

NEVADA LEGISLATIVE ASSEMBLY - COMMITTEE ON HEALTH AND WELFARE
Chairman Woodrow Wilson March 7, 1969

Members Present: Wilson, Homer, Swallow, Espinoza, Hafen, Brookman, Foote, May and Frazzini.

Absent: None.

Chairman Wilson called the meeting to order at 2:30 P.M. and introduced the following guests: Dr. Ralph C. Adams, Las Vegas, Nevada, Southern Nevada Memorial Hospital; Robert Petroni, Attorney, Southern Nevada Memorial Hospital, Las Vegas, Nevada; Reese Perkins, Legislative Intern, Reno, Nevada; Marty Thompson, Associated Press, Reno, Nevada; Orville A. Wahrenbrock, Department of Health, Welfare, & Rehabilitation, Reno, Nevada; Mr. Bill Villa, Las Vegas, Nevada, and Juli Utt, Legislative Intern, Reno Nevada.

A.B. 478 - Authorizes inclusion in payments in aid to blind of money for "needy essential person"; clarifies determination of amount of aid.

Chairman Wilson referred to Paragraph 2, Sec. 1, "All money paid to a recipient under NRS 426.010 to 426.500, inclusive, is intended to help him meet his individual needs and is not for the benefit of any other person, except that money may be included in such payment to meet the needs of a needy essential person. The criteria of a "needy essential person" shall be defined by the state welfare board.

Mr. Wilson said he had read a bit more to give the Committee an idea of the essentials of the bill. He then invited Mr. Villa to speak.

Mr. Villa said this bill regards any essential blind person, such as a blind man and wife with children, especially those with children in grade school. The mother cannot go out to work, and both mother and father should be provided financial aid. He said the State Welfare Director for the Blind, George Miller, told him Monday there are only 11 essential blind persons in the State.

Wilson, referring to Par. 2, Line 16, Page 2, reads : "The individual needs of each person claiming aid to the blind shall be presumed and deemed to be not less than \$100 per month. The amount of aid to which any claimant is entitled shall be, determined by the State Welfare Board. If, however, in any case, if it is found the need of a claimant exceeds \$100 per month, such claimant shall be entitled to receive aid in an amount which shall meet such need, unless the amount of aid he is otherwise entitled to receive when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources from all other sources, shall equal his need.

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Wilson: "Do you feel this bill adequately covers--

Villa: "The original bill was drawn about 1953. Since that time, they have only given \$100 minimum to any blind person. Now, in 16 years, how much have the costs of living gone up? Not one penny have they raised the actual need. I have proposed to raise that \$100 to \$175 minimum."

Wilson: "That is getting into another area. The subject matter here is needy, essential persons."

Mr. Villa said that on the essential persons bill, where else are the blind essential persons going to get money? They can't go out to work, because of the responsibilities at home.

Chairman Wilson asked if there were any specific questions on A.B. 478. If not, he said, we will go to A.B. 479.

A.B. 479. - Amends various provisions relating to blind persons.

Mr. Villa said if this bill is passed, perhaps blind people will not have to go out and beg for alms as they are doing today, and which is against the law. He said hunger is illegal and uncomfortable. He said he has not been able to get out and beg because of weather conditions. He said \$175 is a meager amount. "It actually should be more, but we will see how the blind get along this way."

Mrs. Frazzini asked Mr. Villa if he could tell her approximately were receiving Aid to the Blind in Nevada. Mr. Villa replied 168. He said 43% of which is Federal funds and 57% the State pays. He said in Clark County there are 72 cases throughout the State, 168. He said he is talking about cases, not blind people.

A.B. 483 - Removes prohibition against denying services to the blind.

Mr. Villa said he did not know exactly who had proposed this particular legislation, but, he said, "I don't like to see any person denied any services to the blind. If they are going to repeal services to the blind, I am very much against it." He said the blind people need a lot of services, such as taking up typing, learning to read braille, anything where they can go out and earn a dollar. He said he has been blind for 40 years and married 25 years. He said blind persons need all the services the State has to offer.

