

SUMMARY BULLETIN
OF
REPORTS OF THE LEGISLATIVE COMMISSION
TO THE 63RD SESSION OF THE
NEVADA LEGISLATURE

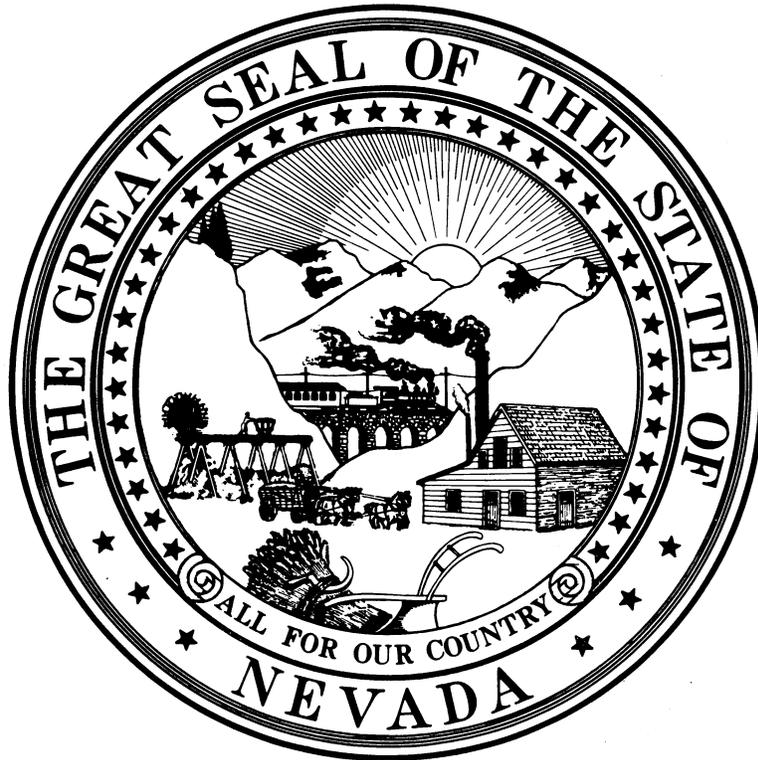


Bulletin No. 85-21

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

January 1985

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STATE OF NEVADA
JANUARY 1985

INTRODUCTION

This bulletin summarizes 19 legislative study reports which were completed in 1984. Legislative counsel bureau Bulletin No. 85-12, the Legislative Manual, is a regular biennial publication of the legislature and is not summarized in this document.

The 1983 session of the Nevada legislature directed that 16 studies be undertaken by the legislative commission or committees appointed by the commission. The legislature provided for three additional studies by creating or continuing legislative study committees.

Interim studies may be mandated by the legislature in at least three different ways: by a concurrent resolution adopted by both houses of the legislature; by a law appearing in the Nevada Revised Statutes; or by a special act of the legislature. Of the 19 study reports summarized in this document, 17 were ordered by concurrent resolutions approved during the 1983 legislative session. The report on the office of consumer's advocate was directed by a law appearing in the NRS, and the report on the function of parole system was initiated by a special act of the 1983 legislature.

Reports of these studies were completed and are available as numbered bulletins through the legislative counsel bureau. The purpose of this summary bulletin is twofold. The first is to provide a brief summary, in one place, of the contents of all the separate documents so that every legislator can become generally familiar with the studies and the recommendations contained in them. The second purpose is to provide a reference tool that will facilitate and encourage the use and understanding of the separate bulletins.

The resolution or statutory provision which mandated 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 in communicating with people qualified to explain reports and provide additional information. The summary bulletin also contains an abstract and a summary of recommendations for each of the separate bulletins.

LEGISLATIVE COMMISSION

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	Assemblyman David D. Nicholas
	Assemblyman John M. Vergiels

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BULLETIN 85-1

PROBLEMS ASSOCIATED WITH ZONING FOR MANUFACTURED HOMES
ON RESIDENTIAL LOTS

A.C.R. 31 - 1983 Session

Interim Subcommittee

Senator Donald R. Mello, Chairman
Assemblyman Charles C. Perry, Vice Chairman
Assemblyman Bruce R. Bogaert

Assembly Concurrent Resolution No. 31—Committee on Government Affairs
FILE NUMBER 119..

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study zoning problems resulting from placement of manufactured homes on residential lots.

WHEREAS, There should be planned and orderly zoning for the placement of manufactured homes in the cities and counties of this state; and

WHEREAS, There are certain zoning problems with the placement of manufactured homes on residential lots; and

WHEREAS, A complete study of these problems should be undertaken by the legislature to develop and recommend appropriate legislation; 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 problems connected with the placement of manufactured homes on residential lots in this state; and be it further

Resolved, That the results of the study and any recommendations for legislation be reported to the 63rd session of the legislature.

ABSTRACT

PROBLEMS ASSOCIATED WITH ZONING FOR MANUFACTURED HOMES ON RESIDENTIAL LOTS

The 1983 legislature adopted Assembly Concurrent Resolution No. 31 (File No. 119, Statutes of Nevada 1983) which directed the legislative commission to study problems associated with placement of manufactured homes on residential lots. The subcommittee which conducted the study held two meetings. The initial meeting consisted of a hearing to gather information. The second meeting was a work session to analyze the information, consider alternative courses of action, and adopt a recommendation. In preparing the study, research and legal staff, representatives of the manufactured housing industry, local governments in the state, and associations representing owners of manufactured homes were consulted.

The subcommittee's report contains a section on relevant definitions, a discussion of the major issues, and a survey of published materials. Several alternative courses of action are considered and one basic recommendation is made.

The subcommittee recommended that local governments in the state be directed to hold public hearings relative to regulation of manufactured housing, examine their zoning ordinances and building codes, and report to the legislative commission by April 1, 1986.

SUMMARY OF RECOMMENDATIONS

The subcommittee made one basic recommendation as follows:

Direct each local government which has a zoning ordinance or a building code:

1. To hold a public hearing relative to regulation of manufactured housing within its jurisdiction;
2. To examine its zoning ordinance and building code to ensure that:
 - (a) Manufactured homes are not excluded from its territory;
 - (b) There are adequate sites to meet the demands within the jurisdiction; and
 - (c) The restrictions within the zoning ordinance and building code are serving the purposes for which they were developed; and
3. To report its actions and conclusions to the legislative commission on or before April 1, 1986.

BULLETIN 85-2

STUDY OF PUBLIC BROADCASTING IN NEVADA

S.C.R. 24 - 1983 Session

Interim Subcommittee

Senator James H. Bilbray, Chairman
Assemblyman Bob Coffin, Vice Chairman
Senator Nicholas J. Horn
Assemblyman David D. Nicholas

Senate Concurrent Resolution No. 24—Senators Horn and Bilbray
FILE NUMBER 128

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study public broadcasting in Nevada.

