

SUMMARY BULLETIN
OF
REPORTS OF THE LEGISLATIVE COMMISSION
TO THE 61ST SESSION OF THE
NEVADA LEGISLATURE



Bulletin No. 81-25

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

December 1980

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January 1981

INTRODUCTION

The 1979 session of the Nevada legislature directed that 24 studies be undertaken by the legislative commission. The legislative commission authorized two additional studies.

Reports of these studies were completed and are available as numbered bulletins through the legislative counsel bureau. 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 and what recommendations were made. The second purpose is to provide a reference tool that will facilitate and encourage the use and understanding of the separate bulletins.

The resolution which authorized each study 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.

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Senator Keith Ashworth, Chairman
Senator Melvin D. Close, Vice Chairman

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Senator Lawrence E. Jacobsen
Senator Thomas R. C. Wilson

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Assemblyman Darrell D. Tanner

TABLE OF CONTENTS

<u>Bulletin No.</u>	<u>Title</u>	<u>Page</u>
81-1	Regulation of Gaming	
	a. Personnel	1
	b. S.C.R. 49	2
	c. Abstract	3
	d. Summary of Recommendations	4
81-2	State Public Works	
	a. Personnel	5
	b. S.C.R. 40	6
	c. Abstract	7
	d. Summary of Recommendations	9
81-3	Motor Vehicle Insurance Rates and Rating Practices	
	a. Personnel	12
	b. A.C.R. 29	13
	c. Abstract	14
	d. Summary of Recommendations	16
81-4	Nevada Prison System	
	a. Personnel	20
	b. A.C.R. 41	21
	c. Abstract	22
	d. Summary of Findings and Recommendations	24
81-5	Water Problems in the State	
	a. Personnel	30
	b. A.C.R. 46	31
	c. Abstract	32
	d. Summary of Recommendations	33
81-6	Transportation and Disposal of Radioactive Waste	
	a. Personnel	37
	b. A.C.R. 62	38
	c. Abstract	39
	d. Summary of Recommendations	41

<u>Bulletin No.</u>	<u>Title</u>	<u>Page</u>
81-7	Public Service Commission of Nevada	
	a. Personnel	44
	b. A.C.R. 22	45
	c. Abstract	46
	d. Summary of Recommendations	48
81-8	Means of Employing Welfare Recipients	
	a. Personnel	49
	b. A.C.R. 42	50
	c. Abstract	51
	d. Summary of Recommendations	52
81-9	Problems of Owners and Renters of Mobile Homes	
	a. Personnel	53
	b. A.C.R. 3	54
	c. Abstract	55
	d. Summary of Recommendations	57
81-10	Juvenile Crime and Abuse of Alcohol	
	a. Personnel	64
	b. A.C.R. 34	65
	c. Abstract	66
	d. Summary of Findings and Recommendations	67
81-11	Problems of Access to Public Lands	
	a. Personnel	70
	b. A.C.R. 37	71
	c. Abstract	72
	d. Summary of Recommendations	74
81-12	Prevention of Child Abuse	
	a. Personnel	76
	b. S.C.R. 17	77
	c. Abstract	78
	d. Summary of Recommendations	79

<u>Bulletin No.</u>	<u>Title</u>	<u>Page</u>
81-13	Data Processing by Nevada State Government	
	a. Personnel	80
	b. A.C.R. 21	81
	c. Abstract	82
	d. Summary of Recommendations	84
81-14	Organization and Financing of Judicial Services Involving Juveniles	
	a. Personnel	86
	b. S.C.R. 19	87
	c. Abstract	88
	d. Summary of Findings and Recommendations	90
81-15	Libraries and Other Systems for Storing Information	
	a. Personnel	93
	b. S.C.R. 26	94
	c. Abstract	95
	d. Summary of Recommendations	97
81-16	Maintenance of State Highways	
	a. Personnel	107
	b. A.C.R. 30	108
	c. Abstract	109
	d. Summary of Findings and Recommendations	111
81-17	Statewide Master Plan for Fire Protection	
	a. Personnel	116
	b. S.C.R. 23	117
	c. Abstract	118
	d. Summary of Recommendations	119
81-18	Effects of Tax Relief Measures	
	a. Personnel	123
	b. S.C.R. 42	124
	c. Abstract	125
	d. Summary of Recommendations	126

<u>Bulletin No.</u>	<u>Title</u>	<u>Page</u>
81-19	Federal Funding in Local Programs	
	a. Personnel	129
	b. S.C.R. 14	130
	c. Abstract	131
	d. Summary of Findings and Recommendations	133
81-20	State Payments to Private Providers of Care	
	a. Personnel	136
	b. A.C.R. 51	137
	c. Abstract	138
	d. Summary of Findings and Recommendations	139
81-21	Sunset Review	
	a. Personnel	141
	b. A.B. 523	142
	c. Abstract	143
	d. Summary of Recommendations	144
81-22	Public Lands	
	a. Personnel	152
	b. S.C.R. 5	153
	c. Summary of Recommendations	154
81-23	Federal Regulations Review Committee	
	a. Personnel	155
	b. NRS 218.536-218.5371	156
	c. Summary of Recommendations	157
81-24	Geothermal Resource Development	
	a. Personnel	158
	b. Abstract	160
	c. Summary of Recommendations	162

<u>Bulletin No.</u>	<u>Title</u>	<u>Page</u>
81-27	Reapportionment	
	a. Personnel	164
	b. A.C.R. 32	165
	c. Abstract	166
	d. Summary of Recommendations	167
81-28	MX Missile	
	a. Personnel	168
	b. Abstract	169
	c. Summary of Recommendations	170

BULLETIN 81-1

REGULATION OF GAMING

S.C.R. 49 - 1979 Session

Interim Subcommittee

Senator Melvin D. Close, Chairman
Senator Carl F. Dodge, Vice Chairman
Senator James N. Kosinski
Assemblyman Robert R. Barengo
Assemblyman Roger Bremner
Assemblyman Joseph E. Dini, Jr.
Assemblyman Karen W. Hayes
Assemblyman Janson F. Stewart
Assemblyman Darrell D. Tanner
Assemblyman Robert L. Weise

Senate Concurrent Resolution No. 49—Committee on Judiciary

FILE NUMBER 143

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the gaming industry.

WHEREAS, The gaming industry is the largest industry in this state; and
WHEREAS, The gaming industry supports many related industries which rely on the tourists who come into this state because of the gaming industry; and

WHEREAS, A large portion of this state's revenue is derived both directly and indirectly from the activities of the gaming industry; and

WHEREAS, The unique nature of the gaming industry requires stringent control and regulation by the state; and

WHEREAS, It is in the best interests of this state and its citizens that a comprehensive review and evaluation of the gaming industry be made; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly Concurring, That the legislative commission is hereby directed to make a comprehensive study of all aspects of the gaming industry, including without limitation, gaming taxes, local regulation and the recruitment and salaries of gaming personnel; and be it further

Resolved, That the legislative commission report the results of the study and any recommendations for legislation to the 61st session of the legislature.

ABSTRACT

REGULATION OF GAMING

This study was directed by its initiating resolution toward three principal areas: (1) license fees, (2) local regulation, and (3) the recruitment and salaries of regulatory personnel, to be supplemented as might seem appropriate.

No recommendation is made concerning license fees imposed by the state, but it is recommended that those imposed by local governments be limited to the same proportion which they now bear to gross revenues from gaming, without limitation of form or method of computing. No change was recommended for the local authority to require licensing and determination of suitability, but changes are recommended in the forms of application used and the types of prospective licensee to be investigated locally. These changes are designed to reduce duplication of effort between state and local agencies and to minimize inconvenience to the applicant. To the same end, it is recommended that licensees' reports of revenue and the information derived from audits be made available by the state to local authorities where appropriate.

Annual salaries are recommended for the chairman and members of the Nevada gaming commission. Establishment of ranges of compensation is recommended for employees of the state gaming control board, to permit advancement according to experience within the same position as well as by promotion to a higher position. The detailed proposals of the board were transmitted, without detailed recommendation of numbers or salaries for the respective positions, for final action by the committees on finance and ways and means.

Without establishing any new authority to intercept communications, it is recommended that communications lawfully intercepted by authority of another jurisdiction be made admissible in the courts and before administrative agencies of this state. Clarification and modernization of the statutes defining crimes which pertain to gaming is also recommended.

SUMMARY OF RECOMMENDATIONS

The recommendations made by the subcommittee studying the gaming industry are summarized in the "Abstract" on the preceding page.

BULLETIN 81-2

STATE PUBLIC WORKS

S.C.R. 40 - 1979 Session

Interim Subcommittee

Senator Clifford E. McCorkle, Chairman
Assemblyman Alan H. Glover, Vice Chairman
Senator Carl F. Dodge
Assemblyman James J. Banner
Assemblyman Robert F. Rusk

Senate Concurrent Resolution No. 40—Committee on Government Affairs

FILE NUMBER...141.

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study means of obtaining greater efficiency and economy in state public works.

WHEREAS, The costs of planning, designing and erecting state buildings are significantly higher than the costs of comparable private buildings; and

WHEREAS, This disparity in costs may not be solely attributable to the more stringent requirements imposed for state buildings; and

WHEREAS, The traditional control by economic competition in the marketplace has been diluted in respect to the planning, design and erection of state buildings; and

WHEREAS, A study of the procedures used by the state public works board for the planning, design and erection of buildings and other structures could yield valuable answers for the avoidance of unnecessarily increased costs; and

WHEREAS, Incentives could be built into the procedures which would encourage more efficient planning, design and erection of state buildings and result in a savings to taxpayers; 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 procedures used by the state public works board for the planning, design and erection of buildings and other structures in order to determine ways to increase the efficiency of these procedures and the economy of construction; and be it further

Resolved, That the study include consideration of methods to encourage suggestions during construction and to develop incentives for economy of construction; and be it further

Resolved, That the legislative commission report the results of its study along with appropriate recommendations to the 61st session of the legislature.

ABSTRACT

STATE PUBLIC WORKS

The subcommittee confirmed that state building construction costs are higher and that state building standards are more stringent than those of comparable private buildings. However, in confirming these facts, the subcommittee found that the differences between the two varied considerably depending upon whether the private building was being constructed for speculation or owner-occupancy. Not unexpectedly, the subcommittee found that state building costs were closer to owner-occupied buildings than to speculative buildings because of the higher standards being incorporated into owner-occupied buildings.

Additionally, the subcommittee found no evidence to indicate that the traditional control by economic competition in the marketplace had been diluted due to the availability of advance knowledge of project funding, or to procedures being followed by the state public works board with respect to the planning, design and erecting of state buildings. The subcommittee also found that the procedures used by the state public works board for the planning, design and erecting of state buildings were reasonable and were not a contributing factor to the high construction costs of state buildings.

The subcommittee did find other factors--in addition to confirming that the imposition of higher standards for state buildings was a prime reason for the construction cost differential between public and private buildings--contributing to higher construction costs for state buildings. These were:

1. The lack of flexibility by the state public works board in selecting the construction delivery system best suited to the project. Currently, the state public works board is authorized one construction delivery system for state projects.
2. The absence of funding for the state public works board to plan major projects in advance.
3. The option of allowing state agencies to retain project speciality consultants.

4. Additional fire safety requirements mandated by the state fire marshal and local governments during project construction.
5. Noncompliance by the project architect and the state public works board to the contract design time schedule established.
6. The statutory limitation in reducing the contract price by more than 10 percent.
7. The statutory requirement that the state prevailing wage rate be paid on public projects.

SUMMARY OF RECOMMENDATIONS

The following recommendations are forwarded by the subcommittee to help reduce the high cost of state buildings:

1. Amend chapter 341 of NRS to include a new section providing the state public works board (SPWB) with authority to advance plan specific capital improvement projects with the approval and funding by the legislature or the legislative interim finance committee.
2. The SPWB, prior to each legislative session, will have a bill drafted to appropriate and authorize to the interim finance committee the amount of funds estimated to advance plan selected capital improvement projects for the next biennium.
3. The legislative money committees to provide letters of intent whenever they wish to direct the SPWB to follow a specific course of action.
4. Amend NRS 341 to provide that the SPWB shall approve all agreements by any department, board, commission, or the board of regents of the University of Nevada with persons, associations or corporations, to provide consulting services to the SPWB relating to the determination of construction work that may be necessary to meet the needs of the programs of those agencies and to plan future construction work that may be necessary.
5. The SPWB amend clause 2.1.4.J. of their "Basic Services for Professional Services Agreements with the Architects and Engineers" to apply only to remodeling projects.
6. Require local governing bodies in towns, cities and counties to submit new and amended fire code ordinances, prior to their enactment, to the state fire marshal for review and written recommendations.
7. The General Design Principles established by the SPWB for public works projects be amended to include the objective

that all project designs will insure maximum building flexibility to accommodate agency's changing philosophy and programs in the building being constructed within the amount of funding approved for the project.

8. The SPWB should aggressively enforce compliance to the design time schedule by all parties involved in the project design stage.
9. The SPWB consider promulgating procedures to incorporate, as part of its standard operating procedures, the use of "value management" for capital improvement projects.
10. The SPWB include on its inhouse project design review team a general contractor.
11. The SPWB, upon computerizing their "life cycle cost system" provide the legislature life costing alternatives for each project recommended in its capital improvements program.
12. The SPWB index its "General Conditions of Contract for Construction" similar to the index used by the American Institute of Architects (A.I.A.).
13. Provide for the investment and quarterly payment of interest by the state treasurer to general contractors on project progress payments withheld by the SPWB per NRS 338.160.
14. Amend NRS 341.150 (f) to eliminate the 10 percent limitation that an awarded project contract amount can be decreased.
15. Amend chapter 338 of NRS to eliminate the prevailing state wage rate and require the state labor commissioner to secure and enforce the prevailing federal wage rate on public projects.
16. Amend chapter 338 to require contractors and subcontractors to provide a copy of monthly payroll reports to the state labor commissioner only if the commissioner has requested the report because of a wage complaint filed with his office.

17. Amend chapter 341 of NRS to provide authority solely to the SPWB to use a modified construction management/guaranteed maximum cost and design-build construction delivery systems. The designation of these systems for state projects will be at the discretion of the SPWB, but their implementation for specific projects must first be approved by the interim finance committee or the legislature, if in session.
18. The SPWB include in its 1981-83 biennial budget request, a program writer/estimator and administrative aide position.
19. The SPWB include in its 1981-83 biennial budget request, \$5,000 in out-of-state travel funds for reviewing unique facilities in other states similar to state facilities being recommended or approved for construction in Nevada.
20. The SPWB include in its 1981-83 biennial budget request, \$10,000 in consulting service funds to retain consultants, as required, to advise the SPWB on specific problem areas and to review project designs.
21. The SPWB include in its 1981-83 biennial budget request, \$2,500 to provide training for the SPWB staff in "value management" analysis techniques.

BULLETIN 81-3

MOTOR VEHICLE INSURANCE RATES
AND RATING PRACTICES

A.C.R. 29 - 1979 Session

Interim Subcommittee

Assemblyman Robert E. Price, Chairman
Senator William H. Hernstadt, Vice Chairman
Assemblyman Robert R. Barengo
Assemblyman Roger Bremner
Assemblyman Michael T. FitzPatrick
Assemblyman John Polish
Assemblyman Peggy Westall

Assembly Concurrent Resolution No. 29—Assemblymen Price, Mann, Mello, Hickey, Malone, Rusk, Bremner, Polish, Marvel, Bergevin, Horn, Chaney, Sena, Bennett, Prengaman, Pedrosian, Dini, Cou ter, Banner, Barengo, Hayes, Wagner, Weise, Cavnar, Jeffrey, Brady, Fielding, Craddock, Stewart, Tanner, Westall, Rhoads, Vergiels, Getto and May

FILE NUMBER.....124

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study motor vehicle insurance rates and rating practices, the increased cost of motor vehicle repair and medical care, possible statutory changes affecting recovery under the tort liability system and related matters.

WHEREAS, Motor vehicles are expensive, often representing a family's largest or second largest capital investment, and are exposed to a high risk of damage or destruction while being operated on the highway or while left unattended; and

WHEREAS, Accidents involving motor vehicles often result in death or severe injury to the persons involved, which in turn results in a severe economic burden on those involved and their families; and

WHEREAS, Motor vehicle insurance represents the only practical protection for the owner and operator of a motor vehicle against large loss of property, expense of costly injuries, liability for damage to property of another or liability for the injury or death of another; and

WHEREAS, Motor vehicle insurance has become so expensive and the use of motor vehicles so necessary that many Nevadans are forced to violate the law by operating their motor vehicles without the required insurance coverage or other security; and

WHEREAS, The protection of the lives, safety and property of the people of Nevada is of immediate concern to the legislature; 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 rates charged by motor vehicle insurance carriers, the rating practices of those carriers, inflationary changes in the cost of motor vehicle repair and the cost of medical care, possible changes in laws affecting recovery under the tort liability system and other related matters; and be it further

Resolved, That the legislative commission submit a report of its findings and recommendations to the 61st session of the Nevada legislature.

ABSTRACT

MOTOR VEHICLE INSURANCE RATES AND RATING PRACTICES

Motor vehicle insurance has been an ongoing concern to the Nevada legislature. During the 1970's, interest in motor vehicle insurance rates became pronounced with the advent of so-called no-fault motor vehicle insurance. In 1979, the legislature repealed the no-fault law but kept the provision for mandatory motor vehicle insurance or self-insurance. It also added new penalties for not carrying motor vehicle insurance.

Concomitant with the 1979 legislature's intent that persons who operate vehicles in Nevada maintain security, which for most drivers is in the form of motor vehicle liability insurance, was its concern about the rising cost of such insurance. The legislature also demonstrated concern with the availability of automobile insurance, and the statistical and actuarial accuracy, social acceptability, and discriminatory effects of rating and underwriting criteria used by motor vehicle insurance companies.

The outcome of these concerns was the passage of assembly concurrent resolution no. 29 which directs the legislative commission to study motor vehicle insurance rates and rating practices and to submit a report of its findings and recommendations to the 61st session of the Nevada legislature.

Subcommittee meetings were held in Carson City, Las Vegas, Elko, Ely, and Winnemucca. Those appearing before the subcommittee included private citizens and: representatives of the Federal Government, consumers' groups, national associations, other states' insurance regulatory agencies, the insurance division of the department of commerce, the department of motor vehicles, city and county governments in Nevada and California, motor vehicle insurance companies and motor vehicle insurance company trade associations, and attorneys' groups.

The report reflects the subcommittee's recommendations and legislative proposals. It includes the main narrative, bill

drafts, motor vehicle insurance company responses to staff letters inquiring about cost containment and other topics of interest to the subcommittee, summaries of legislation from the 1979 legislative session which affect motor vehicle insurance, information concerning the National Association of Insurance Commissioners' Automobile Insurance Classification Study and a chart showing driving under the influence of alcohol penalties in the states.

There are 19 recommendations contained in the report; 12 are for statutory changes.

SUMMARY OF RECOMMENDATIONS

The subcommittee recommends that:

1. The rate standard presumption that rates are not excessive if price competition exists be removed from NRS 686B.050.
2. The insurance commissioner consider investment income from unearned premium and loss reserves in determining whether motor vehicle insurance rates are excessive.
3. The insurance commissioner establish a fraud unit to enforce the provisions of NRS 683A.400 and NRS 686A.290 and other applicable statutes.
4. The statutes be amended to clarify that insurance companies are required to pay the difference between the uninsured motorist coverage the insured has purchased and the limits of the bodily injury coverage carried by the owner or operator of the other vehicle with whom he is involved in a motor vehicle accident.
5. The insurance division periodically publish:
 - a. A brief motor vehicle insurance consumers' guide to be distributed with motor vehicle registration forms. The subcommittee recommends further that such guide contain (1) premium cost comparisons for the five least expensive and five most expensive companies doing business in Nevada using the most common coverages as a basis for comparison; (2) comparative data relating to consumer complaints and coverages in which such complaints occur; (3) a rating of the manner in which insurance companies settle claims; (4) information on premium cost saving techniques such as using deductibles and taking advantage of various discounts; and (5) other information deemed appropriate by the insurance commissioner. The subcommittee recommends further that the consumers' guide be distributed at no cost to the general public.

- b. A detailed automobile insurance buyers' guide containing comprehensive information about motor vehicle insurance including coverages available, motor vehicle insurance company rating and underwriting criteria, the use of deductibles, and other information deemed appropriate by the insurance commissioner. The subcommittee recommends further that the buyers' guide be distributed at no cost to the general public and be made available at government offices and other appropriate locations.
6. The insurance commissioner encourage motor vehicle insurers to submit rate filings containing decreased rates in recognition of premium pricing factors which consider repairability, damageability and theft potential between makes and models of motor vehicles.
7. The insurance commissioner encourage motor vehicle insurers to offer higher deductible limits for comprehensive, collision and liability insurance coverages.
8. The insurance commissioner encourage motor vehicle insurers to give premium discounts to insured households where the number of insured vehicles exceeds the number of eligible drivers.
9. The insurance commissioner promote the development of low cost automobile insurance coverages by encouraging insurers to institute group motor vehicle insurance plans and by providing assistance to those persons wishing to establish insurance companies in Nevada which charge low premiums for motor vehicle insurance coverage.
10. The insurance commissioner report back to an appropriate committee of the 1981 legislature on the status of the proposals being considered by the Automobile Insurance (D3) Subcommittee of the National Association of Insurance Commissioners relating to (a) preinsurance inspection and post crash inspection of motor vehicles and (b) the settlement of claims for automobile physical damage for less than the cost to repair where the decrease in value to the damaged vehicle is substantially less than the cost to repair and where the vehicle is not repaired.

11. No motor vehicle insurer refuse to insure, refuse to continue to insure, or limit coverage available an eligible person on the basis of occupation, residence, length of residence, marital status, age, sex, the applicant not having motor vehicle insurance in force at the time the application is made, average miles driven or commuting mileage, amount of insurance, principal operator, or number of vehicles or number of licensed operators in the household.
12. The insurance commissioner adopt regulations requiring that on or after July 1, 1981, motor vehicle insurers file and explain underwriting criteria with each change in such criteria.
13. The insurance commissioner keep apprised of issues, court rulings and legislation associated with motor vehicle insurance classification and rating plans and of the status and outcome of the National Association of Insurance Commissioners' study and findings on the subject. The subcommittee recommends further that the commissioner report to an appropriate committee of the 1983 legislature the findings of the National Association of Insurance Commissioners' motor vehicle premium rating classification study along with any recommendations he may have for changes in the Nevada Revised Statutes, insurance division regulations, or the need for a state-level study.
14. The insurance commissioner deny any motor vehicle insurance rate increases if the rates are not based on a reasonable classification system, sound actuarial principles, and relevant and credible loss statistics, including reasonably related external data or anticipated trends.
15. The insurance commissioner establish uniform rating territories for motor vehicle insurance.
16. The statutes be amended to increase the penalties for driving under the influence of intoxicating liquor. The subcommittee recommends specifically that NRS 484.379 be amended to provide for, in addition to other existing penalties, (a) a \$500 mandatory fine for the first conviction of driving under the influence of intoxicating liquor,

and (b) a mandatory jail sentence of from 2 days to 6 months, in addition to a mandatory \$500 fine, for a subsequent conviction.

