Minutes of the Nevada	State Legisl	lature		
Senate Committee on	Human	Resources	and	Facilities
Senate Committee on Date: March 9	, 1979			
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Committee in Session at 8:32 am on Friday, March 9, 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 Floyd R. Lamb, Clark County Senatorial District 3

Ms. Marian Judickis, Constituent

Ms. Marilyn Gerhard, Easter Seal Society

Mr. Jim Pollard, Developmental Disabilities Planning Council

Mr. John Griffin, Department of Human Resources, Rehabilitation Division

Mr. Jack Middleton, Mental Hygiene/Mental Retardation Division, Mental Retardation Services

Ms. Peggy Fisbeck-Hribar, Northern Nevada Mental Retardation Services

- Ms. Julia Gail Michel de Guzman, Washoe Association for Retarded Citizens
- Ms. Bobbi Cawelti, Multiple Sclerosis Society

Ms. Rosemary Cosgrove, Constituent

Dr. William Thomason, Dental Health, Health Division

Chairman Ashworth read into the record a telegram from Daniel and Joyce Goodrum of Las Vegas in support of <u>S.B. 206.</u>

As to <u>S.B. 24</u>, Senator Kosinski stated that Amendment #192 accomplished the committee's intent (Exhibit "A").

Regarding A.B. 21, Senator Kosinski stated that he had just received Mr. Sam Mamet's memorandum (Exhibit "B") and would report back at the next committee hearing.

Chairman Ashworth opened the hearing on S.B. 206.

Senator Floyd Lamb, prime introducer of <u>S.B. 206</u>, stated that although the cost would be high, he believed this area would be a worthy endeavor. He emphasized the importance of caring for the handicapped and the money, or a portion of the money, should be found.

Ms. Marian Judickis spoke in support of <u>S.B. 206</u>. She emphasized the need to encourage handicapped individuals to remain in the home rather than be institutionalized; she further stated her belief that it would be a tax benefit to the people of Nevada.

(Committee Minutes)

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Ms. Rosemary Cosgrove questioned the parameters of the term "disabled" as it applies to the bill. Chairman Ashworth responded that the bill states, "determined in accordance with regulations adopted by the welfare division pursuant to 42 U.S.C., section 1382e, relating to optional state supplementation."

Senator Blakemore assumed the Chair as Chairman Ashworth was called to testify.

Ms. Marilyn Gerhard, Easter Seal Society, stated that state supplement exists for blind and aged, but not for disabled; it is her belief that the existing law is inconsistent as to need. She stated that some individuals are just at or just over the limit for Supplemental Security Income (SSI) and this legislation would enable those individuals to receive medical assistance. She spoke in strong support of <u>S.B. 206</u>.

Mr. Jim Pollard, Developmental Disabilities Planning Council, spoke in support of <u>S.B. 206</u> on behalf of the Council. He stated that the prime importance for this legislation would be the increase in eligibility for medical benefits.

Vice-Chairman Neal arrived (9:05 am) and assumed the Chair.

Mr. John Griffin, Department of Human Resources, Rehabilitation Division, spoke in support of <u>S.B. 206</u>. He stated that federal law allows supplementation to permanently or totally disabled, but the state has chosen not to supplement. He cited the supplementation granted to the blind and aged but noted that disabled can receive only the federally guaranteed income. He expressed the Department's agreement as to fiscal impact submitted by the Welfare Division.

Chairman Ashworth returned and assumed the Chair.

Senator Kosinski noted that the creation of the program and any funding at all would establish the eligibility as to medical eligibility. Mr. Griffin concurred.

Mr. Jack Middleton, Mental Hygiene/Mental Retardation Division, Mental Retardation Services, spoke on behalf of the mentally retarded who would be prime benefactors should this legislation be enacted. He expressed the high need of the mentally retarded to become independent and live as such in the community. This legislation would enable resources necessary to gaining independence. He stated these resources would reduce the need for state participation in the Residential Placement Fund. He stated that increasing the supplement would not increase or decrease the number of clients who would be eligible for Title XIX. He further stated the increase would not necessarily affect the number of clients who would be eligible to receive an SSI payment.

