

Date: April 11, 1979

Page: 1

Committee in Session at 8:45 am on Wednesday, April 11, 1979.

Senator Keith Ashworth in the Chair.

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

ABSENT: Vice-Chairman Joe Neal  
Senator Rick Blakemore

GUESTS: Assemblyman Nick Horn, Clark County Assembly District  
No. 15  
Dr. Ray Ryan, Deputy Superintendent of Public  
Instruction, Department of Education  
Ms. Peggy Glover, Director, Department of General  
Services  
Mr. Jack Porter, Director, Nevada State Museum  
Assemblyman Paul Prengaman, Washoe County Assembly  
District No. 26  
Mr. Jack Middleton, Mental Retardation Services,  
Mental Hygiene/Mental Retardation Division  
Mr. Merlin Anderson, Administrator, Commission on Post-  
secondary Institutional Authorization

Chairman Ashworth opened the meeting and presented the letter from the committee to the Department of Education on A.B. 128. (See Exhibit "A.") With the committee's approval, the letter was transmitted to Mr. Ray Ryan.

Chairman Ashworth opened the hearing on A.B. 38.

Assemblyman Nick Horn, Clark County Assembly District No. 15, introduced Dr. Ray Ryan from the Department of Education. Mr. Horn stated that A.B. 38 resulted from the Pupil Achievement Subcommittee's finding that proficiency-based test results were not available or not in a form suitable for analysis and dissemination. A.B. 38 gives the Department of Education the authority to be the centralized agency for the purpose of gathering, tabulating, comparing and eventually releasing the information.

Dr. Ryan spoke in support of A.B. 38 and presented Exhibit "B" to the committee as to the Department of Education's position.

Senator Kosinski questioned if there was presently omnibus regulatory authority in the statutes. Dr. Ryan stated that even with the indirect authority, the information is difficult to obtain. Senator Kosinski questioned if the school districts were lax in providing the information or if they were challenging the Department's authority to request. Mr. Horn stated that some school districts did challenge the authority and others would provide the information in such a way that it would be difficult to interpret.

Senator Blakemore arrived for the hearing (8:55 am).

The subcommittee requested that the Department establish a standard form and procedure for all of the school districts to use when reporting the information.

Senator Young questioned if all of the school districts required proficiency-based tests. Mr. Horn stated that they all do; the tests are now offered in the third, sixth and ninth grades, in three years the tests will also be offered in the twelfth grade.

Senator Young questioned the counties that refused to reply to the request for information. Mr. Horn stated that the main problem was not with the lack of compliance but rather the format used did not allow an adequate analysis. The intent of A.B. 38 is to address a specific format.

Chairman Ashworth stated that the bill does not specifically address the format and questioned if prescribing by regulation would adequately accomplish the purpose. Dr. Ryan stated that the Department believes the language would give the proper authority and that any amount of statutory "teeth" is needed to address the issue.

Senator Kosinski suggested an amendment to Line 5, after the word "instruction," insert ", in a form and manner prescribed by the superintendent of public instruction,". Mr. Horn and Dr. Ryan concurred stating their belief that the amendment would give the Department even more authority. The committee concurred with the amendment. Mr. Horn stated he believed the Assembly would also concur.

There being no further testimony, Chairman Ashworth closed the hearing on A.B. 38.

The hearing was opened on A.B. 500.

Ms. Peggy Glover, Director, Department of General Services, spoke in support of A.B. 500. She stated that the bill simply takes the Lost City Museum in Overton from the responsibility of the Department of General Services, Building and Grounds Division, and places it under the auspices of the Nevada State Museum. Ms. Glover stated that the Lost City Museum should certainly not be a Building and Grounds function; rather, a Museum function.

Mr. Jack Porter, Director, Nevada State Museum, also expressed support for A.B. 500 and stated his desire to have the Lost City Museum under the responsibility of the Nevada State Museum.

Chairman Ashworth questioned the position of Mr. R. F. Perkins, Curator, Lost City Museum, on A.B. 500. Ms. Glover stated that he was in support of the bill.

Senator Young questioned the deletion of Lines 10 through 14. Ms. Glover stated that the area deleted was covered in subsection

Date: April 11, 1979

Page: 3

2, Lines 6 through 9. Chairman Ashworth stated that the Senate Committee on Government Affairs was processing a bill requiring the Interim Finance Committee to approve any type of gift or grant before acceptance by any agency. Mr. Porter also stated that this language was in conflict with Nevada State Museum procedure.

