH
BUREAU OF HEALTH FACILITIES
CAPITOL COMPLEX
505 EAST KING STREET
CARSON CITY, NEVADA 89710

(702) 885-4475

February 6, 1979

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

Dear Senator Ashworth:

At your direction, we offer the following alternative wording to be considered in your deliberations on SB 81:

SECTION 1. NRS 449.200 is hereby amended to read as follows:
449.200 Information received by the health division and records kept under the provisions of NRS 449.001 to 449.240, inclusive, are confidential and shall be disclosed only to the state comprehensive health planning agency, *the aging services division, the welfare division,* or in a proceeding involving the granting or revocation of a license, or the accreditation of a hospital by the Joint Commission on Accreditation of Hospitals *or the American Osteopathic Association.*

We hope that this is adequate to your needs. If we may be of further assistance, please call us at 885-4475.

Sincerely yours,

A handwritten signature in cursive script that reads "William L. Thomson".

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

S. B. 118

SENATE BILL NO. 118—COMMITTEE ON HUMAN RESOURCES AND FACILITIES

JANUARY 25, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Changes responsibility for collection of amounts owed by indigent persons to county hospitals. (BDR 38-142)

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

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

AN ACT relating to indigent persons; making district attorneys responsible for the collection of certain amounts owed to county hospitals; 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 428.070 is hereby amended to read as follows:
- 2 428.070 1. The father, mother, children, brothers or sisters, of
- 3 sufficient financial ability so to do, shall pay to the county which has
- 4 extended county hospitalization to any person under the provisions of
- 5 NRS 428.030, the amount granted to such person.
- 6 2. A recipient of aid under the provisions of NRS 428.030 who later
- 7 acquires sufficient financial ability so to do shall reimburse the county
- 8 which extended county hospitalization to him for any unpaid portion of
- 9 the aid granted. Action against the relatives of such person is not a
- 10 condition precedent to action against him.
- 11 3. The board of county commissioners shall advise the [attorney
- 12 general] district attorney of the failure of a responsible person to pay
- 13 such amount and the [attorney general] district attorney shall cause
- 14 appropriate legal action to be taken to enforce the collection of all or
- 15 part of such amount. If suit is filed to enforce the collection, the court
- 16 shall determine the question of the sufficiency of the financial ability of
- 17 the person against whom such action is filed, but the board of county
- 18 commissioners shall determine the responsible person to be sued, and
- 19 failure of an action against one such person shall not preclude subse-
- 20 quent or concurrent actions against others.

S. B. 139

SENATE BILL NO. 139—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

JANUARY 29, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Changes amount in services to the blind
revolving fund. (BDR 38-430)FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Executive Budget.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the bureau of services to the blind; increasing the amount in the services to the blind revolving fund; 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 426.565 is hereby amended to read as follows:
2 426.565 1. There is hereby created the services to the blind revolv-
3 ing fund, in the amount of **[\$10,000, which shall] \$25,000, which must**
4 be used by the chief for the purposes of:
5 (a) Providing inventories of tools, aids, appliances, supplies and other
6 accessories used by the blind; and
7 (b) Payment of the claims of **[clients] applicants for or recipients of**
8 **services of the bureau** and vendors providing services to **[clients,] those**
9 **applicants or recipients, including but not limited to maintenance [.] and**
10 **transportation. [and other rehabilitation services.]**
11 The chief shall sell such tools, aids, appliances, supplies and other acces-
12 sories used by the blind at cost or cost-plus-administration cost and
13 receipts **[shall] must** be deposited forthwith in the services to the blind
14 revolving fund.
15 2. The chief shall deposit the money in the services to the blind
16 revolving fund in a bank qualified to receive deposits of public **[funds**
17 **under the provisions of chapter 356 of NRS.] money.** The deposit
18 **[shall] must** be secured by a depository bond satisfactory to the state
19 board of examiners, unless otherwise secured by the Federal Deposit
20 Insurance Corporation.
21 3. Purchases made for the purpose of providing and maintaining the
22 inventories authorized by subsection 1 **[shall be] are** exempt from the

1 provisions of the State Purchasing Act at the discretion of the chief of
2 the purchasing division of the department of general services or his
3 designated representative.

4 4. The bureau shall:

5 (a) Maintain current inventory records of all merchandise charged
6 to the services to the blind revolving fund;

7 (b) Conduct a periodic physical count of all [such] the merchandise;
8 and

9 (c) Reconcile the results of the periodic physical count with the
10 inventory records and cash balance in the fund.

11 5. — After expenditure of money for payment of the claims of [clients]
12 applicants for or recipients of services from the bureau and vendors pro-
13 viding services to [clients,] those applicants or recipients, including but
14 not limited to maintenance [.] and transportation, [and other rehabilita-
15 tion services,] from the services to the blind revolving fund, the chief
16 shall present a claim to the state board of examiners. [to be passed upon
17 as other claims against the state.] When approved by the state board of
18 examiners, the state controller shall draw his warrant in the amount of
19 [such] the claim in favor of the services to the blind revolving fund and
20 the state treasurer shall pay [the same. Such receipts shall] it. The receipt
21 must be deposited forthwith in the services to the blind revolving fund.