

SUMMARY BULLETIN  
OF  
REPORTS OF THE LEGISLATIVE COMMISSION  
TO THE 60TH SESSION OF THE  
NEVADA LEGISLATURE



*Bulletin No. 79-20*

LEGISLATIVE COMMISSION  
OF THE  
LEGISLATIVE COUNSEL BUREAU  
STATE OF NEVADA

*December 1978*



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OF  
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Legislative Commission  
Of The  
Legislative Counsel Bureau  
State of Nevada

December 1978



## INTRODUCTION

The 1977 session of the legislature directed that 19 studies be undertaken by the legislative commission. The legislative commission authorized one additional study.

Reports of these studies were completed and are available through the legislative counsel bureau as numbered bulletins. The purpose of this Summary Bulletin is two-fold. The first is to provide a brief summary, in one place, of the contents of all the separate documents so that every legislator can know generally what the studies were, how they were prepared and what they recommended. The second purpose is to provide a reference tool that will facilitate and encourage the use and understanding of the separate bulletins.

The authorizing resolution and the legislative personnel who worked on the study are cited for each bulletin. The personnel listing is designed to assist legislators or other interested parties to contact people qualified to explain reports and provide additional information. The Summary Bulletin also contains an abstract and a summary of recommendations for each of the separate bulletins.

LEGISLATIVE COMMISSION

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Senator Keith Ashworth  
Senator Richard H. Bryan  
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Assemblyman Eileen B. Brookman  
Assemblyman Joseph E. Dini, Jr.  
Assemblyman Lawrence E. Jacobsen  
Assemblyman Robert E. Robinson

TABLE OF CONTENTS

<u>Bulletin No.</u>	<u>Title</u>	<u>Page</u>
79-1	Administrative Procedures Followed by the Nevada Industrial Commission and Alternative Methods of Providing Workmen's Compensation Coverage	
	a. Personnel . . . . .	1
	b. S.C.R. 39 . . . . .	2
	c. Abstract . . . . .	3
	d. Summary of Recommendations . . . . .	4
79-2	The Condition of the State Prison	
	a. Personnel . . . . .	6
	b. A.C.R. 1 . . . . .	7
	c. Abstract . . . . .	8
	d. Summary of Recommendations . . . . .	10
79-3	Community College Division of the University of Nevada System	
	a. Personnel . . . . .	19
	b. A.C.R. 44 . . . . .	20
	c. Abstract . . . . .	21
	d. Summary of Recommendations . . . . .	23
79-4	Provisions Relating to Obscenity	
	a. Personnel . . . . .	25
	b. A.C.R. 6 . . . . .	26
	c. Abstract . . . . .	27
	d. Summary of Recommendations . . . . .	28
79-5	Feasibility of Creating a Commission to Regulate Transportation	
	a. Personnel . . . . .	30
	b. A.C.R. 40 . . . . .	31
	c. Abstract . . . . .	32
	d. Summary of Recommendations . . . . .	34

<u>Bulletin No.</u>	<u>Title</u>	<u>Page</u>
79-6	Administration of Mental Hygiene and Mental Retardation Programs in Nevada	
	a. Personnel . . . . .	36
	b. A.C.R. 55 . . . . .	37
	d. Abstract . . . . .	38
	e. Summary of Recommendations . . .	40
79-7	Unclaimed Property in Nevada	
	a. Personnel . . . . .	43
	b. A.C.R. 34 . . . . .	44
	c. Abstract . . . . .	45
	d. Summary of Recommendations . . .	47
79-8	Structures and Functions of the State Board of Education and State Department of Education	
	a. Personnel . . . . .	48
	b. A.C.R. 54 . . . . .	49
	c. Abstract . . . . .	50
	d. Summary of Recommendations . . .	52
79-9	Problems Concerning Professional Liability Insurance	
	a. Personnel . . . . .	57
	b. S.C.R. 12 . . . . .	58
	c. Abstract . . . . .	59
	d. Summary of Recommendations . . .	61
79-10	Pupil Achievement in Nevada	
	a. Personnel . . . . .	64
	b. S.C.R. 14 . . . . .	65
	c. Abstract . . . . .	66
	d. Summary of Recommendations . . .	68

<u>Bulletin No.</u>	<u>Title</u>	<u>Page</u>
77-11	Availability of Liability and Employee Group Insurance to Local Governments	
	a. Personnel . . . . .	71
	b. S.C.R. 37 . . . . .	72
	c. Abstract . . . . .	73
	d. Summary of Recommendations . . .	75
77-12	Effect of Government Regulation of Small Business	
	a. Personnel . . . . .	76
	b. A.C.R. 3 . . . . .	77
	c. Abstract . . . . .	78
	d. Summary of Recommendations . . .	80
77-13	Feasibility of Creating a New County to Govern the North Shore Area of Lake Tahoe	
	a. Personnel . . . . .	81
	b. A.C.R. 25 . . . . .	82
	c. Abstract . . . . .	83
	d. Summary of Conclusions . . . . .	85
77-14	Recodification of Nevada's Education Laws	
	a. Personnel . . . . .	87
	b. S.C.R. 36 . . . . .	88
	c. Abstract (Statement) . . . . .	89
	d. Summary of Recommendations . . .	90
77-15	Problems and Treatment of Alcoholism and Drug Abuse	
	a. Personnel . . . . .	91
	b. S.C.R. 34 . . . . .	92
	c. Abstract . . . . .	93
	d. Summary of Recommendations . . .	95

<u>Bulletin No.</u>	<u>Title</u>	<u>Page</u>
79-16	Assessment and Taxation of Geothermal Resources	
	a. Personnel . . . . .	97
	b. A.C.R. 8 . . . . .	98
	c. Abstract . . . . .	99
	d. Summary of Recommendations . . . . .	101
79-17	State Veterans' Home in Nevada	
	a. Personnel . . . . .	102
	b. S.C.R. 38 . . . . .	103
	c. Abstract . . . . .	104
	d. Summary of Conclusions . . . . .	106
79-18	Study of Crimes and Punishments	
	a. Personnel . . . . .	108
	b. A.C.R. 38 . . . . .	109
	c. Abstract (Statement) . . . . .	110
	d. Summary of Conclusions and Recommendations . . . . .	111
79-19	Select Committee on Public Lands	
	a. Personnel . . . . .	113
	b. S.C.R. 9 . . . . .	114
	c. Abstract . . . . .	116
	d. Summary of Recommendations . . . . .	117
79-22	State Science, Engineering and Technology Project	
	a. Personnel . . . . .	118
	b. Abstract . . . . .	119
	c. Summary of Recommendations . . . . .	121

S.C.R. 39 - 1977 Session

BULLETIN No. 79-1

ADMINISTRATIVE PROCEDURES FOLLOWED BY THE NEVADA  
INDUSTRIAL COMMISSION AND ALTERNATIVE METHODS  
OF PROVIDING WORKMEN'S COMPENSATION COVERAGE

Interim Subcommittee

Assemblyman Joseph E. Dini, Jr., Chairman  
Senator Keith Ashworth, Vice Chairman  
Senator Joe Neal  
Assemblyman James J. Banner  
Assemblyman Robert R. Barengo  
Assemblyman Roger Bremner  
Assemblyman Lawrence E. Jacobsen  
Assemblyman John E. Jeffery  
Assemblyman Robert E. Price  
Assemblyman Robert E. Robinson

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the administrative procedures followed by the Nevada industrial commission and alternative methods of providing workmen's compensation coverage.

WHEREAS, A diversity of proposals has been presented to the 59th session of the Nevada legislature concerning the administrative practices of the Nevada industrial commission and alternative methods of acquiring industrial and occupational disease coverage; and

WHEREAS, The subject matter is of such complexity and of such importance to employers and employees in this state as to warrant its study in depth; now, therefore, be it

*Resolved by the Senate of the State of Nevada, the Assembly concurring,* That the legislative commission is hereby directed to conduct a study of the administrative procedures of the Nevada industrial commission, including:

1. The manner in which claims for compensation are handled;
  2. The time which elapses between the time a claim is submitted and compensation payments are made; and
  3. The time which elapses following a hearing until a decision is rendered by the commission or the appeals officer,
- and be it further

*Resolved,* That the commission study the feasibility and desirability of the following alternative methods of providing workmen's compensation coverage:

1. Through private insurance carriers;
  2. Through self-insurance;
  3. Through the Nevada industrial commission; or
  4. Through any combination of the above methods,
- and be it further

*Resolved,* That the legislative commission provide for contracts with independent, expert consultants to provide technical assistance to the commission; and be it further

*Resolved,* That the Nevada industrial commission furnish to the independent consultants, upon their request, any information which will assist them in accomplishing the objectives of this study; and be it further

*Resolved,* That the consultants be required to report their findings to the commission not later than July 1, 1978; and be it further

*Resolved,* That the commission submit a final report of the findings of the study and any recommended legislation to the 60th session of the Nevada legislature.

## ABSTRACT

### ALTERNATIVE PROCEDURES FOLLOWED BY THE NEVADA INDUSTRIAL COMMISSION AND ALTERNATIVE METHODS OF PROVIDING WORKMEN'S COMPENSATION COVERAGE

The study was initiated as a result of the diverse proposals before the 59th session of the Nevada legislature to modify certain practices and procedures of the Nevada industrial commission and to permit private insurance carriers to write workmen's compensation insurance in the state. The report includes brief descriptions of the statements made to the subcommittee by employees, employers and the Nevada industrial commission. A report on the feasibility of providing industrial insurance through private carriers was prepared by representatives of the insurance industry and is appended to the subcommittee's report.

The subcommittee expresses its opposition to federal assumption of the program and recommends legislation for enactment. The recommended legislation does not include any provision for private carriers but does broaden the opportunity for self-insurance. It also places the responsibility of setting rates, which are charged by the Nevada industrial commission, under the jurisdiction of the commissioner of insurance. In addition, the recommended bill contains numerous procedural provisions and would extend coverage for heart disease to all employees.



## SUMMARY OF RECOMMENDATIONS

The subcommittee recognizes the need to provide the employers of this state with alternative methods of coverage but it is not of the opinion that the entry of private carriers into the field of workmen's compensation insurance at this time is in the best interest of all concerned.

The state has experienced rapid economic growth and there is indication that this growth will continue. With such growth a more lucrative insurance market exists as a result of more jobs and larger payrolls.

With this growth there is a corresponding need to restructure the industrial commission to accommodate the increased volume of claims and provide for the transition from an exclusive state fund to a system which permits private carriers to write workmen's compensation insurance should the need arise.

The specific recommendations and the proposed legislation respond to this need by:

1. Permitting certain employers to become self insured under the supervision of the commissioner of insurance.
2. Revising the hearing procedure.
3. Requiring a review of any proposed rate change by the insurance commissioner.
4. Ordering a compliance audit by the legislative auditor during the next interim between legislative sessions.

In addition to more flexible forms of coverage such as retrospective rating and self rating plans instituted by the commission, the following recommendations will benefit employers by:

1. Allowing a reduction from otherwise applicable rates of 5 percent for the employer who institutes an approved safety program.
2. Extending coverage under the subsequent injury fund to an employer if the employee misleads him as to a prior injury by denying the injury or failing to report it on a written application.
3. Requiring the commission to accept or deny a claim within 90 days after the first report of injury.
4. Providing for an area in which claim files may be inspected and copied.

5. Requiring a medical finding of physical compatibility with a proposed rehabilitation program.
6. Requiring the commission to employ account representatives to call on employers and review rates, claims and reserves.

Employee benefits and coverage are enlarged by:

1. Extending coverage for heart disease to all employees.
2. Providing compensation and benefits for a permanent partial disability as a result of an occupational disease.
3. Establishing a retroactive benefit fund to equalize the benefits for accidents occurring before July 1, 1973.
4. Permitting an employee to select a new treating physician one time without commission approval.
5. Allowing a lump sum payment of up to 25 percent for any disability in excess of 12 percent.

A.C.R. 1 - 1977 Session

BULLETIN 79-2

THE CONDITION OF THE STATE PRISON

Interim Subcommittee

Assemblyman Lloyd W. Mann, Chairman  
Assemblyman Lonie Chaney, Vice Chairman  
Senator Richard H. Bryan  
Senator Jack L. Schofield  
Assemblyman Lawrence E. Jacobsen  
Assemblyman John Polish  
Assemblyman Nash M. Sena

Assembly Concurrent Resolution No. 1—Assemblymen Mann, Schofield,  
Kosinski, Sena, Harmon, Demers, Jeffrey and Barengo

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Ordering a study of the  
conditions at the state prison by the legislative commission.

WHEREAS, The state prison system is an important operation of state government which fulfills a basic need of society for incarceration and rehabilitation of convicts; and

WHEREAS, Recent events at the maximum security prison have raised questions about the security and well-being of inmates and the adequacy of the system to provide for the rehabilitation of the convicts; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring,* That the legislative commission make a comprehensive study of the condition of the state prison and report its findings with recommendations for any appropriate legislation to the 60th session of the legislature of the State of Nevada.

19  77

## ABSTRACT

### THE CONDITION OF THE STATE PRISON

Legislative concern about the adequacy of the department of prisons can be traced back over several legislative sessions. Recently, this concern has manifested itself in the appropriation of funds to build new and remodel existing prison facilities, the passage of several legislative measures to streamline and improve prison administration and accounting procedures, and appropriations to expand prison staffing and upgrade the salaries of certain prison staff.

The interim study of the condition of the state prison was an outgrowth of concern about escapes, assaults on prisoners and staff and other recent events at the prison facilities which raised many questions about the department's operations. Of particular concern to the 59th session of the legislature was the adequacy of the department to (1) Protect society through proper security and control of prisoners; (2) Ensure the safety of inmates and staff; and (3) Provide for the well-being and rehabilitation of the inmates.

A subcommittee of the legislative commission evaluated the entire operation and administration of the department of prisons. The subcommittee believed, however, that other aspects of the criminal justice system, such as sentencing and paroling practices which may affect the operation of the department through fluctuation in inmate population, were beyond the scope of its charge.

The subcommittee's study included: (1) A review of a substantial number of publications and articles dealing with prison administration, operation and reform; (2) Communication with numerous state, federal and private organizations engaged in, or familiar with, the study of correctional system reform; (3) The review of national and state standards and draft model legislation pertaining to the status of prisoners and the operation of adult correctional institutions; (4) Private interviews and correspondence with prison administrators, staff and inmates; and (5) Unannounced visits and formal tours of prison facilities.

Subcommittee meetings were held in Carson City and in Las Vegas. On December 22, 1977, the subcommittee devoted 12 hours to taking testimony from inmates housed at the department of prisons' maximum, medium and women's institutions located in the Carson City area.

The subcommittee had formal tours of the department's northern Nevada facilities on August 12, 1977, and of the southern Nevada correctional center on October 21, 1977. A subcommittee of the subcommittee conducted an unannounced tour of prison facilities on December 20 and 21, 1977. Staff made numerous informal and unannounced visits to the department of prisons' facilities during the course of the study.

The subcommittee's report reflects the recommendations and legislative proposals which at least a majority of the members felt are needed to improve the security and well-being of inmates and the adequacy of the department of prisons to provide for the rehabilitation of offenders. The report is divided into four main parts: the main narrative, bill drafts, information provided by the department of prisons on its operation, and information concerning agencies which restrict the licensing of ex-offenders.

There are 35 recommendations contained in the report; 31 are for statutory changes.

## SUMMARY OF RECOMMENDATIONS

This summary represents the major conclusions reached by the subcommittee. These conclusions are based upon suggestions which came from public hearings, written communications to the subcommittee, proposed national and state prison standards and draft model legislation, staff research, the experience of the subcommittee's members and subcommittee tours of prison facilities.

The subcommittee recommends that:

1. A five-member board of prison trustees, appointed by the governor for 4-year staggered terms be created. Three members of the board should qualify for their positions by demonstrated interest in and knowledge of prison problems, correctional administration and prison reform. Two members of the board should be representatives of the general public. No member of the board should be an elected state or local official or be an employee of the state in any capacity, and no more than three members of the board should be of the same political party. The board should elect its chairman and otherwise provide for its organization. Board members should be permitted to be reappointed.
  - a. The director of the department of prisons serve as a nonvoting secretary to the board of prison trustees.
  - b. The board of prison trustees receive compensation and travel and per diem expenses in the manner provided by law.
  - c. Regular and special meetings of the board of prison trustees be held, at the discretion of the board, at such times and places as the board deems convenient, but that at least one regular meeting of the board be held every month on or after the 15th day of the month.
  - d. The director of the department of prisons furnish to the board such administrative and clerical services and such meeting space, furnishing, equipment, supplies, stationery, books, motor vehicles and all other things

which the board may deem necessary or desirable in carrying out its functions.