There being no further testimony, Chairman Ashworth closed the hearing on A.B. 500.

The hearing was opened on A.B. 414.

Assemblyman Paul Prengaman, Washoe County Assembly District No. 26, spoke in support of A.B. 414. He presented the letter from Mr. Jack Middleton, Associate Administrator for Mental Retardation, Division of Mental Hygiene and Mental Retardation, to the committee (Exhibit "C") and noted Mr. Middleton was present to testify. As to Section 3, Mr. Prengaman stated that the Assembly Health and Welfare Committee felt that written notice should be sent to the guardian of a client and amended A.B. 414 as such.

Chairman Ashworth questioned the practicality of stating that the fund "must not exceed the sum of \$300" in Section 2, subsection 3, and questioned if a bank would surcharge the account "to death." Mr. Middleton stated that the facilities have operated in this manner for a number of years. He stated that this amount was only the money kept by the Division in the facility for their use. He stated that they did not like to encourage the individuals to keep large amounts in the facility; larger sums are usually handled by a parent or guardian. He explained that the balance of the account was kept in a bank with a small amount on hand for petty cash. Each client has a card with which to make deposits and withdrawals and an individual accounting system is applied to each client. He stated that any interest from the savings account goes to the recreation fund of the facility. Senator Young questioned how this was handled as to Internal Revenue Service reporting. Mr. Middleton stated that most of the money is non-taxable but had never checked into the matter of a fiduciary responsibility as to the interest income.

As to Section 3, subsection 1, Senator Young questioned the types of documents referred to in Lines 20 and 21. Mr. Middleton stated that the documents refer to notification of property or money. Senator Young questioned if the public administrator has ever had to make claim. Mr. Middleton stated that to his knowledge, during his term as administrator, there has never been any property of which to dispose under this provision.

Senator Blakemore questioned if the Division administrator is bonded. Mr. Middleton stated that he did not believe so but he thought the accountants were bonded. Senator Young questioned the number of facilities having this type of fund. Mr. Middleton stated that only inpatient facilities deal with this; mainly, the Mental Health and Mental Retardation facilities.

There being no further testimony, Chairman Ashworth closed the hearing on A.B. 414.

Chairman Ashworth presented the proposed amendments to S.B. 344 submitted by Mr. Jack Homeyer, Chief, Bureau of Vital Statistics, (Exhibit "D") to the committee.

Senator Young expressed confusion at the existing language in the law under Section 2, subsection 2 which states, "If the birth occurred in a foreign country, the report shall be returned to the attorney or agency handling the adoption for submission to the appropriate federal agency".

Senator Kosinski questioned the lack of the requirement stating that the state should not issue the certificate unless the person is a resident of the State of Nevada. He questioned the possibility of an adult wishing to obtain a birth certificate who is not a resident of the state. He expressed concern as to false identification and felt that Section 1 should require Nevada residency as a further safeguard. Senator Blakemore questioned if the provision was found elsewhere in Chapter 440. Senator Young stated that he did not see any harm in the lack of a Nevada residency requirement; also, he questioned how to establish the criteria for residency. Senator Kosinski disagreed and stated that he believed it would create another possible avenue for an individual to obtain false identification. Also, Senator Kosinski stated that he believed it would be an undue burden on the Division to supply non-residents with birth certificates. He suggested an addition as to residency under Section 1, subsection 2. Senator Young stated that a provision as to the length of residency should also be included. Chairman Ashworth suggested Senator Kosinski contact Mr. Homeyer as to this matter.

S.B. 344 (Exhibit "E")

Senator Blakemore moved to "Amend" and "Do Pass " S.B. 344 including the amendment as to residency requirements under Section 1, possibly under subsection 2 as an (f) section.

Seconded by Senator Young.

Discussion: Senator Young asked if Senator Kosinski would also check on the existing language in the law under Section 2, subsection 2 as to if U.S. citizenship occurs upon or before adoption.

Motion carried.

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

A.B. 38 (Exhibit "F")

Senator Kosinski moved to "Amend" and "Do Pass" A.B. 38. The amendment would be to insert after the word "instruction," ", in a form and manner prescribed by the superintendent of public instruction,".

Seconded by Senator Blakemore.