17. The 1981 legislature adopt a concurrent resolution urging the Nevada state court system to mete out suitable punishments under the law for all traffic violations and that it refrain to the fullest extent possible from the practice of permitting plea bargaining to reduce charges or penalties for traffic violations.
18. The 1981 legislature adopt the provisions of the National Association of Insurance Commissioners Insurance Information and Privacy Protection Model Act.
19. The limit of prejudgment interest specified in NRS 17.130 be increased from 8 percent to 12 percent.

BULLETIN 81-4

NEVADA PRISON SYSTEM

A.C.R. 41 - 1979 Session

Interim Subcommittee

Assemblyman Sue Wagner, Chairman
Senator Eugene V. Echols, Vice Chairman
Senator Wilbur Faiss
Senator Mike Sloan
Assemblyman Virgil M. Getto
Assemblyman Robert F. Rusk
Assemblyman Nash M. Sena

Assembly Concurrent Resolution No. 41—Assemblymen Wagner, Mann, Vergiels, Harmon, Jeffrey, Bedrosian, Barengo, Mello, Glover, Webb, Hickey and Westall

FILE NUMBER...129.

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the Nevada prison system and alternatives to incarceration.

WHEREAS, In 1975 the legislature appropriated over \$15 million for prison construction; and

WHEREAS, In 1977 the legislature appropriated over \$10 million for prison construction; and

WHEREAS, It is proposed to spend another \$31 million to \$36 million for prison construction; and

WHEREAS, It is the intent of the legislature to examine with ever greater care the expenditure of tax revenues; and

WHEREAS, In 1977 and 1978 the legislative commission conducted a study of the conditions at the state prison as directed by Assembly Concurrent Resolution 1 of the 59th session of the legislature, but the study does not appear to have focused on the need for additional construction within the prison system or on alternatives to incarceration; 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 present and future needs of the state prison system; and be it further

Resolved, That the study include an examination of:

1. The need for additional construction within the state prison system;
2. The location and cost of any additional construction which may be needed;
3. The effectiveness of the state prison system in rehabilitating prisoners; and
4. Alternatives to the incarceration of criminal offenders and the cost and efficaciousness of those alternatives; and be it further

Resolved, That the results of the study and any recommendations for legislation be reported to the 61st session of the legislature.

ABSTRACT

NEVADA PRISON SYSTEM

In 1970 the state prison system employed 213 employees, had fewer than 700 inmates, and operated a maximum security, a medium security, and a women's prison in northern Nevada. The maximum security facility had been the state's primary penal institution since its establishment by the territorial legislature; and the medium security facilities south of Carson City, started in 1965, had just activated a third 144-inmate housing unit. Annual general fund operating support for the state prison system was slightly over \$2.3 million and the average annual cost of supervising, housing and feeding an inmate was almost \$3,700. The prison population was relatively stable, with declines in total population in both fiscal year 1968 and fiscal year 1969, and a modest 4 percent population growth in fiscal year 1970.

By comparison, in 1980, the state prison system was authorized to hire over 550 employees (a 158 percent increase); had over 1,550 inmates (a 121 percent increase); and operated three institutions in northern Nevada, one institution in southern Nevada, two honor camps, and two restitution centers. General fund operating support for fiscal year 1980 totaled almost \$14.5 million, with an average annual cost per inmate being close to \$10,000 (a 170 percent increase). During the 1970's, almost \$63 million was committed to state prison construction through the capital budget. This construction included the addition of two 90-inmate housing units at the medium security institution; the construction, in two phases, of a 350-inmate facility in southern Nevada; the addition of a 54-bed second housing unit at the women's prison; the complete renovation of the living areas of the old maximum security facility in Carson City; and legislative authorization, during the 1979 session, for construction of a new 600-inmate facility near Indian Springs, in Clark County, Nevada. In 1979, the legislature provided more funds--\$34.4 million--for prison construction than did the 1971, 1973, 1975 and 1977 legislatures combined.

With this dramatic growth in inmate population and physical facilities, it is not surprising that prison bills and budget needs have been among the most hotly debated legislative issues.

In 1977, the legislature created an interim legislative study committee to study the problems and programs of the department of prisons. Again, in 1979, the legislature, through assembly concurrent resolution 41, created an interim legislative subcommittee to study the present and future needs of the state prison system to determine the need for additional construction within the state prison system, the location and cost of any additional construction which may be needed, the effectiveness of the state prison system in rehabilitating prisoners, and alternatives to the incarceration of criminal offenders and the cost and efficaciousness of these alternatives.

The subcommittee appointed to conduct this study held its initial meetings on September 13 and 14, 1979, in Carson City. Subsequent hearings were held on November 15 and 16, 1979, in Las Vegas; January 10 and 11, 1980, in Reno; and on April 24 and June 2, 1980, in Carson City. These meetings were devoted to testimony by department of prisons' officials, department of parole and probation officials, local law enforcement officials, state and local public defenders, local prosecutors, members of groups interested in the state prison and prison reform, interested individuals, and outside experts invited to appear before the subcommittee. Additionally, the subcommittee visited most of the facilities of the department of prisons; reviewed a great deal of the literature concerning prison construction, alternatives to incarceration, and alternative forms of incarceration, and received an evaluation report prepared at the subcommittee's request by the department of education on the vocational programs of the department of prisons. The subcommittee's report was adopted by the legislative commission at its October 14 and 15, 1980, meetings.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The Need for Additional Construction Within the State Prison System.

1. The subcommittee finds that the population projection techniques utilized by the department of prisons are not adequate on which to base a recommendation on the need for future prison construction. The problem is compounded, at this time, by a lack of information on the scope of the proposed mobile missile (MX) project and the impact it could have on prison populations. The subcommittee recommends that the department of prisons continue development of more sophisticated and reliable methods of projecting inmate populations on which the state public works board, the governor and the legislature can base prison construction decisions.

The Location and Cost of any Additional Construction Which May be Needed.

2. The subcommittee recommends that a site selection committee be statutorily formed to determine the location of future prisons. The committee would meet immediately following a legislative session which has appropriated funds for a new prison facility and would be responsible for determining the new facility's location following an extensive, in-depth review of all possible prison sites. The committee would be chaired by the director of the department of corrections with eight additional members as follows: the director of the department of conservation and natural resources, the chairman of the state public works board or his designee from the board's members, the majority leader of the senate or his designee from the senate, the speaker of the assembly or his designee from the assembly, and four gubernatorial appointees from the general public. The four members appointed by the governor would serve 4-year staggered terms and all members would receive travel and per diem expenses for meeting attendance. The members who are not public employees would also receive a daily salary for each day while engaged in the committee's business.

3. The subcommittee finds that the site selection criteria developed by the state public works board provide an excellent method of objectively evaluating potential prison site locations throughout the state. However, the subcommittee feels that these criteria are not equally important and should, instead, be considered by the site selection committee in the following order of importance: (1) prison criteria, (security requirements, programs offered, rehabilitation requirements, staffing requirements, inmate source, etc.); (2) physical criteria (size, availability of water and utilities, access, zoning, etc.); (3) cost criteria (land, construction cost, operating cost, local tax effect, etc.); and (4) social criteria (local attitude towards prison facilities, local labor characteristics, availability of community programs, availability of support services, etc.). These four criteria are to be looked upon as the minimum criteria to be used in siting any future prison institutions, with the site selection committee utilizing additional, or supplemental, criteria if they feel it necessary. Application of these four criteria is not intended to rule out, if the criteria can be met, rural locations for prison sites.
4. The subcommittee did not find any evidence to support the concept that prison institutions should be located 50 miles apart from each other and feels that this concept should not be utilized as a criteria in evaluating any future prison sites.
5. The subcommittee finds that the site selection committee, when comparing construction cost alternatives, and the state public works board, when designing and constructing correctional facilities, should comply with only the minimum construction criteria that are, in their opinion, necessary to comply with the constitution.
6. The subcommittee endorses the facility flexibility concept as presented by the department of prisons and recommends that prison institutions and facilities be designed as flexibly as possible to accommodate future program and custody needs.

The Effectiveness of the State Prison in Rehabilitating Prisoners.

7. The subcommittee is concerned over the low level of inmate participation, the low level of course completion, and the lack of quality in the department of prison's academic programs.
8. The subcommittee finds that the department of prisons' academic education program is not fully achieving its goals and is not efficiently and effectively delivering academic educational services. The arrangement at the SNCC whereby the majority of academic classes are offered under the jurisdiction and control of the Clark County evening high school program appears, both from inmate participation reports and cost, to provide a more effective means of providing academic programs to inmates. Therefore, the subcommittee recommends that the academic programs of the department of prisons be operated, not necessarily in the evenings only, under the control and jurisdiction of the local educational agency, with appropriate reimbursement being provided by the state. At its June meeting, the subcommittee requested that the state department of education assist in implementing this recommendation and that the results of the department's work be presented to the 1981 legislature.
9. Since the department of prisons' vocational programs provide a source of manpower for institutional work assignments and the industries' program, these programs should, for the time being, be operationally retained by the department of prisons.
10. The subcommittee recommends that separate appropriations be made for the department of prisons' educational programs in order to prevent the diversion of these funds to other purposes. Also, routine maintenance and operational items should be charged to the maintenance and operational budgets and not to the educational budgets, and the department of administration's pre-audit section should carefully examine educational claims to insure that such charges are not being made.

11. The subcommittee recommends that the department of prisons provide greater central direction and supervision to the vocational education program and other rehabilitative programs operated by the department. The subcommittee recognizes that there is an existing position within the office of the director's budget that is charged with the responsibility of providing central planning, development, and direction for the various inmate programs. Also, all of the institutional budgets with the exception of NWCC's contain program director and educational supervisory positions. In light of the subcommittee's recommendation to transfer academic education responsibility to local school districts, the department of prisons should clearly justify the continuing need for these positions to the 1981 legislature.
12. Additionally, the subcommittee recommends that vocational course offerings be developed, to the greatest extent possible, around skills that are marketable in the "outside" job market. Job demand forecasts, as supplied by the employment security department and other similar organizations, should be used in determining if the department of prisons is teaching salable skills.
13. The subcommittee strongly supports the prison industries program and various work release programs because they provide for effective management and utilization of inmate time and accomplish work objectives. The subcommittee feels that these programs should be self-supporting in the long run and that they be managed with the goal of defraying the need for taxpayer funds to support the prison system. For example, consideration should be given to budgeting any profits realized by the industries program to the vocational education area since these programs serve as a "feeder" resource to the industries program. However, the subcommittee recognizes that "seed money" may be necessary for supplies and equipment in the industries program and feels that a request for such "seed monies" should, if necessary, be included in the department's budget submission to the 1981 legislature.
14. The subcommittee finds that there is no data to support a finding that the academic, vocational, and other programs operated by the department of prisons are effective in

rehabilitating the offender. These programs, however, provide constructive management and utilization of inmate time and should be retained and expanded from a correctional standpoint.

Alternatives to Incarceration of Criminal Offenders and the Efficaciousness of Those Alternatives:

15. The subcommittee recommends that two multipurpose centers, one in Washoe County and one in Clark County, be established on a trial basis under the administrative supervision of the department of parole and probation. The centers would be used to provide structured supervision to adult offenders who have not previously served time in any state prison institution. Two types of offenders would be housed in the centers: First, convicted offenders could be assigned to the centers as a condition of probation if the department of parole and probation's presentencing investigative report recommended such an assignment. Such an assignment could include, especially in the case of a property offender, restitution to the victim of the offender's criminal activities. Second, convicted offenders who have violated the conditions of their probation could be assigned to the center for a period of time for both structured supervision and punishment purposes.
16. The department of parole and probation's presentation to the subcommittee included use of the multipurpose centers to house individuals who were in parole status from the department of prisons. The subcommittee feels that it would not be wise to commingle individuals who have served prison time with those who have never served a prior prison sentence and recommends that the proposed multipurpose centers not be used to house parolees.
17. Testimony before the subcommittee by those experienced in the operation of such centers indicated that the cost of housing an individual in such a center should be considerably less than housing an inmate in a prison institution. The cost figures submitted by the department of parole and probation do not reflect such a savings. The subcommittee, therefore, recommends that the department

of parole and probation carefully analyze its budget proposals for the operation of the centers to reduce costs where possible within the limits of safe supervision.

18. The subcommittee recommends that chapter 571, 1979 legislature, be amended to provide eligibility for the 120-day evaluation program for any convicted felon who has not been sentenced to a detention facility for more than 6 months.
19. The subcommittee recommends that the statutory provision prohibiting the department of prisons from assigning inmates who have committed an assault to forestry honor camps be repealed. The department has no such statutory requirements in their other programs, i.e., restitution centers and work-living programs, and is able to assign inmates based on their own classification findings. Assignment to the honor camp program should also result from the internal classification decisions of the department of prisons.
20. The subcommittee also recommends that the restitution program established by the 1979 legislature be continued and that provision be made to permit an inmate to initiate the restitution process by volunteering to make restitution to the crime victim.

BULLETIN 81-5

WATER PROBLEMS IN THE STATE

A.C.R. 46 - 1979 Session

Interim Subcommittee

Assemblyman Joseph E. Dini, Jr., Chairman
Senator Norman D. Glaser
Assemblyman Tod Bedrosian
Assemblyman Robert G. Craddock
Assemblyman John Marvel
Assemblyman Dean A. Rhoads

Assembly Concurrent Resolution No. 46—Committee on Government Affairs

FILE NUMBER...131..

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study water problems and priorities for water usage in the state.

WHEREAS, Most of the land in Nevada is climatically a desert, a condition which has historically presented water problems for its residents; and

WHEREAS, The growth of population in certain areas of the state threatens to place a severe strain on the available supplies of water in those areas; and

WHEREAS, It is crucial to the economy of Nevada and the welfare of its residents that the water supplies in the state be distributed to all users on an equitable basis; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislative commission conduct a study of the water problems of the state and that the study include:

1. An examination into the present and probable future demands upon the available water supplies;

2. A review of the existing laws regulating the appropriation of surface water and ground water in designated and undesignated basins; and

3. A consideration of possible revisions to the laws to ensure that they provide the most equitable methods of allotting and distributing the water for domestic, commercial, industrial, agricultural and municipal purposes;

and be it further

Resolved, That the results of the study and any recommended legislation be reported to the 61st session of the Nevada legislature.

ABSTRACT

WATER PROBLEMS IN THE STATE

The 60th session of the Nevada legislature in 1979 adopted A.C.R. 46 which directed the legislative commission to conduct a study of water problems in the state. The study specifically called for an examination into present and probable future demands upon water supplies and a review of the existing water laws which would include consideration of needed revisions to these laws.

The subcommittee which conducted the study held a total of seven meetings in Carson City, Las Vegas, Reno, Winnemucca, and Elko. The initial meeting was devoted to gathering background information about water utilization and supply in the state. Relatively detailed explanations of the state water laws were also provided. Subsequent meetings emphasized public input and discussion of the water-related issues facing the people of Nevada.

The subcommittee's report contains a background of water laws and procedures in Nevada. Also included is a summary of the water resources situation in the state. The issues related to water resources and laws are discussed in some detail.

Two fundamental points are expressed as follows:

1. The Nevada water laws have been developed over a number of years and the concepts are basically sound.
2. The state engineer's office (division of water resources) does not have enough financing or personnel to perform its duties adequately.

Based on these two fundamental points, the subcommittee developed its findings and recommendations.

SUMMARY OF RECOMMENDATIONS

The following recommendations were made:

1. Provide funds for 12 new positions in the division of water resources.
2. Provide funds to the division of water resources for computerization of records.
3. Increase the salaries for hydraulic engineers in the division of water resources to be commensurate with comparable positions in government and private industry.
4. Amend NRS 533.135 and 533.435 to include the following revisions in the fees which are charged by the state engineer's office:

REVISED FEES

<u>Type</u>	<u>Fee</u>
1. Application	\$150
2. Permit	\$200 per second-foot, except \$100 per second-foot for stock watering
3. Application to change	\$150
4. Extension of time	\$ 25
5. Protest	\$ 10
6. Proofs	
a. Commencement	\$ 10
b. Completion	\$ 10
c. Beneficial use	\$ 10
7. Proofs of appropriation (NRS 533.135)	\$100
8. Transfer of title	Costs incurred up to \$10
9. Dam application	\$100 plus cost of inspection

5. Specify that the statute relative to forfeiture of water rights (NRS 534.090) only applies to conditions that arise after the 1967 effective date of the statute.

6. Provide that the state engineer, after holding a public hearing and considering certain minimum criteria, may grant extensions of time relative to forfeiture of water rights for nonuse (NRS 534.090).
7. Provide that the state engineer must give municipal and quasi-municipal applicants a minimum of 5 years to prove beneficial use of water, and establish criteria to be considered by the state engineer before approving extensions of time for municipal and quasi-municipal permit holders to prove beneficial use.
8. Include in the report a finding that the statutory provision relative to revocation of temporary permits to appropriate ground water (NRS 534.120) remains an appropriate and positive statement of legislative action and deserves continued endorsement and support, even though court cases have arisen which question its applicability.
9. Establish a system of registration for new domestic wells drilled in the state, utilizing well drillers' logs and reports to the state engineer's office as the basis for the registration.
10. Clarify NRS chapter 535 to indicate that the state engineer has the same authority concerning "off-stream" dams as he has relative to dams on a stream.
11. Require that access to water for wildlife remain available as a condition to awarding water rights on surface water resources. Allow the state engineer to waive this requirement when the water will be used for domestic purposes.
12. By resolution, acknowledge that the local governing bodies in Washoe County have begun jointly to address issues relating to shortages of water in the Truckee Meadows, and indicate that an act of the legislature would be appropriate only if these efforts were to fail. Request that the appropriate local governing bodies in Washoe County make recommendations regarding the use of water meters as a guide to any modification of the statutes restricting their use, or plan to limit growth

to the amount which can be supported within the current natural resource capabilities. Also suggest that the local entities pursue all reasonable avenues to develop the capacity to store water upstream.

13. By resolution, make a finding that original agreements among the participants indicated that approximately 16,900 acre-feet per year of water from Stampede Reservoir would be allocated to municipal and industrial uses in the Reno-Sparks area, and state that this intent should be followed and the water should be made available.
14. By resolution, commend the U.S. Air Force for following the Nevada water laws in applying to appropriate water, and support a position that the Air Force should restrict its use of water to that which is unappropriated and should make the commitment not to condemn or usurp existing water rights.
15. By resolution, support U.S. Senator Paul Laxalt's effort to obtain financing for rehabilitation of the facilities in the Newlands Project. Also urge that funds be sought to rehabilitate facilities on the Carson River.
16. By resolution, declare that all agencies of the United States Government seeking to acquire water rights in the State of Nevada should apply for those rights pursuant to the state water law.
17. Expand the jurisdiction of the public service commission to include small water companies, cooperative associations, and nonprofit corporations or associations.
18. Recommend that an analysis be undertaken to determine the most appropriate method of approving the adequacy of designs for water systems for land divisions into four or fewer lots, which are not subject to review under the laws relative to subdivisions.
19. Request that the officials of Carson City provide to the next session of the legislature a reasonable proposal concerning the city's obtaining water from the Marlette water system, unless the local officials would prefer that the legislature make its determinations without benefit of Carson City's recommendations.

20. By resolution, oppose any designation of wild and scenic rivers in the state.
21. By resolution, urge the U.S. Congress to ratify the California Nevada Interstate Water Compact.

BULLETIN 81-6

TRANSPORTATION AND DISPOSAL OF RADIOACTIVE WASTE

A.C.R. 62 - 1979 Session

Interim Subcommittee

Assemblyman Jack F. Fielding, Chairman
Senator Lawrence E. Jacobsen, Vice Chairman
Senator Joe Neal
Assemblyman Tod Bedrosian
Assemblyman Virgil M. Getto
Assemblyman Paul Prengaman

Assembly Concurrent Resolution No. 62—Assemblymen Bedrosian, FitzPatrick, Jeffrey, Cavnar, Price, Malone, Bremner, Polish, Stewart, Brady, Rhoads, Rusk, Glover, Coulter, Banner, Prengaman, Wagner, Getto, Harmon, Dini, Bennett, Chaney, Vergiels, Horn, Hickey, Bergevin, Marvel, Robinson, Hayes, Sena, Fielding, Craddock and Weise

FILE NUMBER 134

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to conduct an interim study of methods used in transporting and disposing of radioactive material.

WHEREAS, The methods used for the safe transportation and disposal of radioactive material in this state are of grave importance to all Nevadans; and

WHEREAS, A recent incident in Nevada illustrates that the procedures used in the handling of radioactive waste may not be adequate; 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 an interim study of the procedures used in handling radioactive material, especially in its transportation and disposal; and be it further

Resolved, That the commission also include in the study procedures for licensing and inspecting private sites for disposal of radioactive waste; and be it further

Resolved, That the legislative commission report the results of the study and any recommended legislation, to the 61st session of the legislature.

ABSTRACT

TRANSPORTATION AND DISPOSAL OF RADIOACTIVE WASTE

Radioactive waste is frequently classified as high-level, intermediate-level, or low-level. The difficulty and hazardousness of radioactive waste disposal depends upon the life span, radioactivity and toxicity of the waste involved. Accordingly, nuclear wastes are normally characterized by the source and level of radioactivity and heat emitted by the material. Sources of radioactive waste include radioactive tracers used in nuclear medicine diagnostic and therapeutic procedures, well-logging in oil and gas exploration and production, industrial radiography, research and development associated with the nuclear power industry, and academic research.

Adoption of a radiation control program is mandatory in the 25 states where the U.S. Nuclear Regulatory Commission has relinquished its regulatory duties through a federal/state agreement. As an "agreement" state, Nevada is responsible for preparing such a plan and for licensing handlers of radioactive material. There are currently about 85 nuclear power material licensees in the State of Nevada. Of these, about one-fourth are medical uses and the others are for industrial, service, well-logging, disposal site operation, and university research.