- e. The board of prison trustees be responsible for the direction and control of the department of prisons and prescribe regulations and policy guidance necessary for carrying out the business of the department.
  - f. The director of the department of prisons be given responsibility for carrying out all administrative and technical operations of the department of prisons in accordance with regulations and policies prescribed by the board of prison trustees.
  - g. A constitutional amendment be instituted to abolish the board of prison commissioners.
  - h. The board of state prison commissioners be given temporary statutory authority to advise the board of prison trustees and the director of the department of prisons on the operation of the department. (BDR 16-55 and BDR C-56)
2. The state board of prison trustees adopt regulations necessary to establish uniform policies and procedures for carrying out all aspects of the department of prisons' business. The subcommittee recommends further that the adoption of such regulations, except for those relating to security procedures, be in accordance with the applicable provisions of NRS 233B, "Nevada Administrative Procedures Act." The department's regulations should be exempt from the administrative and judicial review provisions of chapter 233B. (BDR 18-57)
3. Information on the department of prisons, in format prescribed by the state planning coordinator, be included in the State of Nevada biennial report.
4. All new correctional officers receive 40 hours of orientation prior to job assignment and an additional 40 hours of training during the first year of employment. Initial orientation, given by qualified instructors, should be to the policies, organizational structures, programs and regulations of the department and include information on proper staff-prisoner

relations, including proper disciplinary techniques. The subcommittee also recommends that all employees continue to receive a minimum of 40 hours of training each year after the first year. (BDR 16-60)

5. The state personnel division monitor, and report biennially to the state board of prison trustees, on the hiring and promotion policies and practices of the department of prisons. Such report should consider compliance with appropriate job specifications. The subcommittee recommends further that the board of prison trustees take necessary and appropriate action to alleviate any noncompliance with job specifications or other improprieties in hiring or promotion practices reported to it by the personnel division. (BDR 16-61)
6. The department of prisons, with assistance from the personnel division, initiate the use of appropriate psychological screening devices for prospective correctional officers. (BDR 16-62)
7. Prison industries be expanded through the passage of a so-called state use law which (a) authorizes the additional manufacturing of articles at the state prison, (b) requires state agencies to purchase such articles, (c) establishes a revolving prison industry fund to support such industries, (d) creates a five-member prison industry advisory board (composed of three members from private industry and one member from labor appointed by the governor for 4-year terms and one inmate selected by his peers for a 1-year term) to adopt rules and advise the director of the department of prisons regarding the management of prison industries, and (e) requires that inmate compensation for work performed in such industries be, to the reasonable extent possible, equivalent to the prevailing minimum wage for work of a similar nature performed by employees with similar skills in the locality in which such work is being performed. (BDR 16-63)
8. Private industry be permitted to operate ventures, employing prison inmates, on the grounds of the department of prisons' facilities. In this regard, the subcommittee recommends that inmates employed in such ventures be paid no less than the prevailing minimum wage for work of a similar nature performed by employees with similar skills in the locality in which such work is being performed. (BDR 16-63)

9. The board of prison trustees adopt, by regulation, criteria for reasonable deductions from the pay of inmates employed in prison industries, or private ventures employing prisoners, for room and board, savings, family support and restitution to victims. (BDR 16-63)
10. The department of prisons submit a detailed budget to the 60th session of the Nevada legislature recommending reasonable increases and appropriate restructuring of inmate pay scales for the various inmates' jobs.
11. The board of prison trustees adopt regulations necessary to establish procedures which provide for inmates to be used in as many nonsecurity or non-management positions as possible. (BDR 16-64)
12. A separate budget category, including all personnel and operating costs, be established for the prison farm. The subcommittee recommends further that the farm be placed on an enterprise fund basis and that any profits the farm generates be used to purchase new farm equipment or expand farm programs. (BDR 16-65)
13. The state board of prison trustees adopt regulations necessary to establish general education and vocational training programs for inmates. Such regulations should consider the education levels and needs of the inmates, employment opportunities in free society, inmate interests and the number of inmates desiring to participate in training or educational programs. The subcommittee recommends further that such regulations establish a system whereby the education and vocational training programs be assessed at least every three years by qualified persons, professional groups and trade associations. (BDR 16-66)
14. The state board of parole commissioners be authorized to require that an offender without a high school diploma, or its equivalent, pursue remedial study in reading, writing or mathematics, or other subjects deemed necessary by the board for the offender's successful reentry into society, as a condition of parole. (BDR 16-67)
15. The department of prisons develop, with assistance and ongoing monitoring from the bureau of alcohol and

drug abuse, a comprehensive treatment plan and programs for inmates with histories of substance abuse. The subcommittee recommends further that (a) the bureau report annually to the board of prison trustees on the status of such plan and programs and make recommendations necessary for changes in them, and (b) the board of prison trustees take necessary and appropriate action to alleviate any deficiencies in the substance abuse plan or programs reported to it by the bureau. (BDR 16-68)

16. The department of prisons review carefully its inmate classification process to ensure that deserving offenders are being given adequate opportunities for the privilege of leaving secure custody for temporary furloughs, honor camps and the work programs under the prisons' control.

The state board of parole commissioners review carefully its policies and procedures to ensure that deserving offenders are being given opportunities to become enrolled in the work release program under the board's jurisdiction.

17. The department of prisons develop research and program evaluation capabilities necessary to (a) determine the effectiveness of its offender education, vocational training and other rehabilitation programs, (b) plan for effective short-term (1 year or less) and long-term (1 to 5 years) changes in such programs, and (c) provide detailed information on its activities to the board of prison trustees, the governor and the legislature. (BDR 16-69)

18. The board of prison trustees adopt regulations necessary to establish a citizen involvement and volunteer services program for inmates. Such regulations should: (a) designate a person at each institution to coordinate and expand the department's use of volunteers and its receipt of donated equipment, (b) establish procedures for volunteers to be recruited from all cultural and socioeconomic segments of the community, (c) specify the lines of authority, responsibility and accountability for the institution's citizen involvement and volunteer services program, (d) provide that inmates receive orientation to volunteer services, and (e) designate other reasonable requirements deemed necessary by

the department for the successful operation of a citizen involvement and volunteer services program.

19. No discrimination be made in the provision of educational, recreational or employment facilities or services to any prisoners incarcerated in the department of prisons on account of race, religion, sex, marital status or national origin. (BDR 16-70)
20. The state health officer or his duly authorized agent monitor, and report semi-annually to the board of prison trustees on such monitoring, the medical and dental services and medical facilities operated by the department of prisons. Such monitoring should be based on existing standards for health care facilities defined in NRS 449. The subcommittee recommends further that the board of prison trustees take necessary and appropriate action to alleviate deficiencies in any such medical and dental services or facilities reported by the state health officer. (BDR 16-71)
21. The state health officer or his duly authorized agent monitor, and report semi-annually to the board of prison trustees on such monitoring, the sanitation, healthfulness, cleanliness and safety, as it pertains to the foregoing matters, of the various facilities operated by the department of prisons. The subcommittee recommends further that the board of prison trustees take necessary and appropriate action to alleviate any deficiencies in such sanitation, healthfulness, cleanliness and safety reported to it by the state health officer. (BDR 16-71)
22. The state health officer or his duly authorized agent monitor, and report semi-annually to the board of prison trustees on such monitoring, the nutritional adequacy and palatability of the diet of the inmates incarcerated within the institutions operated by the department of prisons. Such report should take into account (a) the religious or medical dietary needs of inmates, and (b) the adjustment of dietary allowances for age, sex and activity. The subcommittee recommends further that the board of prison trustees take necessary and appropriate action to alleviate any deficiencies in inmates' diets reported by the state health officer. (BDR 16-71)

23. The board of prison trustees adopt regulations necessary to establish procedures for inmate recreation programs which include both athletic and cultural activities. (BDR 16-72)
24. The position of ombudsman appointed by and accountable to the state board of prison trustees for the department of prisons be established. In this regard the subcommittee recommends further that the ombudsman should be responsible for monitoring all aspects of the department of prisons and should be granted statutory authority to (a) receive and respond in appropriate fashion to petitions submitted by any affected person or group of persons concerning the rules, policies and practices of prison authorities or prisoners, (b) investigate any matters raised in a petition or initiate his own investigations of any matter related to the department of prisons, its employees, or persons in its custody, (c) have access to all facilities, files, records, personnel and prisoners of the department of prisons and any other state agency as may be necessary to conduct his investigations and to compel the production of evidence and testimony of witnesses if necessary. The ombudsman with respect to such files should have access to confidential information, but should be prohibited from disclosing such information to any person or agency without the consent of the person about whom the information relates, (d) recommend any changes in the rules, policies, practices and procedures of the department of prisons and its employees, (e) publicize any and all investigative findings and recommendations, as well as the response of department of prison's authorities. Where his investigation discovers evidence of criminal activities, he should transmit his findings to prosecuting authorities and suspend publication of his findings while criminal procedures are pending, (f) report annually to the board of prison trustees and the legislature. (BDR 16-73)
25. The statutes be amended to include the procedural due process guidelines for inmate disciplinary proceedings specified in Craig v. Hocker 405 F. Supp 656 (1975). (BDR 16-74)
26. The state board of prison trustees adopt regulations necessary to establish reasonable inmate visitation policies and procedures. The subcommittee recommends further that such regulations should be (a)

made available to all staff members, inmates and their visitors and (b) reviewed annually and updated as needed. (BDR 16-75)

27. The board of prison trustees adopt regulations necessary to establish visitor search procedures which ensure that visitor searches are applied uniformly. The subcommittee recommends further that visitor searches only be applied if a visitor causes a scanning device to react or there is other information indicating that a visitor is carrying contraband or prohibited material and other reasonable means of intercepting such material or contraband is unavailable. (BDR 16-76)
28. The state board of prison trustees adopt regulations specifying the personal property inmates are permitted to retain in their possession. Such regulations should establish procedures necessary to ensure that inmates be permitted to retain, consistent with security and the proper functioning of the institutions, reasonable amounts of personal property. Such regulations should also establish necessary procedures for the careful handling and secure storage of inmates' personal property. (BDR 16-77)
29. The state board of prison trustees adopt regulations necessary to establish procedures which ensure that inmates' correspondence is handled in a manner which conforms with state and federal law. Such regulations should also establish procedures which ensure that inmates' incoming and outgoing mail is delivered within a reasonable period of time. (BDR 16-78)
30. The state board of prison trustees adopt regulations necessary to establish procedures which provide inmates with reasonable access to telephone use. (BDR 16-78)
31. A monthly report be provided to the inmate committees at each institution within the department of prisons relative to the money in the prisoners' store fund. (BDR 16-79)
32. Unless unusual security requirements dictate otherwise, correctional officers be prohibited from supervising inmates of the opposite sex in housing, bathing or toilet areas. (BDR 16-80)

33. The denial or revocation of a license, necessary to engage in any occupation, based solely on the conviction of an offense be prohibited unless the offense committed bears a substantial relationship to the functions and responsibilities of employment.  
(BDR 16-81)
34. The amount of money the director of prisons may furnish an offender upon the offender's release from the department of prisons be increased to \$100. The subcommittee recommends further that released offenders also be given clothing suitable for reentry into society. (BDR 16-82)
35. The state board of prison trustees adopt regulations necessary to establish criteria for reasonable deductions from inmates' personal funds to pay for state property inmates willfully destroy or damage.  
(BDR 16-83)



A.C.R. 44 - 1977 Session

BULLETIN 79-3

COMMUNITY COLLEGE DIVISION OF THE  
UNIVERSITY OF NEVADA SYSTEM

Interim Subcommittee

Assemblyman Thomas J. Hickey, Chairman  
Senator James I. Gibson, Vice Chairman  
Senator Norman D. Glaser  
Senator William J. Raggio  
Senator Gary A. Sheerin  
Assemblyman Roger Bremner  
Assemblyman R. Ian Ross  
Assemblyman Nash M. Sena  
Assemblyman John Serpa

Assembly Concurrent Resolution No. 44—Assemblymen Hickey, Howard, Chaney, Jeffrey, Rhoads, Price, May, Kosinski, Vergiels and Horn

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the community college division of the University of Nevada System.

WHEREAS, The community college division of the University of Nevada System fills a vital educational need for many Nevada residents; and

WHEREAS, The rapid growth of the community college division has led to differences of opinion regarding suitable locations for community colleges, the administration and organization of the division and other matters; and

WHEREAS, The legislature believes that a study of the community college division may resolve such differences of opinion and ensure that the division continues to fill the educational needs of Nevada residents; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring,* That the legislative commission is hereby directed to study the community college division of the University of Nevada System to determine:

1. If the community college division should be separated from the University of Nevada System;
2. The future need of Nevada residents for community colleges;
3. Whether the present resources of community colleges are being used to the greatest advantage; and
4. Whether community college facilities should be expanded or whether further expenditures should be made;

and be it further

*Resolved,* That the legislative commission submit a report of its findings and any recommendations for appropriate legislation to the 60th session of the legislature.

## ABSTRACT

### COMMUNITY COLLEGE DIVISION OF THE UNIVERSITY OF NEVADA SYSTEM

Formed with strong community support in 1967, the Elko Community College received its first state support through the actions of the 1969 legislature. Encouraged by the results achieved at Elko, the legislature, in 1971, created additional state-supported community colleges in western Nevada and in Clark County. By school year 1978-79, Nevada's community colleges were receiving nearly \$7.7 million annually in general fund support and had received, from four legislative sessions, approval for over \$24.8 million in capital improvement projects. From a full-time enrollment of 182 students at Elko Community College (subsequently renamed Northern Nevada Community College) in school year 1969-70, the community college system has grown to serve an estimated 6,000 FTE students during school year 1978-79. Presently, main campus locations are in Elko, Reno, and North Las Vegas. A secondary campus is in Carson City, and numerous educational centers are located throughout rural Nevada.

Because of this rapid growth and because of debates during the 1977 legislature which saw legislative deferral of proposed new community college facilities at Fallon, Henderson, and in the West Charleston area of Las Vegas, and legislative approval of Executive Budget recommendations to reduce the staff capabilities of the central administrative budget for the community college division, the 1977 legislature passed Assembly Concurrent Resolution 44 calling for a study of Nevada's community college system. The resolution directed that a study be undertaken to determine if the community college division should be separated from the University of Nevada System, if Nevada residents have a future need for community colleges, if the community colleges are using their present resources to the greatest advantage, and if Nevada's community colleges should be expanded.

The subcommittee appointed to study these subjects held its initial meetings on October 18-19, 1977, on the campus of the Clark County Community College. Subsequent hearings were held on December 9, 1977, on the campus of the Northern

Nevada Community College at Elko, and on April 28, 1978, on the Western Nevada Community College/North Campus at Reno. These four meetings were devoted to subcommittee organization, a review of community college facilities, and public hearings. During these meetings testimony was provided by state legislators, University of Nevada System regents, the chancellor of the University of Nevada System, the three presidents of the community college division, community college faculty members, members of the community college advisory boards, local school superintendents, students, the chairman of the UNS Articulation Board, and other individuals interested in Nevada's community colleges. The subcommittee also reviewed previous studies which had been done on community college education in the State of Nevada, facility utilization data provided by the chancellor's office, and other material related to community college education. Additionally, the subcommittee reviewed the work of the consulting firm of Tadlock Associates, Inc., a consulting firm engaged by the board of regents to determine additional community college facility needs. In addition to the 4 days of public hearings held on the community college campuses, the subcommittee met in a work session in the legislative building in Carson City on June 9, 1978. This meeting was devoted to the subcommittee's formulation of study recommendations.

## SUMMARY OF RECOMMENDATIONS

1. The subcommittee finds that, while the legal basis exists to statutorily separate the Community College Division from the University of Nevada System, making such a separation, at this time would be premature. The subcommittee feels that such a radical organizational move, at this point, while not as costly as indicated to the subcommittee by those opposed to separation, would not be in the best interests of Nevada's educational system. In light of strong, negative testimony on the Regents' handling of community college affairs, the subcommittee reaffirms the importance of community college education in the State of Nevada and recommends that the Board of Regents take strong, positive actions to relieve the apprehensions of those who feel that the community colleges are being treated as a "stepchild" of the two universities.
  
2. The subcommittee recommends that the Board of Regents reinstitute the central office of president of the Community College Division. The subcommittee feels that the recommendation of Tadlock Associates, Incorporated that a full-time staff officer reporting to the chancellor with specific responsibility for coordinating community college matters does not provide sufficient independence and stature for the Community College Division. The subcommittee recommends that a president, having direct access to the Board of Regents in a manner similar and equal to the presidents of the University of Nevada at Reno and the University of Nevada at Las Vegas, be appointed to head the Community College Division. The subcommittee feels that the present system of three community college presidents does not provide for sufficient cohesiveness and independence for the Community College Division.
  