WHEREAS, Public broadcasting in Nevada has grown in recent years and now includes several radio and television stations; and

WHEREAS, These stations provide a valuable service to a significant portion of the residents of the state and constitute a resource in terms of both technology and program for potential usage on a statewide basis; 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 public broadcasting in Nevada, including ways in which present and future facilities and programs for public broadcasting may be utilized effectively to serve the state and its residents and ways in which existing state facilities for telecommunication might relate to or be connected with systems for public broadcasting; and be it further

Resolved, That this study include special consideration of state support for the operation of systems of public broadcasting, for connecting and coordinating the facilities and programs of systems of public broadcasting on a statewide basis and for the replacement of equipment used in systems of public broadcasting; and be it further

Resolved, That the legislative commission appoint an advisory committee, composed of at least one representative from state government, public radio, public television, an educational institution and one or more public representatives who possess knowledge of public broadcasting, to assist in the conduct of the study; and be it further

Resolved, That the legislative commission report the results of the study and any recommended legislation to the 63rd session of the legislature.

ABSTRACT

STUDY OF PUBLIC BROADCASTING IN NEVADA

The 1983 session of the Nevada legislature, being cognizant of the benefits of public broadcasting in Nevada, passed Senate Concurrent Resolution No. 24 (File No. 128, Statutes of Nevada 1983) to determine ways in which present and future facilities and programs for public broadcasting may be effectively used to serve the state and its residents. That resolution, among other things, directs the legislative commission to study:

- Ways in which existing state facilities for telecommunications might relate to or be connected with systems for public broadcasting;
- State support for the operation of systems of public broadcasting;
- Connecting and coordinating the facilities and programs of systems of public broadcasting on a statewide basis; and
- Replacement of equipment used in systems of public broadcasting.

The study, carried out by a subcommittee of the legislative commission, was comprehensive. The report covers several topics including national public broadcasting organizations, public broadcasting activities in other states, public broadcasting activities in Nevada, the state communications system, and the University of Nevada-Reno office of communications and broadcasting.

The recommendations in the report pertain to: (1) the creation of a Nevada commission on public broadcasting, (2) expanded use of the state telecommunications system, (3) increasing the membership of the state communications board, (4) the feasibility of the state using the Donrey Media Group Microwave System to transmit public broadcasting signals, (5) funding the public broadcasting operations in Nevada, (6) creation of information programs about issues affecting Nevada, (7) interconnecting the state system of communications with another state to aid in transmitting public broadcasting signals in Nevada and to other states, (8) interconnecting telecommunication operations in Nevada, and (9) long-term planning for telecommunications in Nevada.

SUMMARY OF RECOMMENDATIONS

This summary represents the major conclusions reached by the subcommittee.

CREATION OF NEVADA COMMISSION ON PUBLIC BROADCASTING

1. The statutes be amended to create a three-member Nevada commission on public broadcasting, appointed by the governor for 3-year staggered terms. One member of the board should qualify for his position because of knowledge of the television or radio broadcasting industries, one member should be from an educational institution in Nevada, and one member should be a representative of the public who has demonstrated interest in or knowledge of public broadcasting operations. The board should elect its chairman and otherwise provide for its organization. Board members should be permitted to be reappointed. The subcommittee recommends further:
 - a. The board adopt regulations governing eligibility of the public broadcasting operations in Nevada to receive funds from the state as a match to funds received by the operations from other sources and consider other matters relating to the granting of those matching funds.
 - b. The distribution of funds by the commission be based on each operation's needs, as determined by the commission, the merits of the request by the public broadcasting operations for the matching funds, each operation's demonstrated efficiency of operation, each operation's success in raising new amounts of revenues from other sources, and each operation's growth in the number of its subscribers.
 - c. The executive director of the commission on economic development serve as the nonvoting secretary to the Nevada commission on public broadcasting.
 - d. The members of the Nevada commission on public broadcasting receive compensation, travel and per diem expenses in the manner and amounts provided by law.
 - e. The Nevada commission on public broadcasting meet at least quarterly and at such times and places as specified by call of the chairman.
 - f. The executive director of the commission on economic development furnish to the Nevada commission on

public broadcasting such administrative and clerical services and such meeting space, furnishings, equipment, supplies, stationery, books and other things which the commission thinks may be necessary or desirable in carrying out its functions.

- g. The governor appoint a seven-member advisory committee, composed of two representatives of public radio, one from the northern portion of the state and one from the southern portion of the state; two representatives of public television, one from the northern portion of the state and one from the southern portion of the state; one representative of a small station which receives public broadcasting signals in Nevada; and two representatives of the University of Nevada System (UNS) to assist the Nevada commission on public broadcasting. Members of the advisory committee should serve without compensation or reimbursement for per diem and travel expenses.

EXPANDED USE OF STATE TELECOMMUNICATIONS SYSTEM

2. The state communications board, with the assistance of the department of general services, immediately undertake a study to determine the savings which can be achieved if certain of the telecommunication services, equipment or facilities now provided to the State of Nevada by the telephone industry are provided by the state rather than through the telephone industry. The subcommittee recommends further that the study include (a) replacement of the 46 Carson City to Las Vegas lines now provided to the state by the telephone industry with equivalent service on the state system of communications; (b) the replacement of lines now provided to and from Elko with equivalent service on the state system of communications; (c) replacement or expansion of existing long distance intrastate communication service between Carson City and Las Vegas now provided to the legislature by the telephone industry with equivalent service on the state system of communications; and (d) providing public broadcasting stations with service on the state system of communications.
3. That the interim finance committee approve any proposal by the board for the state rather than the telephone industry to provide telecommunications service, equipment or facilities, if the committee determines that essentially equivalent service will be provided with a concomitant saving to the state.

EXPANSION OF STATE COMMUNICATIONS BOARD

4. The statutes be amended to expand the membership of the state communications board from three to five members.
5. That one of the additional members on the state communications board represent the University of Nevada System, and the other represent a public broadcasting operation in Nevada.

FEASIBILITY OF STATE USING DONREY MEDIA GROUP MICROWAVE SYSTEM TO TRANSMIT PUBLIC BROADCASTING SIGNALS

6. The Nevada commission on public broadcasting study the feasibility, viability and costs and benefits to the state of the state and the public broadcasting operations in Nevada using the Donrey Media Group microwave system between the northern and southern portions of the state. The subcommittee recommends further that the study include the use of the system by the University of Nevada System and public broadcasters and the cost to the state for refurbishing and the rental of the microwave equipment.

FUNDING OF PUBLIC BROADCASTING OPERATIONS IN NEVADA

7. The 1985 session of the Nevada legislature allocate funds to match those funds, on a ratio of 25 percent state funds to 75 percent funds from other sources, provided by the Corporation for Public Broadcasting (CPB) or other private or governmental sources to public broadcasting operations in Nevada to enable those operations to extend their signals to communities in Nevada which currently do not receive signals of public broadcasting operations in Nevada. The subcommittee recommends further that the 1985 session of the Nevada legislature also appropriate funds on a matching basis, on a ratio of 25 percent state funds to 75 percent funds received from other sources, to assist public broadcasting operations in Nevada to replace worn or obsolete equipment used by those operations.
8. The commission on economic development provide an annual allocation of \$300,000 to the Nevada commission on public broadcasting to distribute as matching funds, on a ratio of a minimum of 25 percent state funds to a maximum of 75 percent funds received from other sources, to other funds received by public broadcasting operations in Nevada to assist those operations in carrying out their activities. The subcommittee recommends

further that the distribution of funds by the commission be based on each operation's needs, as determined by the commission, the merits of the request by the public broadcasting operations for the matching funds, each operation's demonstrated efficiency of operation, each operation's success in raising new amounts of revenues from other sources, and each operation's growth in the number of its subscribers.