Assembly concurrent resolution no. 62 was introduced in response to several transportation incidents and packaging violations involving low-level radioactive waste bound for the commercial disposal facility near Beatty, Nevada. Consequently, the subcommittee devoted its time to considering the problems associated with low-level radioactive waste management. As part of the subcommittee's study of the problem, a site visit of the Beatty disposal facility was made. The subcommittee also visited University of Nevada-Reno chemistry laboratories where research using radioactive materials, and subsequently generating radioactive waste, is being conducted.

Many of the problems associated with the disposal of low-level radioactive waste are the result of there being only three operating commercial disposal facilities in the United States: Hanford, Washington; Beatty, Nevada; and Barnwell, South

Carolina. In spite of the limited number of sites, at least 25 states have placed severe restriction on the disposal of radioactive waste within their borders over the last 4 years.

The transport of radioactive material is controlled by numerous laws and regulations at the federal, state, and local levels. These laws and regulations address a spectrum of issues including routing, prenotification, emergency response, packaging, and inspection and monitoring. While some states have left radioactive material transportation regulation to the Federal Government, others have provided statutory authority over many areas.

In light of the above and other information supplied to the subcommittee during its deliberations, 13 recommendations evolved. The topics of the recommendations included a user permit system; removal of radioactive materials from the disposal site; inspection of vehicles carrying radioactive waste; license fees for disposal; route designation; permitting motor carriers; enforcement of U.S.D.O.T. regulations; creation of other U.S. regional disposal sites; user fee system for chemical waste; fee schedules; emergency response training; and technical updates for the legislature.

SUMMARY OF RECOMMENDATIONS

Recommendations are as follows:

1. Require shipper or producer of radioactive waste to obtain a license from the health division to use the Beatty radioactive waste disposal facility.
 - a. Require the licensee to demonstrate his ability to properly package and label the radioactive waste which he is responsible for transporting in conformance with regulations promulgated by the state board of health.
 - b. Provide for penalties in the event that the licensee violates the regulations.
 - c. Provide for revocation of a licensee in the event of violation of the regulations.
2. Prohibit removing any waste, contaminated material, or equipment from the disposal area for personal use.
3. Authorize inspectors and peace officers of the motor carrier division of the department of motor vehicles, the public service commission of Nevada and the Nevada highway patrol to enforce regulations promulgated relating to the transportation and handling of radioactive waste.
 - a. Permit an inspector or peace officer to impound vehicles with unsafe equipment and detain vehicles with radiation leaks.
 - b. Permit an officer to order the cleaning up of leaks or spills including repacking of the contents of any unsafe or leaking packages.
4. Establish license fees for the use of radioactive disposal facilities in Nevada.
5. Designate by regulation alternative routes for the transportation of radioactive materials over highways of the State of Nevada, but which do not conflict with the standards established by the United States Department of Transportation.

6. Require motor carriers to acquire a permit from the public service commission which specifically allows him to transport radioactive waste.
 - a. Issue permits to carriers who demonstrate their ability to comply with federal and state laws regarding vehicle safety and the handling and transporting of radioactive waste.
 - b. Designate liability to the carrier for accepting packages containing radioactive waste.
 - c. Require notification to the public service commission of Nevada of shipment of radioactive waste into the State of Nevada.
 - d. Authorize the public service commission of Nevada to revoke permits to transport radioactive waste if the carrier fails to comply with federal and state regulations regarding the handling or transportation of radioactive waste, driver safety or vehicle safety.
7. Request the Federal Government to more strictly enforce regulations relating to radioactive waste transportation, to establish responsibility between shippers and carriers for violations of the regulations, and to employ more inspectors to monitor shipments of radioactive waste in Nevada.
8. Recommend to Congress the establishment of additional sites within the United States for the disposal of low-level radioactive waste.
9. Consider establishing a user fee system for chemical waste disposal in Nevada similar to the user fee system proposed for radioactive waste disposal.
10. Establish a fee schedule which will provide revenue to support adequate regulation of the radioactive material industry. The schedule should provide for annual increases to reflect increasing costs of monitoring, inspection, and perpetual care and maintenance.

11. Allow revenue generated by the user fee system to be used to train the emergency response agencies of the state's communities with regard to hazardous materials.
12. Direct the health division of the department of human resources to report significant technical advances in radioactive waste management to the legislature.

BULLETIN 81-7

PUBLIC SERVICE COMMISSION OF NEVADA

A.C.R. 22- 1979 Session

Interim Subcommittee

Assemblyman Virgil M. Getto, Chairman
Senator Richard E. Blakemore, Vice Chairman
Senator Don W. Ashworth
Senator Thomas R. C. Wilson
Assemblyman Tod Bedrosian
Assemblyman Nicholas J. Horn
Assemblyman Peggy Westall

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the public service commission of Nevada and the merits of requiring competitive bidding on large projects of construction or repair by public utilities.

WHEREAS, Public utilities affect human lives every day and are essential to the maintenance of a modern society; and

WHEREAS, Utilities are regulated by government primarily to ensure efficient service to the public and to protect the people against possible abuses; and

WHEREAS, The effectiveness of the regulation of public utilities is dependent upon the skill, policies and resources of governmental regulatory agencies; and

WHEREAS, The public service commission of Nevada was created by the legislature to regulate public utilities in this state for the general welfare of its people; and

WHEREAS, The cost of energy to consumers in this state continues to increase, and part of the cost arises from essential repair to existing facilities and construction of new facilities, the cost of which is passed on to consumers; and

WHEREAS, Public utilities are not presently required to use competitive bidding for any work which they may decide to accomplish with other than their own resources; and

WHEREAS, The services of public utilities are performed under exclusive public franchises and are similar to services provided by the state and its political subdivisions, which are required by law to use competitive bidding on large projects; and

WHEREAS, Public utilities supplying energy should function at the lowest possible cost commensurate with reasonable service to the public; 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 of the public service commission of Nevada, including without limitation, its relation to the utilities it regulates and to the public; and be it further

Resolved, That the legislative commission is hereby directed to study the merits of requiring competitive bidding on all large projects of construction or repair to be undertaken by public utilities; and be it further

Resolved, That the legislative commission report the results of its study and any recommended legislation to the 61st session of the Nevada legislature.

ABSTRACT

PUBLIC SERVICE COMMISSION OF NEVADA

The primary focus of the study was the issue of increasing energy utility rates and the search for legislative remedies. Although some new management practices and administrative procedures have been instituted within the public service commission as a result of the recommendations of previous legislative studies, rate increases continue. Other areas of concern included public service commission regulatory responsibilities and competitive bidding. The recommendations were thus divided into four major areas: consumer representation (a means of controlling increasing rates allocated to residential customers); community antenna television (an unnecessary commission responsibility); competitive bidding (a cost effective utility management policy); and energy conservation and alternatives (means of reducing dependence on energy utilities).

A consumer advocate is a party who represents residential ratepayers before the public service commission in utility rate hearings. This representative is concerned with both the reasonableness of the amount of a utility's request for a rate increase and with the commission's allocation of an approved rate increase among the various classes of ratepayers (e.g., residential, commercial, industrial). The subcommittee found that because of the current absence of residential ratepayer representation before the public service commission, an office of customer representation should be established.

State authority over community antenna television regulation was instituted in the absence of the exercise of federal regulatory authority. Because the Federal Government has developed considerable expertise and promulgated numerous rules and regulations since state authority was assumed, the subcommittee decided that state regulatory authority is no longer necessary.

The State of Nevada does not presently require competitive bidding on public utility projects. The cost of energy to consumers in Nevada continues to increase, however, and part of the cost arises from essential repair to existing facilities and construction of new facilities. Moreover, services of public

utilities are performed under exclusive public franchises and are similar to services provided by the state which is required by law to use competitive bidding. Thus, the subcommittee found that requiring the practice of competitive bidding among utilities could contribute to supplying energy at the lowest possible cost commensurate with reasonable service.

Finally, one way of reducing monthly utility bills is to cut down on the use of energy supplied by the utility, i.e., to conserve. Similarly, using some alternative energy resource will also reduce monthly utility bills. Stimulating conservation and use of alternatives could be accomplished by the adoption of stricter standards for the conservation of energy in new buildings; adoption of local ordinances which promote use of solar, geothermal and other alternative resources in new subdivisions; development of incentives for conservation and renewable resources through the public service commission; requiring that public utilities examine the use of alternative energy resources for new power facilities; and establishment of utility sponsored low interest loan programs for improving insulation and increasing energy conservation in homes.

SUMMARY OF RECOMMENDATIONS

The subcommittee adopted the following recommendations:

1. Create an office of representation to represent the interests of customers of public utilities in matters before the public service commission of Nevada.
2. Repeal the Nevada Community Antenna Television System Law and empower local governments to regulate community antenna television companies.
3. Require competitive bidding for the construction or extension of any public utility plant, facilities or system which exceeds \$2,500 in any calendar year.
4. Support the department of energy's adoption of stricter standards for the conservation of energy in new buildings.
5. Encourage local government to adopt regulations which promote the use of solar, geothermal and other alternative resources in new subdivisions.
6. Encourage the public service commission of Nevada to provide incentives for conservation and renewable resources by reducing line extension charges for structures that meet higher conservation standards or which use renewable resources, and by providing for conservation and standby energy policies that do not discourage use of renewable resources. Also encourage the public service commission to require utilities to adopt load management and rate structure policies that enable the utilities to obtain the best possible use of existing facilities.
7. Encourage public utilities to examine use of alternative energy resources like geothermal for new power facilities and to examine the feasibility of reducing demands for energy capacity as an alternative for new plant construction.
8. Urge the public utilities of Nevada to develop no interest or low interest loan programs for improving insulation and increasing energy conservation in homes.

BULLETIN 81-8

MEANS OF EMPLOYING WELFARE RECIPIENTS

A.C.R. 42 - 1979 Session

Interim Subcommittee

Assemblyman Marion D. Bennett, Chairman
Assemblyman Robert G. Craddock, Vice Chairman
Senator Clifford E. McCorkle
Assemblyman Bill Brady
Assemblyman Michael T. FitzPatrick

Assembly Concurrent Resolution No. 42—Assebmlymen Chaney, Bennett, Weise,
Brady, FitzPatrick and Westall

FILE NUMBER...130.

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to conduct an interim study of possible means of employing continuous recipients of welfare.

WHEREAS, Many persons who are existing on support from public welfare are unable to break the cycle of dependence upon that support; and

WHEREAS, An effective program for the permanent employment of those recipients would produce ultimate savings for the State of Nevada; 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 means of providing employment to persons who have been continuous recipients of support under public welfare; and be it further

Resolved, That the study include an examination into:

1. Effective methods of educating and training the recipients for permanent employment;
2. Appropriate inducements which might be given to private employers to hire the recipients and train them for specific jobs;
3. Classes of employment within the public service which might be opened to applications by the recipients and the reasonableness of any preferences to aid them in qualifying for the employment;
4. Means of making transportation available for the recipients to and from places of employment and of providing economical centers for essential care of their children during working hours; and
5. Methods of financing a program to achieve these objectives; and be it further

Resolved, That the legislative commission report the results of the study to the 61st session of the legislature, together with any recommendations for appropriate legislation.

ABSTRACT

MEANS OF EMPLOYING WELFARE RECIPIENTS

The 1979 legislature passed assembly concurrent resolution 42 in an effort to help those receiving public assistance find employment. The resolution directed that a study be conducted of providing employment to persons who have been continuous recipients of public support. Five legislators were appointed to the study subcommittee.

Public hearings were held in northern and southern Nevada. The subcommittee considered education and training programs, public service employment, ways of making transportation available to public assistance recipients and incentives for private employers to hire recipients.

When the subcommittee reviewed existing education and training programs, it found that changes in these programs could not be made without the approval of the Federal Government. Therefore, the subcommittee considered, but did not adopt a recommendation, for withdrawing Nevada from the Federal Aid to Families with Dependent Children (AFDC) program in order to establish a state employment training program. The subcommittee felt that such a program would help employ more welfare recipients. The subcommittee recommended adoption of a joint resolution memorializing Congress to return to the state the right to regulate and administer federally funded public assistance programs.

One of the most significant findings of the study was the decreasing number of AFDC recipients in Nevada during the past decade. In fact, between fiscal years 1970-71 and 1978-79, the number of recipients declined nearly 45 percent. The subcommittee recommended that the level of eligibility workers in the state welfare division be maintained to continue Nevada's excellent record in eliminating welfare fraud.

SUMMARY OF RECOMMENDATIONS

The subcommittee adopted the following positions:

1. Memorializing the Congress of the United States to enact legislation which would return to the states the right to regulate and administer certain federally funded public assistance programs.
2. The 1981 Nevada legislature should study the problem of public transportation in the state, particularly in Clark County, and consider methods of extending such transportation to recipients of public assistance.
3. The 1981 Nevada legislature should maintain the necessary level of welfare eligibility workers within the state welfare division, in order to maintain Nevada's excellent record of controlling the abuse of public assistance.

BULLETIN 81-9

PROBLEMS OF OWNERS AND RENTERS
OF MOBILE HOMES

A.C.R. 3 - 1979 Session

Interim Subcommittee

Assemblyman Karen W. Hayes, Chairman
Assemblyman Robert R. Barengo, Vice Chairman
Senator Mike Sloan
Assemblyman Paul Prengaman
Assemblyman Robert E. Robinson
Assemblyman Doug Webb

Assembly Concurrent Resolution No. 3—Assemblymen Hayes, Horn, Mello, Barengo, Harmon, Stewart, Brady, Glover, Hickey, Jeffrey, Weise, Craddock, Westall, Prengaman, Sena and Coulter

FILE NUMBER...121.

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the problems of owners and renters of mobile homes.

WHEREAS, The legislature of the State of Nevada is concerned with the problems of owners and renters of mobile homes, especially problems related to the scarcity of spaces in mobile home parks at reasonable rents; and

WHEREAS, The legislature believes that a study of the particular problems of owners and renters of mobile homes is needed; 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 problems of owners and renters of mobile homes; and be it further

Resolved, That the legislative commission submit a report of its findings and any recommendations for appropriate legislation to the 61st session of the legislature.

19  79

ABSTRACT

PROBLEMS OF OWNERS AND RENTERS OF MOBILE HOMES

Issues relating to mobile homes have been of concern to the legislature for a number of years. The Mobile Home Standards Act, which was designed to protect the public against possible safety hazards and to prohibit the manufacture and sale of mobile homes that are not constructed in a manner which provides reasonable safety and protection to mobile home owners and users, was added to the Nevada Revised Statutes (NRS) in 1973 by A.B. 944. Since 1973, the act has been amended and recodified. The existing law relating to mobile home safety, construction, installation and sales can be found in chapter 489 of NRS.

Statutory provisions concerning landlord and tenants in mobile home parks were added to NRS in 1975 by A.B. 308. The law was amended substantially in 1977 by A.B. 201. Existing statutory provisions relating to "Landlord and Tenant: Mobile Home Lots" are contained in NRS 118.230 to 118.340, inclusive.

Matters relating to mobile homes were also a topic of major concern to the 1979 legislature. The Index and Tables for Bills and Resolutions Introduced in the Senate and Assembly Nevada Legislature, 60th Session, 1979, Through Adjournment May 29, 1979, lists 33 measures which deal, at least in part, with either mobile homes or mobile home parks. Eleven of those measures became law.

Even with this substantial amount of legislative activity pertaining to mobile homes, the 60th session of the Nevada legislature felt that more study was needed to obtain information and data about mobile home related issues. In this regard, it passed assembly concurrent resolution number 3 which directs the legislative commission to study the problems of owners and renters of mobile homes.

Subcommittee meetings were held in Carson City, Reno, Las Vegas, and Elko. Those appearing before the subcommittee included

representatives of mobile home park owners and operators' groups, mobile home tenants' groups, state and local government agencies from Nevada and California, mobile home manufacturers and distributors' groups and mobile home landlord mediation boards.

During the subcommittee's study, the members became concerned that the data the subcommittee was accumulating through the normal interim subcommittee process needed to be augmented with unbiased, professionally obtained survey information for the 1981 legislature to make informed decisions concerning legislation relative to mobile home parks. Accordingly, the subcommittee requested funding to contract for a professional survey of owners or operators and tenants of mobile home parks. The legislative commission, at its February 27, 1980, meeting, authorized the expenditure of \$4,125, for Clark County Community College, North Las Vegas, Nevada, to perform the survey and to prepare a written report describing and analyzing data obtained from it. The subcommittee believes the information contained in the college's report, which should be available during the early part of the session, will be of considerable importance to the 61st session of the Nevada legislature.

The subcommittee's report is divided into sections containing the main narrative; bill drafts; responses to a staff survey letter to other states inquiring if mobile homes are taxed as real property and excluded from sales tax; and summaries of measures considered by the 1979 legislature relating to mobile homes, mobile home parks and mobile home park landlord tenant relations.

There are 30 recommendations contained in the report; 27 are for statutory changes.

SUMMARY OF RECOMMENDATIONS

The subcommittee recommended that:

1. The definition of serviceman contained in NRS chapter 489 be revised to include those who install or repair skirting, awnings, roofing, fixtures, appliances and devices on or in mobile homes or commercial coaches except (1) any person employed by a licensed manufacturer, or (2) the owner or purchaser of a mobile home or commercial coach.
2. (a) Every applicant who applies for a manufacturer's, dealer's, rebuilder's, serviceman's, installer's, or salesman's license under NRS chapter 489 be required to provide the manufactured housing division with information about the applicant's character, honesty, integrity, fitness and reputation.

(b) Upon receipt of an application for a license which is accompanied by the appropriate fee, the division, within 120 days, make a thorough investigation of the information contained in the application. Such investigation must include a review of the applicant's state and national records of criminal history obtained from a repository of Nevada records of criminal history and from the Federal Bureau of Investigation's National Crime Information Center.

(c) The subcommittee recommends further that each applicant be fingerprinted.
3. NRS 489.351 be amended to require that the manufactured housing division require a written or oral examination of each applicant for a dealer's, or responsible management employee's, installer's, salesman's or serviceman's license. The subcommittee recommends further that current licensees be required to pass the appropriate examination as a condition of license renewal; but, that no licensee be required to complete successfully more than one examination for a specific license.
4. A fund for recovery be created as a special revenue fund for the purpose of satisfying claims against persons licensed under chapter 489 of NRS.

5. A receivership procedure be established in the law for insolvent mobile home dealers.
6. A mobile home escrow law be added to the NRS.
7. Any sale of a mobile home which is to become assessed and taxable as real property not be subject to sales tax.
8. The Nevada tax commission revise the depreciation schedule for mobile homes to comply with the legislative mandate in NRS 361.325 (1) (b) to classify mobile homes on the basis of those factors which most closely determine their service lives and fix and establish their valuation for assessment purposes.
9. The housing division of the department of commerce use its authority under NRS chapter 319 to provide assistance to low and moderate income persons who wish to purchase mobile homes and to assist in the development of new mobile home developments including mobile home parks. The subcommittee specifically recommends:
 - a. The housing division provide loans to nonprofit corporations and local agencies attempting to develop new mobile home developments.
 - b. The housing division provide advice and technical information as specified in NRS 319.160 to those wishing to develop mobile home parks affordable to low and moderate income households.
 - c. The housing division make loans for the following reasons:
 - (1) To finance the development of mobile home parks which will be cooperatively owned or rented by households of low and moderate income.
 - (2) To finance the development of mobile home subdivisions, provided that the mobile homes will be purchased by lower and moderate income households.

10. The housing division report:
 - a. Annually on the number of mobile home owners whom it assists under the provisions of chapter 319 of NRS.
 - b. Back to the legislature by January 1, 1983, with the changes it believes are necessary in chapter 319 of NRS for the division to provide financial assistance, technical information or to promote the development of mobile home parks or mobile home housing.
11. The 1981 legislature enact a concurrent resolution urging the housing division of the department of commerce to vigorously pursue its authority under NRS chapter 319 to acquire land from any governmental agency and to sell such land at cost for the purpose of developing mobile home parks for persons of low and moderate income.
12. The 1981 legislature enact a concurrent resolution urging each housing authority in Nevada to vigorously pursue and obtain funding for the contributions contracts for rental assistance to mobile home owners provided for in subsection (j) "Contributions contracts for rental assistance to mobile home owners," of 42 USCA 1437F "Lower-income housing assistance."
13. The 1981 legislature adopt a joint resolution memorializing Congress to provide increased funding specifically for contributions contracts for rental assistance to mobile home owners who reside in mobile home parks and pay space rents.
14. A borrower or a purchaser, under a loan contract or credit sale contract secured by a mobile home, be permitted to prepay the unpaid balance of the contract and receive a refund of the unearned interest or finance charge. In the event of prepayment in full, the finance charge is to be calculated on a simple interest basis by applying the true annual percentage rate against a declining balance that does not include "added on" interest or finance charges.
15. The NRS be amended to require the manufactured housing division to enact regulations for the construction, reconstruction and operation of mobile home parks. The subcommittee recommends further that such regulations set forth

the conditions for the assumption and required qualifications for local agencies to enforce the regulations. A fee permit schedule should also be established.

16. The statutes be amended to require the health division to inspect mobile home parks for health and sanitation purposes at least once each year. The subcommittee recommends further that the requirement for inspection be extended to rental mobile homes where the renter consents to the inspection and that local authorities be permitted to conduct the health and sanitation inspections if the health division determines that local inspection would be effective. The subcommittee recommends further that the division or health authority maintain a record of all health and sanitation complaints received, the disposition of each complaint, the annual health inspection made of each park, the findings of each such inspection and the outcome of any deficiencies found.

17. The manufactured housing division of the department of commerce be responsible for enforcing NRS 118.230 to 118.340, inclusive. Such authority include provision for the licensing, regulation and inspection of mobile home parks. The subcommittee recommends further that the division (1) adopt necessary regulations to administer NRS 118.230 to 118.340, inclusive. Upon 30 days' written notice from the governing body to the division, any city, county, or city and county assume the responsibility for the enforcement of NRS 118.230 to 118.340, inclusive, and the regulations adopted pursuant thereto following approval by the division for such assumption; (b) the division adopt regulations which set forth the conditions for assumption and include required qualifications of local enforcement agencies. Conditions set forth and the qualifications required in the regulations relate solely to the ability of local agencies to enforce properly the regulations relating to mobile home parks. The regulations not set standards for local agencies different than those which the state maintains for its own enforcement program. When assumption is approved, the division transfer the responsibility for enforcement to the city, county, or city and county, together with all records of mobile home parks within the jurisdiction of the city, county, or city and county.

In the event of nonenforcement of NRS 118.230 to 118.340, inclusive, or the regulations adopted thereto, the provisions should be enforced by the division in any such city, county, or city and county after the division has given written notice to the governing body of such city, county, or city and county setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and the city, county or city and county have failed to initiate corrective measures to carry out its responsibilities within 30 days of such notice.