3. The subcommittee recognizes that an endeavor such as a community college system benefits from strong community support. One of the methods of obtaining this support is to use interested members of the community, who are not actively teaching or involved in the community college, to observe the functioning of the community college and to transmit the findings of their observations to the Board of Regents. The subcommittee feels that the Board of Regents should develop necessary mechanisms, whether it be local advisory boards, statewide advisory boards, or a committee of the Board of Regents, to solicit both community advice and support.

4. The subcommittee finds that sufficient information and data have not been advanced to clearly demonstrate the need for additional community college capital facilities. The subcommittee feels that additional facility requests should be even more rigorously questioned in light of the slight decline in 1977-78 community college enrollments as displayed in Table 2 (page 18).

Additionally, the subcommittee endorses the "shared facility" concept as developed by Tadlock Associates, Incorporated. The subcommittee feels that greater use of existing facilities, whether they be publicly or privately owned, should be rigorously explored prior to the commitment of any additional funds for community college capital improvement projects. Aware of the problems in obtaining vocational-technical facilities, the subcommittee recommends that the community college explore the feasibility of joint investment with the school districts in the construction and/or acquisition of space for these purposes. Such joint investment could include the acquisition of vocational-technical equipment and supplies by the Community College Division, with building and space acquisition the responsibility of the participating school district. Such an arrangement could permit the community colleges to acquire vocational-technical teaching space during both the evening and the daytime hours.

5. The subcommittee agrees with university officials that the work of the University System Articulation Board in the development of a master course file has done much to alleviate transfer problems between the community college system and the two universities. The subcommittee is encouraged by the efforts that have been made to integrate community college course work into Nevada's higher education delivery system and feels that this successful integration is an important reason for maintenance of the existing unified community college - university organizational structure.
6. The subcommittee recognizes that the community college system has become an integral part of the state education system and feels that the original goals under which the Community College Division was established are still viable. The subcommittee feels that the statistics outlined in this report--enrollment figures, the amount of dollars allocated for community college operations and the amount of dollars made available for community college capital improvements--demonstrate legislative support and the public's acceptance of the community college concept. The subcommittee has confidence in the ability of Nevada's community colleges to successfully educate Nevada citizens.

A.C.R. 6 - 1977 Session

BULLETIN 79-4

PROVISIONS RELATING TO OBSCENITY

Interim Subcommittee

Senator James I. Gibson, Chairman  
Assemblyman Eileen Brookman, Vice Chairman  
Senator Eugene Echols  
Assemblyman William Kissam  
Assemblyman Sue Wagner

Assembly Concurrent Resolution No. 6—Assemblymen Wagner, Murphy,  
Jeffrey, Hayes, Weise and Coulter

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study all provisions of law relating to obscenity.

WHEREAS, The legislature of the State of Nevada is concerned with the problem of protecting the citizens of this state, their families and youth against the dissemination of obscene matter; and

WHEREAS, Obscene matters are not protected by the constitutional guaranties of free speech and press, but complicated and recurring problems exist in establishing standards defining what matters are not so protected and lie outside the limits of candor and decency; and

WHEREAS, A definition of the current standards of obscenity is necessary to prevent and eliminate any abuse of the public health, safety and morals of the citizens of this state and to satisfy due process; and

WHEREAS, The definition of obscenity contained in NRS 201.250 and various local ordinances is no longer workable in light of recent opinions rendered by the United States Supreme Court; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring,* That the legislative commission, with participation by representatives of the Nevada State Library Association, the state department of education, district attorneys and city attorneys of the State of Nevada, is hereby directed to study the provisions of Nevada law which relate to obscenity, review relevant court decisions which deal with obscenity, and examine workable obscenity laws of other states; and be it further

*Resolved,* That the findings of the commission and its recommendations be reported to the 60th session of the legislature.

## ABSTRACT

### PROVISIONS RELATING TO OBSCENITY

The narrative portion of the report explains the origin of the study in the 1977 session, describes the public hearings held by the subcommittee, and sets forth the substantive recommendations for changes in the law governing obscenity. The reasons and, where appropriate, the judicial authority for each change are specified. The report includes three proposed bills, which respectively would:

1. Make general changes in the law governing obscenity. (BDR 16-29)
2. Prohibit and punish as a felony the use of a child in the production of pornographic material. (BDR 16-30)
3. Prohibit the advertising of prostitution where its practice is unlawful. (BDR 16-31)



## SUMMARY OF RECOMMENDATIONS

1. To exempt publicly controlled educational institutions, libraries, medical institutions and museums from the obscenity statutes. This allays their legitimate concerns while relying upon the fact of public control to assure their compliance with community standards of decency suited to their respective purposes.
2. To provide a criminal penalty for the violation of an injunction against the sale or display of obscene material. This protects the merchant genuinely doubtful whether his material is obscene by encouraging a civil determination of the issue of obscenity without criminal prosecution. At the same time, it substitutes the easier standard of "clear and convincing evidence" for "proof beyond reasonable doubt" in determining the issue of obscenity; then, if the person enjoined knowingly violates the injunction, all that need be proved beyond reasonable doubt is the fact of violation.
3. To permit recovery, for the use of the city or county, of the price of any obscene material sold or displayed after an injunction. This strikes at the heart of pornography, by making it potentially costly instead of profitable to risk dealing in material known to be obscene.
4. To permit cancellation of the lease of premises used for an obscene purpose, and impose criminal liability upon the landlord if they are so used after a determination of obscenity. This gives landlords both the power and the motive to restrain the use of rented premises.
5. To specify that commercial exploitation of material for its prurient interest is evidence--not conclusive--of its obscenity. This codifies existing case law: Ginzburg v. United States, 383 U.S. 463 (1966); Hamling v. United States, 418 U.S. 87 (1974).
6. To prohibit the display of material harmful to minors in a place accessible to minors. This is aimed at two

evils frequently mentioned: offensive depictions of nudity on billboards and on the covers of magazines in supermarkets. "Gross nudity" as defined in section 10 of BDR 16-29 is the same as the former definition of "nudity" in NRS 201.261 which is repealed.

7. To redefine obscenity. The new definition is taken from Miller v. California, 413 U.S. 15 (1973), which broadened the former test of "utterly without redeeming social value" to "without serious literary, artistic, political, or scientific value" (emphasis added) and Hamling v. United States, 418 U.S. 87 (1974), which made clear that neither a national nor a statewide standard need be applied by a jury in determining obscenity, that the standard of the "community" from which the jury is drawn suffices.
8. To specify, in the definition of what is "harmful to minors, that the material need not be considered as a whole. This follows the holding of Ginsberg v. New York, 390 U.S. 629 (1968), that a state could limit the access of children to material which would not be obscene for an adult.
9. To prohibit (as a felony) the exploitation of a child in the preparation of pornographic material. (Appendix B, BDR 16-30.) This supplements recently enacted Federal legislation which prohibits such exploitation but only if interstate commerce is involved.
10. To prohibit the advertisement of prostitution where the practice of it is unlawful. (Appendix C, BDR 16-31.) State law in Nevada prohibits prostitution only in counties whose population is 200,000 or more and in narrowly defined places in other counties. The purpose of this statute is to strengthen local ordinances against prostitution where they are in effect, as well as to ban this type of advertising where prostitution is prohibited by statute.

A.C.R. 40 - 1977 Session

BULLETIN 79-5

FEASIBILITY OF CREATING A COMMISSION  
TO REGULATE TRANSPORTATION

Interim Subcommittee

Assemblyman Karen W. Hayes, Chairman  
Assemblyman Robert R. Barengo, Vice Chairman  
Senator Keith Ashworth  
Senator William H. Hernstadt  
Assemblyman Alan Glover  
Assemblyman Nicholas J. Horn  
Assemblyman John E. Jeffrey  
Assemblyman James W. Schofield

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the regulation of air and surface transportation, including public transportation.

WHEREAS, The development, maintenance and regulation of safe and efficient public utilities are essential to the fiscal welfare and responsible growth of Nevada; and

WHEREAS, Substantial differences exist between public utilities supplying energy and water and those which provide air and surface transportation; and

WHEREAS, The responsibility for developing, maintaining and regulating air and surface transportation in Nevada is vested in several agencies; and

WHEREAS, The duties and functions of these regulating agencies are overlapping, which results in inefficiencies and duplications; and

WHEREAS, Many of the laws and regulations governing air and surface transportation in Nevada are inappropriate; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring,* That the legislative commission is hereby directed to study the laws and regulations which govern air and surface transportation, including public transportation, as well as the duties of the various state agencies which develop, maintain and regulate these services; and be it further

*Resolved,* That the legislative commission is also directed to determine whether the consolidations of certain agencies would create greater efficiency and eliminate wasteful duplicating activities, or, whether an independent agency to regulate air and surface transportation is needed; and be it further

*Resolved,* That the commission report the results of its findings and any recommended legislation to the 60th session of the Nevada legislature.

## ABSTRACT

### FEASIBILITY OF CREATING A COMMISSION TO REGULATE TRANSPORTATION

The field of transportation has a variety of aspects that involve state government. These include the construction and maintenance of highways; licensing of vehicles; licensing of operators; enforcement of traffic and other transportation safety laws; the regulation of commercial transportation services including the right to do business, routes and tariffs; and, assistance to local governments including grants and technical assistance for streets, highways and public transportation. This multiplicity of state responsibilities in a single functional area provides the continuing motivation for policymakers to examine the structure of state government as it affects transportation.

The study of the feasibility of creating a commission to regulate transportation had two distinct concerns. One centered on the question of whether the current state transportation structure is efficient and appropriate or whether it could be improved. The second concern was with public transportation and, in particular, whether the state was doing all that it could to encourage such transportation, especially in the two urban centers. At a lower level, the study also developed a concern for some of the problem areas in the current transportation regulatory law found principally in chapter 706 of NRS.

The state transportation structure includes, primarily, the public service commission, the department of motor vehicles and the department of highways. The study came to two major conclusions related to the existing structure. First, transportation for hire should continue to be subject to economic regulation. The possible but problematic gains of deregulation were not considered worth the unknown risks. Second, a major realignment of the state transportation agencies was deemed unnecessary at this time. The extensive deliberations on the subject and a great deal of testimony led to the conclusion that existing agencies should be left alone with their responsibilities intact. It was concluded,

however, that the department of highways should be renamed the department of transportation and its internal structure altered to give greater emphasis to multimodal planning and technical assistance to local governments.

In the area of public transportation, it was decided that there was no present necessity for a direct state role. The new department of transportation should provide more planning and technical assistance to local governments including application for federal funds. In order to allow areawide public transportation in urban areas, the powers of the regional streets and highways commissions should be expanded to include public transportation. The commissions would be renamed transportation commissions. The question of new revenue sources to support public transportation was deemed premature.

Finally, the study devoted considerable effort to improving the current transportation economic regulatory laws. This effort produced the majority of the specific recommendations in the report.

## SUMMARY OF RECOMMENDATIONS

This summary represents the major conclusions reached by the subcommittee.

The subcommittee recommends that:

1. A set schedule of fines for infractions under chapter 706 of NRS be established and that the schedule provide flat fines and that the fines for subsequent infractions increase. (BDR 43-13)
2. A section similar to NRS 704.490 be added to chapter 706 of NRS. (BDR 58-16)
3. NRS 706.086 be repealed and that the vehicles of licensed contractors used only on a road construction site be exempted from the provisions of chapter 706. (BDR 58-18)
4. NRS 706.041 and NRS 706.126 be amended and NRS 706.406 be repealed to allow taxicabs to transport property in addition to passengers if the certificate of public convenience and necessity provides for it. (BDR 58-19 & BDR 58-33)
5. NRS 706.251 be amended to provide for reporting to the PSC of all motor carrier accidents in which there is a death or fatal injury and that the language in subsection 2 of the section be amended to provide that such reports are not open to the public. (BDR 58-20)
6. NRS 706.296 be amended to raise the amount of the required bond for COD common carriers from \$1,000 to \$5,000. (BDR 58-21)
7. NRS 706.666 to 706.691 be repealed. (BDR 58-24)
8. NRS 706.171 and 706.761 be amended to allow the PSC to compel the production of any records of any motor carrier whether in the state or not and whether a certificated carrier or not. (BDR 58-27)
9. Language be added to the judicial review provisions of chapter 706 of NRS to make it clear that these provisions are the exclusive means of judicial review for matters arising under chapter 706. (BDR 58-28)
10. NRS 706.711 be amended to make it clear that strict compliance with the section is required for the issuance of injunctive relief. (BDR 58-28)

11. NRS 706.8819 be amended to require that the taxicab authority have a recommendation on allocations from the administrator before it can hold hearings on allocations. (BDR 58-25)
12. Nonprofit carriers of the handicapped and the elderly be exempt from requirements to demonstrate public convenience or necessity but that they remain under PSC jurisdiction for safety and financial responsibility requirements. (BDR 58-14)
13. NRS 706.140 and 706.351 be amended to include the handicapped as a category for which reduced common carrier fares are allowed. (BDR 58-15)
14. NRS 706.181 be transferred to chapter 703 of NRS. (BDR 35-93)
15. Subsection 1 and 2 of NRS 706.331 be written in uniform and consistent language. (BDR 58-22)
16. The word "qualified" be removed from subsection 1 of NRS 706.431. (BDR 58-23)
17. Regional street and highway commissions be redesignated as regional transportation commissions and that their powers be expanded to include planning for, and operation of, public transportation (BDR 58-11) and that counties be placed in the same category as cities and be exempt from PSC certification requirements. (BDR 58-32)
18. A department of transportation be created from the present highway department. The DOT should be structured on a functional basis as opposed to a modal basis. The department should be headed by a director who shall not have to be an engineer. There should be a deputy director who also shall not have to be an engineer. There should be four assistant directors, each supervising a division one of which will be a planning division with clear statutory authority for multi-modal, integrated transportation planning. (BDR 35-93)

A.C.R. 55 - 1977 Session

BULLETIN 79-6

ADMINISTRATION OF MENTAL HYGIENE AND MENTAL  
RETARDATION PROGRAMS IN NEVADA

Interim Subcommittee

Assemblyman James N. Kosinski, Chairman  
Assemblyman Marion D. Bennett, Vice Chairman  
Senator Joe Neal  
Assemblyman John M. Vergiels  
Assemblyman Peggy Westall

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the administration of mental hygiene and mental retardation programs in Nevada.

WHEREAS, In 1973, the Rand Corporation of Santa Monica, California, was awarded a grant from the Max C. Fleischmann Foundation of Nevada to conduct a comprehensive study of the mental health and mental retardation system in Nevada; and

WHEREAS, The report of the 2-year study was published in 1976, and it identified major deficiencies in the state's mental health and mental retardation programs; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate Concurring,* That the legislative commission study the administration of mental hygiene and mental retardation programs in this state to:

1. Determine whether or not the recommendations made in the Rand Corporation report should be carried into effect;
  2. Determine whether or not the division of mental hygiene and mental retardation of the department of human resources is furnishing the types of programs which it is required to provide by law;
  3. Determine whether or not the division should be reorganized in order to provide greater efficiency; and
  4. Determine whether or not the programs developed by the division fully utilize the available resources,
- and be it further

*Resolved,* That the results of such study and any recommended legislation be reported to the 60th session of the Nevada legislature.

## ABSTRACT

### ADMINISTRATION OF MENTAL HYGIENE AND MENTAL RETARDATION PROGRAMS IN NEVADA

The directive to undertake this study was adopted, in part, because the Rand Corporation had conducted a comprehensive review of the state's mental hygiene and mental retardation programs and had issued a report in early 1976 containing 71 recommendations concerning the quality and quantity of the service available to the residents of Nevada. The Rand Corporation reported that the major problems included "Insufficient service capacity in relation to need, inequitable distribution of services by geographic location, lack of coordination and direction of the service system, poor facilities, inadequately trained personnel in some programs and hence poor quality services, failure to provide a full range of service, lack of a continuum of levels of intensity of service, failure to have a variety of treatment modalities available to match the variety of people's needs, and a deficiency of information needed for program management and evaluation of program effectiveness." Differing opinions were presented to the 1977 legislature as to whether or not the recommendations of the Rand Report should be adopted, if adopted how they should be implemented, and whether or not some of the recommendations were related to legitimate problems.