Motion carried.

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

A.B. 500 (Exhibit "G")

Senator Blakemore moved to "Do Pass" A.B. 500.

Seconded by Senator Young.

Motion carried.

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

A.B. 414 (Exhibit "H")

Senator Young moved to "Do Pass" A.B. 414,

Seconded by Senator Blakemore.

Motion carried.

Yeas -- 4  
Nays -- None  
Absent -- Senator Neal  
Not Voting -- Senator Kosinski

Mr. Merlin Anderson, Administrator, Commission on Postsecondary Institutional Authorization, stated he had spoken with Mr. David Stankow, Deputy Legislative Counsel, Legislative Counsel Bureau, as to the committee's recommendations at the hearing on S.B. 412 on April 10, 1979. He stated that Mr. Stankow had reduced the bill to a "one liner." Mr. Anderson made the proposal to Mr. Stankow that a statement as to exemptions would read, "the informational or short-term educational seminars would be exempt as defined in the regulations." He stated that Mr. Stankow did not care for the adjectives and reduced the verbage simply to "seminars." Mr. Anderson questioned if this would be satisfactory to the committee.

Senator Kosinski questioned what authority the Commission would have should it be amended as such. Mr. Anderson stated that the other learning institutions would be licensed that would not meet the definition of a "short-term seminar." Senator Kosinski stated that the Commission could, in essence, only define "seminar" by regulation; he questioned if any reporting could be required for seminars. Mr. Anderson stated that the requirement would be that the seminar would have to establish that they meet the criteria for an exemption. Senator Kosinski questioned if the commission has statutory authority to require the application for determination as to if someone is exempt. Mr. Anderson stated that they have the authority to promulgate regulations to carry out the provisions of the act; the commission's assumption has been that in order to claim the exemption, it has to be shown the exemption is justified. He said a full application is not required but a written statement or conversation is necessary on which to make a judgement.

Senator Young questioned if certified public accountants wishing to have a seminar for preparation for the state examination need to be licensed. Mr. Anderson stated that under the proposal for one-day seminars, they would not need to be licensed. They would simply have to establish that they are exempt.

Senator Kosinski stated that he was not certain the commission has the power to require short-term seminars to make application for the receipt of an exemption under present law. Chairman Ashworth stated that he believed the concern was with seminars that may possibly be a "rip-off scheme." Senator Kosinski stated that he was not addressing policy questions but rather if the commission has the statutory authority to do what they believe they can do. He felt the chapter needed to be amended further. Senator Young disagreed and stated that there should be certain categories where no application would be at all necessary and other categories where they must apply. Chairman Ashworth stated that he did not want to see unnecessary roadblocks established that could harm the tourist industry. Mr. Anderson expressed concern as to how the commission can be certain the seminar should be exempted. Chairman Ashworth stated he had no knowledge of abuse. Mr. Anderson stated that abuse is rare but does exist. He stated that he felt the "one piece of paper" to establish an exemption would not be abusive. Senator Young stated that the "one piece of paper" is the result of a lot of mental calculation. Senator Young suggested having the regulations as such to catch or supervise those areas that may be a potential "rip off." Mr. Anderson stated that this is difficult to accomplish.

Senator Neal arrived for the meeting (10:07 am).

Senator Neal questioned if there were laws to cover fraud. Mr. Anderson stated that there are, but if the organization states that they are exempt, it is only through investigation it can be determined they are defrauding the public. Senator Young

stated that this could be determined by the regulations. Mr. Anderson stated that they are trying to get out of the business of regulating seminars. Chairman Ashworth suggested simply following up on areas where there are complaints. Mr. Anderson stated he would just like something to say the short-term seminars, by definition, are out from under the commission's purvue.

As to S.B. 159, Senator Kosinski stated that he was concerned during the initial discussion about the incompleteness of the licensing scheme; failure to provide suspensions, revocations, etc. He also had expressed concern as to the lack of standards to be followed by the Chief of Consumer Protection Services during the licensure or revocation of license process. Senator Kosinski stated that Ms. Jan Wilson, Bill Drafting Adviser, Legislative Counsel Bureau, did some extensive research as to other states and concluded that none of them are using any standards; they all have very broad grants of power for their commissioners. Also, Ms. Wilson stated that it would be very difficult to draft standards. Senator Kosinski stated that he directed Ms. Wilson and Mr. Al Edmundson, Chief of Consumer Protection Services, to draw up amendments that would improve some mechanical problems in the bill. He presented the amendments to the committee and stated that Mr. Edmundson has reviewed them and found them acceptable.

