

Senate Concurrent Resolution No. 10—Committee on  
Legislative Affairs and Operations

FILE NUMBER.....

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

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

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

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

WHEREAS, During the 2001 Legislative Session, the Legislature  
appropriated \$150,000 to the Department of Human Resources for  
the development of a long-term strategic plan to ensure the  
availability and accessibility of services for persons with disabilities,  
support the ability of persons with disabilities to lead independent  
and active lives within their communities, continue the efforts of  
this state to provide appropriate community-based services for  
persons with disabilities and ensure that persons with disabilities  
receive the services they are legally entitled to receive; and

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

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

WHEREAS, Because of the critical importance of providing  
comprehensive services to persons with disabilities in Nevada and  
ensuring that such persons are not discriminated against in this state

in any manner, and the firm commitment of the Legislature to ensuring that persons with disabilities are afforded every opportunity to receive services in the community if appropriate and to participate in decisions which will affect them, the Legislative Commission appointed a subcommittee in 2001 to conduct an interim study of state programs for providing services to persons with disabilities; and

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

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

1. Use the comprehensive long-term strategic plan for persons with disabilities prepared by the Task Force on Disability as the plan to ensure that the State of Nevada complies with the Americans with Disabilities Act (ADA), including, without limitation, the proscription of discrimination by segregation set forth by the United States Supreme Court in *Olmstead v. L.C. ex rel. Zimring*, as the strategic plan was recognized as an effective "Olmstead Plan" by the subcommittee, while recognizing that the implementation of the strategic plan needs to be monitored and that the strategic plan may need to be reviewed and revised as necessary to comply with the ADA and to ensure that services are truly available to persons with disabilities;

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

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

4. Consider persons with disabilities and services in a more holistic manner when planning budgets and making decisions concerning programs which provide services for persons with disabilities so that decisions made concerning one population or service do not occur in isolation of decisions made concerning other

populations or services, while ensuring that no reduction in services for any population of disabled persons occurs; and

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

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