The division of mental hygiene and mental retardation experienced very rapid growth and change during the 5 1/2 years preceding the 1977 legislature, which also was requested to approve substantial increases. A total of \$5.9 million was approved by the 1971 legislature for the fiscal year 1971-72. Six years later, more than \$17 million was requested for fiscal year 1977-78, and the 1977 legislature eventually approved \$17.6 million representing an increase of 300 percent. Conflicting opinions were aired before the legislature and in the press as to whether or not services to Nevada residents were improving commensurate with the increased commitment of resources to the division.

Another factor leading to the commissioning of the study was that the division proposed a regional reorganization of its administrative structure. The reorganization of mental retardation programs along regional lines was recommended by the governor and approved. The legislature, however, believed the proposal for reorganization within the mental hygiene section of the division required further study, especially in view of the division's cost estimates for the new administrative structure which exceeded \$1 million per year. This would have amounted to more than a 300 percent increase in administrative costs over the previous fiscal year.

The subcommittee held its initial meeting on December 6, 1977, in Carson City. Subsequent meetings were held in Las Vegas, Reno and Carson City. These meetings were devoted to subcommittee organization, a review of the division of mental hygiene and mental retardation, site visits, public hearings, and drafting of recommendations. Individual subcommittee members also visited mental hygiene and mental retardation division facilities on their own during the course of the study.

At the meetings, testimony was provided by community mental health professionals and other community providers, local elected officials and their representatives, and representatives of other public and private organizations concerned about mental hygiene and retardation services, the director of the department of human resources, the director of the division of mental hygiene and mental retardation, various employees of the division of mental hygiene and mental retardation, and other individuals interested in Nevada's mental hygiene and mental retardation programs. The subcommittee also reviewed other studies concerning Nevada's mental hygiene and mental retardation programs, materials provided by the division of mental hygiene and mental retardation and other materials relating to the delivery of mental hygiene and mental retardation services in general. The 71 recommendations of the Rand Corporation report were reviewed, and the subcommittee findings and conclusions on each are listed in the report.

The subcommittee was also assisted by a task force of mental health professionals which was organized by Aaron Smith, Ph.D., research coordinator of the Veterans' Hospital in Reno. The text of the task force study is included in the subcommittee's report.

### SUMMARY OF RECOMMENDATIONS

1. The administration should assume the role of leadership and management of the Division of Mental Hygiene and Mental Retardation.
2. The administrative structure of the division should not be regionalized.
3. The division should develop a plan for a functional structure of the division.
4. A management information system and a program evaluation system should be established within the division.
5. The Henderson Mental Health Center should be merged into the operation of the Las Vegas Mental Health Center.  
  
The Reno Mental Health Center should be merged into the operation of the Nevada Mental Health Institute.
6. The division should not obtain a federal staffing grant for the Henderson Mental Health Center if that necessitates establishing two separate and independent mental health delivery systems in Clark County.
7. The Rural Clinics' program should be funded at the level of need, as determined by the legislature, and not necessarily at the level mandated by the federal government under the NIMH grant.
8. Rural Clinics' programs should merge, administratively, with the other programs operated by the division pursuant to the "functional" structure.
9. Legislative approval should be required prior to the acceptance of grants by the division which exceed \$50,000.
10. Letters of intent should be incorporated within the general appropriation act and the authorization act at the conclusion of each legislative session.
11. The Advisory Board should take a more active role in representing the consumer viewpoint before the legislative and executive branches of government.
12. Additional state resources should be earmarked for prevention programs.
13. The legislature should require semiannual reports concerning the programs designed and implemented by the Human Service Educator within the division administration.

14. The subcommittee recommends that the division continue to operate the retardation programs and that these programs continue to function independently of the mental hygiene programs.
15. Psychiatric care should be provided for mentally retarded clients.
16. Substantially increase funding for the community training centers.
17. The Department of Administration and its Personnel Division should be exercising greater supervision over the executive agencies and the use of the variable workweek.
18. National search committees should be convened to fill top administrative positions.
19. The money committees should require that each state agency provide a delineation of the proposed and actual use of training funds and out-of-state travel.
20. The Department of Administration and its Personnel Division should adopt uniform and carefully delineated policies for the expenditure of tax dollars for educational benefits that are primarily of benefit to employees.
21. The division should be directed to periodically report to the Interim Finance Committee during the 1980-81 biennium concerning the utilization of training funds.
22. Legislation should be enacted requiring legislative approval prior to changing the authorized number and grade of state employees within a budget.
23. Authorized personnel of the legislature and its committees and subcommittees should be provided access to records of the division to enable the legislature to adequately evaluate the division's programs.
24. Repeal NRS 449.200 as an unnecessary and ineffective restriction on the public's access to information about the quality of health facilities.
25. A secure facility for severely disturbed adults should be established at the Nevada Mental Health Institute.
26. Increase funding for community residential facilities to serve adolescents and adults.

27. A secure adolescent residential facility and an outpatient services program should be established at the Nevada Mental Health Institute.
28. A secure adolescent facility should be established at the Las Vegas Mental Health Center if the northern facility does not satisfy the needs of the entire state.
29. Capital improvements requested by the division should be carefully reviewed by the legislature with a view toward program needs and staffing costs.
30. The use of satellite offices should be carefully reviewed by the division.



A.C.R. 34 - 1977 Session

BULLETIN 79-7

UNCLAIMED PROPERTY IN NEVADA

Interim Subcommittee

Assemblyman Robert E. Robinson, Chairman  
Assemblyman Peggy Westall, Vice Chairman  
Senator Norman D. Glaser  
Assemblyman Lawrence E. Jacobsen  
Assemblyman Paul W. May

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the extent of unclaimed property in the state and recommend legislation to provide for disposition of such property.

WHEREAS, Thirty-three states have enacted comprehensive laws providing for the disposition of abandoned property, most of those states having enacted the Uniform Disposition of Unclaimed Property Act; and

WHEREAS, Nevada law provides for the escheat of certain unclaimed property, but it has been proposed that additional benefits would accrue to the state if the legislature were to enact a comprehensive law on the subject; and

WHEREAS, There is a need to determine the nature and extent of unclaimed property in this state before such a law is enacted in order that the recommended legislation can first be adapted to the actual circumstances which exist in this state; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring,* That the legislative commission is hereby directed to conduct a study to ascertain the nature and extent of unclaimed property in this state, to determine the amount of money which the state would additionally derive if changes were made in the existing statutes or a comprehensive law on disposition of abandoned property were enacted, and to develop any needed legislation adapted to the facts found to exist in this state; and be it further

*Resolved,* That the legislative commission report the results of the study and any recommended legislation to the 60th session of the legislature.

## ABSTRACT

### UNCLAIMED PROPERTY IN NEVADA

The problem which underlies legislation on unclaimed property is that many persons open accounts in banks, savings and loan companies, credit unions or other financial institutions and later fail to claim these accounts. Some may fail to claim insurance benefits, stock dividends, wages, utility refunds, department store credits, escrow deposits or contents of safe-deposit boxes. Others may fail to cash traveler's checks or money orders, or may fail to use airline or other transportation tickets. Forgotten accounts may be individually large or small, but in the aggregate they amount to large sums.

Nevada law does not deal comprehensively with unclaimed property, although it contains several sections providing for the disposition of particular kinds of unclaimed property. Assembly Bills 135, 425 and 742 were introduced in the 59th session of the Nevada legislature to address the issue of unclaimed property. None of the three bills was enacted, but an interim legislative study was initiated through Assembly Concurrent Resolution 34.

The interim subcommittee held public meetings in Reno, Las Vegas and Carson City to gather information. Legislation from other states, committee reports, letters from agency administrators, and opinions of the U.S. Supreme Court and state courts were investigated. The Uniform Disposition of Unclaimed Property Act with annotations was analyzed in detail. Based upon the information which the subcommittee received in the study, it concluded that Nevada has a need for a comprehensive law on disposition of unclaimed property. Starting with Assembly Bill 425 of the 59th session, which was a modified version of the Uniform Disposition of Unclaimed Property Act, the subcommittee prepared a recommended bill that reflects the considerations and decisions made during the study. The primary objective of the proposed legislation is to restore unclaimed property to its rightful owners. The secondary objective, but still of

significance, is to allow the state to utilize the interest on any unrestored property while it safeguards the principal for future restoration to the owners.

The recommended bill assigns the entire administrative authority for the program to the director of the department of commerce. It is anticipated that the program will be self-supporting after an initial period of operation. The costs of administration for the first biennium of operation are estimated at approximately \$200,000 per year.

### SUMMARY OF RECOMMENDATIONS

1. The subcommittee concluded that Nevada has a need for comprehensive legislation on the disposition of unclaimed property.
2. The legislation should be based upon the Uniform Disposition of Unclaimed Property Act, with modifications in certain aspects.
3. The legislation should contain provisions to relieve the holder of any liability to the owner for unclaimed property turned over to the state.
4. The existing Nevada law on escheats (chapter 154 of NRS) should remain unaffected by the recommended bill.
5. The legislation should include a provision requiring a bank to mail advance notice to the depositor if the bank intends to begin imposing charges for service on "dormant" accounts.
6. The function of administering the program should be assigned to the department of commerce. The subcommittee's purpose was to avoid any division of administrative authority.
7. The provisions of the uniform act should be followed in providing for a limited retroactive operation.



A.C.R. 54 - 1977 Session

BULLETIN 79-8

STRUCTURES AND FUNCTIONS OF THE STATE BOARD OF  
EDUCATION AND STATE DEPARTMENT OF EDUCATION

Interim Subcommittee

Assemblyman John M. Vergiels, Chairman  
Senator Margie Foote, Vice Chairman  
Assemblyman Robert G. Craddock  
Assemblyman Nancy A. Gomes  
Assemblyman Dale Goodman  
Assemblyman Nicholas J. Horn  
Assemblyman James W. Schofield

Assembly Concurrent Resolution No. 54—Committee on Education

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the structures and functions of the state board of education and the state department of education.

WHEREAS, The legislature wishes to determine whether the structures and functions of the state board of education and the state department of education should be changed or retained in their present forms; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring,* That the legislative commission is hereby directed to study the structures and functions of the state board of education and the state department of education, including:

1. The need for the board and, if needed, whether membership on the board should be elective or appointive; and
2. The department's staffing patterns, salary structure and services it performs, statewide as well as regionally, for Clark, Washoe and the smaller counties; and be it further

*Resolved,* That the legislative commission report the results of the study and any recommended legislation to the 60th session of the legislature.

## ABSTRACT

### STRUCTURES AND FUNCTIONS OF THE STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION

Legislative concern about the proper structures and roles of the state board of education and the state department of education can be traced back over several legislative sessions. This concern manifested itself during the 1977 legislative session in a legislative review of the state department of education's staffing patterns which resulted in a substantial reduction in the department's general fund support level. The legislative concern also resulted in passage of A.C.R. 54.

In line with the mandate in A.C.R. 54, a subcommittee of the legislative commission evaluated the entire operation of the state board of education and the state department of education. The subcommittee's study included: (1) A review of a substantial number of publications and articles relating to the governance of education; (2) Communication with several national organizations familiar with the operation and structure of both state boards of education and state departments of education; (3) A review of the structures and functions of other states' boards of education and departments of education; (4) A review of the method of selection of the membership on all the other states' boards of education; (5) Private interviews between subcommittee members and all of the state department of education's professional staff; (6) Correspondence with administrators and board members in all the county school districts in the state; (7) Correspondence with over 300 representatives of parent-teacher associations, other interest groups and the general public; and (8) A review of materials supplied by the state department of education.

Subcommittee meetings were held in Carson City, Ely, Elko, Winnemucca and Las Vegas.

The subcommittee's report reflects the recommendations and legislative proposals for changes which at least a majority of the members felt are needed to improve the operations of

the state board of education and state department of education. The report is divided into three main parts: the narrative, bill drafts and information provided by the department of education about its operations. The report contains 27 recommendations, 12 of which will require changes in the law.

## SUMMARY OF RECOMMENDATIONS

This summary represents the major conclusions reached by the subcommittee. The conclusions are based upon suggestions which came from public hearings, written communications to the subcommittee, staff research and the experience of the subcommittee's members.

The subcommittee recommends that:

1. A nine-member state board of education, whose members are appointed by the governor for 4-year staggered terms, be created. Geographic representation on the board should consist of four members from Clark County, three members from Washoe County and two members from the remainder of the state. Four members of the board should qualify for their positions by demonstrated interest in, and expert knowledge of, public school education and its governance. Five members of the board should be representatives of the general public. No member of the board should be an elected state or local official or be an employee of the state in any capacity, and no more than five members of the board should be of the same political party. Board members should be permitted to be reappointed. Each board member incumbent on the effective date of this recommendation should be permitted to serve out the term for which he was elected. (BDR 34-35)
2. Title 34 of NRS be amended to clarify that the state board of education has the responsibility and authority for policymaking for the state department of education. All administrative, technical and procedural activities, including the employment of personnel within the state department of education, should be the responsibility of the superintendent of public instruction. (BDR 34-36)
3. The number of meetings for which each member of the state board of education shall be compensated for attending be increased from 8 to 12 meetings in any calendar year. (BDR 34-37)
4. All staff within the state department of education be given increased opportunities to express their views to the state board of education and the legislature.
5. The superintendent of public instruction be appointed by the state board of education for a term of 3 years. The subcommittee recommends further that the term of the superintendent of public instruction incumbent on the

effective date of this recommendation be deemed to have begun on April 1, 1978, and a new term shall begin on April 1, 1981. (BDR 34-38)

6. The minimum qualifications for the office of superintendent of public instruction include a masters degree and eligibility for certification as a teacher. (BDR 34-39)
7. The state board of education fix the annual salary of the superintendent of public instruction in an amount which is (1) no less than 15 percent below the average of the annual salaries of the superintendents of schools in the two school districts having the largest pupil enrollments, and (2) no more than 15 percent above such average. This recommendation should not authorize a salary for the superintendent of public instruction which is greater than the maximum salary permitted by NRS 281.123. (BDR 34-42 and BDR 34-85)
8. Statutory reference to the qualifications and duties of the deputy superintendent of public instruction be recast to indicate (1) the superintendent of public instruction may appoint a deputy superintendent of public instruction whose qualifications shall be the same as those required by law for the superintendent of public instruction, (2) the deputy superintendent of public instruction shall be in unclassified service, (3) the deputy superintendent of public instruction shall carry out such duties as may be assigned to him by the superintendent of public instruction, and (4) the deputy superintendent of public instruction shall have the powers to perform all duties required of the superintendent of public instruction. (BDR 34-40)
9. Statutory reference to the qualifications and duties of the associate superintendent of public instruction be recast to indicate (1) the superintendent of public instruction may appoint an associate superintendent of public instruction, (2) the associate superintendent of public instruction shall be in unclassified service, and (3) the associate superintendent of public instruction shall carry out such duties as may be assigned to him by the superintendent of public instruction. (BDR 34-40)
10. The powers and duties specified in NRS 385.310 and NRS 385.315 for the associate superintendent of public instruction be given to the superintendent of public instruction. (BDR 34-40)
11. The state board of education direct the superintendent of public instruction to develop a formalized needs assessment

mechanism, which includes substantial communications with and data received from local school districts, to develop goals, measurable objectives, and short term (less than 1 year) and long term (1 to 5 years) service plans, and priorities for such plans, for the department of education.

12. The state board of education direct the superintendent of public instruction to submit to the 1979 legislature, as part of the justification material for the state department of education's biennial budget, departmental goals, objectives and service plans which are quantifiable and conducive to reliable evaluation.
13. The state board of education direct the superintendent of public instruction to submit to the 1979 legislature, as part of the justification material for the state department of education's biennial budget, complete details on the department's organization structure. The subcommittee recommends further that the senate committee on finance and the assembly committee on ways and means review carefully the department's structure in relationship to its goals, objectives and service plans in making the committees' decisions on the appropriate level of funding for the state department of education.
14. The superintendent of public instruction cause the state department of education to place greater emphasis on the amount of services the department provides to the 14 school districts in the state with the smallest pupil enrollments.
15. The superintendent of public instruction expand the staffing and service capabilities of the state department of education's southern Nevada office.
16. The superintendent of public instruction cause the state department of education to place more emphasis on the community education services it provides to the school districts.
17. The superintendent of public instruction cause the state department of education to place increased emphasis on the assistance it provides to the school districts in developing and conducting inservice teacher education courses necessary for recertification credit.