Where the division determines that the local enforcement agency is not properly enforcing the law or regulations, the local enforcement agency has the right to appeal such a decision to the division.

Any city, county, or city and county, upon written notice from the governing body to the division, be permitted to relinquish its assumption of responsibility for enforcing NRS 118.230 to 118.340, inclusive. The division, upon receipt of such notice, assume such responsibility within 30 days.

The subcommittee also recommends that permits be required and fees be charged for those permits.

The subcommittee recommends further that any permit holder who willfully violates any of the provisions of NRS 118.230 to 118.340, inclusive, or any rules or regulations issued pursuant to such sections, be subject to suspension or revocation of his permit to operate and a fine of up to \$500 per day for each day he remains in violation.

18. The statutes be amended to make the provisions governing the renting of mobile home lots applicable to recreational vehicles located in mobile home parks for 1 month or more.
19. In an action to enforce rights under NRS 118.230 to 118.340, inclusive, the prevailing party in addition to actual damages may recover punitive damages in an amount not to exceed \$500 for each willful violation of those provisions.

20. The 1981 legislature adopt a concurrent resolution urging the district attorneys' offices in the three most populous counties to establish independent full-time staff to investigate and prosecute mobile home complaints.
21. The landlord of any mobile home park which is not equipped with individual meters for each lot who charges the tenants for utilities either separately or by including the charge in their rent prorate the cost of all utilities.

In no case should the charges prorated exceed in the aggregate the cost of the utility to the landlord. If the utility charges are included in the tenant's rent, the landlord be required to itemize the gas rate on the rent bill and give the tenant 60 days' written notice of any increase in gas rates.

In any mobile home park which is equipped with individual meters for each lot and where the landlord receives the utility bill and charges the tenants for utilities, that charge not be at a rate higher than the tenant would pay if he were a direct customer of the utility.

Every mobile home park be required to provide for each individual lot in the park by July 1, 1985:

- (a) Electric and gas service direct from the utilities; or
 - (b) Individual meters for electric and gas service.
22. Landlords of master metered mobile home parks provide facilities to tenants for determining the accuracy of individual meters on the master utility meter system.
 23. The public service commission be given jurisdiction over gas and electric distribution lines and associated equipment in mobile home parks.
 24. The landlord, or his authorized agent, not adopt or enforce rules or regulations (1) prohibiting a tenant from having a guest, except if the presence of the guest constitutes a nuisance; or (2) establishing areas for adults only in parks which allow children, unless the restriction is clearly posted in those areas.

25. That no mobile home park owner, or his authorized agent, require a prospective tenant to purchase a mobile home from him or any other person in order to obtain a mobile home site.
26. It be unlawful for a mobile home dealer, or his authorized agent, to pay the entrance or exit fees specified in paragraph (a) of subsection 1 of NRS 118.270.
27. NRS 118.260 (4) be amended to double the time from 60 to 120 days in which notice must be given of new or amended mobile home park rules or regulations.
28. Members of boards established to mediate grievances between landlords and tenants in mobile home parks include, if such organizations are in existence in the community, representatives of mobile home park owners' associations and representatives of mobile home park tenants' associations.
29. The governing body of any city or county be permitted to provide, by ordinance, for the review of increases or the setting of rents charged for mobile home lots or mobile homes and mobile home lots within mobile home parks in that city or county when the governing body of the city or county determines that an emergency exists with regard to the rental of those lots. An emergency exists where the governing body finds that the rate of vacancies in mobile home parks in the city or county is 5 percent or less.
30. The governing bodies of cities and counties not prohibit the location of a manufactured home, mobile home, mobile home park or a subdivision consisting of manufactured homes or mobile homes in any area of the city or county in which residential housing is permitted or the permanent attachment of any mobile home to land owned by the owner of a mobile home and on which a mobile home is lawfully located. The subcommittee recommends further that a governing body not be prohibited from establishing reasonable standards relating to design to enable manufactured homes, mobile homes, mobile home parks and subdivisions consisting of manufactured homes or mobile homes to blend with adjacent areas of residential housing and otherwise regulating the improvement of land and the location and soundness of structures to the extent the regulation is not inconsistent with law.

BULLETIN 81-10

JUVENILE CRIME AND ABUSE OF ALCOHOL

A.C.R. 34 - 1979 Session

Interim Subcommittee

Assemblyman Janson F. Stewart, Chairman
Senator Eugene V. Echols, Vice Chairman
Assemblyman Marion D. Bennett
Assemblyman Bill Brady
Assemblyman Karen W. Hayes
Assemblyman Nicholas J. Horn
Assemblyman Mike Malone

Assembly Concurrent Resolution No. 34—Assemblymen Brady, FitzPatrick, Hayes, Polish, Rhoads, Prengaman, Craddock, Sena, Dini, Weise, Chaney, Tanner, Stewart, Malone, Marvel, Fielding, Bennett, Webb, Rusk, Banner, Horn, Mann, Mello, Bergevin, Harmon, Cavnar, Bedrosian, Jeffrey, Chaney, Westall, Price and Vergiels

FILE NUMBER 127...

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study juvenile crime and the abuse of alcohol by juveniles.

WHEREAS, All Nevadans are concerned with the problems facing this state as a result of its rising rate of crime; and

WHEREAS, The people of this state recognize that the future of the state depends upon the integrity of its youth; and

WHEREAS, An alarmingly high percentage of crime in Nevada is committed by persons between the ages of 13 and 18; and

WHEREAS, The leading cause of death in teenagers is driving while under the influence of alcohol; and

WHEREAS, During 1977, in this state, 7,912 juveniles were referred to the juvenile courts, the majority of the larcenies were committed by persons 14 to 16 years of age, 54 percent of all burglaries were committed by persons 13 to 17 years of age, and 34.3 percent of males arrested were between the ages of 13 and 17; and

WHEREAS, In Clark County alone juveniles committed 28,424 offenses against the public, of which 1,606 were crimes against persons and 7,100 were crimes against property, and 5,150 juveniles were arrested and referred to court on matters concerning illegal possession or use of drugs; and

WHEREAS, The trend of increasing juvenile crime in Nevada threatens to destroy the wholesome environment for rearing children, which has been a heritage of 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 study the incidence of juvenile crime and abuse of alcohol in this state and to determine methods for coping successfully with these problems; and be it further

Resolved, That the legislative commission report the results of the study and any recommended legislation to the 61st session of the legislature.

ABSTRACT

JUVENILE CRIME AND ABUSE OF ALCOHOL

In 1979, the Nevada legislature adopted A.C.R. 34 directing the legislative commission to study juvenile crime and abuse of alcohol by juveniles. The subcommittee which conducted the study decided that the emphasis of the study should be placed upon prevention of juvenile delinquency and alcohol abuse, rather than concentrating on corrections, detention, rehabilitation or other aspects. Although alcohol abuse and juvenile delinquency are somewhat separate issues, in that one does not necessarily cause the other, most of the types of actions being undertaken as prevention for juvenile delinquency are also effective in preventing alcohol abuse. Therefore, the emphasis on prevention has served to unify the separate issues to some degree.

The subcommittee held five meetings in Las Vegas and Reno. Every state agency that deals with juvenile crime or alcohol abuse has provided testimony at the hearings. Representatives from several local entities and private providers of service have also participated in the meetings. The staff has compiled a considerable amount of background research and student classes from five high schools have made formal presentations to the subcommittee. The information gained through these efforts is presented in the body of the report.

The report contains an overview of juvenile crime and alcohol abuse which provides national and statewide statistics. Also included is an outline of research sources and conclusions, as well as a summary of the input received from the five high school student presentations.

The subcommittee's findings and recommendations are based upon this background information.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Findings:

1. Juvenile crime and alcohol abuse are substantial problems in the State of Nevada.
2. Prevention of juvenile delinquency and alcohol abuse should be emphasized.
3. Some juvenile delinquency and alcohol abuse problems are the symptoms of deeper emotional and personal problems. In order to be effective in these situations, prevention programs most often will have to address these underlying emotional and personal situations.
4. The design and implementation of government sponsored or supported prevention programs are and should remain primarily at the local level, whether they are with local governments, juvenile courts, school districts, or any combination of these.
5. No single program will prevent juvenile delinquency and alcohol abuse.
6. New governmentally sponsored programs and additional funding are not necessarily, in themselves, solutions to problems of juvenile crime and alcohol abuse.
7. Parents have the primary responsibility for prevention of delinquency, and continual support of government sponsored programs should not be taken or construed to relieve parents of that responsibility.
8. Existing people and services in the fields of juvenile delinquency and alcohol abuse are working hard and attempting to do a creditable job and should continue to be supported.
9. There is a general lack of enforcement of liquor sales laws and drug and alcohol laws as they apply to juveniles. There is also a lack of enforcement of truancy laws.

10. Juveniles are aware that there is a lack of enforcement of laws pertaining to juvenile delinquency and crime.

Recommendations:

1. Direct the youth services division of the department of human resources to give priority to keeping statewide statistics on juvenile crime as a part of fulfilling its responsibilities under NRS 232.400. Mandate relevant agencies to report statistics and programs to the state division of youth services.
2. Direct the youth services division of the department of human resources to develop the concept and coordinate a public service media campaign relative to prevention of juvenile crime and alcohol abuse. The division should consult with the department of education to benefit from its expertise in the matter of media campaigns. The media campaign should emphasize the responsibility of parents in raising their children, the importance of fostering a solid family structure, awareness of the extent of the juvenile crime problem, awareness of services available for alcohol abuse, awareness of the need to report the purchase of liquor by juveniles, and the value of family-oriented activities.
3. Initiate a resolution encouraging the enforcement of laws related to juvenile crime and the prosecution of juvenile offenders. Encourage judges to make use of restitution and work programs as much as reasonable for juveniles who are prosecuted for criminal activity.
4. Express support for stricter enforcement of laws to curb sales of liquor to minors.
5. Express support for alternate learning programs, including those known as opportunity schools and special education programs, which provide alternatives to the existing education structure for those students who are disruptive or cannot learn in the conventional system.

6. Express support for the concept of counseling parents and juveniles together whenever feasible, especially in school-related programs.
7. Encourage communities to develop youth activities and interests generally, such as recreation, with emphasis on family-oriented activities.
8. Express support for increased youth employment activities and more vocational education programs.
9. Clarify that the juvenile court judge can require positive actions by parents or guardians of juvenile offenders and that the court can administer restitution programs and require juvenile offenders to participate in these programs.

BULLETIN 81-11

PROBLEM OF ACCESS TO PUBLIC LAND

A.C.R. 37 - 1979 Session

Interim Subcommittee

Assemblyman Dean A. Rhoads, Chairman
Senator Wilbur Faiss, Vice Chairman
Assemblyman Louis W. Bergevin
Assemblyman Alan H. Glover
Assemblyman Robert L. Weise

Assembly Concurrent Resolution No. 37—Assemblyman Rhoads

FILE NUMBER.....128.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the problem of access of sportsmen to public land over private land and related problems.

WHEREAS, Over 87 percent of the land in this state is owned by the Federal Government; and

WHEREAS, Access to that land often requires travel over privately owned land; and

WHEREAS, Many private landowners have refused access across their land to sportsmen because of the damage some sportsmen have caused to their property; and

WHEREAS, The acts of property damage should be condemned and the landowners compensated for the damage; and

WHEREAS, Landowners who permit access across their lands to sportsmen should be given incentives to continue to allow such access; 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 problems of access of sportsmen to public land over privately owned land, property damage, incentives to landowners and any other related problem the legislative commission determines exists between private landowners and sportsmen; and be it further

Resolved, That the results of the study and any recommendations for legislation be reported to the 61st session of the legislature.

ABSTRACT

PROBLEM OF ACCESS TO PUBLIC LAND

The 59th session of the Nevada legislature, through assembly concurrent resolution no. 37, directed the legislative commission "to study the problems of access of sportsmen to public land over privately owned land * * *" and related issues. The subcommittee appointed by the legislative commission conducted public meetings around the state, with a special field investigation in Elko County.

The problem of access to public lands over privately owned land was found to be generally unique to Nevada. The three basic findings of the A.C.R. 37 subcommittee were as follows:

1. Unlike most other states in which access is an issue, the major problem in Nevada involves lack of adequate access over privately owned lands to reach public lands. In the other states reviewed, including several other western states with significant amounts of public land, the major problem involves lack of adequate access to privately owned lands which possess significant values for hunting, fishing and other recreation.
2. Although A.C.R. 37 only mentions the problems of access to public land over privately owned land relating to sportsmen, it was found that many other public land users are also affected.
3. Nevada's unique situation may be traced to several distinct and interrelated features, including the state's geography, climate, physiography, land ownership patterns, and location of public roads. The combination of these features in Elko County has produced the most concentrated occurrences of access problems in the state, although access problems do occur in many other areas.

From these basic findings, three primary issues were identified. These issues are:

1. Some Nevadans fear that state management of public lands will result in the selling of vast tracts of public land to

private individuals. It is feared that these private parties will erect fences, lock gates, and otherwise deny public access to remaining public lands.

2. Sportsmen and other members of the general public who use the public lands report that it has become increasingly difficult to obtain access over private land to reach public lands.
3. Some private landowners are becoming increasingly reluctant to provide open public access across their land to reach public lands because of instances of property damage, vandalism, illegal use of firearms, and the fear of personal liability.

SUMMARY OF RECOMMENDATIONS

The subcommittee made the following recommendations:

1. Amend Nevada Revised Statutes (NRS) to require the state land registrar, in any future land sales by the state, to reserve rights-of-way necessary to provide public land access.
2. The division of state lands is requested to develop a listing of up to 10 of the top priority private access corridors. These are to be considered for acquisition by the state legislature in 1981.
3. The division of state lands is requested to prepare a comprehensive study to be submitted to the 1983 legislature. This study should inventory, identify, prioritize, coordinate, negotiate and outline funding sources for state acquisition of key access corridors around the state. The subcommittee recommends that the 1981 legislature approve the necessary budget request of the division of state lands to accomplish such a study.
4. A resolution should be adopted at the 1981 legislative session requesting increased cooperation by federal land managers. In some areas access to public lands is only as effective as provisions by such land managers to efficiently distribute persons over the public lands. Federal land managers and other public entities should be requested to develop programs whereby the adequate distribution of persons throughout public lands from points of access is assured. Routes and trails so developed should also be adequately maintained by the appropriate public land managers.
5. Access acquisitions, studies and other proposals should be funded entirely out of the state's general fund.
6. Enact legislation to provide a civil remedy for victims of crime involving personal property damage.
7. Enact legislation to give authority to game wardens to enforce, in addition to current responsibilities, laws relating to personal property damage, illegal trespass and related matters.

8. Amend NRS 41.510 to specify that access to public lands is a use of private property which may be granted by a landowner without fear of personal liability.
9. The Nevada department of wildlife is encouraged to develop a program similar to the "Operation Game Thief Program" in the State of New Mexico. Such a program could feature a "hot-line" whereby reports may be made of observed violations of fish and game laws, trespass, gates left open, and damage to private property. The subcommittee recommends that the 1981 legislature approve the necessary budget request of the department of wildlife to develop such a program.
10. The Nevada department of wildlife is encouraged to enter into cooperative wildlife management area agreements (NRS 504.140) with private landowners when necessary to address access problems on private lands having significant wildlife values and high intensity use potential.
11. The Nevada department of wildlife should take the lead responsibility for preparation of uniform informational signs to direct the general public to and over public access corridors. These signs should be made available to private property owners who allow public access and to other governmental agencies for posting. The subcommittee recommends that the 1981 legislature approve the necessary budget item to develop such a program.

BULLETIN 81-12

PREVENTION OF CHILD ABUSE

S.C.R. 17 - 1979 Session

Interim Subcommittee

Assemblyman Steven A. Coulter, Chairman
Assemblyman Nash M. Sena, Vice Chairman
Senator James N. Kosinski
Senator Clifford E. McCorkle
Assemblyman Lonie Chaney
Ms. Ann Lynch, Las Vegas
Penelope Pemberton, M.D., Reno

FILE NUMBER...J.37.

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to conduct a study of child abuse in Nevada, and the services and programs available in the state to prevent it and protect children.

WHEREAS, Child abuse is the most vicious of crimes, being directed against defenseless children by the very persons who should be most concerned for their protection; and

WHEREAS, Child abuse is a difficult crime to detect and punish because even persons who are required by law to report suspected cases of child abuse are often reluctant to do so for fear of making a report in error; and

WHEREAS, Child abuse is a difficult crime to prevent, because the child cannot be easily isolated from his abuser, and they are together in private at times and in situations which are most conducive to incidents involving anger or frustration; and

WHEREAS, The State of Nevada owes all of its citizens protection from injury and death, especially those who because of their age are unable to defend themselves or to ask for help; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission study the problem of child abuse in Nevada with the objective of improving the prevention of child abuse and the protection of children by considering:

1. The present laws relating to child abuse and neglect; and
2. The agencies and other resources, both public and private, which are available for the prevention of child abuse and the protection of children, the interrelation of those resources and the most efficient uses to which they may be put in preventing child abuse and protecting children; and be it further

Resolved, That the legislative commission appoint a number of citizens of Nevada who are not legislators to the subcommittee appointed pursuant to this resolution, which number must be less than the number of legislators appointed; and that the subcommittee be directed to seek the advice and aid of the office of the attorney general and of the director of the department of human resources in conducting its study and preparing its recommendations; and be it further

Resolved, That the legislative commission submit recommendations to the 61st session of the Nevada legislature, including recommendations on:

1. Ways to coordinate the efforts of agencies interested in child abuse and increase the use of other resources for the greatest benefit to this state and its young citizens;

2. The elimination of duplicative and overlapping services of public agencies and other organizations in order to make their services more efficient and effective; and

3. Those services and programs which are most needed to improve current efforts to prevent child abuse and protect children; and be it further

Resolved, That the legislative commission submit a report of its findings and recommendations, including recommendations for needed legislation, to the 61st session of the Nevada legislature.

ABSTRACT

PREVENTION OF CHILD ABUSE

The 1979 legislature passed senate concurrent resolution no. 17 in response to the nationwide concern about the increasing number of abused and neglected children. The resolution directed that a study be conducted of the problem of child abuse and neglect in Nevada with the objective of improving the protection of children. Five legislators were appointed to the study subcommittee along with the president of the Nevada Parent-Teacher Association and a pediatrician.

Public hearings were held in northern and southern Nevada. The state statutes concerning child abuse and neglect were reviewed and information and data were collected on the agencies and programs available to abused and neglected children. When the subcommittee reviewed and compared the state statutes, it found that our statutes compared very favorably to those of other states.

When the subcommittee looked at ways to coordinate and eliminate duplication of services to abused and neglected children, it found a highly decentralized structure. The subcommittee felt that decentralization contributed to less effective services to abused children and duplication of effort. In order to improve upon the effectiveness and efficiency of the services, the subcommittee recommends that an office of child abuse and neglect specialist be established. This office would be responsible for developing a statewide plan for organizing and financing the existing services, identifying ineffective programs and suggesting changes in existing services.

Finally, the subcommittee recommended additional counseling for severely abused children through a 2-year demonstration program in Washoe County.

SUMMARY OF RECOMMENDATIONS

The subcommittee recommendations included:

1. Establishment of an office of child abuse and neglect specialist within the director's office of the department of human resources to coordinate, review and evaluate the programs and services available to abused and neglected children.
2. Place the responsibility for child abuse and neglect in Clark County within the welfare division of the state department of human resources if the division of responsibility for child abuse and neglect is not resolved prior to the 1981 legislative session.
3. Direct the bureau of health facilities of the state department of human resources to require every hospital in the state to adopt a protocol for child abuse as part of its licensure requirements.
4. Establishment of a 2-year demonstration treatment program in Washoe County for both the perpetrators and the victims of sexual abuse and severe physical abuse. The effectiveness of this program is to be evaluated by the mental hygiene and mental retardation division and the findings are to be reported to the 1983 Nevada legislature.
5. Provide special appropriations to private and nonprofit child care facilities in an effort to encourage them to provide temporary emergency shelter care to abused children.

BULLETIN 81-13

DATA PROCESSING BY NEVADA STATE GOVERNMENT

A.C.R. 21 - 1979 Session

Interim Subcommittee

Assemblyman Harley L. Harmon, Chairman
Assemblyman James J. Banner, Vice Chairman
Assemblyman Peggy Cavnar
Assemblyman Donald R. Mello

Assembly Concurrent Resolution No. 21—Assemblymen May, Cavnar,
Harmon, FitzPatrick, Price and Barengo

FILE NUMBER..122..

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commis-
sion to study data processing by the state government.

WHEREAS, Data processing is of the utmost importance in conducting
state business; and

WHEREAS, Reviewing the ability of state government to perform its
functions is a proper responsibility of the legislature; and

WHEREAS, The legislature has not undertaken a study of data process-
ing by the state government in Nevada; and

WHEREAS, A legislative audit reviewing data processing by the state
government concluded that a study is particularly needed; now, therefore,
be it

*Resolved by the Assembly of the State of Nevada, the Senate concur-
ring,* That the legislative commission study data processing by the state
government in Nevada with primary emphasis in the following areas:

1. The physical security of facilities in which data processing is per-
formed;

2. The ability through backup information and recovery plans to
duplicate data and enable a disrupted system for data processing to
function again;

3. The security measures necessary to prevent unauthorized access
to data; and

4. The administration, performance and structure of the function of
data processing; and be it further

Resolved, That the legislative commission submit a report of its find-
ings and recommendations to the 61st session of the Nevada legislature.

ABSTRACT

DATA PROCESSING BY NEVADA STATE GOVERNMENT

There has been a constant growth in the use and cost of data processing in Nevada state government since the creation of the central data processing division in 1965 and the data processing commission (computer facility) in 1967. In the past 5 years, these costs have increased approximately 137 percent. If this rate of growth were to continue, the state would be paying data processing costs in excess of \$49 million for the biennium ending in 1985. The cost of data processing for state government for the biennium ended June 30, 1979, was approximately \$20,550,000.

Because of the cost of data processing and the concern by the 1979 legislature with regard to the efficiency and security aspects of state data processing operations, the 1979 legislature passed assembly concurrent resolution 21, calling for a study of data processing by the state government. The resolution directed that a study be undertaken to determine the adequacy of physical security of facilities, backup and recovery plans for disrupted systems, security measures necessary to prevent unauthorized access to data, administration performance and structure of the data processing function.

The subcommittee appointed to study data processing by the state government held five meetings, all of which were in Carson City. During these meetings, testimony was heard from members of the data processing commission, data processing management, and users of data processing services in state government. The study came to two major conclusions relating to the administration and structure of data processing. First, the organizational structure of data processing in state government is not conducive to economy, efficiency or operational effectiveness. Second, the central data processing division of the department of general services, and the computer facility should be combined as one division under the department of general services. In the area of backup and recovery of systems and data, the subcommittee reached the conclusion that existing backup and recovery capabilities are inadequate. The subcommittee identified deficiencies in the area of physical security of facilities.