INFORMATION PROGRAM PERTAINING TO THE
ISSUES AFFECTING NEVADA

9. The 1985 session of the Nevada legislature adopt a resolution urging the public broadcasting operations in Nevada to prepare half hour weekly news and information programs pertaining to the issues affecting Nevada.

INTERCONNECTING THE STATE'S SYSTEM OF
COMMUNICATIONS WITH ANOTHER STATE

10. The Nevada commission on public broadcasting explore the feasibility, viability and costs and benefits of the state's system of communications being interconnected with a similar system in another state, such as Arizona, California or Utah, so that the "satellite uplink facilities" in one of those states may be used to transmit public broadcasting programs originating in Nevada.

INTERCONNECTION OF TELECOMMUNICATIONS
FACILITIES WITHIN NEVADA

11. The assembly committee on education and the senate committee on human resources and facilities of the 1985 session of the Nevada legislature conduct an analysis of the costs and benefits to the state of interconnecting the facilities of telecommunications in Nevada. The subcommittee further recommends that the analysis cover (a) adding a system of teleconferencing at the University of Nevada at Reno to the state system of communications and complementing the audio interactive capabilities of the system with computer graphics and facsimile; (b) upgrading the state system of communications to enable high quality two-way audio transmission between Carson City, Las Vegas and Reno; (c) expanding the state system of communications to include two-way video between Carson City, Las Vegas and Reno; and (d) expanding the state system of communications to provide for a "full duplex" system of communication providing

low-cost higher education opportunities through the National University Consortium to students who cannot attend college classes because of limitations of resources or geographic distance from college facilities.

LONG-TERM COMMUNICATIONS PLANS

12. The state communications board prepare 5- and 10-year telecommunications plans.

BULLETIN 85-3

STUDY OF THE PROBLEMS OF COMPENSATION FOR CERTAIN VICTIMS
OF CRIMINAL ACTS AND POSSIBLE STATUTORY CHANGES TO
ENTITLE OTHER VICTIMS OF CRIME TO COMPENSATION

S.C.R. 29 - 1983 Session

Interim Subcommittee

Assemblyman Courtenay C. Swain, Chairman
Assemblyman Mike Malone, Vice Chairman

Senate Concurrent Resolution No. 29—Senators Wagner and Foley
FILE NUMBER 129

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the problems of compensation for certain victims of criminal acts and possible statutory changes to entitle other victims of crime to compensation.

WHEREAS, Provisions of Nevada law entitle certain victims of criminal acts to compensation; and

WHEREAS, Most victims of criminal acts are not eligible for compensation under these provisions; and

WHEREAS, Other states have developed broader programs for assistance to victims of criminal acts; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to study the present program of compensation for certain victims of criminal acts, programs developed in various other states, and possible ways to change the law to entitle other victims of criminal acts to compensation; and be it further

Resolved, That the legislative commission report the results of its study and any recommended legislation to the 63rd session of the legislature.

ABSTRACT

STUDY OF THE PROBLEMS OF COMPENSATION FOR CERTAIN VICTIMS OF CRIMINAL ACTS AND POSSIBLE STATUTORY CHANGES TO ENTITLE OTHER VICTIMS OF CRIME TO COMPENSATION

The 1983 session of the Nevada legislature passed more than 12 measures pertaining to:

1. Compensation for victims of crime;
2. Assistance provided to victims of crime; and
3. Treatment of victims of crime by representatives of the criminal justice system.

The legislature felt that because many other states have developed broader programs for assistance to victims of criminal acts, a comprehensive review of Nevada's program of compensation was in order. Accordingly, it passed Senate Concurrent Resolution No. 29 (File No. 129, Statutes of Nevada 1983) which directs the legislative commission to study the problems of compensation for certain victims of criminal acts and possible statutory changes to entitle other victims of crime to compensation.

As mandated by the resolution, the study covered:

1. The present program of compensating victims of crime in Nevada;
2. Programs developed in other states to compensate victims of crime; and
3. Possible ways to change the law to entitle other victims of crime to compensation.

The study was carried out by a subcommittee of the legislative commission. The subcommittee's report is comprehensive. In addition to a chapter on findings and recommendations, the report provides a historical review of Nevada's program for compensation of victims of crimes, discusses victims' compensation programs in other states, details federal victims' compensation programs, and, describes recent efforts by the judicial system to improve the treatment of victims.

The subcommittee's recommendations cover a broad range of topics including contributory misconduct, counseling, emergency awards, emergency medical treatment for victims of sexual assault, funding for the aid to victims of crime program, notification of victims upon removal of restrictions against compensation, and training on victims' rights for police officers.

SUMMARY OF RECOMMENDATIONS

This summary represents the major conclusions reached by the subcommittee.

APPEALS OFFICERS TO CONDUCT HEARINGS IN CONTESTED APPLICATIONS FOR AWARDS

1. The statutes be amended to provide that applicants' appeals be processed by an appeals officer prior to final review by the state board of examiners.

AWARD LIMITS

2. The statutes be amended to provide that minors who are involved in the production of pornography be subject to the same award limits as other victims of crime.
3. The statutes be amended to remove the minimum threshold on awards and to increase the standard award limit to \$25,000. The subcommittee further recommends that the board be permitted to make awards of up to \$100,000 for medical expenses and that any awards in excess of \$25,000 be paid directly to the medical care provider(s).

CIVIL ACTIONS BY OR AGAINST VICTIMS OF CRIME

4. The statutes be amended to require that a civil action relating to injuries suffered as a result of a crime brought by a victim of a crime against the offender must be brought to trial within 90 days after commencement of the action.
5. The statutes be amended to prohibit an offender who is convicted of a crime of violence from bringing an action against the victim of the offense for injuries sustained by the offender in the course of the crime.
6. The statutes be amended to provide that in any civil action relating to the crime brought against the offender by the victim, conviction of the criminal offense is conclusive evidence of facts necessary to support the conviction.

COLLATERAL SOURCE DEDUCTIONS

7. The statutes be amended to clarify that any collateral source payments which a victim receives must be deducted from the victim's total expenses, and not just from the amount awarded, in determining the amount by which the award is to be reduced.

COMPENSATION FOR MEDICAL EXPENSES ASSOCIATED WITH THE TREATMENT OF VENEREAL DISEASE OR PREGNANCY

8. The statutes be amended to provide that the hearing officer may order the payment of an award to a victim for medical expenses associated with the treatment of venereal disease or pregnancy which resulted from the offense.