18. The state board of education direct the superintendent of public instruction, through internal reorganization of the state department of education, to create separate divisions for both special education and vocational education.
19. The superintendent of public instruction cause a research and statistics section to be established within the state department of education. This section should accumulate and disseminate educational data relating to pupil achievement, enrollment, local educational programs, school discipline, pupil-teacher ratios and other basic educational data needed by local school districts, the state board of education, the state board for vocational education, the governor and the legislature.
20. The superintendent of public instruction submit a listing to the 1979 legislature of federally funded education programs in Nevada which are not cost effective (in terms of manpower to report or monitor) or are ineffective from an educational point of view, and recommend, from such listing the federally funded educational programs which should be state funded or discontinued.
21. The superintendent of public instruction inform the senate committee on finance and the assembly committee on ways and means of any federal funds for which the state department of education has applied, or has received, after the executive budget has been submitted to the legislature.
22. The superintendent of public instruction cause the state department of education to provide assistance in the federal grant application process to the 14 school districts in the state with the smallest pupil enrollments. The subcommittee recommends further that the department ensure that such school districts are made aware of federal funds for which they may be eligible.
23. The 1979 legislature, through the budget process, create the position of chief auditor by reclassification of an existing authorized audit position in the state department of education. The subcommittee recommends further that an additional auditor, to audit federal projects, be added to the state department of education's staff.
24. The 1979 legislature, through the budget process and appropriate statutory amendments, provide a full-time

deputy attorney general, designated by the attorney general with the approval of the superintendent of public instruction, along with necessary clerical assistance, for the state department of education. The salary and expenses of the deputy attorney general, and the cost of the clerical assistance, should be paid from the funds provided for the operation of the state department of education. Included in the deputy attorney general's responsibilities and duties should be (1) advising the state board of education and the superintendent of public instruction in all matters relating to the state department of education and the powers and duties of its officers, (2) drafting the state department of education's regulations, (3) developing guidelines and procedures for local school districts to comply with federal mandates, and (4) providing interpretations, upon request, relative to federal and state statutes and regulations. (BDR 34-44)

25. All personnel, except for clerical personnel, in the state department of education be in the unclassified service of the state. (BDR 34-43)
26. The statutes be amended to remove specific reference to the appointment of the special consultant on Indian education consultant and the appointment of the environmental education consultant. The subcommittee recommends further that the statutory duties assigned to these positions be given to the superintendent of public instruction. (BDR 34-84)
27. The 1979 legislature consider providing the state department of education with sufficient funding for the department to carry out the responsibilities and duties assigned to it by NRS 389.015.



S.C.R. 12 - 1977 Session

BULLETIN 79-9

PROBLEMS CONCERNING PROFESSIONAL  
LIABILITY INSURANCE

Interim Subcommittee

Senator Norman Ty Hilbrecht, Chairman  
Assemblyman James J. Banner, Vice Chairman  
Senator C. Clifton Young  
Assemblyman Harley L. Harmon

Senate Concurrent Resolution No. 12—Committee on Judiciary

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Authorizing the legislative commission to study certain problems concerning professional liability insurance.

WHEREAS, Reliable and extensive information given to the legislative commission's subcommittee on medical malpractice indicates that complex professional liability insurance problems may continue for all licensed professional services; and

WHEREAS, Legislation may be necessary to protect the health and welfare of persons living in this state; now, therefore, be it

*Resolved by the Senate of the State of Nevada, the Assembly concurring,* That the legislative commission may undertake a study of problems concerning professional liability insurance if the commission determines that such a study is necessary to ensure a continued high quality of all licensed professional services in this state; and be it further

*Resolved,* That if a study is made, the legislative commission report the results of the study to the 60th session of the legislature together with its recommendations and any appropriate legislation.

## ABSTRACT

### PROBLEMS CONCERNING PROFESSIONAL LIABILITY INSURANCE

The study was intended to provide the legislative commission with an opportunity to continue to monitor the medical malpractice insurance situation and to determine the extent to which the problems of high cost and decreasing availability of malpractice insurance affected the other professions. Through a questionnaire sent to the professional and occupational licensing boards established under Title 54 of NRS and the respective professional associations in the state, the subcommittee found no instance in which malpractice insurance is unavailable to any profession questioned. Malpractice insurance is available at reasonable cost to Nevada's accountants, chiropractors, dentists, professional engineers, nurses, physical therapists, teachers and veterinarians. It is still generally available to hospitals in the state but at a relatively high cost. High premium costs are currently experienced by Nevada's practicing attorneys, physicians, oral surgeons, podiatrists, doctors of Oriental medicine, contractors, realtors and insurance agents. Malpractice insurance for nurses is available at a reasonable cost, but coverage of the specialized and high risk activities engaged in by "nurse-practitioners" is difficult to obtain.

Although the state has undertaken to indemnify public officers and employees for their liability for negligence they commit within the scope of their duties or employment, there is still some uncertainty surrounding that liability, particularly in respect to persons who participate in the clinical program of the school of medical sciences of the University of Nevada. There is concern that the clinical program not be operated outside the state because of recent California court decisions which would impose full liability upon Nevada for torts its employees commit in California.

Certain changes in the insurance system could help to alleviate problems associated with the availability and cost of malpractice insurance. These problems include substantial premium increases after a single carrier has "captured" the

market, the practice by some insurers of maintaining reserves for losses at seemingly unwarranted levels, the difficulty in determining appropriate premiums for "occurrence-type" policies, and the lack of an option to purchase "tail" coverage in conjunction with "claims-made" policies.

There is also a continued need to increase the quality of professional services. Likewise, certain additional improvements in the tort system could have a definitely positive, if not immediate, effect upon the malpractice insurance climate in Nevada.

Recommendations to effectuate many of these needed changes are contained in the report.

### SUMMARY OF RECOMMENDATIONS

1. That insurers who write professional liability insurance for professional nurses be required to offer coverage for the specialized activities of the nurse-practitioner. (BDR 57-46)
2. That the status of the University of Nevada as a state agency for the purposes of Nevada's conditional waiver of sovereign immunity (NRS 41.0305 et seq.) be made more explicit in the law. (BDR 3-45)
3. That persons who participate in the clinical program of the School of Medical Sciences of the University of Nevada as students or as teachers or supervisors be deemed state employees for the purposes of NRS 41.031 and 41.0337 to 41.039, inclusive, while they are directly engaged in any diagnostic or therapeutic activity of the program. (BDR 3-45)
4. That the Board of Regents of the University of Nevada be required to restrict the diagnostic and therapeutic activities of the clinical program of the School of Medical Sciences to the territory of this state. (BDR 3-45)
5. That the time for giving notice of tort claims against the state and its political subdivisions be extended. (BDR 3-97)
6. That the commissioner of insurance be authorized to reduce the minimum required initial free surplus for domestic reciprocals which issue assessable policies. (BDR 57-46)
7. That reserves for unpaid claims and related expense be reduced where they appear unreasonably high in relation to specific standards prescribed by law and that an amended rate structure be filed consistent with the insurance commissioner's order to reduce reserves. (BDR 57-100; alternatively, BDR 57-46)
8. That a single statute of limitations for all malpractice actions, except those against providers of health care, provide a limitations period which ends 2 years after the plaintiff discovers or should have discovered the malpractice, but not later than 4 years after the date of the malpractice, except in cases of fraud. (BDR 2-49)

9. That a professional liability insurer be required to offer an option to buy coverage of claims based on acts occurring during the policy period but filed after the policy is no longer in force. (BDR 57-46)
10. That the Nevada supreme court be urged to direct the State Bar to adopt requirements for the continuing education of lawyers. (BDR 47)
11. That hospitals having more than 200 beds be required to establish an internal risk management program. (BDR 40-99)
12. That the professional and occupational licensing agencies in the state be required to adopt within 2 years regulations which set standards for risk management programs appropriate to their professions or occupations. (BDR 54-48)
13. That the Nevada supreme court be urged to direct the State Bar to adopt standards for programs of risk management appropriate to the legal profession. (BDR 50)
14. That the professional and occupational licensing agencies in the state be required to provide to the research division of the legislative counsel bureau statistical data about malpractice complaints made by the public. (BDR 54-48)
15. That the Nevada supreme court be urged to direct the State Bar to provide to the research division of the legislative counsel bureau statistical data about legal malpractice complaints made by the public. (BDR 50)
16. That the Nevada supreme court be urged to direct the State Bar to adopt effective guidelines for setting reasonable percentages for contingent fees. (BDR 53)
17. That the Nevada supreme court be urged to direct the State Bar to establish voluntary panels for screening legal malpractice claims before they are filed in the courts. (BDR 50)
18. That the inconsistencies which appear between Nevada's comparative negligence statutes and between them and the Uniform Contribution Among Tortfeasors Act be eliminated. (BDR 2-98)
19. That the law of privileges be clarified so as not to prevent the disclosure of threats of substantial harm to persons or property. (BDR 4-92)

20. That the discovery provisions of the Nevada Rules of Civil Procedure apply in arbitration proceedings under chapter 38 of NRS. (BDR 3-52)
21. That awards for future damages for \$50,000 or more recovered in medical malpractice actions against providers of health care be subject to payment on a periodic basis at the request of either party to the action. (BDR 3-96)
22. That judgments which draw interest do so from the time the cause of action accrues and at the rate prevailing on the date of the judgment. (BDR 2-101; alternatively, BDR 2-51)
23. That NRS 17.115, relating to compromise settlements, be conformed to Rule 68 of the Nevada Rules of Civil Procedure. (BDR 2-51)



S.C.R. 14 - 1977 Session

BULLETIN 79-10

PUPIL ACHIEVEMENT IN NEVADA

Interim Subcommittee

Senator Richard H. Bryan, Chairman  
Assemblyman Nancy A. Gomes, Vice Chairman  
Senator Gary A. Sheerin  
Assemblyman Darrell H. Dreyer  
Assemblyman Nicholas J. Horn  
Mrs. Carole Doughty, Winnemucca, NV  
Dr. James L. Pughsley, Las Vegas, NV  
Mr. Jim Sale, Reno, NV  
Mr. Rudolph Schiller, Las Vegas, NV

Advisers

Mr. Warren J. Scott, Winnemucca, NV  
Mrs. Janet Sobel, Las Vegas, NV

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study and make recommendations on the subject of pupil achievement.

WHEREAS, There is growing concern in the State of Nevada over allegations that the high school diploma no longer indicates that the recipient has acquired satisfactory skills in basic subject areas; and

WHEREAS, Legislators as policymakers, as well as educators, parents and others, will benefit from additional information concerning the nature of the alleged inadequacies, the possible causes and proposals for improvement; and

WHEREAS, There is need for greater understanding of the relationship between pupil achievement and such factors as curriculum requirements, classroom discipline, pupil-teacher ratios and competency testing; now, therefore, be it

*Resolved by the Senate of the State of Nevada, the Assembly concurring,* That the legislative commission is directed to study the subject of pupil achievement in the public schools of this state. The study may include such questions as:

1. How pupil achievement in Nevada compares with that of other states;
2. Whether pupil achievement in Nevada is significantly lower today than in the past;
3. Whether school curriculum requirements throughout the state are sufficiently comprehensive and whether the standards are sufficiently rigid to ensure that pupils are adequately prepared for work or further education;
4. Whether there is need for the legislature to mandate certain basic curriculum standards;
5. Whether classroom discipline is a serious problem in Nevada schools and, if so, the extent to which it affects pupil achievement;
6. Whether there is a relationship between pupil achievement and pupil-teacher ratios, and whether in Nevada the ratios have reached a critical level; and
7. What types of legislative action might be advisable if classroom discipline and pupil-teacher ratios are found to be adversely affecting pupil achievement; and be it further

*Resolved,* That the legislative commission include persons representing teachers, school administrators, parents and taxpayers, as well as legislators, as members of the subcommittee appointed to conduct the study; and be it further

*Resolved,* That the legislative commission report the results of the study to the 60th session of the legislature, together with any recommendations for necessary and appropriate legislation.

## ABSTRACT

### PUPIL ACHIEVEMENT IN NEVADA

The 1977 legislature took two steps in response to the nationwide concern about declining test scores among students. It enacted A.B. 400 which established proficiency tests for pupils in grades 3, 6, 9 and 12 in reading, writing and mathematics, and it adopted Senate Concurrent Resolution 14 which directed that a study be conducted of pupil achievement in Nevada. Five legislators were appointed to the study subcommittee along with two school teachers, one school administrator and the president of the Nevada Parent-Teacher Association. In addition, two school board members served as nonvoting advisers to the subcommittee.

Public hearings were held in northern and southern Nevada. Data was collected on test scores, curriculum, discipline and pupil-teacher ratios. A search of the literature on these subjects also was conducted.

When the subcommittee looked at how pupil achievement in Nevada compared with that of other states, it found that our students compared favorably on the college entrance examination known as Scholastic Aptitude Test (SAT). Results from American College Testing (ACT), however, show that in 1976-77 Nevada for the first time fell slightly below the national average. Nevada students taking the ACT outnumber those taking the SAT by 4 to 1.

When the subcommittee looked at whether pupil achievement in Nevada is lower today than in the past, it found that the preponderance of statistical and testimonial evidence showed that student achievement is significantly lower today. One problem the subcommittee found is the lack of historical data measuring achievement of students who are not college-bound.

In addition to reviewing the actual state of pupil achievement in Nevada, the subcommittee examined some of the factors which were perceived as possible causes for the decline. Among these factors were curriculum, pupil-teacher ratios, classroom discipline and time spent in classroom instruction. In order to improve the declining achievement

reflected in test scores, the subcommittee recommends that uniform curriculum standards be developed in basic subjects and that a separate course of study be created for junior high and middle schools. A high school diploma program for outstanding achievement in academics and in vocational education is proposed. While the subcommittee did not find high school graduation requirements sufficiently rigid, it declined to recommend that they be altered at the legislative level. The subcommittee proposes that the state board of education develop a model discipline code and that every school district adopt its own written code. Finally, the subcommittee recommends legislation which will strengthen the state board of education's ability to collect all data pertaining to pupil achievement and maintain it in a central location.

### SUMMARY OF RECOMMENDATIONS

1. Nevada Revised Statutes shall be amended to strengthen and clarify the state board of education's role in statewide data gathering responsibilities relating to pupil achievement. (Bill)
2. The state board of education and the local school districts, collectively, should establish uniform standards for course offerings and course contents.
3. The legislature shall require the state board of education to direct the superintendent of public instruction to develop curriculum standards in concert with the local school districts and take a more active role in developing, monitoring and enforcing uniformity of quality and standards of excellence in the basics--reading, writing, mathematics, social studies and science. (Bill)
4. While the subcommittee does not favor changing the collective bargaining law, teachers should have direct access to school boards to present their ideas for developing curriculum.
5. Although the subcommittee does not favor legislatively changing the 19 required units for high school graduation, local school districts should review curriculum requirements and consider mandating additional courses.
6. School districts should expose all students to social, political and economic concepts as they relate to world current events sometime in grades 9 through 12. (Resolution)
7. School districts are mandated to develop a diploma program for outstanding achievement to be available for both academic and vocational students. The area of achievement (academic or vocational) shall be designated on the diploma and on the high school transcripts. (Bill)
8. Junior high students should have less freedom of choice in curriculum. The state board of education shall be required to develop a separate course of study, with emphasis on the basics, for junior high and middle schools for those school districts which have these schools. (Bill)

9. Although the subcommittee feels it is beyond the scope of its study to request additional funds for vocational education, it reaffirmed its support of vocational education and requested that the legislature consider providing additional funding for vocational education. School districts should review the needs of vocational education so that curriculum and pupil achievement in this area can be improved.
10. Since studies on the subject of vocational education are already available, they should be reviewed and analyzed by the state superintendent of public instruction and brought to the attention of the 1979 legislature.
11. School districts should consider expanding educational programs in conjunction with the business community.
12. (a) Every school district in Nevada shall be required to have a detailed written disciplinary code which shall be disseminated to administrators, faculty, students and parents of students.  
  
(b) The state board of education, in concert with local school districts, shall develop a model discipline code. Local school districts may use the guideline for local discipline codes, but they are not required to do so.  
  
(c) The model discipline code shall include procedures for summary removal of disruptive pupils from the classroom.  
  
(Bill)
13. Nevada's truancy laws be amended to include 6-year-olds who are enrolled in school.
14. A method shall be devised, without changing the allocation formulas of the Nevada plan, so that monies which revert from the distributive school fund to the general fund be retained by the school districts.  
(Bill)
15. A letter and resolution be drafted soliciting information from local school districts specifically accounting for the use of schoolday time by high school seniors.  
(Resolution)

16. The legislature is requested to give serious consideration to providing funds for remediation as required by A.B. 400.
17. The state superintendent of public instruction is requested to study alternative programs for remediation and provide a cost analysis of each program to the 1979 session of the legislature.
18. School trustees are requested to review their hiring procedures and be able to demonstrate they are hiring those best qualified.
19. School trustees, administrators and teacher organizations are requested to make recommendations to the legislature for potential amendments to the Professional Practices Act of NRS.
20. The state board of education should review standards for certification of teachers to ensure that Nevada is certifying only qualified teachers.