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Senator Faiss questioned if there is a nationwide trend to keep disabled individuals out of institutions and in the home. Mr. Middleton stated that there was but at the present time, the SSI income alone is not sufficient.

Senator Kosinski questioned Mr. Middleton's statement as to there being no increase in eligible clients as the Fiscal Note provides for such an increase. Mr. Middleton noted confusion as he did not believe it would affect an increase in eligibility.

Mr. Jim Pollard, Developmental Disabilities Planning Council, stated that the figures in the Fiscal Note are correct as it reflects the number of individuals entitled to SSI because of a disability and are ineligible now but will be eligible with the increase.

Senator Young asked the amount of federal money that would become available. Mr. Pollard stated that it is on a "50/50" basis.

Ms. Peggy Fisbeck-Hribar, Northern Nevada Mental Retardation Services, concurred with the statements made by Mr. Middleton regarding increase in placements for the mentally retarded.

Mrs. Judickis questioned if the bill would be applicable to the disabled individual living with the natural parent. Chairman Ashworth stated that he believed it would but would request clarification.

Ms. Julia Gail Michel de Guzman, Washoe Association for Retarded Citizens, spoke in support of S.B. 206. She stated that the availability of the funds would encourage those individuals attempting independence within the community.

Ms. Bobbi Cawelti, Multiple Sclerosis Society, stated knowledge of other states that have the supplement. She said that the supplement enabled individuals to better care for themselves and receive attendant care not available without the supplement.

There being no further testimony, Chairman Ashworth closed the hearing on <u>S.B. 206.</u>

The hearing was opened on S.B. 278.

Chairman Ashworth read into the record correspondence from Mr. Sam Mamet, Management Analyst, Clark County (Exhibit "C").

Dr. William Thomason, Dental Health, Health Division, stated that the provisions of the bill could be absorbed into the dental health program without fiscal impact necessitated by a Fiscal Note. Dr. Thomason stated the Division supported <u>S.B. 278</u> as they have worked with the coroner's offices in the past and could easily establish the procedure. Minutes of the Nevada State Legislature Senate Committee on Human Resources and Facilities Date: March 9, 1979 Page: 4

Senator Neal questioned how exact the procedure would be. Dr. Thomason replied that they have requested funds for himself or one of his staff for training in a state that has enacted such a program to maximize the accuracy.

Chairman Ashworth questioned if the independent dentists are cooperative in supplying records. Dr. Thomason stated that they are.

Senator Kosinski questioned if the ten day time period is appropriate or if it should be longer. Dr. Thomason stated that it would best be determined after the legislation is put into practice but felt it is an appropriate length of time.

Senator Kosinski asked if the fiscal impact would be less than \$2,000 per year. Dr. Thomason stated that it would.

Senator Kosinski questioned the length of time these records would be maintained. Dr. Thomason stated that they would be maintained for five years. He questioned the verbage in Line 19 as to "otherwise assisting." Dr. Thomason replied that the agency assists the coroner by impressions, casting, etc., to help aid in identification.

There being no further testimony, Chairman Ashworth closed the hearing on <u>S.B.</u> 278.

S.B. 206 (Exhibit "D")

Senator Faiss moved to "Do Pass" <u>S.B. 206</u> and Re-refer to the Senate Committee on Finance.

Seconded by Senator Neal.

Motion carried.

Yeas -- 5 Nays -- None Absent -- Senator Blakemore

Chairman Ashworth requested a copy of the minutes of testimony on <u>S.B.</u> 206 be sent to the Senate Committee on Finance.

S.B. 278 (Exhibit "E")

Senator Young moved to "Do Pass" S.B. 278.

Seconded by Senator Neal.

Discussion: Senator Kosinski suggested including language as to the disposition of records. Dr. Thomason stated that the matter could be handled by policy.

(Committee Minutes)

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Motion carried.

Yeas -- 5 Nays -- None Absent -- Senator Blakemore

A.B. 120 (Exhibit "F")

Senator Neal moved to "Indefinitely Postpone" <u>A.B. 120.</u>

Seconded by Senator Young.

Motion carried.

Yeas -- 5 Nays -- None Absent -- Senator Blakemore

Chairman Ashworth requested a motion for approval of minutes from February 21, 1979 to March 5, 1979.