S.B. 159 (Exhibit "I")

Senator Neal moved to "Amend" and "Re-refer S.B. 159 to the Senate Committee on Human Resources and Facilities."

Seconded by Senator Young.

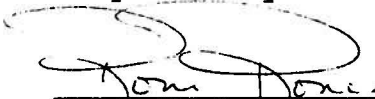
Discussion: Once S.B. 159 is returned to the committee, a hearing will be set to re-hear the amended bill with Al Edmundson.

Motion carried.

Yeas -- 6  
Nays -- None

There being no further business, Chairman Ashworth adjourned the meeting at 10:23 am.

Respectfully submitted,

  
\_\_\_\_\_  
Roni Ronemus, Committee Secretary

Approved:

\_\_\_\_\_  
Chairman, Senator Keith Ashworth  
(Committee Minutes)



EXHIBIT "A"

2805 ASHWORTH CIRCLE  
LAS VEGAS, NEVADA 89107

NEVADA LEGISLATURE  
KEITH ASHWORTH  
SENATOR

401 S. CARSON STREET  
CARSON CITY, NEVADA 89710

April 10, 1979

Mr. Ted Sanders  
Superintendent of Public Instruction  
State Department of Education  
400 West King Street  
Carson City, Nevada 89710

Dear Mr. Sanders:

Please be advised that on March 27, 1979 the Senate Committee on Human Resources and Facilities moved to indefinitely postpone A.B. 128.

During testimony presented before the Committee in the hearing on A.B. 128, it was noted that the Department of Education is presently undertaking studies and programs to implement the intent of A.B. 128. The Committee wishes to commend the Department of Education for this action as we are strongly in support of youth obtaining excellence in the basic subject areas.

Although the Committee moved to take no further action on this bill, it is the Committee's desire that the Department of Education place a high priority on the continuance of the aforementioned programs.

Sincerely,

Keith Ashworth  
Chairman  
Human Resources and Facilities

KA:r



STATEMENT OF  
NEVADA DEPARTMENT OF EDUCATION  
TO THE  
SENATE COMMITTEE ON HUMAN RESOURCES

April 11, 1979, 8:30 A.M.  
Room 323

A. B. 38 Provides for state regulations on collection of information from school districts on pupil achievement.

Chairman Keith Ashworth and members of the Senate Committee on Human Resources and Facilities:

The State Board of Education supports Assembly Bill 38. The study committee has identified a substantial need that the Department of Education has. This bill clearly prescribes the Department of Education's authority and the bill's intent clearly shows all parties concerned that test results are to be submitted to the Superintendent of Public Instruction.

This information will be analyzed and reported to the State Board of Education and to the local school district superintendents.

This information is vital to the state if we are to maximize our investment in the testing program. Therefore, the State Board of Education and the Superintendent of Public Instruction ask for your endorsement of A. B. 38.



MIKE O'CALLAGHAN  
Governor

CHARLES R. DICKSON, Ph.D.  
Administrator  
MENTAL HYGIENE AND  
MENTAL RETARDATION

STATE OF NEVADA  
DIVISION OF MENTAL HYGIENE  
AND MENTAL RETARDATION

4600 KIETZKE LANE, SUITE 108  
RENO, NEVADA 89502  
(702) 784-4071

EXHIBIT "C"

March 1, 1979

JACK MIDDLETON  
Associate Administrator for  
Mental Retardation

The Honorable Marion Bennett, Chairman  
Assembly Health and Welfare Committee  
Nevada State Legislature  
Carson City, Nevada

Re: AB 414

Dear Marion:

Assembly Bill 414 has two major purposes: (1) it is identical to NRS 433A.700 through .730 which provides a mechanism for the safekeeping of money and personal property of clients served by the Division's mental health facilities. By moving this statute from NRS433A (mental health programs) to NRS433 (mental hygiene and mental retardation) it would provide the same mechanism to mental retardation facilities as well; and (2) it increases the maximum allowable in individual credits in the account from \$150 to \$300. This increase is thought to be reasonable and appropriate considering that Division clients are allowed and encouraged to purchase clothing and other personal property (i.e., games, radios, stereos, records, etc., in addition to items from the canteen).