However, these deficiencies could be eliminated with proper organizational structure and implementation of administrative procedures.

Finally, the subcommittee found no significant problems in the area of data security. However, they did acknowledge the fact that data security is a vulnerable area, which should be constantly monitored by management.

Recommendations and legislation to accomplish many of the needed changes are contained in the report.

SUMMARY OF RECOMMENDATIONS

The subcommittee recommended that:

1. Chapter 242 of the Nevada Revised Statutes (NRS) be amended to combine the computer facility and the central data processing division as one division under the department of general services.
2. Chapter 242 of NRS and relevant sections be amended to change the function of the data processing commission from a policymaking body to that of advisory.
3. The newly reorganized division provide for a planning function that would consider and make recommendations to the administrator with regard to long-range planning of equipment purchases and technological improvements.
4. A 5-year plan be developed by the central data processing division which would project the need and utilization of data processing equipment. This plan is to be presented to the 1981 session of the legislature.
5. The division segregate the responsibilities of operations, programming, and data control to maximize security organizationally, with all three functions reporting directly to the division administrator.
6. The division provide functionally for the ongoing evaluation of the continued need, and efficiency of current data processing applications.
7. The division provide functionally for the evaluation of need and cost justification of all requests for data processing applications.
8. The division conduct reviews on a sample basis to compare the results of implementing systems to the initial justification. The results of such reviews will be made available to the legislature upon request.

9. Peer reviews be conducted by the central data processing division, the state controller, the department of transportation, and the department of motor vehicles. Such reviews will address the continued need and efficiency of data processing applications.
10. A backup and recovery plan be developed which will include:
 - (a) Equipment;
 - (b) Programs;
 - (c) Personnel;
 - (d) Operations manuals;
 - (e) Data; and
 - (f) Facilities.
11. The backup and recovery plan address priorities of data to be processed.
12. Consideration be given for the distribution of various priority programs to various sources of backup.
13. The backup plan, along with the costs, be presented to the 1981 legislature.
14. After the consolidation of the central data processing division and the computer facility:
 - (a) Keep at least two people on each shift at the facility.
 - (b) Restrict uncontrolled access to the tape vault from operators.
15. Management continue to monitor the area of data security and implement safeguards when practicable.

BULLETIN 81-14

ORGANIZATION AND FINANCING OF JUDICIAL
SERVICES INVOLVING JUVENILES

S.C.R. 19 - 1979 Session

Interim Subcommittee

Senator Jean Ford, Chairman
Assemblyman Louis W. Bergevin, Vice Chairman
Senator Don W. Ashworth
Senator Mike Sloan
Assemblyman Steven A. Coulter

Senate Concurrent Resolution No. 19—Committee on Government Affairs

FILE NUMBER.....138

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study alternatives for the organization and financing of judicial services involving juveniles.

WHEREAS, The district courts of this state currently sit as juvenile courts; and

WHEREAS, The counties must provide part of the money needed to support the courts' exercise of statutory powers regarding juveniles; and

WHEREAS, Responsibility for financing and managing the judicial services involving juveniles could be assigned by law to the counties, to the supreme court, or to the department of human resources; and

WHEREAS, The choice among these legislative alternatives may drastically affect the services and programs presently being provided for juveniles and their families; and

WHEREAS, There has never been a comprehensive examination of the system of juvenile justice in this state in an effort to determine the best means of organizing and financing the juvenile services; 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 various alternatives for organizing and financing the judicial services for juveniles, including the alternatives of assigning responsibility for these services to the counties, to the supreme court, or to the department of human resources, and determine the best alternatives; and be it further

Resolved, That the legislative commission include some supreme court justices, district court judges, county commissioners, probation officers and other persons who administer juvenile services, as well as legislators, in the membership of the subcommittee which will conduct the study; and be it further

Resolved, That the legislative commission report the results of the study, together with any recommendations for legislation, to the 61st session of the legislature.

ABSTRACT

ORGANIZATION AND FINANCING OF JUDICIAL SERVICES INVOLVING JUVENILES

The subcommittee which conducted the study of alternatives for organization and financing of judicial services involving juveniles concluded that each of the branches and levels of government which is concerned with judicial services involving juveniles, the district courts, the counties and the state, should continue to contribute to the important pursuit of justice for juveniles. In its study, the subcommittee considered judicial services in the following categories: Services to delinquents, to status offenders, and to children who are abandoned, abused, neglected or otherwise in need of protective services.

The subcommittee did not propose any major changes in the law. It did recognize that the relationship among the state, the courts and the counties, while not perfect, has much to recommend it. After the subcommittee heard the comments of the public and gathered its information, it concluded that the administration of judicial services involving juveniles belongs primarily with the juvenile courts, and the system which is currently in effect in Nevada is the best available among the possible alternatives. There are areas in which the system could be improved, and the recommendations of the subcommittee reflect some of those areas and suggest improvements.

Among the major problems which the subcommittee recognized is that while the power and duty to administer programs of judicial services involving juveniles is vested in the district judge, the money to carry out those programs must be appropriated by the boards of county commissioners. Unlike most agencies of government, the district judge has an inherent power to command the county commissioners to provide the money to carry out the programs which he considers necessary. This power is seldom used, but it is available to the judge.

The major recommendation of the subcommittee was that administration of judicial services involving juveniles should remain a responsibility and function of the courts. Other recommendations dealt with increases in subsidy payments to counties for performing certain services. The subcommittee also recommended that the state assume the duties which it already has under the law by providing sufficient resources to perform these important duties, including increased staff, contracts for the performance of some duties by private entities, and facilities.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Findings:

1. The proper authority to be responsible for the administration of judicial services for juveniles is the juvenile court in each judicial district. The state has certain responsibilities for providing services.
2. The counties are required to pay the expenses of providing transportation for certain children under the interstate compact on juveniles. This responsibility falls most heavily on counties through which major interstate highways pass.
3. Judicial matters involving juveniles require special knowledge, training and sensitivity in addition to the qualities required of judges in other matters.
4. The state can assume some of its responsibilities by granting subsidies to local governments to enable those local governments to perform the duties which arise out of those responsibilities. The probation subsidy is an example of such a system.
5. The mental hygiene and mental retardation division of the department of human resources has not had sufficient money to carry out its responsibilities to provide services to mentally disturbed juvenile delinquents and dependent children, particularly for the placement of those children in institutions outside the state.
6. There is a need for additional facilities for the placement of juvenile offenders, and the youth services division of the department of human resources has begun preliminary work to acquire a facility for this purpose in northern Nevada.
7. The state has a legal responsibility to provide protection for all dependent, neglected, abandoned and abused children.
8. Data on the operations of juvenile courts are not being kept in any uniform, systematic manner. Useful information on those operations, including budgets, caseloads and other statistics cannot be obtained without great difficulty.

9. There has been insufficient attention given to recruiting parents for foster homes and to their training. Payments for foster homes do not reflect the cost of caring for a child.
10. The welfare division of the department of human resources must be made more responsive to the need for provisional licenses for shelter care. This can be best accomplished by permitting the division to delegate authority to grant provisional licenses.

Recommendations:

1. The administration of judicial services involving juveniles should basically remain a responsibility and function of the courts; however, the state should provide for certain services for which it is legally responsible.
2. A contingency fund should be established in the youth services division of the department of human resources to reimburse the counties for their expenses in carrying out the interstate compact on juveniles.
3. Each judge who hears any case involving a juvenile and each special master appointed to hear cases involving juveniles should attend the National College of Juvenile Justice.
4. The probation subsidy from the state to each county should be increased by at least 10 percent for the 1981-82 fiscal year and by at least another 10 percent for the 1982-83 fiscal year.
5. The legislature should provide sufficient money to the mental hygiene and mental retardation division to permit needed services, including placement outside the state if services cannot be provided within the state, for mentally disturbed delinquent and dependent children.
6. The legislature should provide for the establishment of a ranch, forest camp or similar facility for juvenile offenders as an alternative to additional training centers similar to those at Elko and Caliente.

7. The legislature should appropriate sufficient money to the department of human resources to enable it to provide protective services to all dependent, neglected, abandoned and abused children in the state.
8. The legislature should provide by law for the reporting of data on the operations of juvenile courts and require compliance with regulations adopted by the youth services division of the department of human resources for that purpose. The youth services division should be required to disseminate those collected data to local governments, courts and others to whom it would be of use.
9. The legislature should provide sufficient support for the recruiting and training of parents for foster homes and shelter care, and for an increase in payments for foster and shelter care.
10. The legislature should enact legislation to permit the welfare division of the department of human resources to provide by regulation for delegation of its authority to grant provisional licenses for shelter care.
11. The legislature should adopt a resolution calling upon the judges of the juvenile courts of the state to establish youth services commissions pursuant to NRS 422.300.

BULLETIN 81-15

LIBRARIES AND OTHER SYSTEMS FOR
STORING INFORMATION

S.C.R. 26 - 1979 Session

Interim Subcommittee

Senator Joe Neal, Chairman
Assemblyman Robert G. Craddock, Vice Chairman
Senator Jean Ford
Assemblyman John M. Polish
Assemblyman Paul Prengaman
Mr. Raymond Smith, Chairman,
State Advisory Council on Libraries
Dr. James S. Roberts, Professor of Political Science,
University of Nevada-Reno
Mrs. Ann Thompson Longevin,
Clark County Library District
Miss Margo Fraser,
Clark County Classroom Teachers' Association

Senate Concurrent Resolution No. 26—Senators Ford, Gibson, Close, Echols, Rag-
gio, Wilson, Neal, Kosinski, Sloan, Dodge, Keith Ashworth, Don Ashworth,
Hernstadt, Glaser, Faiss, Lamb, Blakemore and Jacobsen

FILE NUMBER 140

SENATE CONCURRENT RESOLUTION—Directing the legislative commission
to conduct a study of libraries and systems for storing information.

WHEREAS, No advanced civilization has ever sustained itself without
the benefit of libraries, which are the storehouses of the knowledge and
achievements of previous generations, preserved and made accessible
as a foundation for the advancement of those who follow; and

WHEREAS, Developments in the storage of information which involve
computers, microfilm and other techniques of storing large amounts of
information in small spaces, new devices to aid handicapped persons
and advances in audio and visual storage and reproduction have created
new uses and demands for libraries and other systems for storing infor-
mation; and

WHEREAS, The Governor's Conference on Libraries and Information
Needs of 1978 analyzed the capacity of libraries and other systems for
the storage of information in this state and developed a number of pro-
posals for the more efficient and beneficial use of Nevada's libraries;
now, therefore, be it

*Resolved by the Senate of the State of Nevada, the Assembly con-
curring,* That the legislative commission study the needs of the people
of Nevada for the services of libraries and other systems of storing
information, including:

1. The need for a master plan for libraries in the state and the ele-
ments needed in such a plan to meet the needs of the people;
2. The amounts of money which will be needed to provide local,
regional and state libraries and other systems for the storage of infor-
mation, and the possible sources of money;
3. A formula for the use of available money which will ensure
equal availability of libraries to the people of Nevada;
4. The need for and possibility of achieving national standards for
libraries and other systems for the storage of information set by recog-
nized organizations;
5. The extent to which libraries should provide services not tradi-
tionally performed by libraries; and
6. The extent to which libraries should make accommodations to
serve special groups, including the handicapped, persons who do not
speak English and other groups not adequately served by libraries; and
be it further

Resolved, That the legislative commission examine all of the resolu-
tions of the Governor's Conference on Libraries and Information Needs
to determine the need to further study those areas of concern which the
conference set forth in those resolutions; and be it further

Resolved, That the legislative commission include representatives of
the Nevada council on libraries and the Nevada Library Association
and two persons who are not affiliated with either organization, but
who were delegates to the Governor's Conference on Libraries and Infor-
mation Needs, as well as legislators, in the membership of the subcom-
mittee which will conduct the study; and be it further

Resolved, That the legislative commission report the results of its
study, together with any recommendations for legislation, to the 61st
session of the legislature.

ABSTRACT

LIBRARIES AND OTHER SYSTEMS FOR STORING INFORMATION

The 1953 Nevada legislature directed a study of Nevada's libraries. That study was reported to the 1955 session and much of the current law on the organization of the state library, local libraries and library programs can be traced to that study. No comprehensive review of libraries had been undertaken since December 1954. The population of the state in that period grew by some 350 percent and developments in library technology and services increased dramatically.

In November 1978, preparatory to a White House Conference on Libraries, Nevada had a Governor's Conference on Libraries. That conference culminated a year of intense activity in the library community designed to assess existing library services and project future library needs. In addition to a number of specific recommendations, the conference also suggested the creation of an interim legislative study to consider and refine the recommendations of the conference and to explore areas the conference did not have time to develop.

The interim legislative study was established in 1979 under senate concurrent resolution no. 26. The legislative subcommittee agreed on several principles that were reflected in its recommendations. It agreed that libraries are fundamental to a democratic society. It agreed that government has a responsibility to make available through libraries all the basic legal materials the citizen is expected to know something about. It agreed that libraries, as much as schools, are a responsibility of government and therefore should have a secure source of funding at a minimal level as do schools. It agreed that while Nevada libraries have an admirable record for cooperation and resource sharing, there are greater efficiencies possible through some reorganization and incentives for cooperation.

There are 73 recommendations, but the topics for recommendations are considerably fewer. There are, for instance, 15 recommendations dealing with the distribution of various state publications. There is, in fact, one basic recommendation to make

almost all state produced publications available in all libraries. Other areas of concern dealt with by the committee were state and regional library policies and programs, local public libraries, law libraries, library funding and the library profession.

The subcommittee attempted to look at library needs not just for 1981, but at least to the year 2000. The report addresses the structures and capabilities necessary to have adequate library and information services available in the next century.

SUMMARY OF RECOMMENDATIONS

The subcommittee recommended that:

1. The state librarian be given the duty to develop library standards that would serve as minimum goals for local public libraries. The standards are to recognize the differences in size among Nevada's libraries. The standards developed would become effective upon approval by the Nevada council on libraries.
2. A state policy on libraries to read: It is a basic responsibility of the state to guarantee equal opportunity of access to the informational resources which satisfy the educational, research, economic, governmental, recreational and leisure-time interests of all citizens regardless of their location, social or physical condition, or level of achievement. It is the responsibility of the state's publicly supported libraries and information centers to provide the resources and trained staff to meet the informational needs of all citizens.
3. The bill embodying a policy statement on libraries contain a preamble setting forth the five major categories of libraries.
4. The state librarian be given the responsibility to establish a process for developing a 5-year statewide master plan. The process must include an opportunity for participation by all libraries supported by public funds. The plan would become effective upon approval by the Nevada council on libraries. It would be updated every 2 years.
5. The state librarian be given statutory responsibility for developing effective public relations programs.
6. The state library and the Nevada Library Association should cooperate to disseminate effective public relations materials and techniques developed by any library in the state.
7. The state library should encourage and facilitate training programs for library public relations.

8. Statutory protection for the privacy of library patron circulation records with access allowed only by subpoena. Guidance to judges for issuance of a subpoena should be strictly limited to those instances related to public safety, imminent danger or extreme circumstances.
9. Repeal of NRS 385.240 concerning the duty of the superintendent of public instruction to review books for school libraries.
10. The state librarian be the nonvoting secretary of the Nevada council on libraries.
11. The limitation on the number of meetings of the Nevada council on libraries be removed and meetings be limited by appropriations for that purpose but be at least twice a year.
12. Membership on the Nevada council on libraries be limited to two consecutive terms.
13. The state library and the state department of education be directed to study ways in which school libraries and public libraries can better cooperate by joint or shared use of facilities, staff or other resources, and that a report of the study be made to the governor and the 1983 legislature.
14. The state librarian submit the statewide automation plan to the 1983 legislative session.
15. The statewide automation plan should address the feasibility of a statewide library card.
16. The 1983 legislature give sympathetic consideration to funding necessary to implement statewide automation.
17. The 1981 legislature give a high priority to the construction of a state library and information center facility.
18. The budget review process for the state library recognize a state responsibility to fund supralocal library services and in the 1981-83 budget that the \$350,000 now

spent on supralocal programs each year be all state money. Further, this recognition should include the use of federal library funds for library development and demonstration projects and not for long-term operation of supralocal programs.

19. As a state goal that all public libraries be linked to regional information networks to form a communications and delivery system to maximize service delivery with available resources.
20. Endorses increased budget requests by the board of regents for the university libraries in the areas of staff and collections development.
21. The senate committee on finance and the assembly committee on ways and means give positive consideration to that part of the board of regents' budget request dealing with continued development of the university libraries' data bases.
22. Enactment of authority for school districts to enter into library networks and other cooperative library structures intended to provide library resource sharing.
23. Adding to chapter 379 of NRS provisions for the establishment of regional library networks. The networks would be governed by a board consisting of one member from each library system that joins. Requests for state and federal grant money for regional programs and services would be submitted first to the regional network board which would establish the priorities for each region. The regional board would also be responsible for a 5-year plan for regional services and for the development of annual budget for regional programs and services. The budget would be the combined regional requests for state and federal funds for supralocal programs. Each network would have the responsibility for establishing the policies and procedures for interlibrary cooperation and any multi-library activities affecting member libraries.
24. NRS 2.345 be amended so that the advance sheets of supreme court decisions additionally should be provided free to

branch public libraries, law libraries and the state library. If requested by the institution they should also be provided free to the Nevada historical society, the mental health institute library, youth and girls' training centers' libraries, the state prison libraries and any high school library. Once each year, notice of the availability of free advance sheets should be provided by the clerk of the supreme court to eligible institutions, and high schools through the school districts.

25. NRS 218.460, 6, be amended so that free distribution of bills, histories, indexes and journals is extended to branch public libraries, law libraries and the supreme court library. If requested, such distribution should also be extended to the Nevada historical society, the mental health institute library, the youth and girls' training centers' libraries, the state prison libraries and high school libraries. Prior to each regular legislative session, notice of the availability of these materials will be provided each eligible recipient by the director, legislative counsel bureau.
26. NRS 218.500 be amended so that free distribution of the advance sheets of the Statutes of Nevada is extended to the state library, all public libraries including branches, law libraries, and libraries of the University of Nevada System. If requested, such distribution should also be extended to the Nevada historical society, the mental health institute library, the youth and girls' training centers' libraries, the state prison libraries and high school libraries. Upon the conclusion of each regular session, notice of the availability of the advance sheets will be provided each eligible recipient by the director of the legislative counsel bureau.
27. Amendment to NRS 244.118-244.119, 266.160, 268.014 and 269.168-269.169 so that one copy of any county, city or town code is provided free to the state library, supreme court law library, law libraries and public libraries in the county, branch public libraries in the county and the libraries of the University of Nevada System.
28. Amendment to NRS 345.010 so that law libraries and branch public libraries receive free volumes of the Statutes of Nevada.

29. Amendment to NRS 345.020 so that law libraries and branch public libraries receive free Nevada Reports.
30. Amendment of NRS 345.120 so that free copies of the biennial report and statistical abstract are provided additionally to the Nevada historical society, branch public libraries and law libraries. If requested, the mental health institute library, the youth and girls' training centers' libraries, the state prison libraries and high school libraries should also receive free copies. The state planning coordinator should notify all eligible recipients who must request free copies upon availability.
31. Amendment of NRS 233B.065 so that the Nevada Administrative Code is provided free additionally to the state library, supreme court law library, law libraries and libraries of the depository system. In addition, all other publicly supported libraries may purchase the code at one-half price.
32. The legislative commission take immediate action to direct the legislative counsel to include in the Nevada Administrative Code the regulations of agencies otherwise exempt from NRS 233B.
33. The executive orders of the governor (not including proclamations) be filed by copy with the legislative counsel bureau for inclusion in the Nevada Administrative Code.
34. Free distribution of the NRS in hard copy to the state library, supreme court law library, county law libraries and libraries of the depository system. All other public libraries or local government agencies be allowed to purchase the hard copy at half-price. All public libraries be provided the NRS on microfiche free. Notice of availability of free, half-price and free fiche NRS is to be provided by the director of the legislative counsel bureau to all eligible recipients upon the conclusion of each regular legislative session.
35. The Annotations to Nevada Revised Statutes be provided in the same manner as the NRS.
36. The Nevada Digest be provided in the same manner as the NRS.

37. The senate committee on finance and the assembly committee on ways and means in budget review in 1981 request state agencies to account for the costs of items they publish and which they distribute free or at reduced costs as a result of a statutory mandate.
38. The 1981-83 legislative counsel bureau budget be prepared for submission to the legislative commission with a separate "access to public information" category reflecting the cost of free and reduced price publications distribution.
39. Amendment of NRS 378.180 to require that all state agencies provide 12 copies of any publication produced in-house or by an outside printer intended for other than internal agency purposes, that the state printer provide 12 copies of all agency publications he produces and that all local governments including cities, counties, school districts, special districts and regional agencies provide six copies of any of their publications to the publications distribution center.
40. Repeal of NRS 382.040 so that the Nevada historical society is treated as a public library for state publications.
41. The legislative commission direct the legislative counsel to prepare microfiche versions for NRS, the annotations, the digest and the Statutes of Nevada.
42. Amendment of chapter 379 of NRS so that library trustees are given a duty to develop a 5-year plan for their libraries. The plans are to include an assessment of service levels required and the revenues necessary to attain those levels. The plans are to be completed within 2 years of the effective date of the law. The plans are to cover a 5-year period and be reviewed and updated every 2 years. For libraries without library trustees, this duty would be upon the local government governing board.
43. Amendment of NRS 379.025 and 379.105 so that mandatory trustee duties include establishing, supervising and maintaining a library; appointing a librarian; establishing bylaws and regulations for the management of the library and their own procedures; management of real and personal

property; maintaining or defending any action in reference to the property or affairs of the library; and, administration of any trust declared or created for the library. Also, include an overall statement to the effect that it is the duty of the librarian to manage the day-to-day operation of the library, of the trustees to establish overall library policy and procedures and of the local government governing body to exercise budget review.

44. Amendment of chapter 379 of NRS to prevent the formation of a library district or the creation of a city, town or county library with a service population of less than 6,000.
45. Through interlocal agreement or contracting, there be no more than one library system per county.
46. The legislative commission conduct a study of the effects of such a mandate and make proposals for its implementation.
47. Making the provision of library services, including a facility, a mandatory duty of every county through a county system, an interlocal agreement or a contract. Provision of services is to be accomplished by 1985.
48. Amendment of NRS 379.010 so that the location of a county library is not directed by law.
49. Pay for library trustees be allowed up to \$40 per meeting, up to \$80 per month if so approved by the the trustees. Also, allow expenses incurred in performance of duties.
50. Requiring county commissioners to make available to the public a primary source legal collection. The definition of what constitutes such a collection would be the responsibility of the state librarian. Access to the collection would be in a facility clearly signed and open to the public during normal business hours or in a public library with the county commissioners responsible for the purchase of the collection. Amendment of NRS 380.190 so that if county commissioners abolish a law library, the responsibility for assuring access to basic legal materials would remain.