Senator Neal moved to approve the minutes of the Human Resources and Facilities Committee from February 21, 1979 to March 5, 1979.

Seconded by Senator Faiss.

Motion carried.

Yeas -- 5 Nays -- None Absent -- Senator Blakemore

There being no further business, Chairman Ashworth adjourned the meeting at 9:54 am.

Respectfully submitted,

Roni Ronemus Committee Secretary

Approved: Chairman

Senator Keith Ashworth

#### EXHIBIT "A"

1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION	N	SENATE ACTION	•	Senate AMENDMENT BLANK
Addited Lo Date: Initial: Concurred in Not concurred in Date: Initial:		Adopted Lost Date: Initial: Concurred in Not concurred in Date: Initial:		AMENDMENTS to <u>Senate</u> Joint Bill No. <u>24</u> Resolution No. BDR <u>39-54</u> Proposed by <u>Committee on Human Resource</u> and Facilities
New York Control of Co				

Amendment Nº 192

Replaces Amendments Nos. 12 and 31.

Amend section 1, page 1, line 13, after " $\underline{A}$ " by inserting "professionally".

Amend section 1, page 1, by deleting lines 16 through 19 and inserting:

"(b) A professionally qualified person appointed by the director of the department to evaluate the performance of the division.

(c) A professionally qualified person appointed by a committee of the legislature, the legislative commission or a subcommittee of the legislative commission to evaluate the performance of the division. The director shall not authorize the release of records to such persons unless he is satisfied as to their professional qualifications to perform the program evaluation."

Amend section 1, page 1, line 20, by deleting "(a) and (b)" and inserting "(a), (b) and (c)".

Amend section 1, page 1, line 22, by inserting after

E & E LCB File Journal Engrossment Bill

Date 2-28-79 Drafted by DS:ml

Amendment No. 192 to Senate Bill No. 24 (BDR 39-54) Page 2

"manner." the following:

"The records must not be released until the director of the department has received satisfactory assurances that the information will only be used to evaluate the quality of the programs and the administration of those programs, and that no individual client will be identified in any report without the written consent of the client.".

Amend section 2, page 2, by deleting line 8.

# MEMORANDUM

OFFICE OF THE COUNTY MANAGER

SENATE HUMAN RESOURCES AND FACILITIES COMMITTEE

SUBJECT: A.B. 21

DATE: MARCH 7, 1979

We would like to report to the committee on the impact that A.B. 21 would have on present NRS sections. We have researched existing arson investigation enactments and the result of that research is that the following sections of NRS would be affected or need to be harmonized with the proposed legislation:

169.125(10); 169.125(14); 475.130; 475.160; 475.170; 477.030(1)(D); 477.030(2).

We are of the opinion that the cited sections exhaust the present enactments regarding arson inyestigations. However, legislative counsel may be able to provide further citations.

If we can be of any further assistance in this matter, please contact us.

SDM/mg

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BRUCE W. SPAULDING

EXHIBIT "B"

MAR 0 8 1979

FROM: SAMUEL D. MAMET, MANAGEMENT ANALYST

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## MEMORANDUM

## OFFICE OF THE COUNTY MANAGER

RICHARD W XBUNKERX

EXHIBIT "C"

SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES

SAMUEL D. MAMET, MANAGEMENT ANALYST

SUBJECT: S.B. 278

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ROM:

DATE: MARCH 9, 1979

Before your committee this morning is legislation proposed by our office of county coroner. The bill would require local law enforcement agencies to provide the state bureau of dentistry with dental charts for all persons missing over 10 days along with a missing persons report and it would be a requirement to inform the bureau when missing persons are located. The coroner's office would be responsible for supplying the state division of health with dental charts of unidentified dead bodies. In essence, therefore, the state health division would be charged with a new responsibility of maintaining these files. There would, of course, be a fiscal impact to the state which our county coroner's office has estimated to be at least \$15,000 to maintain a centralized record keeping system. To the best of our knowledge, there has never been prior legislation on this issue in Nevada, however, California law mandates that this type of system be used by that state's bureau of dentistry.