COMPENSATION FOR VICTIMS OF SEXUAL ABUSE

9. The statutes be amended to make victims of sexual abuse (as defined in NRS 200.5011) eligible for awards under the compensation for victims program, even if the offense is committed by a relative.

CONTRIBUTORY MISCONDUCT

10. The statutes be amended to provide that an award may be reduced to the extent that a victim's behavior contributed to his injury.

COUNSELING

11. The statutes be amended to require the board of county commissioners of each county to provide by ordinance for the counseling of the nonoffending parent(s), sibling(s) who reside with the victim(s) and the victim(s) of sexual abuse (as defined in subsection 7 of NRS 200.5011). Such ordinances should provide that the counseling must be requested by the victim(s), non-offending parent(s) or sibling(s).
12. The statutes be amended to require the board of county commissioners of each county to provide by ordinance for the counseling of the parent(s) of the victim(s) of sexual assault and other person(s) who have close emotional attachment to the victim(s) and who are selected by the victim(s) to undergo counseling.

EMERGENCY AWARDS

13. The statutes be amended to combine and rename, as emergency awards, the emergency and preliminary award provisions for victims of crime contained in chapter 217 of the Nevada Revised Statutes. The subcommittee recommends further that a hearing officer, and not a compensation officer, be responsible for determining if an award should be made and that the provisions contained in NRS 217.095 relating to the replacement of money and the replacement or repair of lost or damaged property be incorporated into the combined provision.
14. The statutes be amended to permit the payment of emergency awards to tourists who are victims of crime in Nevada. The subcommittee recommends further that such awards be permitted for the replacement of money lost as a direct consequence of a criminal action if the applicant needs to replace the lost money to pay his expenses for the next 7 days. The subcommittee recommends that cash awards not exceed \$200.
15. The statutes be amended to permit the payment of emergency awards by the hearing officer, not limited to a minimum of \$100, to victims of crime determined to be in immediate need of eyeglasses, dentures, other prosthetic devices or locks, windows or doors in the victims' dwellings damaged or destroyed during the course of the crime.
16. The statutes be amended to require that no preliminary or emergency award may be made unless the application is made within 45 days after the date of the personal injury or death or, if the incident or offense could not reasonably have been reported within that period, within 15 days of the time when a report could reasonably have been made.
17. The statutes be amended to permit the hearing officer to deny an emergency award if he believes the victim has sufficient financial resources to sustain him until the final award is made.

EMERGENCY MEDICAL TREATMENT FOR VICTIMS OF SEXUAL ASSAULT

18. The statutes be amended to clarify that emergency medical care for a victim of sexual assault is the medical care provided in an emergency service area of a hospital to a maximum time limit of 72 hours after the victim first appears at the hospital.

EXTENSION OF THE TIME LIMITATIONS ON APPLYING FOR
COMPENSATION BY MINORS WHO WERE INVOLVED
IN THE PRODUCTION OF PORNOGRAPHY

19. The statutes be amended to specify that the deadline for application for compensation specified in Nevada Revised Statutes 217.210 for a minor who was sexually abused or who was involved in the production of pornography is when the minor reaches the age of majority.

FUND FOR COMPENSATION OF VICTIMS OF CRIME

20. The statutes be amended to remove the provision that any amount over \$350,000 in the fund for the compensation of victims of crime be distributed to the counties at the end of each fiscal year.

FUNDING FOR AID TO VICTIMS OF CRIME PROGRAM

21. That additional funds for the aid to certain victims of crime program be provided by an annual appropriation of \$150,000 from the state general fund. The subcommittee further recommends that such appropriations cease when section 3 of article 11 of the Nevada constitution is amended to provide that all fines collected under the penal laws of the state be pledged for educational purposes and for compensation of victims of crime in accordance with a formula established by the legislature.
22. A joint resolution be enacted urging Congress to provide funding for state level programs providing assistance and compensation to victims of crime.
23. The statutes be amended to provide that the interest earned on the money in the fund for the compensation of victims of crime be credited to that fund.
24. The statutes be amended to add a collective restitution assessment of \$1 on every person convicted of a crime with the purpose not to punish but to provide restitution to make victims as a group whole from offenders as a group. The subcommittee recommends further that the money obtained from the assessment be paid into the fund for compensation of victims of crime.

25. The statutes be amended to provide that the administrative assessment against persons found guilty of misdemeanors be increased from \$10 to \$12 per assessment and that the additional \$2 be paid into the fund for the compensation for victims of crime. The subcommittee further recommends that such additional assessment be terminated when section 3 of article 11 of the Nevada constitution is amended to provide that all fines collected under the penal laws of the state be pledged for educational purposes and for compensation of victims of crime in accordance with a formula established by the legislature.

GARNISHMENT

26. The statutes be amended to provide that awards to victims of crime under the provisions of chapter 217 of NRS not be subject to garnishment.

GOOD SAMARITANS

27. The statutes be amended to permit the payment of awards, not limited to a minimum of \$100, and the awarding of the governor's certificate for meritorious citizen service, to persons who attempt to prevent the commission of a crime.

INITIAL SCREENING OF APPLICATIONS TO DETERMINE COMPLIANCE WITH STATUTORY REQUIREMENTS UNDER THE AID TO VICTIMS OF CRIME PROVISIONS IN THE STATUTES

28. The statutes be amended to provide for the initial screening upon receipt by the state board of examiners of applications by victims of crime for compensation. The subcommittee recommends further that conditional denial be permitted if the application does not appear to meet statutory requirements for compensation. The subcommittee recommends further that any applicant denied compensation during an initial screening be permitted to, within 15 days after the denial, appeal the decision.

LIBERAL INTERPRETATION OF STATUTES DEALING WITH AID TO VICTIMS OF CRIMINAL ACTS

29. That chapter 217 of NRS be amended to declare that its provisions be liberally construed to effect its stated purposes.

SEVENTY-FIVE PERCENT OF THE MONEY RECEIVED BECAUSE OF
OFFENDER'S NOTORIETY TO BE PLACED IN FUND
FOR COMPENSATION OF VICTIMS OF CRIME

30. That 75 percent of the money an offender receives based on his notoriety be paid into the fund for the compensation of victims of crime.

NOTICE OF RELEASE OF DEFENDANT

31. The statutes be amended to expand the notification provisions to victims of crime to include situations in which offenders are given temporary passes, furloughs, work release permits by the department of prisons or when prisoners escape from the department of prisons.

NOTIFICATION TO VICTIMS ABOUT VICTIMS OF CRIME PROGRAMS

32. The statutes be amended to require the hearings division of the department of administration to prepare and disseminate information describing the provisions of the state's victims of crime program contained in chapter 217 of the Nevada Revised Statutes.
33. A resolution be enacted by the 1985 session of the Nevada legislature urging (1) district attorneys, law enforcement agencies, hospitals, programs offering assistance to victims of crime, and programs offering assistance to elderly persons to provide information to victims of crime describing the state's aid to certain victims of crime programs; and (2) all public and private agencies which assist victims of crime to cooperate with each other to ensure that the needs of the victims are met quickly, courteously and compassionately.

