

SENATE BILL NO. 137—COMMITTEE ON LEGISLATIVE
AFFAIRS AND OPERATIONS

(ON BEHALF OF THE LEGISLATIVE COMMITTEE TO
STUDY THE STATE PROGRAM FOR PROVIDING SERVICES TO
PERSONS WITH DISABILITIES)

FEBRUARY 17, 2003

Referred to Committee on Legislative Affairs and Operations

SUMMARY—Establishes Legislative Committee on Persons With
Disabilities. (BDR 17-700)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to persons with disabilities; establishing a
Legislative Committee on Persons With Disabilities;
prescribing the powers and duties of the Committee;
requiring the Department of Human Resources to submit
certain reports to the Committee; 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 218 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this
3 act.
4 **Sec. 2.** *As used in sections 2 to 8, inclusive, of this act,*
5 *“Committee” means the Legislative Committee on Persons With*
6 *Disabilities.*
7 **Sec. 3. 1.** *There is hereby established a Legislative*
8 *Committee on Persons With Disabilities consisting of three*
9 *members of the Senate and three members of the Assembly,*
10 *appointed by the Legislative Commission. The members must be*



1 *appointed with appropriate regard for their experience with and*
2 *knowledge of matters relating to persons with disabilities.*
3 2. *The members of the Committee shall select a Chairman*
4 *and a Vice Chairman from among their members. The Chairman*
5 *must be elected from one house of the Legislature and the Vice*
6 *Chairman from the other house. After the initial selection of a*
7 *Chairman and a Vice Chairman, each of those officers holds*
8 *office for a term of 2 years commencing on July 1 of each*
9 *odd-numbered year. If a vacancy occurs in the chairmanship or*
10 *vice chairmanship, the members of the Committee shall select a*
11 *replacement for the remainder of the unexpired term.*
12 3. *Any member of the Committee who is not a candidate for*
13 *reelection or who is defeated for reelection continues to serve until*
14 *the next session of the Legislature convenes.*
15 4. *Vacancies on the Committee must be filled in the same*
16 *manner as original appointments.*
17 **Sec. 4.** 1. *The members of the Committee shall meet*
18 *throughout each year at the times and places specified by a call of*
19 *the Chairman or a majority of the Committee.*
20 2. *The Director of the Legislative Counsel Bureau or his*
21 *designee shall act as the nonvoting recording Secretary.*
22 3. *The Committee shall prescribe regulations for its own*
23 *management and government.*
24 4. *Except as otherwise provided in subsection 5, four*
25 *members of the Committee constitute a quorum, and a quorum*
26 *may exercise all the powers conferred on the Committee.*
27 5. *Any recommended legislation proposed by the Committee*
28 *must be approved by a majority of the members of the Senate and*
29 *by a majority of the members of the Assembly appointed to the*
30 *Committee.*
31 6. *Except during a regular or special session of the*
32 *Legislature, the members of the Committee are entitled to receive*
33 *the compensation provided for a majority of the members of the*
34 *Legislature during the first 60 days of the preceding regular*
35 *session, the per diem allowance provided for state officers and*
36 *employees generally and the travel expenses provided pursuant to*
37 *NRS 218.2207 for each day or portion of a day of attendance at a*
38 *meeting of the Committee and while engaged in the business of*
39 *the Committee. The salaries and expenses paid pursuant to this*
40 *subsection and the expenses of the Committee must be paid from*
41 *the Legislative Fund.*
42 **Sec. 5.** *The Committee may:*
43 1. *Study and comment on issues related to persons with*
44 *disabilities in this state, including, without limitation:*