Because I am at this moment tied up in another committee meeting, I cannot be in attendance to answer questions. I have also been informed that neither the Clark County coroner or Washoe County coroner can attend the meeting this morning. I apologize for this, however, I hope that this serves as some explanation for this legislation.

We understand that some law enforcement agencies and some dentists are upset with the mandatory wording in the bill which requires that a dental examination of the body be carried out by a dentist. We have no objection to amending page 1, line 4, to change the word shall to may.

SDM/mg

# EXHIBIT C -

#### PROPOSED LEGISLATION

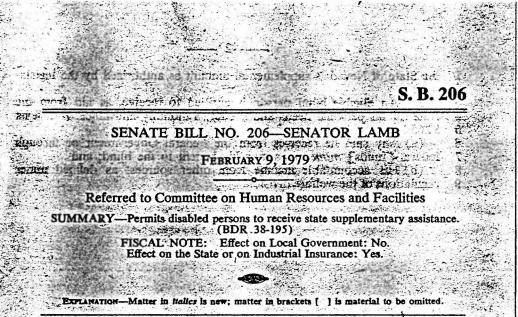
#### IDENTIFICATION OF DEAD BODIES:

Under existing law, the Coroner is required to investigate deaths which occur wintout medical attendance and under other specified circumstances.

This bill would require the Coroner, when he is unable to establish the identity of the body in the investigation of a death by visual means, fingerprints, or other identifying data, to have a dentist carry out a dental examination of the body and prepare and forward a surrary of the dental records to the STATE DIVISION OF HEALTH, BUREAU OF DENTISTRY.

The bill would require the STATE DIVISION OF HEALTH, BUREAU OF DENTISTRY, to maintain a file containing a surmary of dental records of missing persons and such other information, such a Coroner and Police investigative reports, as may be relevant to assisting in the location of a missing person.

The bill would require a Sheriff, Chief of Police, or other law enforcement authority to request the family, or next-of-kin of a missing person who has not been found within ten (10) days to give them written consent and request a summary of the missing persons dental records from his/ her dentist and to send the summary to the STATE DIVISION OF HEALTH, BUREAU OF DENTISTRY, along with a missing persons report, for recordkeeping. It would also require the Sheriff, Chief of Police, or other law enforcement authority to report to the STATE DIVISION OF HEALTH, BUREAU OF DENTISTRY when a missing person, or a person reported as missing has been found.



AN ACT relating to public welfare; permitting eligible disabled persons to receive state supplementary assistance in connection with the supplemental security income program; and providing other matters properly relating thereto.

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

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SECTION 1. NRS 427.110 is hereby amended to read as follows: 427.110 1. The amount of assistance for any person who qualifies because he is 65 years of age or older [shall] or is disabled must be determined in accordance with [the rules and] regulations [made] adopted by the welfare division pursuant to 42 U.S.C. § 1382e, relating to optional state supplementation. At no time shall the individual supplemental amount for eligible aged [individuals] or disabled persons covered by the program exceed the individual supplemental amount authorized by the legislature. If federal [funds are] money is withdrawn from the program at any time, for any reason, the expenditures for all eligible aged or disabled recipients currently covered by the program [shall] must not exceed the State of Nevada's supplemental amount as authorized by the legislature.

2. Subject to the provisions of subsection 3, the amount of assistance for any person who qualifies because he is blind [shall] must be determined in accordance with [the rules and] regulations [made] adopted by the welfare division pursuant to 42 U.S.C. § 1382e, relating to optional state supplementation. At no time shall the individual supplemental amount for eligible blind [individuals] persons covered by the program exceed the individual supplemental amount authorized by the legislature. If federal [funds are] money is withdrawn from the program at any time, for any reason, the expenditure for all eligible blind recipients currently covered by the program [shall] must not exceed

the State of Nevada's supplemental amount as authorized by the legislature.

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An eligible blind person is entitled to receive, as aid from the 3. state for his personal needs and shelter, a monthly allowance of at least \$265 less: (a) Any sum he receives from the Federal Government or through

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6 7 federal [funds] money as a monthly benefit to the blind; and 8 (b) His accountable income from other sources, as defined under regulations of the welfare division.