RECIPROCAL AGREEMENTS FOR COMPENSATION OF VICTIMS
OF CRIME WITH OTHER STATES

34. The statutes be amended to permit the processing of applications for awards for compensation of nonresidents if the states in which the victims reside make agreements with Nevada to process applications for awards from Nevada residents who become victims of crime within their respective jurisdictions.

EASING OF CONSTITUTIONAL RESTRICTION ON THE USE OF FINES

35. That section 3 of article 11 of the Nevada constitution be amended to provide that all fines collected under the penal laws of the state be pledged for educational purposes and for compensation of victims of crime in accordance with a formula established by the legislature.

REMOVAL OF RESTRICTIONS AGAINST COMPENSATION

36. The statutes be amended to remove the prohibition against awarding compensation to the victim of a crime who is a relative of the offender or who lives with the offender in a continuing relationship unless the offender would profit by the compensation of the victim or the victim does not cooperate with agencies of law enforcement. Such cooperation need not mean prosecution.
37. The statutes be amended to require the hearing officer not to include the value of the victim's dwelling, motor vehicle, or savings and investments to an amount equivalent to the annual salary of the victim, when considering the need of the victim or his dependents for financial assistance.
38. The statutes be amended to make the victims of persons convicted of driving under the influence of alcohol, hit-and-run, or fleeing the scene of a crime eligible for awards under the state's aid to victims of crime program.

TRAINING ON VICTIMS' RIGHTS FOR POLICE OFFICERS

39. The state's peace officers and training program (POST) include at least 4 hours of training on the needs of victims, victims' rights and programs which offer compensation to victims. The subcommittee further recommends that all, and not just the budgeted amount, of the portion of the administrative assessment on defendants found guilty of a misdemeanor which is earmarked for the peace officers' standards and training committee of the department of motor vehicles be used for the continuing education of persons whose primary duty is law enforcement. The subcommittee recommends the amounts received in excess of the amounts authorized for expenditure in the general appropriations act be retained for the education of peace officers and not be deposited to the credit of the state general fund.

40. The 1985 session of the Nevada legislature enact a resolution urging police and sheriffs' departments in the state to provide ongoing training to their personnel on the needs of victims, victims' rights and programs which offer compensation to victims.

VIDEOTAPED DEPOSITIONS AS TESTIMONY FROM MINORS
WHO ARE VICTIMS OF SEXUAL ABUSE

41. The statutes be amended to provide that, in cases involving sexual abuse, the district attorney may order the taking of a videotaped deposition from the victim upon a showing that the minor may be unable to testify without suffering unreasonable and unnecessary mental or emotional harm.

BULLETIN 85-4

STUDY OF THE PROVIDERS OF HEALTH CARE
AND HEALTH AND CARE FACILITIES

A.C.R. 49 - 1983 Session

Interim Subcommittee

Senator William D. Raggio, Chairman
Assemblyman Edward J. Kovacs, Vice Chairman
Senator Donald R. Mello
Senator Joe Neal
Assemblyman Lonie Chaney
Assemblyman Marvin M. Sedway

Assembly Concurrent Resolution No. 49—Committee on Legislative Functions
FILE NUMBER 139.

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

WHEREAS, Physicians, dentists, nurses and other practitioners of healing arts offer valuable services to this state and its citizens; and

WHEREAS, Many Nevadans are recipients of the services of these practitioners; and

WHEREAS, Certain agencies of the State of Nevada license these practitioners after determining their knowledge and skills; and

WHEREAS, Each year the state and its counties use public money to purchase the services provided by health and care facilities; and

WHEREAS, It would be in the best interests of this state and its citizens that a comprehensive examination of all providers of health care and the agencies which license them be made to determine whether:

1. The practitioners of the healing arts offer only those services which they are licensed to provide;

2. The agencies are issuing licenses only to those who are properly qualified to provide the quality of care required by the state and its citizens; and

3. Any representations concerning the knowledge and skills of these practitioners are misleading; and

WHEREAS, It would be in the best interests of this state and its citizens that a comprehensive examination of the care provided by health and care facilities be reviewed to determine whether the care is adequate and of a good quality; 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:

1. Level of knowledge and skill required by each licensing agency for a license as a practitioner of a healing art;

2. Review by each agency of a practitioner's skills when he is licensed and during the time he practices in Nevada;

3. Representations made by the agencies or practitioners concerning the knowledge and skills of the practitioners to ensure that they are not misleading; and

4. Quality of care provided by health and care facilities in this state; and be it further

Resolved, That the legislative commission shall:

1. If it finds any irregularities in the conduct of practitioners of healing arts, the agencies which license them or the health and care facilities in this state, report the irregularities to the attorney general or to the district attorney of the appropriate county for investigation and possible prosecution; and

2. Report the results of the study, together with any recommendations for legislation, to the 63rd session of the legislature.

ABSTRACT

STUDY OF THE PROVIDERS OF HEALTH CARE AND HEALTH AND CARE FACILITIES

The 1983 Nevada legislature adopted Assembly Concurrent Resolution No. 49 (File No. 139, Statutes of Nevada 1983) which directs the legislative commission to study the providers of health care and health and care facilities. The resolution was proposed by certain members of the assembly committee on commerce who requested an indepth legislative study of the licensing procedures and requirements of the state boards for providers of health care and other health professions.

Assembly Concurrent Resolution No. 49 directed the legislative commission to study and evaluate the following four concerns:

1. Level of knowledge and skill required by each licensing agency for a license as a practitioner of a healing art;
2. Review by each agency of a practitioner's skills when he is licensed and during the time he practices in Nevada;
3. Representations made by the agencies or practitioners concerning the knowledge or skills of the practitioners to ensure that they are not misleading; and
4. Quality of care provided by health and care facilities in this state.

The study was carried out by a subcommittee appointed by the legislative commission. In addition to a chapter on findings and recommendations, the subcommittee's report includes sections pertaining to the regulation of health care providers, licensing standards assuring continued professional competence, protecting the public, and quality assurance.

The subcommittee's recommendations cover a broad range of topics including continuing education, health care inspections, employment requirements for certain state personnel, homeopaths, marriage and family counselors, naturopaths, dispensing opticians, optometrists, and nonaccredited psychology programs.

SUMMARY OF RECOMMENDATIONS

This summary represents the subcommittee's recommendations in response to its conclusions and findings. These recommendations are based upon suggestions which were presented in public hearings and written communications to the subcommittee. They reflect the testimony of representatives of state agencies and health care providers, staff research, and the experience and research of the members of the subcommittee.

The subcommittee recommends:

CONTINUING EDUCATION

1. The statutes be amended to require continuing education for all health care professions licensed or certified by state agencies.

DEPARTMENT OF HUMAN RESOURCES

Abuse of Older Persons

2. The statutes be amended to expand the list of persons who must report incidents of abuse, neglect, or exploitation of older persons to include every person who maintains or is employed by a hospital or health and care facility.