- 1 (a) *Programs for the provision of services to persons with*
- 2 *disabilities in this state;*
- 3 (b) *Methods to enhance such programs and to ensure that*
- 4 *persons with disabilities are receiving services in the most*
- 5 *appropriate setting;*
- 6 (c) *Federal and state laws concerning persons with disabilities;*
- 7 (d) *The availability of useful information and data as needed*
- 8 *for the State of Nevada to effectively make decisions, plan budgets*
- 9 *and monitor costs and outcomes of services provided to persons*
- 10 *with disabilities;*
- 11 (e) *Methods to increase the availability of such information*
- 12 *and data;*
- 13 (f) *Compliance with federal requirements which affect persons*
- 14 *with disabilities; and*
- 15 (g) *Any other matters that, in the determination of the*
- 16 *Committee, affect persons with disabilities.*
- 17 2. *Conduct investigations and hold hearings in connection*
- 18 *with its powers pursuant to this section.*
- 19 3. *Direct the Legislative Counsel Bureau to assist in the study*
- 20 *of issues related to persons with disabilities in this state.*
- 21 4. *Recommend to the Legislature, as a result of its study, any*
- 22 *appropriate legislation.*
- 23 **Sec. 6. 1. In conducting the investigations and hearings of**
- 24 **the Committee:**
- 25 (a) *The Secretary of the Committee or, in his absence, any*
- 26 *member of the Committee may administer oaths.*
- 27 (b) *The Secretary or Chairman of the Committee may cause*
- 28 *the deposition of witnesses, residing either within or outside of the*
- 29 *State, to be taken in the manner prescribed by rule of court for*
- 30 *taking depositions in civil actions in the district courts.*
- 31 (c) *The Chairman of the Committee may issue subpoenas to*
- 32 *compel the attendance of witnesses and the production of books*
- 33 *and papers.*
- 34 2. *If any witness refuses to attend or testify or produce any*
- 35 *books and papers as required by the subpoena, the Chairman of*
- 36 *the Committee may report to the district court by petition, setting*
- 37 *forth that:*
- 38 (a) *Due notice has been given of the time and place of*
- 39 *attendance of the witness or the production of the books and*
- 40 *papers;*
- 41 (b) *The witness has been subpoenaed by the Committee*
- 42 *pursuant to this section; and*
- 43 (c) *The witness has failed or refused to attend or produce the*
- 44 *books and papers required by the subpoena before the Committee*



1 *which is named in the subpoena, or has refused to answer*
2 *questions propounded to him,*
3 *and asking for an order of the court compelling the witness to*
4 *attend and testify or produce the books and papers before the*
5 *Committee.*

6 *3. Upon such a petition, the court shall enter an order*
7 *directing the witness to appear before the court at a time and place*
8 *to be fixed by the court in its order, the time to be not more than*
9 *10 days after the date of the order, and to show cause why he has*
10 *not attended or testified or produced the books or papers before*
11 *the Committee. A certified copy of the order must be served upon*
12 *the witness.*

13 *4. If it appears to the court that the subpoena was regularly*
14 *issued by the Committee, the court shall enter an order that the*
15 *witness appear before the Committee at the time and place fixed in*
16 *the order and testify or produce the required books or papers.*
17 *Failure to obey the order constitutes contempt of court.*

18 **Sec. 7.** *Each witness who appears before the Committee by*
19 *its order, except a state officer or employee, is entitled to receive*
20 *for his attendance the fees and mileage provided for witnesses in*
21 *civil cases in the courts of record of this state. The fees and*
22 *mileage must be audited and paid upon the presentation of proper*
23 *claims sworn to by the witness and approved by the Secretary and*
24 *Chairman of the Committee.*

25 **Sec. 8.** *On or before July 1 of each even-numbered year or*
26 *October 1 of each odd-numbered year, the Department of Human*
27 *Resources shall submit a report to the Committee. The report must*
28 *include, without limitation, information relating to:*

29 *1. The expansion of the program established pursuant to*
30 *NRS 422.2715;*

31 *2. The progress made by the Department toward the goal of*
32 *equitably providing, by January 1, 2008, comprehensive health*
33 *care coverage to each person with a disability who by virtue of*
34 *becoming employed has established an income that is above the*
35 *federally designated level signifying poverty and who is unable to*
36 *obtain the health insurance coverage he needs from a source other*
37 *than a program of public assistance; and*

38 *3. The impact of assessments made of persons with*
39 *disabilities pursuant to the comprehensive long-term Strategic*
40 *Plan for Persons with Disabilities prepared by the Task Force on*
41 *Disability to determine if they are living in an unnecessarily*
42 *restrictive residential environment, including, without limitation,*
43 *any savings in costs that resulted from those assessments.*

44 **Sec. 9.** *1. The Department of Human Resources shall*
45 *examine the feasibility of amending the State Plan for Medicaid to*



1 authorize money to be paid as Medicaid benefits to cover the costs
2 of community-based services for a person if:

3 (a) The person is assessed and determined to be living in an
4 unnecessarily restrictive residential environment;

5 (b) The person relocates from a facility for skilled nursing or a
6 facility for intermediate care to a community-based setting; and

7 (c) Money paid as Medicaid benefits was used to cover the costs
8 of the care of that person while the person resided in the facility for
9 skilled nursing or the facility for intermediate care.

10 2. On or before July 1, 2004, the Department shall submit to
11 the Legislative Committee on Persons With Disabilities a report
12 relating to the results of the examination conducted pursuant to
13 subsection 1.

14 3. As used in this section:

15 (a) "Facility for intermediate care" has the meaning ascribed to
16 it in NRS 449.0038.

17 (b) "Facility for skilled nursing" has the meaning ascribed to it
18 in NRS 449.0039.

19 **Sec. 10.** This act becomes effective on July 1, 2003.

