
SENATE CONCURRENT RESOLUTION NO. 10—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 19, 2003

Referred to Committee on Legislative Affairs and Operations

SUMMARY—Urges Governor and agencies of State Executive
Branch to take certain actions concerning persons
with disabilities. (BDR R-699)

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

SENATE CONCURRENT RESOLUTION—Urging the Governor
and agencies of the State Executive Branch to take certain
actions concerning persons with disabilities.

1 WHEREAS, The State of Nevada ranks first among all the states
2 in the increase in the number of persons with disabilities over the
3 past decade with the number of persons with disabilities in Nevada
4 having increased by 157 percent over the past 10 years; and

5 WHEREAS, There are more than 375,000 persons with
6 disabilities living in this state, at least 50,000 of whom are children
7 or young adults; and

8 WHEREAS, The United States Supreme Court, in *Olmstead v.*
9 *L.C. ex rel. Zimring*, 527 U.S. 581 (1999), concluded that the
10 unnecessary segregation and institutionalization of persons with
11 disabilities constitutes discrimination based on disability in violation
12 of the Americans with Disabilities Act; and

13 WHEREAS, During the 2001 Legislative Session, the Legislature
14 appropriated \$150,000 to the Department of Human Resources for
15 the development of a long-term strategic plan to ensure the
16 availability and accessibility of services for persons with disabilities,
17 support the ability of persons with disabilities to lead independent
18 and active lives within their communities, continue the efforts of
19 this state to provide appropriate community-based services for



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1 persons with disabilities and ensure that persons with disabilities
2 receive the services they are legally entitled to receive; and

3 WHEREAS, The Department of Human Resources established a
4 Task Force on Disability and various subcommittees to develop the
5 long-term strategic plan with the goal of ensuring that services are
6 available throughout Nevada for every disabling condition in the
7 most integrated setting appropriate to include equally residents with
8 disabilities of all ages and incomes into the mainstream of Nevada
9 society; and

10 WHEREAS, The assiduous work of the Task Force and its
11 unyielding dedication to persons with disabilities resulted in a
12 comprehensive strategic plan for persons with disabilities which will
13 be invaluable for the State of Nevada as it plans for the provision of
14 a seamless continuum of services to persons with disabilities in this
15 state for the next decade with the objective of enabling persons with
16 disabilities to achieve maximum mainstream personal and economic
17 independence; and

18 WHEREAS, Because of the critical importance of providing
19 comprehensive services to persons with disabilities in Nevada and
20 ensuring that such persons are not discriminated against in this state
21 in any manner, and the firm commitment of the Legislature to
22 ensuring that persons with disabilities are afforded every
23 opportunity to receive services in the community if appropriate and
24 to participate in decisions which will affect them, the Legislative
25 Commission appointed a subcommittee in 2001 to conduct an
26 interim study of state programs for providing services to persons
27 with disabilities; and

28 WHEREAS, The subcommittee, working closely with and
29 supporting the work of the Task Force on Disability, received a
30 great deal of valuable input from various advocates, agencies,
31 organizations and persons with diverse interests, perspectives and
32 expertise concerning the provision of services to persons with
33 disabilities in an effective and comprehensive manner; now,
34 therefore, be it

35 RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE
36 ASSEMBLY CONCURRING, That the members of the Nevada
37 Legislature urge the Governor and the agencies of the State
38 Executive Branch to:

39 1. Use the comprehensive long-term strategic plan for persons
40 with disabilities prepared by the Task Force on Disability as the plan
41 to ensure that the State of Nevada complies with the Americans with
42 Disabilities Act (ADA), including, without limitation, the
43 proscription of discrimination by segregation set forth by the United
44 States Supreme Court in *Olmstead v. L.C. ex rel. Zimring*, as the
45 strategic plan was recognized as an effective "Olmstead Plan" by



1 the subcommittee, while recognizing that the implementation of the
2 strategic plan needs to be monitored and that the strategic plan may
3 need to be reviewed and revised as necessary to comply with the
4 ADA and to ensure that services are truly available to persons with
5 disabilities;

6 2. Identify and transfer persons with disabilities who are in
7 institutional care who can be served in the community to the
8 community if the persons do not oppose such transfer, and support
9 the transition of such persons into the community by providing
10 appropriate discharge planning, transitional supports and targeted
11 services coordination;

12 3. Identify persons with disabilities who reside in the
13 community but who are at risk of being improperly institutionalized,
14 and take actions and provide services to ensure that such persons are
15 not improperly institutionalized;

16 4. Consider persons with disabilities and services in a more
17 holistic manner when planning budgets and making decisions
18 concerning programs which provide services for persons with
19 disabilities so that decisions made concerning one population or
20 service do not occur in isolation of decisions made concerning other
21 populations or services, while ensuring that no reduction in services
22 for any population of disabled persons occurs; and

23 5. Consider the needs of persons with severe disabilities and
24 their families whose incomes prevent them from qualifying for
25 Medicaid, but who are unable to afford the services that they need to
26 avoid impoverishment, disruptions in their families, exacerbation of
27 their disabilities and institutionalization, including, without
28 limitation, personal assistance, respite services, health care services,
29 environmental modifications and medications; and be it further

30 RESOLVED, That the Secretary of the Senate prepare and
31 transmit a copy of this resolution to the Governor for distribution to
32 the appropriate state agencies.