Mr. May asked permission to regress to A.B. 479, Sec. 1. He asked Mr. Villa, after 3 days after your rent is due, can't the landlord get a court order and evict you? That law is being changed in this legislature. My sympathies are certainly with you, but certainly, I thought some procedures should be remaining."

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Villa: "If the place were demolished, then they could be evicted."

Swallow: "Blind persons could be as bad as we who can see in that they might not pay their rent. This should be amended just a little bit if he didn't live up to the standards he should live up to."

Villa: "The Aid to the Blind allows you \$65 for rent, and I have been having to go out and beg another \$60 to pay my rent. If they are behind, it is because they can't get out and solicit for what they need."

Swallow: "I had a blind customer in my drug store. He got far behind, but I didn't mind because I wanted to help people. We don't mean these types of things. Also, the persons where he lived could not collect any rent"

May: "Were the 3-day rent law completely repealed, he would be exempt from the unlawful detainer law. We are giving them enough time to look for another place."

Villa: "It is difficult to find another place. We don't have cars, and we don't drive. It was my feeling that the landlord would be more likely to rent to a blind person if this were in the law."

Brookman: "Putting in a restriction like this would make it simpler and easier for a blind person to go about finding a place to rent."

Villa: "It wouldn't make any difference, if this restriction were put on me."

Wilson: "Ten days total. When a landlord knows he could never evict a blind person. Some are pretty well funded from families and all. I think the 10 days period is better."

Villa: "In ten days, they can't go out and find another place. There was another bill with reference to a fair hearing."

Wilson: "That is the same bill. 479, Sec. 3."

Villa: "I wanted a separate bill on this." He referred to Line 49, Sec. 3, Sub. Par. 2, which is being deleted. "You have attended one of those hearings. My suggestion is that when the applicant, or recipient, asks for a fair hearing, it should be held in the presence of the Board of Directors and the State Administrators. The applicant, recipient or claimant has the right to be represented by an attorney or agent. There on the same day they should issue their ruling by determining the facts, and not 30 days. In my case, it was 2 months later that I got a ruling on my hearing. It should be the same day. As it is written now, it is far more expensive. It is much cheaper to have the

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hearing before the Board of Directors on the same day. My hearing cost \$800, and I wasn't represented by an attorney. I was represented by myself and Eileen Brookman. I want a hearing on the same day, whereby questions could be asked back and forth. You will eliminate all cases going to the District Court".

Chairman Wilson: "We want to thank you for appearing before our committee, and I can assure you that the points you have made here this afternoon will be taken into consideration by this committee. You have an appointment with the Ways and Means Committee tomorrow morning at 10:00 A.M., if you wish to be available for this hearing."

Villa: "As long as my dog is in good condition, I will be here." He left the hearing room.

Wilson: "I would like to know where 483 came from."

Wahrenbrock: "There is a conflict of Federal programs. The purpose of this is not to deny anything to anybody."

Re: A.B. 478 - Mr. Wahrenbrock requested an amendment in Sec. 3, Line 24, after the word "shall", include the words, "within budgetary limitations and legislative appropriations".

Sec. 3, Line 28, following the word "need", add, "limited by the specific amounts appropriated by the legislature and allocated for any welfare program covered by Title 38 of NRS that is requested by the legal counsel of the Welfare Division."

Wilson: "I haven't received any communication from you regarding A.B. 479. I think perhaps we need some clarification on the right of appeal and the procedure and problems of calling the Welfare Board within 20 days every time a client feels he has a case."

Wahrenbrock: "A Fair Hearing Officer would be appointed, and local people would handle it. If the client is then dissatisfied, then they would apply to the Welfare Board. The person doesn't appear before the Welfare Board, but it is decided on the basis of transcripts which are forwarded to them. If this legislation is adopted, they would probably have to be on call. They are busy people - a policy making Board. The Welfare Board would have to be on call within 20 days and go to any part of the State, because hearings must be conducted within the locale where the individual resides. I suggest this is a money problem. They are budgeted to meet 8 times a year for policy decisions. I am not sure how the Welfare members feel about being on call on a 20 day notice, if this particular piece of legislation would be adopted, but once again, we are talking about money."