On behalf of the Division of Mental Hygiene and Mental Retardation, I urge you and the Assembly Health and Welfare Committee members to favorable consider this bill. Thank you for your attention to this request.

Sincerely,

Jack Middleton  
Associate Administrator  
for Mental Retardation

JM:ja

APR 10 1979

SECTION 1. Chapter 440 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. A person whose birth certificate or other evidence of birth is written in a language other than English, or the parent or guardian of the person, may apply to the state registrar for an English language replacement.
2. Application for a replacement birth certificate pursuant to this section must be made in writing on a form supplied by the state registrar and be accompanied by:
  - a. The document for which replacement is sought.
  - b. A translation of the document.
  - c. An affidavit executed by the translator before a person who is authorized to administer oaths, attesting to the accuracy of the translation.
  - d. A certificate from the Immigration and Naturalization Service, U. S. Dept. of Justice, establishing that the registrant has legally entered the United States.
  - e. The fee required by this chapter for the making and certification of the record of any birth by the state registrar.
3. Upon receipt of the application and supporting documentation, the state registrar shall prepare a replacement birth certificate which shall be clearly marked on its face "ISSUED TO REPLACE A BIRTH RECORD FROM \_\_\_\_\_ IN THE \_\_\_\_\_ LANGUAGE."

SECTION 2. NRS 440.310 is hereby amended to read as follows:

1. Whenever the state registrar receives a report of adoption, amendment or annulment of adoption filed in accordance with the provisions of NRS 127.157, the laws of another state, a foreign country (upon receipt of) or a certified copy of the adoption decree, he shall prepare a supplementary certificate of birth in the new name of the adopted person which shows the adoptive parents as the parents, and, except as provided in subsection 2, seal and file the report (and) or decree together with the original certificate of birth. (with the certified copy of the adoption decree attached to the certificate.)
2. Whenever the state registrar receives a report of adoption, amendment or annulment of an order or decree of adoption from a court concerning a person born outside this state, the report shall be forwarded to the office responsible for vital statistics in the person's state of birth. If the birth occurred in a foreign country, the report shall be returned to the attorney or agency handling the adoption for submission to the appropriate federal agency (.) unless a replacement birth certificate has been prepared in accordance with section 1 of this act. In those cases the state registrar shall, upon receipt of proof of U. S. citizenship of the person being adopted, and proof of Nevada residency of the parents at the time of adoption, prepare a supplementary certificate of birth as described in subsection 1 of section 2.
3. Sealed documents may be opened only upon an order of the court issuing the adoption decree, expressly so permitting, pursuant to a petition setting forth the reasons therefor.
4. Upon the receipt of a certified copy of a court order of annulment of adoption, the state registrar shall restore the original certificate to its original place in the files.

## S. B. 344

## SENATE BILL NO. 344—SENATOR DODGE

MARCH 21, 1979

## Referred to Committee on Human Resources and Facilities

SUMMARY—Requires issuance of birth certificate to replace certificate written in language other than English. (BDR 40-1568)

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 vital statistics; providing for issuance of birth certificates to replace certificates written in a language other than English; 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 440 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 1. *A person whose birth certificate is written in a language other*  
4 *than English, or the parent or guardian of the person, may apply to the*  
5 *state registrar for a birth certificate to replace the one written in the*  
6 *language other than English.*  
7 2. *Application for a birth certificate pursuant to this section must*  
8 *be made in writing on a form supplied by the state registrar and be*  
9 *accompanied by:*  
10 (a) *The birth certificate for which a replacement is sought.*  
11 (b) *A translation of the birth certificate.*  
12 (c) *An affidavit executed by the translator before a person who is*  
13 *authorized to administer oaths, attesting to the accuracy of the transla-*  
14 *tion.*  
15 (d) *The fee required by this chapter for the making and certification*  
16 *of the record of any birth by the state registrar.*  
17 3. *At the request of the applicant, expressed in a space provided*  
18 *for that purpose on the application form, the state registrar shall:*  
19 (a) *Clearly mark the new certificate on its face "ISSUED TO*  
20 *REPLACE A CERTIFICATE IN THE ..... LANGUAGE"*  
21 *and return the certificate, translation and affidavit to the applicant*  
22 *after making copies of them and filing the copies with the new certificate;*  
23 *or*

— 2 —

- 1 *(b) Retain the certificate submitted and the translation and affidavit*
- 2 *and file them with the new certificate, and make no distinguishing mark*
- 3 *on the face of the new certificate to indicate that it was issued to replace*
- 4 *another certificate.*

④

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 38

---

ASSEMBLY BILL NO. 38—ASSEMBLYMEN HORN  
AND VERGIELS

JANUARY 16, 1979

Referred to Committee on Education .

