

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON GOVERNMENT AFFAIRS

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
February 27, 1981

The Senate Committee on Government Affairs was called to order by Chairman James I. Gibson, at 11:40 p.m., Friday, February 27, 1981, in Room 243 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator James I. Gibson, Chairman
Senator Jean Ford, Vice Chairman
Senator Gene Echols
Senator Virgil Getto
Senator James N. Kosinski
Senator Sue Wagner

COMMITTEE MEMBER ABSENT:

Senator Keith Ashworth (Excused)

STAFF MEMBERS PRESENT:

John Crossley, Legislative Counsel Bureau Auditor
Arthur Palmer, Administrative Director
Anne L. Lage, Committee Secretary

SENATE BILL NO. 267

Transfers responsibility for distribution and sale of Nevada Reports to supreme court.

Mr. Arthur Palmer, Administrative Director Legislative Counsel Bureau, explained that this bill would transfer the responsibility for the distribution and sale of the Nevada Reports to the supreme court. Mr. Palmer stated that in the past two audits of the Legislative Counsel Bureau, there was criticism made of the fact that the Legislative Counsel Bureau was warehousing the Nevada Reports in the Legislative Building as well as spending approximately \$1000 per year with private warehouses to store what could not be housed within the Legislative building.

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Chief Justice E. M. Gunderson, Nevada Supreme Court, testified that Mr. Palmer did consult with him before introducing this bill. Chief Justice Gunderson stated that the court would like to cooperate, but there were certain problems to contend with if this was to be done. A primary concern was that currently no suitable space was available in the Supreme Court building. Also, they do not have enough staff to handle these reports. He suggested that perhaps they could give this responsibility to the Secretary of State and store the reports in the basement of the capitol.

Mr. John Crossley, Legislative Counsel Bureau Auditor, testified that the space factor had really become a problem.

Chairman Gibson suggested that Mr. Palmer check with Mr. Bruce Greenhalgh, Director Department of General Services, to ascertain if there was space in the basement of the capitol.

SENATE BILL NO. 236

Alters procedure for filling vacancy in legislature.

Senator Getto had requested that this bill be drafted because of a problem which could exist with reapportionment.

Chairman Gibson suggested that line 22 should be changed to read "which the percentage of the population of that county in that district is to the population of the district".

Mr. Bob Sullivan, Carson River Basin Council of Governments, questioned if this bill referred to a block vote by the commissioners in lines 20-23. The way the bill was worded showed intent for it to mean a block vote which was not what Senator Getto had intended.

Senator Echols voiced concern over having percentage votes by the county commissioners rather than a block vote.

Chairman Gibson assigned Senate Bill No. 236 to the election subcommittee to work out suitable amendments.

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SENATE BILL NO. 268

Limits local control over location of housing for mentally handicapped persons.

Senator Ford testified that this bill was requested by the Mental Health Division and by private citizens in southern Nevada. Many people have tried to establish group homes for mentally handicapped persons but have run into problems with restrictions connected with group homes of six persons who were not related.

Mr. Jack Middleton, Administrative Coordinator for the Division of Mental Hygiene and Mental Retardation, testified that mentally handicapped individuals of this state have the same rights as all other citizens to live in a normal environment, specifically residential homes. He stated that his division has a residential placement fund to establish group homes and private small foster homes for mentally retarded children and adults. This bill would modify current city zoning laws to prohibit discrimination against the mentally retarded. See Exhibit C.

Mrs. Nancy Adams, Corporate Secretary Disciple Residential Centers, Inc., presented a statement by Kenneth L. Forshee, Director Disciple Residential Centers, Inc., indicating his support of Senate Bill No. 268. See Exhibit D. Mrs. Adams explained that the local law in Clark County states that if one has four or more handicapped persons living together, one must obtain a use permit. After obtaining this permit the neighbors within a 400 foot radius of the proposed residence must be notified. If any complaints are received, the center must appear before the city commission. Due to these complaints they have been unable to establish these homes.