51. Amendment of NRS 380.160 so that law library trustees may restrict only checkout privileges in law libraries and not access to them.
52. That every law library board of trustees have two nonlawyer citizen members.
53. Inclusion of general fund money as a permissible revenue source for law libraries and amendment, of NRS 380.110 to guarantee law libraries 25 percent of court filing fees with a higher percentage if approved by ordinance of the county commission.
54. Should full state funding of the court system come about in the future, it should include the funding of local law libraries.
55. Amendment of chapter 380 of NRS so that the law librarian is given the authority to administer the law library within policy set by the board and to recommend policy to the board.
56. A skeleton bill to include the concept of a state equalization formula for basic library services, analogous to the basic school support formula, with consideration for local fiscal ability, local effort on library spending and per capita minimum support figures of \$10 per capita in Clark and Washoe counties and Carson City, and \$12 per capita in the other counties. No state aid would be allowed to a jurisdiction not making the minimum tax effort. After 1985, no state aid would go to jurisdictions without a library plan, and after 1990, no state aid would go to jurisdictions not meeting state library standards.
57. Legislation to call for voter approval of \$10 million in state bonds with the proceeds to be used for library capital construction including new facilities and additions. The basic local match would be equal to the state grant. The match would be adjusted, however, according to the local tax capacity compared to the average state ad valorem assessment. If a jurisdiction's per capita assessed valuation is 90 percent of the state average, the local match would be 90 percent of an equal match which would result in

a 45 percent local, 55 percent state figure. If the local per capita assessed valuation were 110 percent of the statewide average, the match figures would be reversed for a 55 percent local and 45 percent state combination. The program would be administered by the state librarian with all grants subject to the approval of the Nevada council on libraries.

58. Amendment of NRS 379.021 so that library districts may issue bonds for capital projects with such issues limited to 10 percent of the assessed valuation of the district and subject to approval of local government general obligation bond commissions.
59. Continuation of state funds for discretionary grants to local libraries to encourage the new development and testing of new ideas and innovative programs.
60. The senate committee on finance and assembly committee on ways and means review the budget office procedure for charging a portion of the state library budget to LSCA (Library Services Construction Act) funds to determine if it is still justified or whether the state should make possible a fuller pass-through of the federal money to local governments.
61. State money be budgeted for the operation of libraries in state institutions leaving LSCA money for demonstration and library development purposes.
62. Establishment of state library services at the girls' training center and at the Las Vegas mental health center.
63. Local public libraries needing new facilities consider lease or lease-purchase arrangements with private builders or developers.
64. Public libraries actively pursue room tax money as a source of library funding.
65. Removal from chapter 379 of NRS of the ad valorem tax limitations for library districts, town libraries and city contract libraries.

66. The state library, the Nevada council on libraries and the Nevada Library Association develop a detailed proposal for state certification of librarians. The proposal should be submitted to the 1985 legislature.
67. The 1981 session, by resolution, request inclusion of library science as a WICHE program and that the senate committee on finance and the assembly committee on ways and means fund WICHE positions in library science.
68. All public schools with 250 or more students have certified personnel with library endorsements by the 1985-1986 school year.
69. The 1981 session fund a school media consultant position in the state department of education to specialize in libraries and learning resources.
70. The 1981 legislature, by resolution, request the state board of education to sponsor an annual school library workshop or other appropriate training experience for non-professionally trained school librarians using department, state library, school district and Nevada Library Association resources to carry it out. The resolution should also request that school districts allow the time needed for personnel to attend.
71. The 1981 legislature, by resolution, request that the state board of education develop a statement of state school policy regarding libraries that will reflect the importance of learning library skills and library usage in the overall educational program.
72. The legislative commission, upon acceptance of this report, send a letter to the governor emphasizing library service needs connected with MX. These needs will be in the area of increased demands upon existing libraries in the deployment area from approximately 1983 on and the need for new library facilities, collections and staff to operate them as soon as the base areas begin to be occupied.
73. The 1981 legislature, by resolution, recommend to Congress the continuation of LSCA funding and that law libraries serving the public be eligible for LSCA funds.

BULLETIN 81-16

MAINTENANCE OF STATE HIGHWAYS

A.C.R. 30 - 1979 Session

Interim Subcommittee

Senator Richard E. Blakemore, Chairman
Assemblyman Thomas J. Hickey, Vice Chairman
Assemblyman Alan H. Glover
Assemblyman John Polish
Assemblyman Doug Webb

Assembly Concurrent Resolution No. 30—Assemblymen Hickey, Chaney, May, Vergiels, Horn, Bergevin, Marvel, Polish, Bremner, Rusk, Malonc, Webb, Price, Mann, Westall, Mello, Dini, Glover, Hayes, Sena, Fielding, Craddock, Prengaman, Rhoads, FitzPatrick, Brady, Tanner, Bennett, Weise, Barengo, Wagner, Cavnar, Robinson, Banner, Getto and Jeffrey

FILE NUMBER 125..

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the maintenance of state highways as administered by the department of highways.

WHEREAS, The existence of a safe and efficient system of highways within the State of Nevada is essential to the economy and general welfare of the state; and

WHEREAS, The highways of the state have been aging and deteriorating in recent years, yet sufficient maintenance has not been accomplished to keep the condition of the highways from declining; and

WHEREAS, As the population of the state continues to grow, the highways receive increasingly heavier use and a greater number of miles of highway lanes are being placed into service; and

WHEREAS, The revenues being derived from the motor vehicle fuel tax may not prove adequate to keep pace with the future costs of highway maintenance; and

WHEREAS, The vital interests of the state require that the programs for highway maintenance be carried forward with maximum efficiency; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislative commission is directed to study the maintenance of the highways of this state as administered by the department of highways; and be it further

Resolved, That the study include determinations of whether:

1. The department is managing and utilizing its available resources for maintenance in an economical and efficient manner;

2. Any inefficient practices or inadequate systems exist and if so, the causes;

3. The department is achieving the desired objectives of its programs of maintenance;

4. The department will require any additional sources of revenue to support future programs of maintenance; and

5. Any new methods or techniques are suitable for application to those programs and would produce greater benefits; and be it further

Resolved, That the results of the study and any recommended legislation be reported to the 61st session of the Nevada legislature.

ABSTRACT

MAINTENANCE OF STATE HIGHWAYS

Passage of assembly concurrent resolution no. 30 marked the 60th session of the Nevada legislature's concern that a safe and efficient system of highways be maintained in this state. In passing the resolution, the legislature noted that state highways have been aging and deteriorating, that sufficient maintenance has not been accomplished to keep the highways from declining, that as the state population grows the wear on existing roads will increase and greater miles will be placed into service, and that the revenues being derived from motor vehicle fuel taxes may not be adequate to keep pace with the future costs of the highway maintenance program.

The resolution specifically outlined five areas to be studied. They included a review of:

1. The department of transportation's management and utilization of available resources for maintenance;
2. The existence of any inefficient practices or inadequate systems and their causes;
3. The department's achievement of the desired objectives of its maintenance programs;
4. The department's requirement for any additional sources of revenue to support future programs of maintenance;
5. The suitability of any new methods or techniques for application to maintenance programs that would produce greater benefits.

The subcommittee appointed to study these subjects held three meetings in Carson City and one in Las Vegas. Prior to the subcommittee's first meeting, a compilation of numerous Federal Highway Administration reports, National Cooperative Highway Research Program reports and industry magazine articles were reviewed by the subcommittee. During the course of the subcommittee's hearings and activities, presentations were made by Nevada department of transportation officials, regional Federal

Highway Administration personnel, private contractors, department of motor vehicles representatives, and industry spokesmen. In addition, subcommittee members toured a privately owned recycling plant to review newly installed computerized mixing apparatus as well as to inspect recycling pavement equipment. Individual members of the subcommittee also toured some of the department of transportation's district offices and yards and talked with district engineers and maintenance foremen to understand more completely the district maintenance goals and operations.

The subcommittee found that the department is, for a variety of reasons, unable to meet all of its maintenance objectives. Some of these barriers may be reduced or eliminated through passage of tougher overweight vehicle laws, which the subcommittee has had drawn for consideration, and the addition or augmentation of needed revenue sources. The subcommittee did not, however, recommend any specific methods of procuring these revenues, but rather left those determinations to the appropriate committees of the upcoming legislature. In addition, the subcommittee found that some inefficiencies exist within the department of transportation. However, the members concluded that through the installation of improved management systems, the initiation of productivity studies, and increased departmental awareness of the potential for improved performance, many of these inadequacies could be alleviated. In addition, the subcommittee suggested some topics that future interim subcommittees investigating the department of transportation may want to pursue.

A detailed description of the subcommittee's review into the five study directives as well as the corresponding subcommittee findings and recommendations is contained in the body of the report.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The subcommittee made the following findings and recommendations:

1. The subcommittee finds that the Nevada department of transportation is currently able to achieve its objective of providing safe, convenient and economic transportation for the public. However, the subcommittee is convinced that the department has been unable to provide that physical maintenance necessary to keep the highway in "as nearly as practicable its original as constructed or subsequently improved condition." In addition, the subcommittee is concerned that should the deferment of necessary maintenance services continue to add to the already large backlog recorded by the department, the quality of the safe, convenient and economic highway transportation afforded the citizens of this state will deteriorate.
2. The subcommittee finds that there are a number of factors that influence the department's ability to meet its physical maintenance objectives. A number of these factors are really items over which the department nor the legislature have little control. These factors are:
 - (a) The effects of deferred maintenance;
 - (b) Increased traffic;
 - (c) The effects of inflation;
 - (d) Increased environmental and social constraints;
 - (e) Climatic conditions;
 - (f) Structural capacity or age.
3. The subcommittee believes two factors which contribute to the increased deterioration of the state's roadways can be favorably impacted by legislative action. These factors are: (a) increased control of overweight vehicles on the state's highways and, (b) provision for adequate revenue sources to meet future programs of maintenance.

While the subcommittee believes that overweight vehicles do have a significant impact upon increased road deterioration, it is important to note that the subcommittee does

not believe that elimination of all overweight vehicles will halt all roadway decay. The subcommittee is acutely aware that a combination of all factors cited above are responsible. The subcommittee believes, however, in the absence of any substantiating data to the contrary, that increased control of overweight vehicles in this state will be helpful in the battle to maintain serviceable roadways. To deter the transportation of overweight loads the subcommittee recommends:

(a) Increased monetary penalties for violations of the state's weight laws. The motor carrier division of the department of motor vehicles suggested a fine system modeled after Oregon's progressive law would be an aid in increased enforcement of vehicle overweights. The subcommittee agreed and subsequently recommended a change in the overweight vehicle fine system modeled after the Oregon law.

(b) A mandatory unloading requirement for those overweight offenders who are apprehended on any state road system the second time. The subcommittee believes a tougher stand on vehicle overweights will also be an aid in deterring potential overweight loads. The department of motor vehicles indicates implementation of this measure will have an, as yet, undetermined fiscal impact.

(c) The subcommittee believes that the highway fund does need either an increase in existing sources or addition of new sources of revenue with which future programs of maintenance can be funded. Although the subcommittee reviewed numerous possibilities, the subcommittee believes such decisions are more properly the charge of the standing transportation and taxation committees of the legislature. However, the subcommittee also believes that these committees should review specific funding proposals made by both the transportation board of directors and the governor as to how best the problem should be handled. In addition, the subcommittee recommends this review include a determination of whether or not these funds should be earmarked for specific purposes or whether the discretion should remain solely with the board of directors.

4. Because of time and monetary constraints, the subcommittee was unable to probe deeply into other areas of potential study that presented themselves, but in recognizing the need for continued study, recommends the establishment of a continuing legislative interim subcommittee on the department of transportation. The subcommittee has suggested some possible areas for study consideration. They are:
 - (a) A thorough investigation of the need for a special permit issuance system in Nevada.
 - (b) The effects of exempting synthetic based fuels from motor vehicle fuel taxation.
 - (c) The impact of overweight vehicles on Nevada roadways.
 - (d) Cost allocation and user oriented studies to more equitably assign road operation costs.

Realizing many other potential subjects for study consideration exist, this list is meant as exemplary in nature and not as an exclusive listing.

5. Although the subcommittee believes the need for special permits should be extensively reviewed, it is recommended the department immediately undertake an in-house assessment of the current system with particular emphasis upon recovery of all departmental overhead and administrative costs in issuing all overweight, overwidth and overlength permits.
6. The subcommittee believes that the department has made some honest attempts at improving their efficiency through the installation of improved systems and the implementation of new methods, materials, and technologies. However, the subcommittee believes the department should dedicate itself further toward more efficient operation of current systems as well as toward finding more efficient practices and economic procedures with which it can truly say it is making the most of the resources available to it for maintenance purposes.

7. The subcommittee believes the department has developed a very fine data system in the maintenance management system, but that for various reasons the system's full potential is not being realized. The subcommittee suggests the department more fully use the MMS, particularly as it relates to level of service consequences, the differences between shortfalls and deferred maintenance and actual needs and elimination of district "labor intensive" projects in favor of achievement of the planned and needed maintenance program.
8. The subcommittee believes development of a pavement management system would benefit the Nevada department of transportation in the area of data collection, special study evaluation, optimum and alternative maintenance strategy selection, and therefore, recommends the implementation of such a system in Nevada. In addition, the subcommittee believes such a system could include a maintenance project prioritization procedure, perhaps borrowing from the priority programming approach in Washington. It is important to note that the subcommittee perceives that development of such a system need not be a one-time all inclusive initiation effort, but that phases of development over time may represent the best way to proceed with this endeavor.
9. The subcommittee suggests the department conduct a productivity study of the maintenance function (either internal or external) to answer the many questions that arose during the course of this study. If the department chooses outside consultants, the subcommittee suggests one possible avenue might be to approach the department of administration to determine whether any general fund monies appropriated for this purpose to the executive branch are available. The subcommittee suggests the review include a determination of the competitiveness of Nevada department of transportation salaries when compared with private industry and other governmental units' salary scales.
10. The subcommittee believes that the Nevada department of transportation must make better use of its maintenance equipment. The subcommittee suggests implementation of use standards as one method to increase use. In addition,

until usage rates near the 60 percent level, the subcommittee strongly urges the department to consider lease or rental agreements with contractors and heavy equipment firms. This would necessitate greater care in work scheduling. However, the cost savings could well justify such actions.

In addition, the subcommittee believes the standard equipment rental procedure currently in use does not encourage higher district utilization percentages of equipment. The subcommittee believes that a dual rental system that charges a monthly rate for equipment plus a declining charge for usage will encourage more efficient utilization procedures.

At the subcommittee's final work session, the new director told of plans to implement an equipment management system to more efficiently operate the department's equipment fleet. It appears to the subcommittee that this system would encompass many of the recommendations and suggestions included above, therefore, implementation of an equipment management system is seen as a positive step toward rectifying many of the existing inefficiencies.

11. The subcommittee believes that research and development serves a very important function in the development of new and innovative technologies for use in the ever changing world of highway maintenance. Although the subcommittee is not yet convinced reallocation of the few funds available to the maintenance function to the research and development program is justified, the subcommittee hopes the department will continue to search out new cost beneficial techniques to improve the maintenance product and save the taxpayers' money.

BULLETIN - 81-17

STATEWIDE MASTER PLAN FOR FIRE PROTECTION

S.C.R. 23 - 1979 Session

Interim Subcommittee

Senator Lawrence E. Jacobsen, Chairman
Assemblyman John W. Marvel, Vice Chairman
Marvin Carr, Nevada State Firemen's Association
Paul Delorey, Federated Firefighters of Nevada
Robert Fielden, State Fire Marshal's Advisory Board
Ron Johnson, State Fire Service Training Advisory Board
John Krenka, State Board of Forestry and Fire Control
Bernard L. Sease, Nevada Fire Chiefs' Association
Lowell V. Smith, State Forester Firewarden

Senate Concurrent Resolution No. 23—Senator Jacobsen

FILE NUMBER 139

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study and develop a statewide master plan for fire protection and control.

WHEREAS, The State of Nevada has provided for over 44 years invaluable assistance and guidance to the effort of fire services within the state to safeguard the lives and property of Nevadans from damage due to fire; and

WHEREAS, Nevada's rapid growth in population necessitates more assistance for fire protection and control and the avoidance of duplication of effort by the various fire protection agencies throughout the state; and

WHEREAS, The need for fire protection and control should be assessed from the viewpoint of both the fire protection agencies and the general public; 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 and develop a statewide master plan for fire protection and control to provide efficient and economical management and direction of the various fire protection agencies throughout the state; and be it further

Resolved, That the legislative commission appoint to the subcommittee appointed pursuant to this resolution one senator and one assemblyman, the state forester firewarden and one member respectively of the Nevada Fire Chiefs' Association, the Nevada State Firefighters' Association, the Nevada State Firemen's Association, the Federated Firefighters of Nevada, the state fire marshal's advisory board, the state board of forestry and fire control and the state fire service training advisory board.

ABSTRACT

STATEWIDE MASTER PLAN FOR FIRE PROTECTION

The 1979 session of the Nevada legislature adopted S.C.R. 23 which directed the legislative commission to study and develop a statewide master plan for fire protection and control. The subcommittee which conducted the study decided to approach the task by analyzing the various issues facing the fire service in the state. For this reason, some of the more traditional approaches to preparing a master plan were eliminated. Although some general background information was gathered, the subcommittee spent the majority of its time considering the issues that were determined to be most crucial and preparing recommendations to address these issues. Thus, the subcommittee's recommendations are the master plan.

The subcommittee held seven meetings in Carson City, Las Vegas, Winnemucca and Fallon. Testimony was received from representatives of fire departments from throughout the state. The meeting in Fallon was primarily a presentation to the Joint Conference of the State Fire Chiefs' and State Firemen's Associations. A broad spectrum of input was also ensured by placing representatives of major organizations within the fire service on the subcommittee.

As part of its initial activities, the subcommittee reviewed a document entitled "A Plan for Statewide Fire Service Education and Training for the State of Nevada - 1977." This report was prepared by representatives of the fire service from throughout the state, and it outlined many of the issues and recommendations which became integral elements in the subcommittee's study.

In its initial meetings, the subcommittee also attempted to rank by priority the general issues facing the state's fire service. In a poll of the subcommittee members, three subjects received greater priority rankings than the remainder of the choices. These three were (1) financing, (2) firefighter training - subject matter, and (3) firefighter training - administration and delivery system. Testimony at the hearings confirmed that these issues also ranked as the most important ones to the other people associated with the fire service in the state.

The report contains a brief overview of the current situation within Nevada's fire service, an analysis of the most significant issues, and a listing of the subcommittee's recommendations, and copies of pertinent bills which were drafted to enact the recommendations.

SUMMARY OF RECOMMENDATIONS

The subcommittee made the following recommendations:

1. Place the state fire service training program in the state fire marshal division.
2. Specify that the basic responsibilities within the fire service training section are to include:
 - a. Furnish and administer programs for the training of firemen;
 - b. Describe the programs which are available for training of firemen, and notify fire departments of the availability of these programs;
 - c. Administer a program through which firemen, upon their request, could be certified for having successfully completed a training curriculum;
 - d. Develop a program to train instructors;
 - e. Cooperate with other entities in preparing programs of training which are to be administered by the other entities.
3. Retain the funding for the state fire service training program in the vocational education division of the state department of education. Appropriate \$10,000 to the state fire marshal division for partial funding of the fire service training section.
4. Combine the state fire marshal's advisory board and the state fire service training advisory board into a single body.
5. Establish a grant program for fire suppression and control throughout the state. Finance the grant program through the state general fund, but base budget requests upon receipts from assessments on fire-related insurance premiums (gross

premiums tax). Appropriate \$63,900 in 1981 and \$63,900 in 1982 to the state fire marshal division for grants under this program.

6. Direct the state communications board to designate at least one microwave channel of the state communications system for use by the fire service. Appropriate \$2,000 per year to the state communications board for this purpose.
7. Direct the state division of forestry to purchase a sufficient supply of communications equipment which can use the microwave channels of the state communications system and to store the equipment in regional locations for use in emergencies. Appropriate \$25,990 to the state division of forestry to make the purchase.
8. By resolution to the University of Nevada board of regents, recommend that a consistent curriculum and consistent instructor qualifications be developed and used statewide in the community colleges' fire science classes.
9. By resolution to the University of Nevada board of regents, recommend that the following actions be taken:
 - a. Work toward a scheduling system which is adequate for firefighters who work alternating shifts;
 - b. Work toward a solution to the problem of classes which are needed by firefighters being cancelled because of an inability to meet a "prescribed student participation ratio;"
 - c. Establish a procedure whereby training obtained at the regional fire schools could receive credit from the community colleges;
 - d. Provide some of the "short-courses" and seminars for credit at the fire departments;
 - e. Examine the feasibility of using programs taped for educational television as supplementary materials in the present fire science classes.

10. Include in the report a finding that the responsibility for administering the emergency medical training (EMT) program should remain with the state division of health. Also include a finding that EMT training for certification and recertification of students and instructors has not adequately been made available to the fire service, and that the following areas are of most concern:
 - a. There is a need for funding to support a sufficient number of certification and recertification courses;
 - b. There is a need for procedures to facilitate in-house EMT courses (initial courses and recertification) within the fire departments;
 - c. There is a need for procedures to allow credit for "in-service" training as part of an ongoing recertification program that can be administered in the local fire departments;
 - d. There is a need for additional courses to train instructors;
 - e. There is a need for the staff of the EMT program and the state fire marshal jointly to survey the fire service relative to the needs of the fire service for EMT courses.
11. Recommend that the state fire marshal investigate the potential for requiring installation of smoke detectors in new and existing buildings, and that he take appropriate action through his authority to adopt regulations.
12. By resolution, recommend that schools institute programs of courses relative to fire prevention and control, and suggest that the National Fire Protection Association's "Learn Not to Burn Curriculum" could function as a positive element in such a program.
13. Include in the report a finding that a considerable amount of confusion exists relative to the functioning of programs associated with insurance coverage for firefighters under the provisions of NRS 617.455 (lung disease) and 617.457 (heart disease). Also include in the finding the following points:

- a. In the past, the specific requirements which firefighters must meet in order to retain coverage were not defined;
 - b. The subcommittee members worked with representatives of the Nevada industrial commission to isolate the issues and design appropriate courses of action;
 - c. A unified, statewide procedure and form for physical examinations for firefighters were developed. It is the subcommittee's understanding that the Nevada industrial commission will hold public hearings concerning the procedure and form, make appropriate modifications, and adopt them by regulation.
14. By resolution, request that the United States Air Force in its studies and plans consider the requirements for fire protection and emergency medical care which are directly associated with the proposed MX missile project itself, that the Air Force meet the fire protection and emergency medical needs of the communities which would be impacted by rapid growth induced by the MX project before the growth actually occurs, and that the U.S. Air Force provide finances for long-term maintenance of fire protection facilities and equipment in these communities.
 15. By resolution, request that training and equipment be made available to handle accidents related to transportation and storage of hazardous materials in the state.
 16. By resolution, direct the state civil defense and disaster agency to study the issues associated with responsibilities for search and rescue in the state and to report findings and recommendations to the next session of the legislature.
 17. Include in the report a finding that there are several issues associated with local fire departments going onto Indian lands and that the legislature should seek to address these issues during the regular legislative session.