SUMMARY—Provides for state regulations on collection of information from school districts on pupil achievement. (BDR 34-4)

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 public schools; providing for state board of education regulations concerning submission by school districts of certain information related to the achievement of pupils; 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 389 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 *The state board of education shall prescribe regulations requiring that*  
4 *each board of trustees of a school district submit to the superintendent*  
5 *of public instruction the results of proficiency examinations given in the*  
6 *3rd, 6th, 9th and 12th grades of public school pupils in the district. The*  
7 *state board shall not include in the regulations any provision which would*  
8 *violate the confidentiality of the test scores of any individual pupil.*

**A. B. 500**

---

---

ASSEMBLY BILL NO. 500—COMMITTEE ON  
WAYS AND MEANS

MARCH 5, 1979

Referred to Committee on Ways and Means

SUMMARY—Transfer's control of Lost City museum to Nevada state museum. (BDR 33-1993)

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 Lost City museum; transferring certain functions relating to this museum from the division of buildings and grounds to the board of trustees of the Nevada state museum; 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 381.270 is hereby amended to read as follows:
- 2 381.270 1. [Subject to the provisions of subsection 2, the chief of
- 3 the buildings and grounds division of the department of general services]
- 4 *The board of trustees of the Nevada state museum shall manage and con-*
- 5 *trol the Lost City museum.*
- 6 2. *The board of trustees, for and on behalf of the Lost City museum,*
- 7 *may accept gifts, devises or bequests of real or personal property from*
- 8 *any source and may use [the same] them in any manner consistent with*
- 9 *the purposes of the museum.*
- 10 [2. No gift, devise or bequest shall be accepted by the chief of the
- 11 buildings and grounds division for the Lost City museum, whether or
- 12 not such gift, devise or bequest may confer a benefit upon the people of
- 13 the State of Nevada, unless prior legislative approval in the form of a
- 14 concurrent resolution is obtained.]

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 414

## ASSEMBLY BILL NO. 414—ASSEMBLYMAN PRENGAMAN

FEBRUARY 15, 1979

Referred to Committee on Health and Welfare

SUMMARY—Expands provisions for safekeeping money and personal property belonging to clients of facilities of mental hygiene and mental retardation division of the department of human resources. (BDR 39-214)

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 administration of mental health and mental retardation programs; expanding the provisions for safekeeping of a client's money and personal property to include clients of all division facilities; 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 433 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this act.
- 3 SEC. 2. 1. *There may be maintained at each division facility a fund*  
4 *to be known as the clients' personal deposit fund.*
- 5 2. *Money coming into the possession of the administrative officer of*  
6 *a division facility which belongs to a client must be deposited in the fund*  
7 *in the name of that client.*
- 8 3. *When practicable, individual credits in the fund must not exceed*  
9 *the sum of \$300.*
- 10 4. *Any amounts to the credit of a client may be used for purchasing*  
11 *personal necessities, for expenses of burial or may be turned over to*  
12 *the client upon his demand, except that when the client is adjudicated*  
13 *mentally incompetent the guardian of his estate has the right to demand*  
14 *and receive the money.*
- 15 5. *An amount accepted for the benefit of a client for a special pur-*  
16 *pose must be reserved for that purpose regardless of the total amount to*  
17 *the credit of the client.*
- 18 6. *Except as provided in subsection 7, the administrative officers*  
19 *shall deposit the fund for their respective facilities in commercial accounts*  
20 *with banks of reputable standing. When deposits in a commercial account*  
21 *exceed \$15,000, the administrative officer may deposit the excess in a*  
22 *savings account paying interest in any reputable commercial bank, or in*  
23 *any federally insured savings and loan association which is a stock com-*  
24 *pary and not a mutual association, within the state. The savings account*  
25 *must be in the name of the fund. Interest paid on deposits in the savings*  
26 *account may be used for recreational purposes at the division facility.*



1 7. The administrative officers may maintain at their respective divi-  
2 sion facilities petty cash of not more than \$400 of the money in the  
3 clients' personal deposit fund to enable clients to withdraw small sums  
4 from their accounts.