Mr. William Adams, member of the Church Board of Elders, explained how he had become involved in this problem. He expressed that a grouping of four was better economically as well as socially.

Ms. Susan Haase, former executive director of the Association for Retarded Citizens, testified that seventeen states have already passed legislation similar to Senate Bill No 268.

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Ms. Haase requested that the committee support this bill so that non profit groups will continue to be able to establish group homes, thus eliminating institutionalization for many handicapped persons.

Ms. Beverly Lee, Reno resident, testified that she was the mother of a mildly retarded daughter. Currently her daughter is being housed in an institution, but with the passage of this bill there would be more opportunity for her to move into a residential group home.

Mr. G. P. Etcheverry, Nevada League of Cities, testified that he was concerned with section 3 wherein Nevada Revised Statute 266.376 was repealed. Senator Ford stated that this was not done at her request, and she would check with the bill drafters to see why this was incorporated into the bill.

Ms. Leann McElroy, City of Reno Department of Planning, testified that while she agreed that housing for the handicapped was a problem in many areas, she believed that such discussion should be held at the local level before coming to the legislature. She stated that passage of this bill would set a precedent for other special interest groups to come to the legislature to try to run the local zoning control. She suggested that an ordinance amendment for the definition of family would be a method for correcting this problem. See Exhibit E.

Mr. Bob Sullivan, Carson River Basin Council of Governments, testified that local zoning ordinances were the desires of the people that live there. He was not in support of this bill.

Mr. Bryce Wilson, Nevada Association of Counties, testified that the counties agreed with the concept of the bill but felt that the effect was to reduce local control in planning. He suggested an amendment to delete "may not prohibit" in line 3 and insert "may allow".

No action will be taken on this bill until Senator Ford finds the basis of the repealer.

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A subcommittee of Senator Kosinski and Senator Getto was appointed to serve with Chairman Gibson to work with the Assembly Government Affairs subcommittee on locally elected official's salaries.

BILL DRAFT REQUEST 28-80 (S.B. 342)

Makes various amendments to law relating to state public works board.

BILL DRAFT REQUEST 26-1049 (S.B. 343)

Establishes limitations relating to possessory claims to public lands and authorizes purchase.

The committee agreed to submit these bills for committee introduction.

There being no further business, meeting was adjourned at 1:15 p.m.

Respectfully submitted by:

Anne L. Lage
Anne L. Lage, Secretary

APPROVED BY:

James I. Gibson
Senator James I. Gibson, Chairman
DATE: 3/3/81

EXHIBIT A

SENATE AGENDA

Revised 2/24/81

COMMITTEE MEETINGS

Committee on Government Affairs, Room 243.
Day Friday, Date February 27, Time upon adjournment

S. B. NO. 236--Alters procedure for filling vacancy in legislature.

S. B. NO. 267--Transfers responsibility for distribution and sale of Nevada Reports to supreme court.

S. B. NO. 268--Limits local control over location of housing for mentally handicapped persons.

Ralph DiSibio, Director, Department of Human Resources
G. P. Etcheverry, Nevada League of Cities
Bryce Wilson, Nevada Association of Counties

Four Myths about group homes are punctured by hard facts

Despite myths about community resistance to group homes for mentally retarded people, there's much more community support for them than most people realize.

That's the finding of a study of myths and facts about community acceptance of group homes conducted by three researchers from Texas Tech University and reported in the **JOURNAL OF REHABILITATION**.

Here are highlights of four myths and 12 facts:

MYTH 1: Handicapped people in group homes are likely to engage in criminal activity. Therefore, keep them out.

THE FACTS: A two-year followup of 105 group homes with nearly 2,000 developmentally disabled residents showed that fewer than 1% had ever run afoul of the law.

MYTH 2: If a group home moves into a community, surrounding property values will go downhill.