BULLETIN 81-18

EFFECTS OF TAX RELIEF MEASURES

S.C.R. 42 - 1979 Session

Interim Subcommittee

Senator Norman D. Glaser, Chairman
Assemblyman Robert E. Robinson, Vice Chairman
Senator Keith Ashworth
Assemblyman Harley L. Harmon
Assemblyman Paul W. May
Assemblyman Robert E. Price
Assemblyman Darrell D. Tanner

Senate Concurrent Resolution No. 42—Committee on Legislative Functions

FILE NUMBER.....142

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the effects of measures to provide tax relief passed by the 60th session of the legislature.

WHEREAS, The 60th session of the Nevada legislature has responded to the concerns of Nevadans by enacting several measures which reduce the burden of taxes; and

WHEREAS, The legislature must continue to be responsive to the needs and desires of the people, and in order to do so must provide itself with accurate and timely information about the effect of the measures which it has enacted; 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 effects of measures to provide tax relief passed by the 60th session of the legislature; and be it further

Resolved, That the legislative commission include as members of the subcommittee appointed to conduct the study persons outside of government who agree to serve without compensation, subsistence allowances or reimbursement for travel expenses; and be it further

Resolved, That the subcommittee appointed by the legislative commission report its findings to the commission not later than September 1, 1980, and that the commission submit a final report and any recommended legislation to the 61st session of the legislature.

ABSTRACT

EFFECTS OF TAX RELIEF MEASURES

This study was intended to provide legislative oversight of the tax relief program enacted by the 1979 session so that problem areas could be identified and suggestions for improvement could be developed for the 1981 legislature.

Tax relief was structured so that state government would bear nearly all the initial cost and then additional savings would develop as local government and school district growth was restrained by "caps." In dollar terms this was a major undertaking. The combination of state revenues given up and general fund appropriations required to replace local property tax revenues carried a price tag of \$243 million for the 1979-80 biennium. This was more than one-third of the total general fund appropriations of \$667 million for the same period. Every local government entity fell within the new and complex "cap" structure beginning July 1, 1979, and problems were sure to arise in the dichotomous balance between restraint of government growth and the need for local government services.

The subcommittee held two meetings in Carson City and three in Las Vegas. These five meetings were devoted to subcommittee organization, point-by-point review of the 1979 legislative tax relief package and alternatives for the tax relief, and public testimony. Dates selected for the final four meetings were late in the interim period so that information which the subcommittee examined would be based on as much experience with the new program as was possible. Letters were sent to approximately 200 local government entities requesting input to the subcommittee.

Testimony was provided at the meetings by local elected officials and their representatives, state government officials, and representatives of other public organizations. The subcommittee reviewed an extensive amount of detailed financial material on state and local revenues, expenditures and the impact of "caps." Sources of this material were local governments and local school districts, the state department of taxation, the gaming control board, the state department of education and the subcommittee's staff.

A detailed description of each major aspect of the tax package, together with corresponding subcommittee findings and recommendations, is contained in the body of the report.

SUMMARY OF RECOMMENDATIONS

The following recommendations were made:

1. The property tax relief structure established by the 1979 legislature should be retained, and future legislatures make variations in the maximum statutory rate and corresponding state assumption by a "trigger" if adjustments are warranted.
2. Future legislatures should examine broadening the scope of factors that the state board of examiners is permitted to consider in setting rates under "trigger" provisions.
3. The exemption of household personal property should be continued as a very positive and successful part of tax relief.
4. Appropriations to the distributive school fund, which are made to provide tax relief, should be exempted from the state budget cap.
5. The 1981 legislature should explore a revenue cap in lieu of an expenditure cap.
6. Actual expenditures for fiscal year 1978-79 should be used as a base for the local government spending cap in place of the fiscal 1978-79 budgeted expenditures.
7. The appropriate committees of the 1981 legislature should explore alternative ways of applying the cap to town governments.
8. The appropriate committees of the 1981 legislature should be advised of the necessity of realigning estimates of population used in the base period of the caps with actual population figures from the 1980 census.
9. For the local government spending cap, the 5-year moving average of the inflation factor should be decreased to a 3-year moving average.

10. For the local government spending cap, the Implicit Price Deflator for Goods and Services Purchased by Government should be adopted in place of the CPI as a measurement of change in cost of providing government service.
11. The expression "general fund" as a generic term should be changed to "aggregate of general and special funds" to conform with language for such activities as expressed by Statement 1 of the National Council on Governmental Accounting.
12. The 2-year expiration of authority granted a local entity to exceed its spending limitation should be removed.
13. NRS 354.5983, subsection 4, should be amended to clearly provide authority to the director of the department of taxation to require local governments to change their expenditure base when exempt funds such as enterprise funds are created by withdrawing an activity from the base.
14. The director of the department of taxation should be given authority to permit an entity to exceed its expenditure limitation to the extent necessary to pay for a newly mandated project or program.
15. For the school district revenue cap, the 5-year moving average of the inflation factor should be decreased to a 3-year moving average.
16. For the school district revenue cap, the Implicit Price Deflator for Goods and Services Purchased by Government should be adopted in place of the Consumer Price Index (CPI) as a measurement of change in cost of providing government services.
17. The base period for the school district cap should be changed from the average of the previous 3 assessment years to the average of the previous 2 assessment years.
18. The appropriate committees of the 1981 legislature should be apprised of the problem of erosion of local school districts' local tax base and that when they deliberate on matters affecting the schools, look for ways to correct this erosion.

19. Amendments recommended by the subcommittee to eliminate loopholes in local government caps should be adopted as a means of restricting local government's ability to pick up the portion of the optional levy from which schools must recede.
20. Future legislatures should be made aware that if the cap is applied to only the part of the 80 cent optional tax actually levied, the effect is more severe when a lesser amount of tax relief is triggered. In a period of rapidly rising prices, this could be far more restrictive than intended.
21. NRS chapter 463 should be amended to provide that the 25 percent share of the county gaming license fee which was returned to local governments as part of the tax package be distributed only to the city or county of origin. The statutory reference to town should be deleted.
22. The 1981 legislature should investigate methods of implementing an annual updating of appraisals.
23. The 1981 legislature should investigate thoroughly current assessment procedures and practices with regard to compliance with state statutes.
24. The tax commission should require that each county assessor develop a procedures manual and submit it to the tax commission for approval.
25. The 1981 legislature, by resolution, should continue to have a special legislative subcommittee on tax action meeting on a regular basis.

BULLETIN 81-19

FEDERAL FUNDING IN LOCAL PROGRAMS

S.C.R. 14 - 1979 Session

Interim Subcommittee

Senator Floyd R. Lamb, Chairman
Senator James I. Gibson, Vice Chairman
Senator Lawrence E. Jacobsen
Assemblyman Roger Bremner
Assemblyman Peggy Cavnar
Assemblyman Sue Wagner

Senate Concurrent Resolution No. 14—Committee on Finance

FILE NUMBER.....136

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the use of federal money in local governmental programs.

WHEREAS, The extent of federal money coming to the local governments in Nevada has been growing dramatically; and

WHEREAS, There is no agency in Nevada which compiles the sources and uses of federal money by our local governments; and

WHEREAS, The Federal Government is finally attempting to balance the federal budget, which may substantially reduce the federal revenue available for local governmental programs, possibly reducing or eliminating funding for services which local governments may be requested to replace; and

WHEREAS, It is not possible for the legislature to enact rational and comprehensive tax reform and fiscal plans for local governments when local government budgets contain an increasing percentage of federal money; 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 local programs to determine the extent of federal money received, the growth in the amount of federal money, the intent of the agencies in applying for and accepting federal money, the effectiveness of the programs for which money was received and the extent to which the goals of the federal programs are consistent with the goals and priorities of local government; and be it further

Resolved, That the study consider the extent to which the acceptance of federal money in any of the programs reviewed obligates the local governments, directly or by implication, to pay the costs of supporting the programs in the future; and be it further

Resolved, That the subcommittee appointed to conduct the study contain representatives of local governments; and be it further

Resolved, That the legislative commission submit a report of the results of the study to the sixty-first session of the Nevada legislature.

ABSTRACT

FEDERAL FUNDING IN LOCAL PROGRAMS

A study in 1978 of Nevada's local government revenues conducted by the Bureau of Business and Economic Research, University of Nevada, Reno, pointed out that federal transfers to local governments from 1970 to 1977 were the fastest growing category of revenue. The study also pointed out that federal revenues for Nevada cities in 1970 constituted 5.1 percent of their total revenues and, in 1977, had increased to 9.3 percent. In 1974, Nevada counties received only 1.7 percent of their total revenues from the Federal Government, while in 1977 this had increased to 14.5 percent. The bureau's study found that the growth rate for federal grants for both cities and counties was in excess of 34 percent per year. The S.C.R. 14 study expanded the information developed by the bureau to encompass the revenues budgeted through fiscal year 1981 and also to include school districts. The subcommittee determined that budgeted federal revenues for fiscal year 1981 for cities had dropped to 6.7 percent of total revenues; for counties it had dropped to 4.9 percent; and for schools it was 4.1 percent. These figures indicate a rather significant decline in the percentage of federal revenues received by cities and counties since fiscal year 1977.

The S.C.R. 14 study illustrates that, for cities in fiscal year 1979, federal aid reached its peak at \$36.6 million, declining to a budgeted \$22.5 million for fiscal year 1981. For counties, federal aid peaked in fiscal year 1978 at \$64.2 million, while it is currently budgeted for fiscal year 1981 at \$31.2 million. For school districts, federal aid peaked in fiscal year 1979 at \$21.6 million and is currently budgeted at \$17.8 million for fiscal year 1981. For all cities, counties and school districts combined, federal aid peaked in fiscal year 1978 at \$108.3 million and is currently budgeted at \$71.5 million for fiscal year 1981.

A more significant finding of the S.C.R. 14 subcommittee was the decline in the use of federal revenues in local government general fund activities as opposed to special fund activities. For example, the amount of federal revenues in fiscal year 1978 deposited and expended from local governments' general funds was

a little over \$23 million, while in fiscal year 1981 the amount has declined to \$11.3 million. This is a decrease from 5.8 percent to 2 percent.

The study also found that the majority of federal revenues received by local governments in the state is received by the counties--a little over 43 percent in fiscal year 1981; the next highest is the cities--a little over 31 percent--and the next highest is the school districts with 24.9 percent. The S.C.R. 14 study contained some nine different tables which illustrate the amounts and distribution of federal revenues received by local governments for the periods beginning with fiscal year 1978 through the current budget for fiscal year 1981. Additionally, the study contains summary information on the major sources of the different types of federal revenues received by the local governments, and also provides descriptive information on the grant application process used by the local governments in securing federal revenues.

SUBCOMMITTEE FINDINGS AND RECOMMENDATIONS

The following findings and recommendations were made:

1. Information developed in this study was extracted primarily from the local government budgets on file with the state department of taxation. In order to compile the statistical data included in this report for each fiscal year, 16 city budgets had to be reviewed as well as 17 school district budgets and 17 county budgets. There is no single source of information either at the local or federal level which provides the type of data necessary for this particular kind of study.

Information that is available is inconsistent not only from one city to another but also between cities, school districts and counties. Therefore, the subcommittee is repeating a recommendation contained in the 1979 local government finance study conducted by the Bureau of Business and Economic Research, College of Business Administration, University of Nevada, Reno, which recommended that a system of uniform financial reporting should be implemented to facilitate monitoring of local government fiscal conditions. This system should be developed and monitored by the state department of taxation's local government budget section as a part of its current responsibilities under the Local Government Budget Act (chapter 354).

2. Federal revenues as a percentage of total revenues have declined from 11.3 percent in 1978 to 5.1 percent budgeted in 1981. However, since local revenues fluctuate dramatically, depending on the amount of debt which might be issued in any one year, a more meaningful measurement to use is the percentage of federal revenues in comparison with the local governments' general funds. This calculation produces rather different percentages but does identify the same trend. In fiscal 1978, total federal revenues represented 27.4 percent of local governments' general funds while in 1981, the percentage is 12.8 percent.

There has been a definite decline in total federal revenues from 1978 (\$108.4 million) to 1981 (\$71.5 million) which is a reversal from the findings in the local government finance study done by the University of Nevada. This study found an annual rate of increase of over 34 percent in real per capita dollars (adjusted for population and inflation) from 1970 to 1977. The local government finance study indicated that increasing dependence on federal grants could lead to a problem of an erosion of local autonomy and a dependence on grant revenues which could not be sustained if the revenues were reduced. The noted decline from 1978 to 1981 in local governments' use of federal revenues suggests that the local governments have been selective in their use of and dependence on federal revenues, and the subcommittee recommends that they continue to exercise caution in their use in the future.

3. Federal revenues have been concentrated in relatively few major areas and have been primarily for "one-time" capital improvement projects and capital acquisition items. The subcommittee noted that even a significant portion of revenue-sharing funds and in-lieu-of-tax funds have been used for "one-time" capital acquisition items. However, capital projects do lead to future operating expenses, and it is important that local governments' priorities, goals and objectives be considered and weighed against those of the federal program. Therefore, it is essential that locally elected officials become involved in the grant application process before application for funding is made to the Federal Government.
4. The percentage of revenue sharing funds being budgeted in the cities' and counties' general fund has declined from 45.3 percent in fiscal 1978 to 4.8 percent in fiscal 1981. However, there has been an increase in the percentage of in-lieu-of-tax funds being budgeted in the county general funds from 59.1 percent in fiscal 1978 to 76.1 percent in fiscal 1981. The subcommittee recognizes that there are little or no restrictions regarding the use of these funds; however, it recommends that local governments exercise caution in the future in budgeting these funds for general government operations. The total of all revenue-sharing and in-lieu-of-tax funds budgeted for fiscal 1981 exceeds \$15 million and withdrawal of either of these two sources of funds could present a substantial financial impact on local governments.

5. The subcommittee recommends that federal revenues be used to meet identified needs which cannot be met with local resources. Elementary and Secondary Education Act (ESEA) programs in the school districts are good examples of programs which call for the hiring of positions and funding of classroom activities to meet special school populations. These programs provide services that may not otherwise be provided. However, school districts must exercise caution when applying for these programs to be certain that they are consistent with the goals and objectives of the district and that future budgetary obligations are considered.
6. Acceptance of federal funds can lead to the loss of local control over programs. Revenue-sharing, in-lieu-of-tax funds and P.L. 874 funding are programs which carry the least restrictions on their use. Guidelines for these programs have been general enough to allow local governments a certain amount of discretion regarding their usage and thereby allowing them to maintain local control. However, formula grants, certain categorical grants such as ESEA and handicapped education grants and Comprehensive Employment and Training Act (CETA) monies carry with them specific restrictions and guidelines and thereby a loss of a certain amount of control over the program. Local governments must assess these programs to determine whether this loss of control is worth the price of the grant.
7. There is no such thing as "free" federal money. There is a cost involved in accepting federal money whether it be in loss of local control over programs or placing a future burden on operating budgets to operate and maintain new facilities. Local governments must continue to evaluate these costs before applying for and accepting federal grants.
8. The subcommittee recommends that local governments exercise particular caution in the use of revenue-sharing, in-lieu-of-tax funds, P.L. 874 funding, school lunch funds and certain categorical grant monies (ESEA). These funds can generally be used for governmental operating programs leading to a possible financial burden should they be reduced or withdrawn altogether by the Federal Government at some future time.

BULLETIN 81-20

STATE PAYMENTS TO PRIVATE PROVIDERS OF CARE

A.C.R. 51 - 1979 Session

Interim Subcommittee

Assemblyman John M. Vergiels, Chairman
Assemblyman Lonie Chaney, Vice Chairman
Senator Wilbur Faiss
Senator William H. Hernstadt
Assemblyman Jack F. Fielding
Assemblyman Mike Malone

Assembly Concurrent Resolution No. 51—Assemblymen Vergiels,
Mann and Wagner

FILE NUMBER..132..

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative
commission to study private providers of care in this state.

WHEREAS, Private providers of care which include adult group care homes, foster homes and community training centers offer a valuable service to this state and its citizens; and

WHEREAS, Many Nevadans are the recipients of the services of these private providers of care; and

WHEREAS, Every year the state expends large sums of public money purchasing the services of private providers of care; and

WHEREAS, It would be in the best interest of this state and its citizens that a comprehensive examination of private providers of care be made to determine whether the state reimbursement rates to the private providers of care are sufficient to provide both the level of care desired by the state and the creation of sufficient placement possibilities to meet state needs; 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 and evaluate the private providers of care in this state, including:

1. The levels of service they provide;
2. Their financial problems; and
3. The need for additional care facilities or private homes; and be it further

Resolved, That the legislative commission report the results of the study, together with any recommendations for legislation, to the 61st session of the legislature.

ABSTRACT

STATE PAYMENTS TO PRIVATE PROVIDERS OF CARE

The focus of this study was state funding of three groups of private providers of care: adult group care facilities, foster homes and community training centers. These providers were identified by both the 1979 legislature and the subcommittee as facing potentially serious financial problems related to state funding. The subcommittee's goal was to determine what the method and level of state funding ought to be at a given point in time, and to develop a report that the money committees of the 1981 legislature could use as a guide when they review budgets supporting the three groups.

The subcommittee held three public hearings during the course of the study. Its initial meeting was October 26, 1979, in Carson City at which time each of the groups of providers was asked to develop a reimbursement proposal and supportive documentation which served as a basis for the subcommittee's review and recommendations. Subsequent hearings were held May 9, 1980, and October 20, 1980, in Las Vegas. These meetings were devoted to public testimony, review of proposals for reimbursement and subcommittee deliberation. An attempt was made to notify all parties that might be interested in providing input to the subcommittee.

The body of the report is divided into three sections; each deals with one of the three groups of private providers of care and contains relevant findings and recommendations.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Adult Group Care Facilities:

1. The only feasible way to reimburse adult group care facilities is the present system of providing flat monthly payments.
2. The monthly payment levels should be targeted at a level sufficient to make continuation in the group care business attractive to facility owners. The rate for the fiscal year beginning July 1, 1980, should have been \$456 per month, or \$50 more than the present rate to accomplish this.
3. The rate for fiscal year 1981-82 and ensuing years should be set by adjusting the \$456 rate forward for anticipated inflation.

Foster Homes:

4. The subcommittee recommends that reimbursement for room and board be based on the annual cost of raising a child at a moderate level, as proposed.
5. The subcommittee recommends that allowances for clothing, school supplies and incidentals for foster children be increased to a more realistic amount, as proposed.
6. The subcommittee recommends that the proposed \$50 per month fee for service of foster parents not be adopted.
7. The subcommittee recommends that the welfare division request funds in its regular social services budget to provide money for adequate services to back up its foster parents. This should be done in place of the proposed \$10,000 special fund.
8. The subcommittee recommends that the proposal for training foster parents be adopted and the social services specialist position for training be assigned the additional responsibility of developing a proposal for respite care for foster parents.

Community Training Centers:

9. The amount of funding of community training centers should be related to the level of care they provide as means of encouraging them to provide services to lower functioning clients.
10. The amount of payment to community training centers should be related to the staffing requirements for the three levels of care as proposed to the subcommittee; preworkshop programs, work activity centers, and pre-school programs.

BULLETIN 81-21

SUNSET REVIEW

A.B. 523 - 1979 Session

Interim Subcommittee

Senator James N. Kosinski, Chairman
Senator William J. Raggio
Assemblyman John E. Jeffrey
Assemblyman John M. Vergiels
Assemblyman Sue Wagner

ABSTRACT

SUNSET REVIEW

The 60th session of the Nevada legislature, through assembly bill 523, created a statutory process for the review of certain agencies, programs and laws of the State of Nevada. This process is known as "Sunset." The word sunset evolves from a unique feature of the process which terminates specified agencies, programs or laws on a specified date unless they are affirmatively reestablished by the legislature. The 1979 legislature designated the real estate division and advisory commission, the Nevada racing commission and the Bureau of Community Health Services for a pilot sunset project.

Nevada's sunset law requires the legislative commission to determine the need for and efficiency of the designated agencies using specific review criteria, and to report its findings to the next regular legislative session. The legislative commission appointed a subcommittee for this purpose which requested and considered legislative counsel bureau staff reports on the three agencies, and took testimony from the agencies, interested groups, and the general public at six public meetings held in Carson City, Reno and Las Vegas.

The subcommittee also reviewed the sunset process itself in order to determine its value and to make recommendations to the next legislature. This examination included a review of and recommendations on staff resources, agencies to include in sunset in the future, the review criteria and implementation of sunset recommendations.

Subcommittee findings and recommendations on the future of sunset, the real estate division and advisory commission, the Nevada racing commission and the bureau of community health services are included in the body of the report.

SUMMARY OF RECOMMENDATIONS

The Sunset Process:

1. The legislature should continue the sunset process in Nevada but limit its application to licensing boards and regulatory laws of the state.
2. The review criteria required by sunset (A.B. 523) should be amended to provide for a more comprehensive review process.
3. The legislative commission should assign the task of staff review and analysis to the fiscal analysis division.
4. The legislature should include over 4 interim periods all regulatory laws of Nevada Revised Statutes Title 54 (Professions, Occupations and Businesses) in the sunset process.
5. Sunset reviews should be conducted only during the interim period between legislative sessions and the legislative commission should establish a reasonable time period to complete the reviews.
6. The agency termination feature of sunset should be retained; however, the legislature should use this feature carefully.
7. Legislative standing committees should take up legislation proposing to continue agencies reviewed under sunset at the earliest possible time each session.
8. The legislative counsel bureau should transmit all sunset recommendations to the appropriate standing committees at each subsequent legislative session so that those committees can determine what progress each agency has made in implementing the recommendations.
9. The legislative commission should appoint some members of the sunset subcommittee from the membership of standing committees that normally handle substantive legislation of the agencies designated for sunset.