Adult Family Care Homes

3. The statutes be amended to provide for the definition of "family care home" and allow for the licensing of such homes by the state health division. The subcommittee recommends the statutes be amended to define "family care home" similar to the definition used by the state welfare division of the department of human resources. The subcommittee recommends further that "adult family care home" means an individual-for-profit home which provides room, board, laundry and continuous protective oversight for one to three adults, not related to the operator, who by reason of age or disability are incapable of independent living but are not in need of practical or professional nursing care.

Alcohol and Drug Abuse

4. The statutes be amended to require that all programs, personnel, and facilities for the treatment of alcohol and drug abuse in the state must be certified by the bureau of alcohol and drug abuse in order to operate in Nevada. The subcommittee recommends further that any provision which effectively exempts nonfunded agencies and personnel from certification be deleted and that a provision delineating penalties (misdemeanor for first offense and gross misdemeanor for second and subsequent offenses) for uncertified practice or program operation be added to the law.
5. The statutes be amended to establish the current alcohol and drug abuse certification board, which is established by regulation and is advisory to and appointed by the chief of the bureau of alcohol and drug abuse, as a statutory board. The subcommittee recommends further that the board be given full authority for certifying all alcohol and drug abuse practitioners in the state.
6. The statutes be amended to allow the alcohol and drug abuse certification board to charge fees for certification and program accreditation. The subcommittee recommends further that such fees be used exclusively for the operation of the board and support of the certification and accreditation system.
7. The statutes be amended to grant the alcohol and drug abuse certification board the authority to require continuing education as a part of the certification requirements.
8. The statutes be amended to allow the alcohol and drug abuse certification board to provide for the expiration of certificates and for recertification based upon continuing education requirements.
9. The statutes be amended to designate the bureau of alcohol and drug abuse as the state agency responsible for approving the teachers and educational courses for persons convicted of driving while intoxicated/driving under the influence (DUI).

Health Care Inspections

10. The 1985 legislature authorize and appropriate the necessary funds for the state health division to add at least two health facilities surveyor positions--

one health facilities surveyor II in Clark County and one health facilities surveyor II in Carson City.

Mental Hygiene/Mental Retardation Personnel

11. The statutes be amended to require that all new health practitioners employed by the state division of mental hygiene/mental retardation be licensed or certified by the respective boards in their professional fields. The subcommittee recommends further that existing employees be allowed no more than 3 years to obtain certification or licensure before being reclassified and placed under the supervision of a licensed or certified professional.
12. The statutes be amended to require that all psychiatrists employed by the state division of mental hygiene/mental retardation possess the certification of the American Board of Psychiatry and Neurology or obtain such certification within 3 years of their first date of employment with the division.
13. The statutes be amended to require that all professional staff employees of the division of mental hygiene/mental retardation demonstrate proficiency in the English language to the administrator of the division. The subcommittee recommends that the division of mental hygiene/mental retardation study and report to the 1987 legislature the effects of this requirement.

DEPARTMENT OF PERSONNEL

14. A legislative resolution directing the department of personnel to study and report to the 1987 legislature regarding the potential effect of requiring that all health practitioners employed in state service be licensed or certified by the respective boards in their professional fields.
15. A legislative resolution directing the department of personnel to study and report to the 1987 legislature regarding state experience, policy and practice in employing health practitioners, those normally licensed under Title 54 of Nevada Revised Statutes, who have limited or no English speaking ability.

BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

16. The statutes be amended to delete the present restrictions on the terms of members of the board of homeopathic medical examiners. The subcommittee recommends further that the statutes be amended to add the provision that a board member may be reappointed to serve as a member of the board provided he has properly exercised his duties as a board member, remains in good standing in the homeopathic medical community, and is selected by the governor to serve another term.

BOARD OF MARRIAGE AND FAMILY COUNSELOR EXAMINERS

17. The statutes be amended to increase the fee schedule of the board of marriage and family counselor examiners as follows:

Examination fee.....	[\$30]	<u>\$ 50</u>
Certification fee.....	[\$15]	<u>\$ 25</u>
Biennial registration fee, not less than [\$20] <u>\$100</u> nor more than [\$80] <u>\$200</u> , as determined by the board		
Restoration of a certificate revoked for nonpayment of the biennial registration fee[, not less than \$20 nor more than \$80 as determined by the board].....		<u>\$100</u>
Application fee.....	[\$15]	<u>\$ 25</u>
Certification by endorsement under the [provision] <u>provisions</u> of NRS 641A.240..	[\$50]	<u>\$ 75</u>

18. The statutes be amended to include a provision for privileged communications between marriage and family counselors and their clients.

BOARD OF NATUROPATHIC HEALING

19. The statutes be amended to change the membership of the board of naturopathic healing to include the following

five members: one licensed physician residing and practicing in Nevada for at least 2 years, two licensed naturopaths engaged in the practice of naturopathic healing for at least 2 years and residing in Nevada, and two public members who have no professional association with health care. The subcommittee recommends further that the statutes be amended to require the board to reexamine all current licensees after verifying their educational credentials.

BOARD OF DISPENSING OPTICIANS

20. The statutes be amended to delete any provision which allows an exemption or exception to the requirement that licensed dispensing opticians must pass the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners before being certified to fit contact lenses.

NEVADA STATE BOARD OF OPTOMETRY

21. The statutes be amended to provide the state board of optometry with the necessary authority and flexibility to impose various types of disciplinary action. The subcommittee recommends further that the statutes be amended to delete the restrictive term "revocation or suspension of licenses" and substitute, wherever appropriate, the more general term "disciplinary action," except to include revocation and suspension of licenses among various options under "disciplinary action."

BOARD OF PSYCHOLOGICAL EXAMINERS' CONCERNS REGARDING NONACCREDITED PSYCHOLOGY PROGRAMS

22. The statutes be amended to require the commission on postsecondary education to appoint an advisory committee to evaluate and approve any private institution's nonaccredited degree program which prepares persons for employment as providers of health care, practitioners of a healing art, or other health professionals. The subcommittee recommends that the advisory committee have the following membership:
 1. The chancellor of the University of Nevada System, or his representative, to serve as chairman of the committee.

2. The chairman, or his representative, of each state licensing board for which the institution's curriculum claims to prepare persons for employment.
3. The superintendent of public instruction, or his representative, to serve as vice chairman of the committee.
4. A Nevada licensed practitioner, not affiliated with the University of Nevada System or any licensure board, who holds a degree identical to the one offered in the program being evaluated.
5. A member of the general public who has no professional affiliation with any postsecondary education institution or the degree program's field of study.

The subcommittee recommends further that the statutes be amended to (a) provide the committee with the authority to employ out-of-state consultants representing the profession or professions normally associated with the proposed degree program, (b) require the commission on postsecondary education to use the committee to evaluate and approve both new programs applying for licensure and existing programs applying for relicensure, (c) require the applicant institution to bear the cost of the evaluation, and (d) require that, except by the unanimous vote of the full commission on postsecondary education, no program shall be approved for licensure or relicensure if not approved first by a majority of the advisory committee.