THE FACTS: A study of Washington State group

homes showed that property values actually rose - because of superior care given to the group homes. A study by the Green Bay, Wis., Planning Commission found no decrease at all in houses being placed on the market within a three-block area.

MYTH 3: Group homes create upheavals in neighborhood lifestyles. Everybody's living comfortably in single-family units and along comes this group home...

THE FACTS: The San Francisco Planning Dept. disclosed there were no noise or traffic problems anywhere near foster homes. A Fresno, Calif., study of 20 community homes for mentally retarded people showed that 96% of the area's residents had no difficulties at all with their retarded neighbors.

MYTH 4: People living near group homes will never come to like their mentally retarded neighbors, no matter how long they live together.

THE FACTS: A national

study of group homes developmentally disabled people showed that in 89 the cases community opinion decreased after homes opened. A Fresno, Calif., study concluded "once mentally retarded residents have lived in neighborhood, they tend to be accepted."

**Disciple
Residential
Centers, Inc.**

EXHIBIT D

P. O. BOX 4186 • 101 RANCHO DRIVE • LAS VEGAS, NEVADA 89102

February 26, 1981

TELEPHONE (702) 384-1544

Senate Governmental Affairs Committee
Legislature Building
Carson City, Nevada 89710

I have asked Mrs. Nancy Adams to bring my correspondence to this hearing of the Senate Governmental Affairs Committee. I am Chairman of the Board of the Disciple Residential Centers, Inc., a Nevada non-profit corporation providing residential care for mentally retarded adults. Our program also seeks to help the resident secure and keep employment, be involved in social, recreational, and religious activities and to generally gain the greatest possible self-actualization. I am also Pastor of the First Christian Church in Las Vegas.

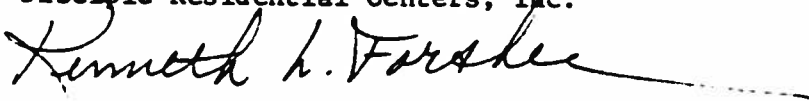
I request that Senate Bill 268, which corrects a gross discrimination against the handicapped, be passed. Each time we have appeared before local government entities to secure a use permit or zone variance to open a small group home, the attitudes of the people resisting such an effort reflect medieval fears and anxieties.

Many handicapped persons cannot live independently, and must live in small group homes. Each time we choose to open a group home, it should not be necessary to go through the harrassing experience of justifying that the handicapped should be permitted to live in homes comparable to anyone else. If the legislature would revise the state statute as indicated in SB268, this would enable our continued development of alternative living situations for the developmentally disabled.

This is the International Year of the Handicapped and it would be most appropriate for the Nevada State Assembly to pass this legislation. I repeat that the handicapped often cannot live independently and many times their parents can no longer care for them due to illness or death. Providing small group homes is an alternative which is superior to institutionalization. I humbly submit that this is right and I respectfully request that it be passed.

I ask that this statement be written into the records of this hearing.

Kenneth L. Forshee, Director
Disciple Residential Centers, Inc.



PRESENTATION RELATIVE TO
SENATE BILL NO. 268

EXHIBIT E

My name is Leann McElroy, Principal Planner in the City of Reno's Planning Department, and I'd like to speak in opposition to S.B. No. 268. As I'm sure that you are aware, the purpose of this bill is to limit local control over the location of housing for the mentally handicapped persons. While we would agree that housing for handicapped persons - mentally handicapped or otherwise - may need special attention, we believe that such discussions should be held at the local level and that appropriate measures to be taken should be left to the local community. The City of Reno, as an example, currently permits four or fewer unrelated individuals to live together as a family - whether handicapped or not - in any area in which residential housing is permitted.

The City of Reno views this proposal as an erosion of local zoning control and believes that it could set a precedent for other special interest groups to make similar requests of the legislature in the future. We are therefore opposed to this bill and would urge you to abandon this proposal.