5 SEC. 3. Whenever any person admitted to a division facility dies, the  
6 administrative officer shall send written notice to the decedent's legally  
7 appointed representative, listing the personal property remaining in the  
8 custody or possession of the facility. If there is no demand made upon the  
9 administrative officer of the facility by the decedent's legally appointed  
10 representative, all personal property of the decedent remaining in the cus-  
11 tody or possession of the administrative officer must be held by him for a  
12 period of 1 year from the date of the decedent's death for the benefit of  
13 the heirs, legatees or successors of the decedent. At the end of this period,  
14 another notice must be sent to the decedent's representative, listing the  
15 property and specifying the manner in which the property will be disposed  
16 of if not claimed within 15 business days. After 15 business days, all per-  
17 sonal property and documents of the decedent, other than cash, remaining  
18 unclaimed in the possession of the administrative officer must be disposed  
19 of as follows:

20 1. All documents must be filed by the administrative officer with the  
21 public administrator of the county from which the client was admitted.

22 2. All other personal property must be sold at a public auction or by  
23 sealed bids. The proceeds of the sale must be applied to the decedent's  
24 unpaid balance for costs incurred at the division facility.

25 SEC. 4. If a person admitted to a division facility is discharged or  
26 leaves and he fails to recover personal property worth more than \$100 in  
27 the custody of the administrative officer of the facility, the administrative  
28 officer shall notify the former client or his legal representative in writing  
29 that personal property remains in the custody of the facility. The property  
30 must be held in safekeeping for the client for a period of 1 year from the  
31 date of discharge. If upon the expiration of the 1-year period no claim has  
32 been made upon the administrative officer by the person or his legal rep-  
33 resentative, another notice must be sent to the person or his legal repre-  
34 sentative, stating the fact that personal property remains in the custody of  
35 the facility, and specifying the manner in which the property will be dis-  
36 posed of if not claimed within 15 business days. After 15 business days,  
37 the property may be considered unclaimed property and be disposed of  
38 in the manner provided for unclaimed property of deceased persons under  
39 the provisions of section 3 of this act.

40 SEC. 5. If, upon the death or release of a person admitted to a divi-  
41 sion facility, the value of unclaimed personal property in the possession  
42 of the administrative officer of the facility is so minimal that it cannot be  
43 sold at public auction or by sealed bid and if the property, either in its  
44 present condition or in an improved condition, cannot be used by the  
45 division facility, the administrative officer may order the personal prop-  
46 erty destroyed.

47 SEC. 6. NRS 433A.700, 433A.710, 33A.720 and 433A.730 are  
48 hereby repealed.

## S. B. 159

SENATE BILL NO. 159—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

JANUARY 31, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires license to manufacture drugs, devices or cosmetics,  
and provides penalty. (BDR 51-223)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 public health; requiring license for the manufacture or  
processing of drugs, devices or cosmetics; providing a penalty; 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 585 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 1. *Every factory, warehouse, laboratory or other location in which*  
4 *drugs, devices or cosmetics are manufactured, compounded, processed*  
5 *or packaged must be licensed by the commissioner.*  
6 2. *The commissioner shall establish and collect fees for the purpose*  
7 *of paying the costs of inspecting, testing and other functions required*  
8 *under the provisions of this chapter. All such fees collected by the com-*  
9 *missioner must be deposited with the state treasurer for credit to the*  
10 *state general fund.*  
11 3. *As a condition for entertaining the application of any applicant*  
12 *for any license authorized under this chapter, and as a further condition*  
13 *for the issuance of any such license, the commissioner or his authorized*  
14 *agent is entitled to free access at all reasonable hours to any factory,*  
15 *warehouse or other location in which drugs, devices or cosmetics are*  
16 *manufactured, compounded, processed or packaged or held for intro-*  
17 *duction into commerce, and may enter any vehicle being used to trans-*  
18 *port or hold such drugs, devices or cosmetics in commerce, for the*  
19 *purposes of:*  
20 (a) *Inspecting the factory, warehouse, other location or vehicle to*  
21 *determine whether any of the provisions of this chapter is being violated;*  
22 *and*