S.C.R. 37 - 1977 Session

BULLETIN 79-11

AVAILABILITY OF LIABILITY AND EMPLOYEE  
GROUP INSURANCE TO LOCAL GOVERNMENTS

Interim Subcommittee

Assemblyman Harley L. Harmon, Chairman  
Senator Carl F. Dodge, Vice Chairman  
Senator Norman D. Glaser  
Assemblyman James J. Banner  
Assemblyman Robert R. Barengo

Adviser

Mr. Robert L. Pidcock, Las Vegas, NV

Senate Concurrent Resolution No. 37—Senator Dodge

FILE NUMBER.....

**SENATE CONCURRENT RESOLUTION**—Directing the legislative commission to study local government liability insurance and employee group insurance available to local governments.

WHEREAS, Local governments in Nevada are faced with an inordinate increase in premiums for insurance against liability, which insurance is necessary to protect taxpayers against any award which might be given by a court in personal injury or property damage cases; and

WHEREAS, The provision of accident and health insurance to public employees results in benefits both to the employee and the local government employer; now, therefore, be it

*Resolved by the Senate of the State of Nevada, the Assembly concurring.* That the legislative commission make a comprehensive study of liability insurance and employee group health insurance available to local governments, and the financial burden which those local governments are required to undertake to obtain protection; and report its findings with recommendations for any appropriate legislation to the 60th session of the Nevada legislature.

## ABSTRACT

### AVAILABILITY OF LIABILITY AND EMPLOYEE GROUP INSURANCE TO LOCAL GOVERNMENTS

A requirement for local governments to purchase liability insurance to protect their financial resources was created in 1965 when the Nevada legislature waived sovereign immunity and adopted partial sovereign immunity. Partial sovereign immunity allows citizens wronged by governmental action or omission to bring suit for monetary awards up to \$35,000 per claim except in specified circumstances as set forth in NRS 41.

Until recently, the availability and affordability of liability insurance purchased by local governments was not a significant problem. However, due to the increased number of claims and suits against governmental entities nationally, liability insurance companies have become more selective and less competitive in selling liability insurance to local governments in Nevada. In addition, they have increased liability insurance premiums to record levels which in some cases has caused some local governments to reduce their insurance coverage or forego certain specific liability insurance coverages.

It was in recognition of these reasons that the 1977 legislature enacted S.C.R. 37 directing the legislative commission to conduct a study of local government liability and employee group insurance.

The subcommittee held five public meetings--three in Carson City, one in Reno and one in Las Vegas--in addition to surveying counties, cities, school districts and on random basis other political subdivisions. Additionally, the subcommittee's insurance consultant met informally with local government representatives in several communities, insurance industry representatives, Nevada League of Cities, Nevada Association of County Commissioners, and the State Insurance Commissioner.

From the testimony solicited during the public meetings and from the survey of local governments, the subcommittee found the following:

1. Liability insurance premiums had been increased substantially.
2. Liability insurance companies had become more selective in addition to being less competitive.
3. Political subdivisions, in specific instances, had to reduce their primary insurance coverage and in some cases completely eliminate umbrella coverage because the premium requested for their current coverage exceeded their ability to pay.
4. A state insurance pooling or self-insurance program for political subdivisions was determined not to be feasible at this time due to the limited premium dollars, and because the number of entities involved throughout Nevada did not provide a sufficiently reliable basis for an actuarial spread.
5. Nevada's sovereign immunity statute, specifically NRS 41.0337, required clarification on indemnification by the state or political subdivision of their officers and employees in addition to permitting political subdivisions to transfer their responsibilities to tender the defense of public officers and employees to their insurance carrier.
6. Political subdivisions are incurring additional costs to prove a public officer or employee did not commit the wrongful action alleged but acted within the course and scope of his employment.
7. Political subdivisions are experiencing an increased number of claims and suits against them that are frivolous and groundless.
8. Political subdivisions lacked expertise in the insurance area in addition to risk management staff to assist them in their insurance problems.

## SUMMARY OF RECOMMENDATIONS

The recommendations presented below are the conclusions reached by the subcommittee based upon the questionnaire sent to local governments; public hearings in Las Vegas, Reno and Carson; written testimony provided to the subcommittee and the insurance consultant's report.

1. A Risk Management Division be established within the Department of Administration to centralize the state's insurance program and to provide assistance to local governments on an "on call" and "as needed" basis. BDR 18-1.
2. Amend chapter 41 of NRS to include a new section providing that upon certification of an officer or employee for the defense, a "rebuttable presumption" would immediately arise that the officer or employee has acted within the scope and course of his employment when the tort occurs. BDR 3-87.
3. Amend chapter 41.0337 subsection 9 of NRS to clarify that indemnification by the state or a political subdivision for their officers and employees for acts only within the scope of their employment. BDR 3-87
4. Amend chapter 41.0337 of NRS to permit the chief legal officer of a political subdivision to transfer his responsibility to tender the defense of a public officer or employee when the political subdivision has purchased a liability insurance policy where the insurance carrier is willing to tender the defense. BDR 3-87.
5. Amend chapter 18 of NRS to require:
  - a. The court to award actual costs incurred by a public body when defending against spurious lawsuits. BDR 2-88.

The requirement to pay court costs should be based on the court finding that:

- (1) The action was frivolous, unreasonable or groundless.
  - (2) The plaintiff continued to litigate after his action clearly became frivolous, unreasonable or groundless.
  - (3) The action was brought in bad faith.
- b. The court to award actual costs incurred by a person when defending against a spurious lawsuit brought against him by a public body.



A.C.R. 3 - 1977 Session

BULLETIN 79-12

EFFECT OF GOVERNMENT REGULATION  
OF SMALL BUSINESS

Interim Subcommittee

Assemblyman Patrick M. Murphy, Chairman  
Senator Wilbur Faiss, Vice Chairman  
Senator William H. Hernstadt  
Assemblyman Steven A. Coulter  
Assemblyman Daniel J. Demers  
Assemblyman Harley L. Harmon  
Assemblyman Marian I. Howard  
Assemblyman Don A. Moody  
Assemblyman Dean A. Rhoads

Assembly Concurrent Resolution No. 3—Assemblymen Coulter, Weise, Dini, Wagner, Jacobsen, Howard, May, Serpa, Rhoads, Hickey, Westall, Polish, Banner, Hayes and Gomes

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the effect of regulation of small business by state and local government agencies.

WHEREAS, Small businesses are increasingly regulated by government agencies; and

WHEREAS, Owners of small businesses must spend a great deal of time in providing administrative and other information to these agencies; and

WHEREAS, Many owners of small businesses are of the opinion that this information is unwarranted, unnecessary and unused by these agencies; and

WHEREAS, There is a need to determine whether the regulatory practices of these agencies exceed the limits of their statutory authority; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring,* That the legislative commission study the effect of regulation of small business by state and local government agencies; and be it further

*Resolved,* That the legislative commission submit a report of its findings and recommendations to the 60th session of the legislature.

## ABSTRACT

### EFFECT OF GOVERNMENT REGULATION OF SMALL BUSINESS

The legislative commission's subcommittee to study the effect of regulation of small business by state and local government agencies was formed to conduct a study of the relations between small business in Nevada and the state and local governments which serve and regulate them.

The subcommittee conducted hearings in Reno, Las Vegas and Carson City, and heard comments from representatives of several interests about particular grievances. There were several major areas of discussion, with most of the persons who appeared before the subcommittee in agreement that relations between government and business are not always cordial.

At the hearings, the subcommittee heard comments from representatives of several organizations and businesses, which brought several areas of concern to light. The opinion of many of the persons who appeared before the subcommittee was that the state requires the submission of information on an excessive number of forms. Representatives of small business supported the repeal of the tax on inventory held for sale. The subcommittee heard that the security which is required by the tax commission for payment of collections of the sales and use tax and other related taxes should be returned to the person who placed it after a sufficient time has elapsed to establish the person as one who is inclined to pay the taxes due.

When persons appearing before the subcommittee asked for the formation of a small business assistance office in state government, staff pointed out that the department of economic development was charged with operating a business information service under NRS 231.120. Comment was received that no business person present was aware of the availability of such services.

Many of the witnesses who appeared before the subcommittee were operators of child care facilities. Their concern was with the failure of the 59th session of the legislature to

provide money for the operation of the child care services division of the department of human resources, and the elimination from that organization of the child care policy board. Licensing of child care facilities is in the hands of the bureau of health facilities of the health division of the department of human resources.

The 59th session of the legislature enacted legislation which became chapter 671 of NRS and which directly affected the business of issuing money orders in Nevada. While the large concerns are not adversely affected by the bonding requirements of NRS 671.100 and 671.110, it is impossible for a small, single-location issuer of money orders to find an insurer willing to write a bond for him, and equally difficult for him to find the \$10,000 which is the minimum security prescribed by statute. Witnesses suggested that the legislature exempt small issuers of money orders from bonding requirements, or make the bond minimums smaller for such concerns.

During the hearings, the subcommittee directed its staff to obtain information on several subjects, to be submitted to the legislature for its consideration. These requests included the practices of other states in reducing required reports, practices of other states in assisting small business in dealing with government, the status of child care licensing in Nevada, and the requirements for business licenses and their cost for local businesses and those operating from a location outside a city or county with trade or services being performed in the city or county.

The subcommittee directed that letters be sent to the administrator of the bureau of health facilities of the health division of the department of human resources, and to the director of the department of economic development. Each letter pointed out provisions of statute which the subcommittee wished to ensure were being carried out properly.

### SUMMARY OF RECOMMENDATIONS

1. The legislature should provide by statute for the return of security posted by persons who collect sales and use taxes, local school support taxes and city-county relief taxes after a 1-year period without delinquency on the part of the person who has posted the security. Recommended legislation is attached as Appendix C.
2. The legislature should provide by statute for a reduction in the amount of the bond required of certain issuers of instruments under chapter 671 of NRS. The present requirement of \$10,000 has driven many small sellers of money orders out of that business, and the subcommittee recommends a sliding scale for single-location issuers of instruments, as set forth in the recommended legislation attached as Appendix D.
3. The legislature should provide for central licensing for the processing of business, gaming and liquor licenses. To this end, the subcommittee recommends that the 60th session give consideration to legislation similar to Assembly Bill No. 194 of the 59th session, which is attached as Appendix G.
4. The legislature should consider alternatives to large bonds for all handlers of money and for others who are required to post bonds with the state to ensure performance or honesty, similar to the recommended legislation in Appendix C.



A.C.R. 25 - 1977 Session

BULLETIN 79-13

FEASIBILITY OF CREATING A NEW COUNTY TO GOVERN  
THE NORTH SHORE AREA OF LAKE TAHOE

Interim Subcommittee

Assemblyman Robert L. Weise, Chairman  
Assemblyman Patrick M. Murphy, Vice Chairman  
Senator William J. Raggio

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the feasibility of creating a new county to govern the north shore area of Lake Tahoe.

WHEREAS, The sufficiency of the local governmental services being provided for the north shore area of Lake Tahoe in relation to the amount of tax revenue being derived from the area has come into serious question; and

WHEREAS, The creation of a new county to govern the north shore area of Lake Tahoe has been proposed as one method to ensure that an equitable ratio is maintained between the taxes paid and the services received in that area; and

WHEREAS, There is a need for reliable information and accurate calculations concerning the financial aspects of the proposal; now, therefore be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring,* That the legislative commission is hereby directed to study the feasibility of creating a new county which would govern the north shore area of Lake Tahoe; and be it further

*Resolved,* That the study shall include an examination of:

1. The fiscal viability of such a new county and its prospective fiscal effect upon Washoe County and upon state distributive taxes;
2. The nature, extent and method of payment of the proportional liability for the indebtedness of Washoe County and the Washoe County school district which could equitably be imposed on such a new county and its school district;
3. Other adjustments of rights and liabilities and apportionments of common property and common burdens which would be necessary; and
4. Alternative methods for ensuring an equitable distribution of local governmental services in the north shore area of Lake Tahoe, and be it further

*Resolved,* That an appropriate number of the members of the board of county commissioners of Washoe County and residents of the Incline-Crystal Bay area of Lake Tahoe be appointed to serve as advisers during the study; and be it further

*Resolved,* That the results of the study and any recommendations for legislation be reported to the 60th session of the legislature.

## ABSTRACT

### FEASIBILITY OF CREATING A NEW COUNTY TO GOVERN THE NORTH SHORE AREA OF LAKE TAHOE

Parts of two Nevada counties and one consolidated city are located within the Tahoe Basin. In the case of the city, scarcely anyone lives in the Tahoe portion of its jurisdiction. In the case of the two counties, sizeable populations and extensive physical assets are found within the basin. In Douglas County, the basin population is large enough in proportion to the county to exercise political power and to assure that the lake portion of the county is given proper attention. The perception on the north shore of Lake Tahoe is somewhat different. There, the residents feel that their population in proportion to that of Washoe County may not demand the attention that they feel the Incline-Crystal Bay area deserves. This sentiment was demonstrated in early 1977 in the controversy over the use of room tax money. Based on this concern, the 1977 legislature directed a study of the economic feasibility of creating a new county from the Tahoe portion of Washoe County.

The study made extensive use of two resource areas in addition to the staff of the legislative counsel bureau. First, area residents gave considerable time and much assistance by service on study committees in the areas of general government, services and education. Local residents spent many hours determining two kinds of information: What services the county was providing now and what services they would want if they had their own county. Costs associated with each case were also developed. Second, the staff of Washoe County and the school district provided information on revenues and cost of services without which the study would have been very limited.

All of this material was assembled by legislative staff and a draft feasibility study was prepared and presented to area residents in a public hearing. With the considerable input received at the hearing, the study was revised and finalized.

Several conclusions became apparent by the end of the study. First, the area in question can very definitely support a county government. Second, if tax rates are held to current levels, substantial increases in services would be possible. Third, if residents are willing to accept the current level of services, tax reductions would be possible. None of these conclusions is surprising when it is realized that the area in question represents 10 percent of the assessed valuation of Washoe County but only has 5 percent of the population. Based on this single fact, the conclusion concerning economic feasibility is inescapable.

The study in no way attempted to determine the advisability of creating a new county. Neither did it attempt to determine the sentiment of the residents. It is for the legislature to determine advisability and for the area residents to produce a reliable analysis of sentiment on the question. This study says a new county is economically feasible, nothing more.

## SUMMARY OF CONCLUSIONS

There seems little doubt that a new county created in the Tahoe Basin portion of Washoe County would be economically feasible. This does not mean that such a creation is wise, appropriate or desirable; merely that it is feasible. This is not a startling conclusion. The assessed valuation of the new county area is close to 10 percent of total Washoe County valuation. The population of the new county area, by contrast, is less than 5 percent of total county population.

The bottom line on the balance sheet is that a status quo services situation could be maintained in the year 1980-81 with a surplus of \$976,539 in the county budget and \$523,703 in the schools budget. Status quo means that budget increases are figured adequate to cover inflation and population growth but not adequate to raise substantially any services received now.

If all recommended or ideal service levels are achieved in 1980-81, there will be a county revenue shortfall of \$168,299 and a schools shortfall of \$96,428. Further, if the recommended or ideal levels are achieved, there will be little excess bonding capacity to cover long-term capital improvements.

Obviously, the question of economic feasibility can only be answered with certain qualifications. If the residents of the Incline-Crystal Bay area are willing to accept something less than the ideal levels of services suggested by the citizen groups, then a new county is definitely economically feasible. If the residents are willing to accept the same level of services they now enjoy, a new county is economically feasible and an ad valorem tax cut would be probable. Or, tax rates could be held close to the present levels, services substantially increased and bonding capacity held at a fairly high level.

The specific answers to the questions posed by A.C.R. 25 are as follows:

1. A new county would be fiscally viable. The effect on Washoe County would be negative in that the Incline-Crystal Bay area pays more in taxes than it receives in services. There would be only small effects on population-based state distributive taxes. Reno and Sparks would lose small amounts from the distributive

taxes on cigarettes, alcohol and the half-cent sales tax. The Washoe schools would lose 3-4 percent of the local school support tax. The table tax which is split evenly among 17 counties would be affected. With a new county, that split would be reduced by close to 6 percent per county.