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### SENATE BILL NO. 278—COMMITTEE ON HUMAN RESOURCES AND FACILITIES

#### MARCH 1, 1979

Referred to Committee on Human Resources and Facilities -

SUMMARY—Requires health division of the department of human resources to maintain certain records to aid in identification of dead bodies. (BDR 40-1185)

> 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 health division of the department of human resources; requiring the health division to maintain records of dental examinations of unidentified dead bodies and to compare those records with the dental records of certain missing persons; and providing other matters properly relating thereto.

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

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SECTION 1. Chapter 439 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. When a coroner is unable to establish the identity of a dead body by means other than by dental records, he shall have a dental examination of the body carried out by a dentist. The dentist shall prepare a record of his findings and forward it to the health division.

2. The sheriff, chief of police or other law enforcement authority shall request the written consent of the next-of-kin of a person who has been reported to him as missing for 10 days or more to obtain the dental records of the missing person from that person's dentist. After receiving the written consent, the sheriff, chief of police or other law enforcement authority shall obtain the dental records from the dentist and forward them and any other relevant information to the health division for comparison with the records sent by the coroners. The sheriff, chief of police or other law enforcement authority shall inform the health division when a missing person has been found.

3. The health division shall maintain the records and other information forwarded to it under subsections 1 and 2 for the purpose of comparing the records and otherwise assisting in the identification of dead bodies.

### ASSEMBLY BILL NO. 120-COMMITTEE ON EDUCATION

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### **JANUARY 18, 1979**

Referred to Committee on Education

SUMMARY—Adds to duties of superintendent of public instruction and revises qualifications and duties of deputy and associate superintendents. (BDR 34-40) 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 state department of education; adding to the duties of the superintendent of public instruction; revising the qualifications and duties of the deputy superintendent of public instruction and the associate superintendent of public instruction for administration; permitting outside occupations only if approved by the state board of education; shortening the title of the associate superintendent; 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 385.290 is hereby amended to read as follows:

2 385.290 1. The superintendent of public instruction [shall have 3 power to] may appoint a deputy superintendent of public instruction. 4 [, who shall:

5 (a) Be a graduate of the University of Nevada or a college of equal 6 standard.

7 (b) Have had at least 20 semester hours in educational subjects by 8 attendance at a standard college or university.

9 (c) Have had at least 50 months of administrative experience, 30 10 months of which shall have been in Nevada.] To be eligible for the 11 office of deputy superintendent, a person must possess the same minimum 12 qualifications required by law for the office of superintendent of public 13 instruction.

2. The deputy superintendent of public instruction shall **[**:

(a) Assist in the work of the office of the superintendent of public
instruction, and do such work as the state board of education or *carry out such duties as may be assigned to him by* the superintendent of public
instruction. I may direct under the laws of the state.

19 (b) Have *He* has the power to perform all duties required of the 20 superintendent of public instruction.

1 3. The deputy superintendent of public instruction is in the unclassi- $\mathbf{2}$ fied service of the state. He is entitled to receive an annual salary and 3 subsistence and travel expenses as provided by law. 4 4. The deputy superintendent of public instruction shall not pursue  $\mathbf{5}$ any other business or occupation for profit without the approval of the 6 state board of education. 7 SEC. 2. NRS 385.300 is hereby amended to read as follows: 8 385.300 1. The superintendent of public instruction [shall have 9 power to *may* appoint an associate superintendent of public instruction. 10 for administration. 11 The associate superintendent of public instruction [for adminis-2. 12 tration shall: 13 (a) Be a graduate of a 4-year accredited college or university. 14 (b) Have familiarity with the field of education, as evidenced by 15 either: 16 (1) Sufficient college credits in education to qualify for a Nevada 17 high school teacher's certificate; or 18 (2) Participation in recognized educational research and study. 19 (c) Have familiarity with the general field of public administration 20and budgeting, as evidenced by either: 21(1) Sufficient college credits to qualify for a minor in public admin-22istration, government management or business management; or 23(2) Experience in the preparation of government budgets, govern-24: ment accounting or government research. 253. No person shall be appointed to the position of associate superin-26tendent of public instruction for administration unless he has the quali-27fications herein outlined in both the fields of education and public 28administration. I shall carry out such duties as may be assigned to him 29by the superintendent of public instruction. 30 3. The associate superintendent of public instruction is in the unclas-31sified service of the state. He is entitled to receive an annual salary and 32subsistence and travel expenses as provided by law. 33 4. The associate superintendent of public instruction shall not pursue 34any other business or occupation for profit without the approval of the 35state board of education. 36 SEC. 3. NRS 385.310 is hereby amended to read as follows: 37 385.310 The powers and duties of the associate superintendent of public instruction [for administration] shall : [be: 38 39 To perform all duties pursuant to the contract of integration of ··· 1. the public school teachers' retirement system with the public employees' 40 retirement system. 41 422. To apportion 1. Apportion all state school funds to schools 43 of the state as prescribed by law. **44** [3. To develop] 2. Develop for schools of the state a uniform system of budgeting and accounting, which system, when approved by 45 [the superintendent of public instruction and] the state board of educa-46 tion, shall be made mandatory for all public schools in the state, and **47** 48 shall be enforced as provided for in subsection 2 of NRS 385.315. [4. To carry] 3. Carry on a continuing study of school finance **49** in the state, and particularly of the method by which schools are financed 50