23. The statutes be amended to change part of the current membership of the commission on postsecondary education from "* * * two members who are knowledgeable in the field of education * * * " to two members who hold advanced degrees and are knowledgeable in the field of higher education.
24. The statutes be amended to require that a nonaccredited institution may not award a degree in Nevada unless it has provided the commission on postsecondary education with affidavits clearly indicating that at least two accredited institutions will accept a majority of its

course credits as transfer credits to the same type of degree program. The subcommittee recommends further that the statutes be amended to provide that: (a) the affidavits must be from the president or chief executive officer of the applicant institution and each accredited institution, (b) the accredited institutions must not be affiliated in any way with the applicant institution, (c) the applicant institution must provide the commission with documentation of the curriculum material it submitted to each accredited institution, (d) the affidavits must indicate the persons who have actually taught courses at the applicant institution, (e) the representations set forth in the catalog of the applicant institution are referenced and explained in the affidavits, and (f) the proof of transfer credit be required of both current licensed institutions and new applicants for licensure.

BULLETIN 85-5

STUDY OF DYSLEXIA AND OTHER SPECIFIC LEARNING DISABILITIES

A.C.R. 54 - 1983 Session

Interim Committee

Assemblyman Robert G. Craddock, Chairman
Senator Joe Neal, Vice Chairman
Ted Sanders, Superintendent of Public Instruction
Marian Conrad, Nevada State Education Association
Susan Standlee, Public Member

ASSEMBLY CONCURRENT RESOLUTION—Creating a special committee to study dyslexia and other specific learning disabilities; and authorizing an expenditure from the legislative fund.

WHEREAS, As many as 20 percent of the pupils in our schools are dyslexic or have specific learning disabilities; and

WHEREAS, Many bright pupils are being turned away from educational opportunities because of their often unidentified inability to learn in the conventional method of instruction; and

WHEREAS, Dyslexia and other specific learning disabilities occur despite exposure of pupils to standard educational opportunity, and in the absence of sensory defects, mental retardation, cultural deprivation, and primary emotional disturbance; and

WHEREAS, The future of our state and nation is at risk because over 10 percent of our adult population is functionally illiterate; and

WHEREAS, Increasing numbers of our high school graduates are unable fully to contribute to society because of their learning disadvantages and functional incompetency; and

WHEREAS, About 75 percent of the offenders in our penal institutions seem to come from the same population which earlier experienced specific learning disabilities; and

WHEREAS, There are ongoing problems of communication as a result of disagreement on the appropriate methods for identifying and teaching children with dyslexia or other specific learning disabilities; and

WHEREAS, A multiplicity of testing instruments and instructional methods is available with records of varying degrees of success and acceptance; and

WHEREAS, There is an urgent need to identify and carry out the most effective methods and programs available for identifying and teaching pupils with dyslexia or specific learning disabilities; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That: 1. The special committee to study dyslexia and other specific learning disabilities is hereby created.

2. The committee is composed of:

(a) One assemblyman appointed by the speaker of the assembly.

(b) One senator appointed by the majority leader of the senate.

(c) One member representing the Nevada State Education Association.

(d) One member representing the department of education.

(e) One member appointed by the governor to represent the general public.

3. The committee shall select its own chairman.

4. The director of the legislative counsel bureau shall provide the necessary professional staff and a secretary for the committee; and be it further,

Resolved, That the study include a review and evaluation of the instruments for testing and the methods of instruction that may be used in programs for pupils in the public schools who have dyslexia or other specific learning disabilities; and be it further

Resolved, That the expenditure of money from the legislative fund for the expense of this study, in an amount to be fixed by the legislative commission, is hereby authorized; and be it further

Resolved, That the results of the study and recommendations on specific programs to address the needs of pupils in Nevada who have dyslexia or specific learning disabilities be reported to the 63rd session of the legislature.

ABSTRACT

STUDY OF DYSLEXIA AND OTHER SPECIFIC LEARNING DISABILITIES

The 1983 Nevada legislature adopted Assembly Concurrent Resolution No. 54 (File No. 141, Statutes of Nevada 1983) which created a special committee to study dyslexia and other specific learning disabilities. The legislature found that up to 20 percent of all students are learning disabled. The learning problems of these students are often not addressed in the regular classroom setting. Inattention to these problems may lead to higher rates of juvenile and adult delinquency and greater numbers of high school graduates who are unable to fully contribute to society.

The special committee, following the mandate of the resolution, reviewed and evaluated the instruments for testing and methods of instruction that may be used for pupils with dyslexia or other specific disabilities. In addition, the committee heard testimony from teachers, psychologists, health care professionals, parents, and adult dyslexics regarding various approaches to addressing the unique needs of learning disabled students.

The committee's report includes an overview of the work of the special committee. It contains 20 recommendations related to improving the educational climate for learning disabled students. A compensatory education program, improved information dissemination, improved diagnostic and prescriptive assistance for students, support for research and program development, additional financial support and additional training of certificated personnel are the topics addressed in the recommendations.

SUMMARY OF RECOMMENDATIONS

This summary represents the major conclusions reached by the special committee. These conclusions are based upon (1) suggestions which were made to the committee at public hearings by school administrators, psychologists, teachers and parents; (2) written responses to the committee's surveys of school districts; (3) other correspondence to the members and staff of the committee; and (4) the experience and knowledge of the members of the committee.

The special committee recommends:

COMPENSATORY EDUCATION PROGRAM

1. The statutes be amended to provide for a compensatory education program for basic skills improvement which includes the following provisions:
 - a. Comprehensive compensatory education programs established by the boards of trustees of local school districts. These programs should provide specifically designed educational activities for all students identified as having, or being at risk of having, problems learning basic educational skills. The programs should be designed to raise the level of educational achievement of these students to that appropriate for children of the same age and grade level or to that level which the students are capable.
 - b. Minimum standards for the operation of compensatory education programs prescribed by the state board of education.
 - c. Funding provided by an annual appropriation from the state general fund.
 - d. Approval by the superintendent of public instruction of local compensatory education programs, regarding the prescribed minimum standards, before distribution of state funds is made to any school district.
2. That an annual appropriation be made from the general fund to the state department of education for state level administration of the compensatory education program, development of a resource center and for

conducting an annual state seminar to disseminate information about effective practices and teaching techniques relating to compensatory education.

INFORMATION DISSEMINATION

3. The statutes be amended to establish a resource center within the state department of education to make available pertinent information about dyslexia and other specific learning disabilities. The committee further recommends that a computer network between the resource center and the local libraries and school districts be established.
4. The statutes be amended to require the state department of education to conduct at least one seminar annually concerning the subject of dyslexia and other specific learning disabilities for the benefit of school district personnel and other interested parties.
5. The statutes be amended to require the state department of education to identify the diagnostic instruments and remediation methods for dyslexia and other specific learning disabilities that have been properly validated. The committee further recommends that the state department of education be given the authority to require the use of any of these instruments and methods in the local school districts.