2. Based upon precedent in Nevada and the practice in other states, a new county would continue to be liable for all bonded indebtedness contracted by Washoe County and the school district prior to creation of a new county.
3. Also based on precedent in Nevada and the practice in other states, a new county would acquire the real and personal property of Washoe County and the school district which is located in the new county. If the assets transferred to a new county by virtue of location and use do not equal the proportion of total county assets compared to the ratio of assessed valuation of the new county to that of Washoe County, the difference could be settled by negotiation.
4. The subcommittee and its citizen study groups examined the incorporation option but concluded that a new county would be the most effective device for ensuring an equitable distribution of local government services in the north shore area of Lake Tahoe.

S.C.R. 36 - 1977 Session

BULLETIN 79-14

RECODIFICATION OF NEVADA'S EDUCATION LAWS

Oversight Committee

Senator Carl F. Dodge, Chairman  
Assemblyman Robert G. Craddock

Senate Concurrent Resolution No. 36—Senator Dodge

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to conduct a study recodifying Nevada's education laws.

WHEREAS, Existing laws which govern Nevada's public education were drafted in 1956; and

WHEREAS, Many of these laws have been amended and rewritten numerous times which tends to create confusion and could lead to varying interpretations; now, therefore, be it

*Resolved by the Senate of the State of Nevada, the Assembly concurring,* That the legislative commission is hereby directed to conduct a study and recodification of Nevada's education laws; and be it further

*Resolved,* That the results of the study along with recommendations for legislation be reported to the 60th session of the Nevada legislature.

ABSTRACT (STATEMENT)

RECODIFICATION OF NEVADA'S EDUCATION LAWS

The document contains BDR 34-59 which is the bill proposed as a recodification of Nevada's education laws. Since the purpose of the recodification was to modernize, simplify, clarify and resolve conflicts in the existing statutes, the bill does not embrace substantial changes of a substantive nature. It does, however, clarify that the state board of education is in charge of policymaking and the superintendent of public instruction is responsible for administration.

SUMMARY OF RECOMMENDATIONS

The recommended recodification of Nevada's education laws is contained in BDR 34-59 and printed in the report.

S.C.R. 34 - 1977 Session

BULLETIN 79-15

PROBLEMS AND TREATMENT OF ALCOHOLISM  
AND DRUG ABUSE

Oversight Committee

Assemblyman Robert E. Price, Chairman  
Senator Eugene V. Echols

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the problems and treatment of alcoholism and drug abuse in Nevada and the feasibility of requiring health insurance to cover treatment thereof.

WHEREAS, Alcoholism is a nagging physical and social problem which affects the lives of many Nevadans; and

WHEREAS, The low priority which has been given to this problem at the state level has stagnated attempts to provide Nevada with the necessary knowledge of dealing with and treating alcoholism; and

WHEREAS, Alcohol and alcohol abuse cost the people of Nevada \$25,000,000 annually in lost work time through accidents, absenteeism and impaired performance; and

WHEREAS, The combined problem of alcoholism and drug abuse should be considered and the possibility of requiring the coverage of treatment for alcoholism and drug abuse in health insurance policies studied; now, therefore, be it

*Resolved by the Senate of the State of Nevada, the Assembly concurring,* That the legislative commission is hereby directed to study the problems and treatment of alcoholism and drug abuse and to make a comprehensive study of the feasibility of requiring health insurance policies to cover treatment for alcoholism and drug abuse, including the effect on premium, policy structure and indirect costs; and be it further

*Resolved,* That the committee report the results of its findings along with recommendations to the 60th session of the Nevada legislature.

## ABSTRACT

### PROBLEMS AND TREATMENT OF ALCOHOLISM AND DRUG ABUSE

Nevada law currently requires that health insurers provide coverage for treatment of alcoholism and drug abuse at the option of the policyholder. In 1977, the legislature rejected S.B. 182 which would have made such coverage mandatory in all health insurance policies in the state. Subsequently, Senate Concurrent Resolution 34 was enacted to study the problems and treatment of alcoholism and drug abuse, with particular emphasis on the feasibility of mandatory health insurance coverage of these illnesses.

The study was designed as a staff study by the legislative commission, but strong policy direction was provided by a legislative oversight subcommittee. The subcommittee held public hearings in northern and southern Nevada and toured numerous treatment facilities. Staff surveyed other states for legislation in this area and also sent a questionnaire to large health insurers operating in Nevada. The state insurance division surveyed insurance commissioners in states which already have mandatory insurance coverage of substance abuse. In addition, staff reviewed the literature on third-party coverage of alcoholism and drug abuse.

The oversight subcommittee found that alcoholism is a substantial problem in Nevada, affecting approximately 6.7 percent of the population. While the subcommittee believed that dangerous drug and opiate use are serious problems, it found no statistics for drug abuse as reliable as those for alcoholism. The oversight subcommittee concluded that existing law has not resulted in utilization of insurance for coverage of substance abuse and that the present trend is for insurers to cover only medical treatment in a hospital setting.

Recognizing that alcoholism and substance abuse are distinct illnesses with different abuser populations and treatment systems, the subcommittee chose to recommend mandatory coverage of alcoholism in group type health insurance

policies only. In their opinion, required coverage will encourage open treatment of alcoholism as a disease and will discourage the revolving door syndrome of detoxification.

As far as costs of required coverage are concerned, the subcommittee determined that accurate fiscal data can be accumulated only after considerable experience with a specific benefit package in Nevada. Other cost studies were reviewed, but applicability is limited because of differences in benefits, geographical and population disparities and extremely low utilization rates. The subcommittee recommends that Nevada's law limit required coverage to specific dollar amounts. In addition, a person should be limited to coverage for two courses of treatment in a lifetime. An advisory task force is proposed to recommend maximum dollar limits to the legislature.

Insurance coverage for drug abuse in all types of health insurance policies remains an option according to the subcommittee's recommendations. Coverage for treatment of alcoholism in individual policies also remains an option which must be offered.

## SUMMARY OF RECOMMENDATIONS

The oversight subcommittee recommends that:

1. The legislature enact legislation mandating health insurance coverage of alcoholism treatment in new and renewed group policies, medical service corporation contracts and health maintenance plans. The effective date of the law should be 1980 to give the insurance commission and insurers time to prepare for the change. At this time, individual health insurance policies should not be required to include benefits for substance abuse coverage primarily because of substantially higher costs than anticipated in group type policies.
2. The legislation which mandates coverage of alcoholism of treatment in group health insurance policies should:
  - a. Require a minimum of 5 days acute hospital care, 30 days inpatient treatment, in a health and care facility and in major medical policies, 52 visits of outpatient care. Family counseling shall be allowed under outpatient benefits.
  - b. Limit required coverage to a lifetime maximum of two treatment periods, each one consisting of the day limits mentioned in the previous recommendation. A lifetime reserve of 60 outpatient visits shall be included in the minimum required coverage.
  - c. On a temporary basis the lifetime dollar benefit maximums should remain as they are in existing law- \$1,000 for inpatient care in a health and care facility and \$800 for outpatient treatment. An advisory task force should be created to:
    - (1) Make recommendations to the 1981 legislature on appropriate dollar maximum benefit levels for the mandatory alcoholism coverage and on standards for determining these benefit levels.
    - (2) Advise the insurance division on implementing the mandatory alcoholism benefits law.

- (3) Review the Nevada "credentialling" model for substance abuse programs and, if necessary, recommend changes to the bureau of alcohol and drug abuse.

Members of the advisory task force should be appointed to serve in the interim between enactment of the law and the 1981 legislative session.

The advisory task force shall be composed of:

- 1 legislator appointed by the legislative commission
- 1 representative from the insurance division
- 1 representative from the bureau of alcohol and drug abuse
- 1 representative of the health insurance industry
- 1 consumer

With the exception of the legislative member, task force members shall be appointed by the governor.

3. Not require aftercare as a consideration for reimbursement.
4. Certification of staff, program accreditation and facility licensure by the state should be prerequisites for participation in the mandatory insurance program.
5. Inpatient alcoholism care facilities, with medical supervision (not necessarily on the premises) and with highly structured rehabilitation programs, should be covered by 439A of NRS. The intent is to exclude less formal half-way houses or residential facilities.
6. Insurers should be required to offer individual policyholders alcoholism benefits equal to those mandated by group type policies.
7. Optional drug abuse benefits equal to mandatory alcoholism benefits should be required to be offered in individual and group health insurance policies, medical service corporation contracts and health maintenance plans.

A.C.R. 8 - 1977 Session

BULLETIN 79-16

ASSESSMENT AND TAXATION OF GEOTHERMAL RESOURCES

Oversight Committee

Senator Mary Gojack, Chairman  
Assemblyman Robert G. Craddock

Assembly Concurrent Resolution No. 8—Assemblymen May,  
Craddock, Serpa and Horn

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study methods of assessing and taxing geothermal resources, products and byproducts.

WHEREAS, On a national scale, Nevada is estimated to be second only to California in its potential for development of geothermal energy; and

WHEREAS, Thirty areas within Nevada have been identified by the U.S. Geological Survey as Known Geothermal Resource Areas, and approximately 20 percent of the state is believed to offer the possibility of geothermal development; and

WHEREAS, Geothermal resources may be harnessed for various practical uses, the most important being the generation of electricity; and

WHEREAS, Geothermal resources on private and federal lands have already been leased for development, and provision has been made in the Nevada Revised Statutes for the lease of geothermal resources in state lands; and

WHEREAS, There is no statutory provision for assessing and taxing geothermal resources, products and byproducts; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring,* That the legislative commission is hereby directed to study alternative methods of assessing and taxing geothermal resources, products and byproducts; and be it further

*Resolved,* That the legislative commission report the results of the study and any recommended legislation to the 60th session of the legislature.

## ABSTRACT

### ASSESSMENT AND TAXATION OF GEOTHERMAL RESOURCES

The national energy crisis has led to significant efforts to develop alternative energy sources in order to reduce dependence on oil and gas resources. This effort and the Geothermal Steam Act of 1970 (P.L. 91-581) have renewed interest in geothermal resources as a useful energy source. Nevada has many geothermal areas and is estimated to be second only to California in its potential for geothermal energy. This potential has led to significant exploration which could lead to the beginning of a new industry within the state for which no taxing provisions have been considered. The 59th session of the legislature recognized this potential problem and approved A.C.R. 8 which requires the study of the assessment and taxation of geothermal resources.

The legislative commission assigned the study to the fiscal analysis division with an oversight committee. The oversight committee held three meetings, took public testimony and received substantial amounts of information, data and materials on geothermal resources. In order to obtain the broadest possible public participation in the study, a questionnaire survey was conducted of the geothermal industry.

From the various input sources to the study, the oversight committee was able to draw the following general conclusions:

1. That geothermal energy is a desirable, safe and environmentally acceptable alternative to conventional energy resources.
2. Nevada is a net importer of energy and places great reliance on other states for its energy needs.
3. The geothermal industry suffers from extreme financial risk due to large capital requirements, long time lags between discovery and production and uncertain markets which makes investment capital difficult to obtain.

4. Substantial institutional and technological barriers and disincentives to geothermal development exist which threaten the success of the industry.

The oversight committee concluded that the economic and social welfare of Nevadans may depend to a large degree on the state's ability to solve its energy problems. Geothermal development may be an important step towards accomplishing this goal. If geothermal is to be successfully developed in the shortest possible time, the state should institute a tax policy which encourages and supports such development. Such a tax policy should recognize the inherent risk in geothermal development and the potential benefits for the state if large energy resources are discovered. The recommendations of the oversight committee reflect this attitude.

## SUMMARY OF RECOMMENDATIONS

The Legislative Commission's oversight committee on the assessment and taxation of geothermal resources and byproducts recommends for the consideration of the Nevada legislature:

1. That nonproductive geothermal leases of otherwise exempt lands be exempted from ad valorem property taxation under Nevada's possessory interest statute NRS 361.157.
2. That productive geothermal resources be taxed as a mine under the net proceeds of mines laws. Subsequent to the final oversight committee meeting and acceptance of the report by the Legislative Commission, Legislative Counsel determined that the recommendation to tax geothermal resources as a mine might not pass constitutional tests in light of a recent Supreme Court interpretation of a mine. Assembly Joint Resolution No. 7 which passed the 59th session of the legislature would amend the constitution to permit such a tax policy providing it also passes the 60th session and a vote of the people. The oversight committee therefore recommends that legislation placing geothermal resources under the net proceeds of mines tax laws be submitted to the 61st session of the legislature in 1981.
3. That the sale of steam or associated geothermal energy be exempted from sales and use taxes. This exemption would be accomplished automatically by placing geothermal resources under the net proceeds of mines statutes and therefore could be submitted to the 61st legislative session.
4. That byproducts of geothermal development be taxed in the same manner as the geothermal resource. Again the oversight committee recommends submission of appropriate legislation to the 61st legislature.



S.C.R. 38 - 1977 Session

BULLETIN 79-17

STATE VETERANS' HOME IN NEVADA

Oversight Committee

Senator Jack L. Schofield, Chairman  
Assemblyman Marian I. Howard

Senate Concurrent Resolution No. 38—Senators Schofield, Close, Echols, Hilbrecht, Neal, Hernstadt, Glaser, Blakemore, Bryan, Raggio, Young, Wilson and Sheerin

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Directing legislative commission to study feasibility of establishing a state home for veterans in Nevada.

WHEREAS, There are currently 92,000 veterans in Nevada, or approximately one out of every four adult Nevadans; and

WHEREAS, The Veterans' Administration facilities in Nevada are not designed for old-age or extended care; and

WHEREAS, Many elderly Nevadans who have served their state and country in military service are without the means to provide for institutional care on an extended basis; and

WHEREAS, Veterans should be accorded a special dignity in their old age by the governments and people whom they served; and

WHEREAS, The Veterans' Administration is authorized under 38 U.S.C. § 5031 et seq., to provide grants up to 65 percent of the costs of construction of state homes for war veterans; now, therefore, be it

*Resolved by the Senate of the State of Nevada, the Assembly concurring,* That the legislative commission is hereby directed to study the feasibility of establishing a veterans' home in Nevada, such study to include the availability and conditions of Veterans' Administration grants; and be it further

*Resolved,* That the results of the study along with any recommendations for legislation be reported to the 60th session of the legislature; and be it further

*Resolved,* That if it is determined that pursuance of a grant or other details of planning and construction should run beyond the 60th session that the legislative commission should continue study and oversight of the project until its completion.

## ABSTRACT

### STATE VETERANS' HOME IN NEVADA

The veteran population in Nevada has increased dramatically in the past 18 years. The U.S. Bureau of Census reports Nevada's veteran population for 1960 at 46,155 and for 1970 at 84,104. This represents an 82 percent increase. As of September 1977, the Veterans Administration (VA) estimates Nevada's veteran population at 98,000, which is an additional 16 percent increase since 1970. The number of veterans in this population over 50 years of age is currently estimated at 43 percent with the majority residing in Clark and Washoe counties.

During the same period, the number of facilities providing acute and extended care to veterans has remained fairly static with only a slight variation in the number of beds available. Currently, the only designated veterans' residential care facility in Nevada is the VA Hospital in Reno with 186 hospital beds and 22 skilled nursing beds. Veterans requiring extended care currently receive this care from private, adult group care, adult family care, intermediate care, and skilled nursing care facilities in the state. Based on a survey conducted in May of 1978, there were 162 veterans residing in these facilities.

In regard to financial assistance programs for veterans, it was noted that veterans with service connected disabilities who are in VA or private care facilities are generally cared for at VA expense. Eligible veterans with nonservice connected disabilities can receive financial assistance from the VA and from the county, state, and public assistance programs. The amount of financial assistance a veteran with a nonservice connected disability may receive from the VA, state, and federal programs is dependent upon the veteran's resources.

Private enterprise is currently providing sufficient extended care facilities for Nevada's veterans. However, the construction of a combination state domiciliary and skilled nursing home could immediately be economically feasible if all the veterans receiving care in these

private care facilities were eligible to be transferred to a state veterans' home. This would, of course, create an immediate financial hardship on these private care facilities.

If a veterans' home is established in Nevada, it should have a minimum capacity of 100 beds and, from shortly after opening to well into the next century, could expect an acceptable occupancy rate. The estimated cost for a 100-bed state veterans' home is \$2,500,000, of which the VA's share would be \$1,625,000. Land cost, which is not eligible for federal participation, would be an additional \$500,000, requiring a total state capital contribution of approximately \$1,375,000. Ongoing operating costs could potentially become an expense for the state general fund of \$650,000 annually. If a veterans' home were to be built in Nevada, it should be located either in Washoe or Clark County.

Although eventual establishment of a state veterans' home would be feasible, it is suggested that other alternatives be explored. The suggested alternatives are:

1. The legislature petition the Congress of the United States to increase the regular aid and attendance allowance provided to eligible veterans in private extended care facilities to more closely correspond to the amount currently being paid in per diem aid for veterans in state veterans' homes. The maximum regular aid and attendance currently is \$165 per month, and VA per diem aid for extended care in state veterans' homes is \$10.50 per day or \$315 per month.