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on the state level, and [to] make such recommendations to [the super-1 intendent of public instruction and the state board of education as he 2 may, from time to time, deem advisable. 3

**5.** To recommend to the superintendent of public instruction and 4 **4**. Recommend to the state board of education such changes in budget and financial procedures as his studies may show to be advisable.

6 To perform any 5. Perform such other statistical and finan-**6**. 7 cial duties pertaining to the administration and finance of the schools of 8 the state as may, from time to time, be required. The superintendent 9 of public instruction. 10

To prepare 6. *Prepare* the budgets of the state department of 7. 11 education for biennial submission to the governor. 12

SEC. 4. NRS 385.315 is hereby amended to read as follows:

13 385.315 In addition to [the powers and] his other duties, [pre-14 scribed in NRS 385.310, the associate *the* superintendent of public 15 instruction for administration shall: 16

Investigate any claim against any school fund or separate account 1. 17 established under NRS 354.603 whenever a written protest against the 18 drawing of a warrant, check or order in payment of the claim ragainst 19 any school fund or separate account established under NRS 354.603 20shall be is filed with the county auditor. If, upon investigation, the 21[associate] superintendent of public instruction [for administration] 22finds that any such claim **[**against any school fund or separate account 23established under NRS 354.603 is unearned, illegal or unreasonably 24 25excessive, he shall notify the county auditor and the clerk of the board of trustees who drew the order for such claim, stating the reasons in 26 writing why such order is unearned, illegal or excessive: If so notified, 2728the county auditor shall not draw his warrant in payment of such the claim nor shall the board of trustees draw a check or order in payment 2930of such the claim from a separate account established under NRS 354.603. If the [associate] superintendent of public instruction [for 31 administration] finds that any protested claim is legal and actually due 32the claimant, he shall authorize the county auditor or the board of 33 34trustees to draw his warrant or its check or order [drawn] on an account established under NRS 354.603 for such claim, and the county 35 36 auditor or the board of trustees shall immediately draw his warrant or 37 its check or order I drawn on an account established under NRS 354.-38 603 in payment of the claim.

39 2. Inspect the record books and accounts of boards of trustees, and he shall authorize] and enforce [an efficient] the uniform method of 40 41 keeping the financial records and accounts of the school district. 42 school districts.

43Inspect the school fund accounts of the county auditors of the 3. several counties, and [he shall] report the condition of the funds of 44 45 any school district to the board of trustees thereof.

Inspect the separate accounts established by boards of trustees 46 4. 47under NRS 354.603 and the shall report the condition of such accounts 48 to the respective boards of county commissioners and county treasurers. 49 SEC. 5. NRS 385.460 is hereby amended to read as follows:

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1 385.460 When required, the attorney general shall give his opinion 2 in writing and without fee to the deputy superintendent of public instruc-3 tion, the associate superintendent of public instruction [for administra-4 tion] and the professional staff on matters relating to the duties of their 5 offices.

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6 SEC. 6. NRS 385.320 is hereby repealed.

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