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Brookman: "One of the reasons that the blind in my area wanted this was that they have no recourse but to wait and wait. Mr. Wilson and I sat in on one of these procedures, and then they have to wait for a 30-day outcome of this hearing."

Wahrenbrock: "Perhaps we have some internal housekeeping that needs to be done, and I will not quarrel with you at this point on that. Fair hearings are expensive. We have to hire court reporters. Perhaps the Welfare Manual and other procedures should be sharpened."

Homer re A.B. 478 "Suppose we did pass this \$175 provision, then what is done by the Department? They dish out this \$175 we put in the budget until this is all gone, and that's it, or do we allocate it to the overall picture and then cut it down?"

Wahrenbrock: "The Budget Department would have to appropriate this for the next case load, from the next biennium. If the case load were to jump more than our appropriation, then we would have to go to our Budget Bureau. If 20 additional people come in in the last year of the biennium, we certainly cannot deny them, but we must go for an additional appropriation."

Espinoza: "What is the total estimate of the blind people in Nevada?"

Wahrenbrock: "The Division of Services to the Blind have an expansion grant right now that they are working on that will give us an inventory and put us on I.B.M. cards. We have an average case load of 170. \$100 per month is just about what the grant would total up to over a 24-month period."

Wilson: "I would appreciate very much if you would make a note on A.B. 483 and A.B. 479, and give us whatever explanation you can."

Brookman: "Before we pass any legislation, could you speak to the Welfare Division about these hearings, and see if procedures could be changed?"

Mr. Wahrenbrock said he would, and would submit written reports on A.B. 479 and A.B. 483 to Chairman Wilson.

S.B. 96 - Wilson: "We have one amendment as suggested by The Senate Committee, Section 29, Page 1. There was a mild conflict that the Legislative Counsel Bureau brought up. Ladies and Gentlemen, we have had adequate discussion and hearing on this particular piece of legislation, and it is certainly important that we get it out of Committee as soon as we possibly can. We are ready to move."

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Swallow: "Recommend DO PASS on S.B. 96."

May: "In the last meeting, we had a conflict with S.B. 106. Have we resolved that conflict today?"

Wilson: "If we are going to pass the bill out with a DO PASS as amended by the Legislative Counsel, then we will go and take care of it".

May: "If Mr. Swallow will accept my amendment to resolve the conflict with 106 --" (Mr. Swallow assented) May: "DO PASS UPON RESOLVING THE CONFLICT WITH THE LEGISLATIVE COUNSEL BUREAU".

Brookman seconded. Unanimously carried.

Dr. Adams thanked the committee for their action on S.B. 96, and said, "think of old Ben Franklin when you think of S.B. 96, because that is whence it came".

Chairman Wilson referred to A.B. 353 and A.B. 572, the Fair Housing bills. He announced that he intended to set up a meeting to discuss this within the committee and consider any proposed amendments. He said a group of real estate brokers came over today. They could not wait to appear with us. However, they are in accord with open housing legislation. These men represented several hundred brokers. They said they would go on record and appear before this committee or any committee and actively support this legislation within the halls of the Assembly. This was encouraging, and I feel it is time for this type of legislation (referring to A.B. 353).

Mrs. Frazzini: "We are told there is a possible 3rd or 4th bill to be introduced. It is my suggestion we wait and see if there is another bill before we take these bills into consideration."

Mr. Wilson asked if the committee knew of any one who had fair housing legislation, to please get with them, as "we are getting down to the wire. We can't wait any longer, or it will be over."

Mr. McKissick brought in a copy of a fair housing bill proposed by Mr. Eddie Scott - BDR 10-1744, drafted by Jim Guinan at the direction of Eddie Scott and the Reno branch of the N.A.A.C.P.

Meeting was adjourned.