10. Standing committees of the legislature should consider using "Questions a Legislator Should Ask" as a guide when considering new requests for occupational licensing legislation.

The Real Estate Division and Advisory Commission:

1. The 1981 legislature should repeal those provisions of chapter 688, 1979, that terminate the real estate division, real estate advisory commission and sections of NRS 645 and 119 and continue to regulate real estate practices and certain land sales activities.
2. The legislature consider restructuring the real estate advisory commission to include one public member.
3. The legislature amend NRS 645.010 and 645.050 to delete the word advisory when applied to the commission.
4. The legislature amend NRS 645.050 to delete the provision that the governor must consider a list of nominees from the Nevada Association of Realtors when making appointments to the advisory commission.
5. The legislature amend NRS 645 to narrow the scope of duties of the advisory commission to promulgating regulations and conducting disciplinary hearings required by law. The commission's responsibilities to approve who may sit for examinations and final approval of licensees should be given to the division and the requirement for final commission approval of education fund expenditure should be deleted. The commission should maintain an advisory role only in education fund expenditures.
6. The legislature should amend NRS 645.150 to delete specific date requirements for commission meetings in the eastern and western districts.
7. The legislature should adopt a fee schedule that covers the cost of regulation based on the budget approved for the agency for the next biennium.

8. The division should establish formal goals and objectives for their organization and develop an internal information system which has the capability of measuring program effectiveness.
9. The division should discontinue depositing fees directly into the education and research account of the ERRF fund. All fees should be deposited in the recovery account and the balance over \$50,000 transferred to the education and research account at the end of the fiscal year pursuant to NRS 645.842.
10. The division and the advisory commission should expand the presentation of the education and research account in the "Executive Budget" to disclose the proposed actual uses of the funds for legislative review.
11. A portion of the education coordinator position should be funded from the ERRF fund corresponding to the amount of time spent on fund activities or programs.
12. The legislature should amend NRS 645.847 to increase the interest rate required on repayments to the recovery fund as a condition for restitution of the suspended license.
13. The division and commission should consider refining the educational contract system to specify what courses are required and by inviting proposals on that basis in order to maximize the benefits of the ERRF educational dollars.
14. The commission should adopt regulations required by NRS 645.575 covering claims of equivalent education and time extensions.
15. The division should evaluate and recommend regulatory and statutory changes necessary to consolidate the application for examination and application for licensing procedures into a single process. Background investigations should be conducted only for those applicants who successfully pass the exam.

16. The division should consider combining the applications and licensing staffs into one section and consolidating the application for examination and application for licensure forms.
17. The legislature should enact enabling legislation to allow the commission the discretion of accepting the successful completion of the uniform portion of the national uniform exam as partially satisfying examination requirements in Nevada.
18. The legislature should enact a statutory requirement that all prospective licensees must have a fingerprint check performed.
19. The legislature should amend NRS 645.410 and 645.420 to extend the time limit for approval or denial of an application for license and for payment of the license fee.
20. The division should establish a written procedures manual for the compliance function.
21. The division should evaluate the need for the current number of investigators taking into account cyclical trends.
22. The division should establish an audit plan to insure that personnel are used effectively, develop and utilize an audit program in the performance of audits and prepare and retain audit workpapers for all audits performed.
23. The division consider expanding the scope of the broker office survey.
24. The division should expand the explanation on the statement of fact to better explain the division's authority and to better inform the complaining public of the limitations of the division's authority.
25. The division should expand its public relations effort to inform the public of the role of the division and provide information to the public through the complaint process about the recovery fund and how and when a claim may be ordered.

26. The division should, after consulting with the consumer affairs division, evaluate the need to place vacation licensing under the regulatory authority of NRS 119 and make appropriate recommendations to the 1981 legislature.
27. The advisory commission should consider adopting a rule requiring all brokers to keep their trust fund records up to date.
28. NRS 645.310 should be amended to only require a separate checking account designated as a trust account for each broker that receives trust fund.
29. NRS 645.350 should be amended to change the requirement that salesmen must associate with a broker before he is licensed rather than before taking the examination.
30. NRS 645.360, which requires three letters of recommendation for prospective licensees, should be repealed.
31. Provisions of NRS 645 should be amended to provide that a written transcript of commission hearings should only be required if requested by someone and the cost should be borne by the requester.
32. NRS 645.540, which requires that the division prepare and deliver to each licensee a pocket card, be repealed.
33. Chapter 645 should be amended to provide that service of process and other required communications upon the commission may be made at the real estate division in Carson City.
34. NRS 645.844 should be amended to delete the requirement that a claimant against the recovery fund must post a bond to guarantee costs should the claim be denied.
35. NRS 645.660 should be amended to make it absolutely clear that "a broker has a duty to supervise" his salesmen.

Nevada Racing Commission:

1. The 1981 legislature should repeal those provisions of chapter 688, 1979 (A.B. 523), that terminate the Nevada

racing commission and NRS chapter 466 and continue to regulate horse racing, greyhound racing and pari-mutuel wagering at these events.

2. The legislature should update the statutory purpose of the Nevada Racing Act to include "the protection of the general public" and remove "to encourage agriculture".
3. The legislature should change the statutory qualifications for appointment to the racing commission and delete those requirements that serve no useful purpose.
4. The legislature should amend NRS 466 to prohibit members of the racing commission from racing their own horses in any Nevada race regulated by the commission.
5. The legislature should amend NRS 466 to provide for a daily salary of \$40 for commission members when on commission business.
6. The legislature should amend NRS 466 to require the racing commission to promulgate regulations for racing and pari-mutuel wagering at racing events.
7. The legislature should amend NRS 466 to deposit all revenues received by the commission in the general fund and to appropriate sufficient moneys to meet the necessary expenses of the racing commission. The commission should be given the authority to reimburse agriculture associations and to supplement breeders' purses through the budgetary process.
8. The commission should obtain required bond coverage on contract employees handling state moneys and insure blanket state coverage on its own employees.
9. The legislature should require that the gaming control board provide the racing commission with a full report of each licensing investigation as well as a recommendation for approval or denial.
10. The racing commission should develop background information on occupational licensees and increase the reliability of that information through the National Association of Racing

Commissioners' computerized data system or fingerprint checks or both. In addition, when adequate background verification is developed to insure licensing suitability in Nevada, the commission should consider reciprocity for those licensed in other states with similar requirements.

11. The commission should institute an audit or verification procedure to insure proper operation of the pari-mutuel and tax payments.
12. The legislature should amend chapter 466 to provide that all personnel of the commission, except clerical positions, be in the unclassified state service.
13. The subcommittee recommends referring the issue of which agency, the racing commission or the gaming commission and control board, should regulate racing and racing pari-mutuels in Nevada to the legislative commission's subcommittee on the gaming industry.

The Bureau of Community Health Services:

1. The legislature should repeal provisions of chapter 688, 1979, (A.B. 523) that terminate the bureau of community health services of the health division and prohibit the state budget director from including funds for bureau programs in the executive budget in order to continue those services for citizens of the state.
2. The legislature should adopt specific statutory language for NRS 450B (Emergency Medical Services) establishing public policy and the purpose for regulation of emergency medical services.
3. The division should continue its investigation into fees for services performed for all types of bureau services.
4. The legislature should amend NRS 439 (Administration of Public Health) to provide authority for the state board of health to establish fees for programs or services of the division.

5. The health division should monitor the "aid to counties" program for Clark and Washoe health districts and report to the 1981 legislature the actual uses of the funds, whether additional federal funds were matched and if the funds caused local governments to exceed their spending limitations or to reduce property tax rates.
6. The division should reimburse the general fund for the cost of the physical therapists' services for health facility certification from federal funds for both the current bien-nium and in the future.
7. The legislature should amend NRS 441.240 to place grant authority with the department of human resources and health division rather than the board of health.
8. The bureau should execute formal user agreements with each local agency or ambulance service to guarantee responsible maintenance of all locally assigned equipment purchased under the Fleischmann Foundation Grant for emergency communications.
9. The bureau should consider changing its standard contract with the community colleges from lump sum to a payment of tuition for all noncredit enrollees up to a maximum dollar amount in order to insure maximum effectiveness of limited training dollars.
10. The bureau should create a mechanical inspection checklist form to be completed every 6 months by a qualified mechanic for each ambulance licensed by the state.

BULLETIN 81-22

PUBLIC LANDS

S.C.R. 5 - 1979 Session

INTERIM SUBCOMMITTEE

Senator Richard E. Blakemore, Chairman
Assemblyman Karen W. Hayes, Vice Chairman
Senator Norman D. Claser
Senator Mike Sloan
Assemblyman Joseph E. Dini, Jr.
Assemblyman John Marvel
Assemblyman Dean A. Rhoads

Senate Concurrent Resolution No. 5—Senators Blakemore, Gibson, Lamb, Close, Wilson, Dodge, Glaser, Jacobsen, Don Ashworth, Keith Ashworth, Echols and Neal

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Continuing the existence of the select committee on public lands.

WHEREAS, S.C.R. 9 of the 59th session of the Nevada legislature directed the creation of a select committee on public lands charged with several responsibilities including:

1. Traveling to Washington, D.C., to meet with federal executive and legislative officials to consider Nevada's unique situation with respect to the public lands;
2. Studying the alternatives for management of the public lands that would include a role for the state;
3. Increasing the amounts of land in nonfederal ownership;
4. Considering state consent to acquisition of lands by the Federal Government;
5. Proposing federal legislation on public lands;
6. Forming a regional coalition on public lands;
7. Reviewing and assessing plans and decisions of the Bureau of Land Management in the state; and

WHEREAS, The select committee has accomplished some of the assigned tasks and is heavily involved in several others; and

WHEREAS, To accomplish modification of federal land policy is a slow process requiring constant attention over the next several years at least; and

WHEREAS, The Nevada select committee has taken a leading role in forming a western coalition on public lands and is now looked to for leadership on this issue; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the Nevada select committee on public lands be continued through the 60th session of the Nevada legislature and for the interim period until the beginning of the 61st session; and be it further

Resolved, That the select committee be composed of three members of the senate appointed by the majority leader of the senate and four members of the assembly appointed by the speaker of the assembly, chosen with appropriate regard for their experience and knowledge about public lands; and be it further

Resolved, That the select committee shall:

1. Encourage and actively support the formation and efforts of the western coalition on public lands;
2. Advance knowledge and understanding of Nevada's public lands situation in local, regional and national forums;
3. Support Congressional legislation that will enhance the state and local roles in public lands management and that will increase the disposal of public domain lands for public purposes, for the expansion of communities, and for agricultural and other development; and be it further

Resolved, That the select committee is an official agency of the legislative counsel bureau whose members are entitled to receive out of the legislative fund for each day's attendance at meetings or official business of the select committee after adjournment of the 60th legislative session, if 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 61st session of the legislature.

SUMMARY OF RECOMMENDATIONS

The subcommittee recommended that the legislature:

1. Propose a constitutional amendment to regulate management and disposal of state lands.
2. Provide for legislative or gubernatorial approval of acquisitions or uses of certain lands by the Federal Government.
3. Provide for payments to local governments in lieu of taxes if state obtains title to or management of public lands.
4. Urge Congress to enact legislation transferring public lands to the states.
5. Continue existence of the select committee on public lands.

BULLETIN 81-23

FEDERAL REGULATIONS REVIEW COMMITTEE

NRS 218.536 - 218.5371

Interim Subcommittee

Senator Norman D. Glaser, Chairman
Assemblyman Karen W. Hayes, Vice Chairman
Assemblyman Dean A. Rhoads, Past Chairman (1979)
Senator Mike Sloan, Past Vice Chairman (1979)

SUMMARY OF RECOMMENDATIONS

The subcommittee recommended that the legislature:

1. Provide for review by legislative committee of policies, rules and regulations of the U.S. Forest Service.
2. Memorialize Congress to increase Nevada's share of proceeds from sales of public lands.
3. Direct appointment of certain legislators to legislative committee for review of federal regulations.
4. Memorialize Congress to provide for return to multiple use of public lands dropped from consideration as wilderness.

BULLETIN 81-24

GEOHERMAL RESOURCE DEVELOPMENT

Interim Subcommittee

Senator Lawrence E. Jacobsen, Chairman
Senator Thomas R. C. Wilson
Assemblyman Robert G. Craddock
Assemblyman Joseph E. Dini, Jr.
Assemblyman Virgil M. Getto

ABSTRACT

GEOHERMAL RESOURCE DEVELOPMENT

Subcommittee Creation:

In the spring of 1979, the Geothermal Policy Project of the National Conference of State Legislatures proposed to the Nevada legislature to undertake jointly a comprehensive policy review of state laws and regulations affecting geothermal development. The goal of the effort was to determine what actions the state could take to encourage the development of Nevada's geothermal resources. Meeting this goal would help establish a positive legal and institutional environment within the state for the efficient development of Nevada's geothermal potential while protecting the state's interests in its natural resources.

Pursuant to the authority provided in NRS 218.682(5), the legislative commission formed a subcommittee at its August 30, 1979, meeting. The charge to the subcommittee was to make a study of geothermal resource development and recommend appropriate legislation to the 1981 session of the legislature.

Geothermal Resource Development:

Nonconventional energy sources are being taken more seriously by industry and government in response to a national policy to attain energy self-sufficiency. A number of factors, however, may impede the development of nonconventional sources. Among the factors are direct cost, high risk of investment, and discriminatory laws and regulations.

One nonconventional energy source in Nevada is geothermal energy. There are 300 known thermal springs in Nevada. The predominant resource is hydrothermal consisting either of dry steam or a mixture of steam and water. The northern part of Nevada contains most of its geothermal resources, with the highest activity being the Battle Mountain heat flow high.

Existing applications of the direct use of geothermal energy include recreational hot springs, heat for homes, greenhouses, the safe manufacture of explosives, and vegetable washing and dehydration. Unrealized potential exists for additional space-heating and greenhouse use and for generating electric power.

There are several unresolved policy areas which if resolved could enhance the likelihood of geothermal resource development in Nevada. First, resource characterization is not clear because of Nevada's differing statutory definitions of geothermal resources. In addition, regulatory authority over water rights forecloses many options for geothermal energy development. The second unresolved policy area is access and allocation, or specifically, establishing property rights; conveying development rights; and assigning production among competing developers. The third disincentive for geothermal development is related to regulation of drilling activities. For example, common drilling provisions not found in the Nevada regulations include blow-out prevention, reinjection requirements, prevention of waste, well abandonment, and bonding. Finally, a broad area involving financial incentives and liabilities of geothermal developers, consumer incentives, and utility regulation has room for further legislative action.

The recommendations of the subcommittee are not suggested in a vacuum of legislation. In addition to federal laws and policies designed to stimulate geothermal development (Geothermal Steam Act of 1970; Energy Tax Act of 1978; and, Public Utilities Regulatory Policies Act of 1978), the State of Nevada has passed half a dozen bills in the last 5 years which were also designed to encourage the development of geothermal resources. The specific recommendations do, however, address the unresolved policy areas described above.

SUMMARY OF RECOMMENDATIONS

The subcommittee made the following recommendations:

1. Redefine geothermal resources statutorily so that the definition specifies heat and the byproducts, but does not include the fluid components.
2. Expand the state engineer's statutory authority to provide for planning and evaluation of geothermal development, including well spacing and pooling orders, limits on production and reinjection, and cooperative development.
3. Require persons desiring to drill geothermal wells to file an application with the state engineer. Approval is to be based on resource ownership or control, environmental impacts, and the public interest.
4. Establish statutorily the policy that the use of groundwater for its energy content, including heat and pressure, is deemed to be a beneficial use of such groundwater, whether accomplished through an actual diversion or through a nondiversionary heat extraction process. In either case, a water right may be obtained to protect such groundwater energy utilization.
5. Extend provisions of the proposed act to all lands in the State of Nevada subject to its police powers.
6. Require at least two alternative energy system feasibility studies to be done before construction or repair of state owned buildings larger than 20,000 square feet. Life cycle cost analysis is to be employed in the study.
7. Require political subdivisions of Nevada to maintain compatibility between building codes and zoning ordinances and the utilization of alternative energy systems including geothermal or hot water resources where available.
8. Deregulate the sale of heat to existing utilities.
9. Reduce the regulation of direct heat suppliers to requiring an operating permit which gives the right of eminent domain, allow encroachment on existing utility franchise

areas, require contractual arrangements with buyers, require a bond, but does not grant exclusive franchise.

10. Require examination of conservation measures and alternative energy sources prior to constructing new fossil or nuclear capacity; allow recovery of costs for resource or facility failure; allow cost-of-work-in-progress in rate base; establish liberal interconnection and wheeling policies; and establish non-discriminatory standby rates for backup power needs.
11. Direct the division of water resources to upgrade its geothermal drilling regulations, including the requirement of individual or blanket surety bonds, and add geothermal reinjection/stimulation to the class of exempted "water pollutants."
12. Encourage expanding available incentives to promote renewable resource use through property tax credit to commercial installations, sales tax exemption for geothermal equipment, and tax producing geothermal leases under the net proceeds of mines statute.
13. Encourage the legislature to consider earmarking federal lease revenues to a state geothermal fund to be used for geothermal research, development, and demonstration projects in Nevada.

BULLETIN 81-27

REAPPORTIONMENT

A.C.R. 32 - 1979 Session

Research Division
Legislative Counsel Bureau

Assembly Concurrent Resolution No. 32—Committee on Elections

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the requirements of reapportionment in advance of the 1981 legislative session.

WHEREAS, The 61st session of the Nevada legislature will face the task of reapportioning the election districts for the members of the legislature, the board of regents of the University of Nevada, and the state board of education; and

WHEREAS, The reapportionment will require extensive preparation, including study of data from the national decennial census of 1980; and

WHEREAS, The Bureau of the Census of the United States Department of Commerce is making every effort to have the data needed for reapportionment available to state legislatures before August 1980; and

WHEREAS, Compliance with the legal standards for reapportionment will require complex processing of the population data by computer; and

WHEREAS, The 1981 legislative session should be provided with the capability to make the reapportionments, and the existence of that capability depends upon having resources available and procedures tested in advance; and

WHEREAS, The drafting of detailed maps, the development and refinement of programs for computers and the development of procedures to be used during the session will require considerable time in preparation; and

WHEREAS, Many of the preparations will involve questions of policy, on which guidance will be necessary; and

WHEREAS, The 1971 legislative session was handicapped in performing reapportionments because of inadequate preparation, which limited the time available for actual consideration of reapportionment plans; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislative commission study the requirements for reapportionment in Nevada in conjunction with data which will become available from the national decennial census of 1980; and be it further

Resolved, That the study include an examination of:

1. All resources and capabilities needed for making the 1981 reapportionment, as well as of the most efficient and equitable means for presenting the data and proposed plans;

2. The options in contracting for computer services, and the preparation of specifications for the contract; and be it further

Resolved, That necessary contracts be entered into by the legislative commission to allow the timely commencement of data processing in advance of the 1981 session; and be it further

Resolved, That the legislative commission submit a report to the 61st session describing the 1980 census data, the legal and technical requirements for the reapportionment, and the actions taken by the commission to prepare for the reapportionment, and making recommendations of effective procedures which the legislature may use in its task of reapportionment.

ABSTRACT

REAPPORTIONMENT

The 1979 legislature passed A.C.R. 32 primarily to ensure that expertise and resources would be available in 1981 to conduct the decennial reapportionment. The resolution requires that the legislative commission provide a report to the 1981 legislature basically describing the legal ground rules of reapportionment, the preparations done, and recommendations for a procedure to be used by the 1981 session in the reapportionment process.

The report to the 1981 session is a staff study. No legislative subcommittee was appointed. The report reviews the background of the reapportionment issue, the terminology and definitions used, legal criteria that have emerged over the past 18 years, the resources and capabilities that will be available to the 1981 session, a discussion of 1980 census data and the controversies associated with it, and general observations about the state's population and possible sizes of the legislature.

The report does not suggest any reapportionment plan or any approach to reapportionment. In order to have some order to the internal process and not inundate limited staff resources, the report does suggest that the flow of requests for particular reapportionment ideas be channeled through the responsible committee in each house. The recommendation anticipates no impediment to any member having a particular idea worked out by virtue of this process.

SUMMARY OF RECOMMENDATIONS

The following recommendation was made:

It is the recommendation of this staff study that the 1981 legislature adopt a joint rule limiting the direction of the research division on reapportionment matters to the committee in each house charged with reapportionment. Further, the rule should allow the introduction of only those reapportionment bills drafted at the request of the responsible committees.

BULLETIN 81-28

MX MISSILE

Legislative Commission Study

Committee Members

Senator Richard E. Blakemore, Chairman
Assemblyman John Polish, Vice Chairman
Senator Keith Ashworth
Senator James I. Gibson
Senator Joe Neal
Assemblyman Robert R. Barengo
Assemblyman Robert L. Weise
Assemblyman Robert F. Rusk

ABSTRACT

MX MISSILE

The legislative commission created a special committee on MX missile matters at its December 1979, meeting. The decision to go ahead with full scale engineering and development on MX came in June 1979, and the decision to deploy it in a multiple shelter mode was made in September; both decisions after adjournment of the 1979 legislative session. The September presidential decision on deployment made it clear that Nevada would be heavily impacted by MX.

The special committee set three basic goals for its work during 1980: (1) Oversight of the executive branch in the planning and preparation for MX; (2) Involvement in the development of the criteria and structure for federal impact assistance; and (3) Analysis of Nevada law to determine its adequacy for state and local response to MX.

The report contains a general outline of the reasons for MX, reasons for the proposed deployment mode and a description of the system itself. The basic substance of the report, in terms of action proposed to the 1981 legislature, is the proposal for legislative changes to facilitate state and local abilities to adjust to MX impacts. Three appendices provide more in-depth information. One is the proposed bill. The second is a report of a review of the Nevada Revised Statutes for potential MX impacts and the third is a Congressional Research Service report on MX.

SUMMARY OF RECOMMENDATIONS

The subcommittee recommended that:

1. Within designated basins, provide authority to the state engineer to issue temporary water permits for construction purposes.
2. Provide authority for a county to establish a branch jail in any township, not just in a town.
3. Provide a moratorium until July 1983 on the creation of new cities under the general law in chapter 265 of NRS.
4. Authorize school districts to acquire land and accept federal money to build and operate facilities in conjunction with MX.
5. Authorize counties, cities, unincorporated towns, general improvement districts, fire districts, flood control districts, conservation districts and the state department of conservation and natural resources to acquire land and accept federal money to build and operate facilities in conjunction with MX and to exempt them from the expenditure limitations law.