Additionally, petition Congress to authorize the payment of aid and attendance to all eligible veterans who are in private domiciliary care homes. Currently, eligible veterans in private domiciliary facilities do not receive aid and attendance toward their care unless already receiving it prior to admission.

2. The legislature consider creating and funding a program which would provide financial assistance to veterans in public and private care facilities. This program could be structured to provide benefits to only those veterans receiving VA aid and attendance and meeting eligibility criteria similar to those required for admission to a state veterans' home.

## SUMMARY OF CONCLUSIONS

Private enterprise is currently providing sufficient facilities for the care of Nevada's veterans. However, the construction of a combination state domiciliary and skilled nursing home could immediately be economically feasible if all of the veterans receiving care in these private care facilities were eligible to be transferred to the state veterans' home. Of course this would create an immediate financial hardship on these private facilities.

If a veterans' home is established in Nevada it should have a minimum capacity of 100 beds and, from shortly after opening to well into the next century, could expect an acceptable occupancy rate. The estimated cost for a 100-bed state veterans' home is \$2,500,000, of which the VA's share would be \$1,625,000. Land cost, which is not eligible for federal participation, would be an additional \$500,000, requiring a total state capital contribution of approximately \$1,375,000. Ongoing operating costs could potentially become an expense from the state's general fund of \$650,000 annually. Ideally, from an economic and staffing standpoint, the facility should be located in either Washoe or Clark County.

Although eventual establishment of a state veterans' home would be feasible, it is suggested that other alternatives first be explored.

These suggested alternatives are:

1. The legislature petition the Congress of the United States to increase the regular aid and attendance allowance provided to eligible veterans in private extended care facilities to more closely correspond to the amount currently being paid in per diem aid for veterans in state veterans' homes. The maximum regular aid and attendance currently is \$165 per month, and VA per diem aid for extended care in state veterans' homes is \$10.50 per day or \$315 per month.

Additionally, petition Congress to authorize the payment of aid and attendance to all eligible veterans who are in private domiciliary care homes. Currently, eligible veterans in private domiciliary facilities do not receive aid and attendance toward their care unless already receiving it prior to admission.

2. The legislature consider creating and funding a program which would provide financial assistance to veterans in public and private care facilities. This program could be structured to provide benefits to only those veterans receiving VA aid and attendance and meeting eligibility criteria similar to those required for admission to a state veterans' home.

There are several advantages to the above alternatives:

1. State Government, instead of competing with private care facilities, would be encouraging the continued growth of the care industry to help meet the needs of all Nevada citizens.
2. The state would be providing financial assistance specifically to needy veterans in private care facilities.
3. If such a state program were implemented, positive data would be available on the number of needy veterans requiring institutionalized care in the event it was determined at some future date that a state veterans' home should be built.

A.C.R. 38 - 1977 Session

BULLETIN 79-18

STUDY OF CRIMES AND PUNISHMENTS

Interim Subcommittee

Senator Melvin D. Close, Chairman  
Senator Carl F. Dodge  
Senator Margie Foote  
Assemblyman Lawrence E. Jacobsen  
Assemblyman Robert E. Robinson

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative  
commission to study crimes and punishments.

WHEREAS, There should be uniformity in the relation between crimes and punishment in this state; and

WHEREAS, The punishments provided in the statutes for commission of various defined crimes should be proportionate to the seriousness of those crimes, and the punishments for particular crimes should be established in proper relation to the punishments for other crimes of equivalent seriousness; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring,* That the legislative commission is hereby directed to supervise a legislative counsel bureau study of crimes and punishment in this state to:

1. Determine whether or not the punishments are appropriately proportionate; and
  2. Harmonize the relation between criminal offenses and their penalties;
- and be it further

*Resolved,* That the staff of the legislative counsel bureau report the results of the study to the legislative commission by January 1, 1978, and the commission shall take such further action on the matter as it considers necessary.

ABSTRACT (STATEMENT)

STUDY OF CRIMES AND PUNISHMENTS

The crimes and punishment report is comprised primarily of a draft bill designed to place comparable penalties with comparable offenses in the criminal code. The study was designed to review the criminal code in a systematic way for the first time since the major revision of 1967.



SUMMARY OF  
CONCLUSIONS AND RECOMMENDATIONS

The subcommittee studied the compilation of penalties, for felonies and for lesser offenses where the penalty is unusual, which the legislative counsel submitted to the legislative commission. The subcommittee concluded that for the most part the penalties provided by the legislature in 1967 in its last major revision of the criminal statutes remain appropriate. The subcommittee did, however, recommend changes in certain provisions, principally:

1. Fines related to felonies. Each felony which carries a prison term of 1 to 6 years is to carry a fine of not more than \$5,000 and each felony which carries a prison term of 1 to 10 years is to carry a fine of not more than \$10,000. The existing distinction, in both categories, between felonies for which the fine may be imposed in lieu of imprisonment and those where imprisonment is required and the fine may only be imposed in addition is preserved. The most serious felonies, which carry a possible prison term of 15 years or more, are not changed.

2. Fines related to lesser offenses. After consideration of the need for each category, certain minimum fines imposed since 1967 are removed, but others are retained. Maximum fines, not associated with a jail term, are arranged in two categories: not more than \$250 and not more than \$500.

3. Other revisions of penalties. Maximum terms of imprisonment, except where the statute imposes for an attempt or the like one-half of a longer prescribed term, are conformed to categories of 6, 10, 15 or 20 years. Minimum terms, except where the statute doubles on account of a repeated or aggravated offense a shorter prescribed term, are set at 1 year. Again, the exceptionally serious offenses are not changed.

4. Consolidated offenses. Many sections of NRS which prescribe the same or slightly variant penalties for the intentional destruction of specific kinds of property of another are repealed, leaving a single section, NRS 206.310, covering all kinds uniformly. Similarly, several separate statutes prohibiting false statements in various kinds of administrative proceedings are repealed in recognition of the fact that in 1977 the legislature extended the perjury statute, NRS 199.120, to matters other than judicial. Appropriate cross-references will be provided. Finally, several statutes prohibiting alteration or destruction of public records by specific officers are repealed because NRS 239.300 prohibits this offense by any person.

5. Prostitution and related offenses. All sections which still preserved a distinction according to sex are amended to remove this distinction.

6. Commissioned abstracters. All statutes pertaining to this office are repealed because the development of title insurance has made it obsolete. Repeal does not prevent any person who so desires from having an abstract of title to real property prepared.

Changes numbered 1-5 and the revisions of individual statutes for reasons peculiar to each statute are made in BDR 16-90 attached. The repeal of statutes relating to commissioned abstracters, because it includes matter other than criminal statutes, is done by separate bill, BDR 19-91.

S.C.R. 9 - 1977 Session

BULLETIN 79-19

SELECT COMMITTEE ON PUBLIC LANDS

Interim Committee

Senator Richard E. Blakemore, Chairman  
Senator Norman D. Glaser  
Senator Norman Ty Hilbrecht  
Assemblyman Karen W. Hayes  
Assemblyman William A. Kissam  
Assemblyman Don A. Moody

Senate Concurrent Resolution No. 9—Senators Blakemore, Gibson, Bryan, Neal, Gojack, Glaser, Echols, Ashworth, Hilbrecht, Raggio, Dodge, Lamb, Close, Sheerin, Wilson and Schofield

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Creating a select committee on public lands to meet with appropriate members of Congress and officials of the executive branch in Washington, D.C., concerning Nevada's need for additional lands in nonfederal ownership and related matters.

WHEREAS, The legislative commission was directed by S.C.R. 35 of the 58th session of the Nevada legislature to study means of deriving additional state benefits from the public lands; and

WHEREAS, The subcommittee appointed by the legislative commission to conduct the study, after receiving testimony and other evidence from a wide variety of sources, concluded that 13 percent of the state's land area in nonfederal ownership is not enough and recommended that the state make a serious effort to increase that percentage; and

WHEREAS, The subcommittee recognized that the state would benefit from a multipronged approach which would include such actions as requests for congressional grants and negotiations with federal executive officials as well as the assertion of the state's legal and equitable claims in the courts; and

WHEREAS, The subcommittee concluded that a select committee of the Nevada legislature, assigned the task of carrying Nevada's case to Washington, would be the legislature's most effective tool during the next few months for achieving a reduction in the extreme imbalance between federal and nonfederal lands in this state; now, therefore, be it

*Resolved by the Senate of the State of Nevada, the Assembly concurring.* That there is hereby created a select committee on public lands, composed of three members of the senate appointed by the majority leader of the senate and three members of the assembly appointed by the speaker of the assembly, for the purpose of meeting in Washington, D.C., with appropriate members of Congress and officials of the executive branch to consider Nevada's unique public land situation, the need for additional lands in nonfederal ownership and related matters; and be it further

*Resolved,* That the meeting in Washington, D.C., shall be scheduled to occur as soon as possible after the adjournment of the 59th session of the legislature; and be it further

*Resolved,* That the members of the select committee shall meet during the legislative session for the purpose of selecting a chairman and preparing for the Washington meeting, and that their study and review shall include the following items:

1. As an item of first priority, the question whether it would be advantageous for the state to become the manager or trustee for all or some of the public lands located in Nevada, even without acquiring ownership or any greater share of the proceeds from the lands, but with reimbursement for managerial expenses;
2. In pursuit of the overall objective of increasing from 13 percent

the proportion of land in the State of Nevada under nonfederal ownership, consideration of specific proposals for a bill in Congress permitting the state each year to select a specified quantity of lands from the public domain within its boundaries until all such lands are in nonfederal ownership;

3. Review of the provisions of chapter 328 of NRS relating to state consent to acquisition of land for federal purposes, including consideration whether in the future the state should attempt to condition such consent upon the Federal Government's actually disposing of equivalent public lands in the state, and also including consideration whether state consent to federal acquisitions should be effective only upon approval by the legislature (or the legislative commission if the legislature is not in session);

4. Analysis to determine whether it would be in the best interests of the State of Nevada to pursue the possibility of congressional legislation, applicable to all federally held lands, specifying those uses and changes in use which could not be undertaken without the concurrence of the governor of the state in which the lands are located;

5. The commencement of efforts to develop, along with representatives of other western states, effective plans for joint action to carry to Washington the case of all the western states in favor of federal transfer of additional lands from the public domain; and

6. The identification of areas in the state where the Bureau of Land Management has failed to develop mechanisms for local residents to participate effectively in planning and decisionmaking for the public lands closest to them, and the necessary communication with B.L.M. and other Department of the Interior officials in Washington, as well as within the state, concerning whether the views of local residents ought to be entitled to greater weight and attention than those of persons from other areas within and without the State of Nevada; and be it further

*Resolved*, That the select committee is an official agency of the legislative counsel bureau and the members are entitled to receive out of the legislative fund for each day's attendance at the Washington meeting, and other meetings after adjournment of the 59th legislative session as approved by the legislative commission, \$40 per day and the per diem expense allowance and travel expenses provided by law; and be it further

*Resolved*, That the select committee shall submit its report to the legislative commission for transmission to the 60th session of the legislature.



## ABSTRACT

### SELECT COMMITTEE ON PUBLIC LANDS

The report of the select committee on public lands is unique in that it is not the report of a study. Rather, it is the report on a year-and-a-half of action and advocacy activities directed at two basic goals: (1) The increase of state participation in decisions concerning the public domain lands in Nevada, and (2) The disposal of several types of public domain lands into state, local and private ownership.

A study committee after the 1975 session concluded that a number of problems, legal and practical, existed concerning the use, management and disposition of public domain lands in Nevada. The report of that study contained a number of recommendations aimed at easing or solving some of those problems. One suggestion was for the creation of a special legislative committee to carry the state's views to the executive and legislative branches of the Federal Government. In addition, the committee was to seek to build a common position with other public lands states.

The 1977 legislature approved the creation of the select committee on public lands. The work of the committee was funded by the legislative commission. The report of the committee recounts all of the activities of the select committee in two lobbying trips to Washington, D.C., the building of a western states' coalition on public lands and the joining of that coalition with the western county organization.

The report is a progress report. It is not a final report. The effort begun by the select committee, in the opinion of the committee, must be continued and sustained for several years. The report details all of the committee's efforts and analyzes results to date. It concludes with a call for continuation of the committee.



## SUMMARY OF RECOMMENDATIONS

1. The Select Committee on Public Lands recommends that it be continued as an official agency of the legislative counsel bureau under the direction of the legislative commission for another 2 years. (BDR 116)



Authorized by Legislative Commission  
October 1977

BULLETIN 79-22

STATE SCIENCE, ENGINEERING AND  
TECHNOLOGY PROJECT

Project Director

Robert B. Bradley, Ph.D.

This project was conducted under the authority  
and supervision of the Legislative Commission



## ABSTRACT

### STATE SCIENCE, ENGINEERING AND TECHNOLOGY PROJECT REPORT

The study is an outgrowth of efforts by the National Science Foundation to encourage state governments to identify and analyze potentially useful ways in which they can increase their capacities for using science, engineering and technology (SET) in meeting the needs of their citizens. It represents an effort to determine if the Nevada legislature needs more scientific and technical information and in what areas the information is most needed. It examines the ways in which the legislature and its members currently get scientific and technical information in order to offer recommendations as to how more and better scientific and technical information might be provided to the legislature.

What are the scientific and technical information needs of the Nevada legislature? Ultimately, they are determined by the amount and types of legislation considered in each of the houses, and by each legislator's ability to obtain the information he deems necessary to make prudent and reasoned policy choices. The proportion of scientific and technical matters considered by the legislature has been increasing from session to session throughout the seventies. It has moved from about 10 percent of all measures considered in 1971 to around 19 percent in 1977. These figures would suggest that the Nevada legislature's need for scientific and technical information is both substantial and growing.

In Nevada, four areas of concern have been shown by this study to have dominated legislative involvement in scientific and technical matters during the seventies: health, natural resources, energy and the environment. Nonetheless, their importance has varied with each session and throughout the decade. It appears also that the range of issues before the legislature involving some need for scientific or technical information is increasing.

Nevada's legislators report they do not rely heavily on lobbyists for information. Rather, members suggest their

most important sources of scientific and technical information are committee hearings and the staff of the legislative counsel bureau. This finding has important consequences for the ways in which scientific and technical information acquisition can be improved in Nevada because this study has shown neither of these sources is particularly well suited to furnish high quality, in-depth information on scientific or technical matters. The legislative counsel bureau lacks personnel with expertise in scientific or technical matters, while committee hearings offer the members alternatives without providing a means by which untrained or inexperienced individuals can evaluate information on technical subjects.

Accessibility and convenience are the most important factors bearing on the representative's use of SET information sources. To be effective, a SET acquisition mechanism must offer information which is readily obtainable, but it must fit into the overall information gathering effort of the legislature. It must offer each legislator information which cannot easily be obtained elsewhere if it is to succeed.

There are numerous ways to enhance the Nevada legislature's acquisition and use of scientific and technical information which are consistent with the lessons learned in this study. Twenty-seven different alternatives were evaluated. From these, eight specific recommendations result. They represent the author's evaluation of the different alternatives. The recommendations are a skeletal form of proposals which will have to be given life through further discussion and planning. In each case, however, the recommendations represent modest improvements which should yield substantial payoffs to the legislature for relatively modest investments.

## SUMMARY OF RECOMMENDATIONS

1. Enhance the capability of the Research Division of the LCB to handle SET information through the addition of one or more researchers with training or experience in scientific, engineering and technical matters.
2. Expansion of the present intern program within the LCB during session. Interns with scientific or technical experience, and drawn from the University of Nevada System, could serve in the Research or Fiscal Divisions of the LCB.
3. Development and maintenance of a Resource and Information Directory providing the Research Division and the Legislative Counsel Bureau generally with a list of experts and information sources on scientific, engineering and technical topics who might assist the legislature.
4. The organized research funds within the University of Nevada System should be increased with some proportion of the additional moneys going to policy research of legislative concern.
5. Publication and dissemination of a handbook for faculty in the University of Nevada System to facilitate their understanding and participation in the legislative process.
6. Creation of a fund within each house of the legislature to provide honoraria and expenses for expert witnesses appearing in committee testimony. The funds should be allocated at the request of committee chairmen and with the concurrence of the leadership.
7. Development of a policy of faculty leave for members of the University of Nevada System for service with the legislature during session.
8. The office of the state science adviser was created by the 1977 Session of the Legislature to investigate different ways by which the SET acquired and used by the various branches and many layers of government in Nevada might be improved. His recommendations together with this study should be considered by a committee of the legislature.