DIAGNOSTIC AND PRESCRIPTIVE ASSISTANCE FOR STUDENTS

6. The statutes be amended to require the state department of education to develop a procedure that allows students from one school district to use the diagnostic and prescriptive assistance available in another school district.
7. The statutes be amended to require that students who are facing suspension, expulsion, or exclusion from the public schools be tested to determine whether or not they have dyslexia or other specific learning disabilities.
8. The statutes be amended to require that students who are showing a marked deterioration in their behavior or performance at school be tested to determine whether or not they have dyslexia or other specific learning disabilities.

9. The statutes be amended to reduce the age at which minors may be admitted to special programs as provided in Nevada Revised Statutes 388.490 to 3 years.
10. The statutes be amended to require each school district to screen all minors for potential learning problems as they enter the Nevada system of public schools.
11. A resolution be adopted by the 1985 session of the Nevada legislature urging an increase in the use of peer tutors in the classroom.

RESEARCH AND PROGRAM DEVELOPMENT

12. That an appropriation be made from the state general fund to the state department of education to undertake a detailed assessment of the needs of students with dyslexia and other specific learning disabilities. The committee further recommends that the research include the development of methods to address those needs.
13. That an annual appropriation be made from the state general fund to the state department of education to make competitive discretionary grants available to the school districts to establish programs that use a simultaneous, multisensory approach for students with dyslexia or other specific learning disabilities.
14. The statutes be amended to require the state department of education to identify or develop model programs that will encourage parents to become more directly involved with the identification and remediation of the learning problems of their children.
15. That the 1985 session of the Nevada legislature adopt a resolution urging the state department of education to undertake research to better match remediation methods to the assessment of dyslexia or other specific learning disabilities.

FINANCIAL SUPPORT

16. That school funding be increased to provide additional staffing to the school districts to diagnose and test for dyslexia and other specific learning disabilities.

17. That an annual appropriation be made from the state general fund to the state department of education to provide categorical funding to the school districts to assist those students with dyslexia and other specific learning disabilities who do not qualify under the special education provisions of the Nevada Revised Statutes.
18. A resolution be enacted urging additional private and public support for programs in the field of dyslexia and other specific learning disabilities at the state universities and other institutions.
19. Sufficient annual funding be provided to public school education in Nevada to provide for an 18 to 1 pupil/teacher ratio in the regular classrooms in each school district.

TRAINING OF CERTIFICATED PERSONNEL

20. The statutes be amended to require that all certificated personnel in the school districts receive inservice training in the field of dyslexia and other learning disabilities with standards established by the state department of education. The committee further recommends that the school term be extended by 10 days to provide for the training of the certificated personnel and that salaries of the certificated personnel be increased to reflect the longer school term.

BULLETIN 85-6

DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE IN NEVADA

S.C.R. 52 - 1983 Session

Interim Committee

Senator Thomas J. Hickey, Chairman
Assemblyman James W. Schofield, Vice Chairman
Assemblyman Kenneth K. Redelsperger

Senate Concurrent Resolution No. 52—Committee on Legislative Affairs
FILE NUMBER 135

SENATE CONCURRENT RESOLUTION—Directing an interim study of the disposal of highly radioactive waste in Nevada.

WHEREAS, The Nuclear Waste Policy Act of 1982 establishes a procedure for selection of sites to be used as repositories for the disposal of high-level radioactive waste which has been generated in nongovernmental activities; and

WHEREAS, The United States Secretary of Energy must study at least five possible sites for the location of such a repository and recommend to the President three of the sites before January 1, 1985; and

WHEREAS, The President must, before March 31, 1987, recommend to Congress one site to be the first national repository for the disposal of high-level radioactive waste; and

WHEREAS, The federal act authorizes states in which possible sites are located to participate in the study of the sites by the Department of Energy, and provides grants to states to help pay the cost of their participation; and

WHEREAS, The Secretary of Energy is considering a site near Yucca Mountain in Nye County, Nevada, as one of the final five sites to receive intensive study, and has already held initial public hearings on the subject; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to appoint an interim subcommittee to observe and participate in any study by the United States Secretary of Energy of possible sites in this state for a repository of high-level radioactive waste if the Department of Energy grants money to this state to participate in the federal study; and be it further

Resolved, That the interim subcommittee, if appointed, shall study and evaluate:

1. The information and policies applicable to the location of such a repository in this state; and

2. Any potentially adverse consequences to this state which may result from the construction and operation of such a repository and ways of mitigating any such consequences; and be it further

Resolved, That the legislative commission is directed to submit a report of its findings, with any recommended policies and proposed legislation, to the 63rd session of the Nevada legislature.

ABSTRACT

DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE IN NEVADA

The 1983 legislature adopted Senate Concurrent Resolution No. 52 (File No. 135, Statutes of Nevada 1983) which directed the legislative commission to appoint an interim subcommittee:

1. To observe and participate in the United States Department of Energy's study of possible sites within the state for a repository for disposal of high-level radioactive waste;
2. To study the information and policies applicable to location of a repository in the state; and
3. To study any potentially adverse consequences which may result from construction and operation of such a repository and ways of mitigating these effects.

The subcommittee held meetings in Carson City, Las Vegas, and Tonopah. Members also participated in briefings and informational meetings in Washington, D.C., on two occasions. Staff to the subcommittee served as a member of the state-local technical working group.

Financing for the activities of the subcommittee was provided through a contract with the governor's office. This money constituted a portion of the funding received by the State of Nevada from the United States Department of Energy to study the issue.

In conducting the study, the subcommittee's major objectives were:

1. To become familiar with the federal program for study of potential locations for a repository; and
2. To establish an organization within the State of Nevada to analyze and address the issues associated with the possibility of location of a repository in the state.

The subcommittee discussed the statutory establishment of a state nuclear waste project office, the creation by statute of a legislative oversight committee, the federal duties and responsibilities associated with waste disposal, the mitigation of possible adverse effects if a repository were to be located in Nevada, negotiation of cooperative agreements between the State of Nevada and the Federal Government, and the establishment of permits and the imposition of fees for transportation of high-level radioactive wastes in the state.

SUMMARY OF RECOMMENDATIONS

The legislative commission's subcommittee to study disposal of high-level radioactive waste in the state makes the following recommendations:

I. STRUCTURE OF THE STATE'S PROGRAM

A. General Policy

1. That a policy statement be placed in the statutes indicating that it is the legislature's intent to create a unified program for analysis of high-level radioactive waste in the state, and that this program include participation by the executive branch of state government, the legislative branch of state government and local governments in the affected areas of the state.
2. That the director of the nuclear waste project office be assigned responsibility for administration and coordination of the state's program.

B. State Office - Basic Structure

3. That the nuclear waste project office be established by statute within the governor's office.
4. That the basic responsibilities of the nuclear waste project office be defined as follows:
 - a. To advise the governor and the legislature on matters concerning the potential disposal of high-level radioactive materials in the state;
 - b. To develop and administer coordinated programs of planning and evaluation in the state;
 - c. To work closely and consult with affected local governmental entities and state agencies;
 - d. To assist local governmental entities in communicating with the United States Department of Energy and its contractors; and
 - e. To perform the duties and responsibilities of the State of Nevada as described in the Nuclear Waste Policy Act of 1982 (Public Law 97-425).

5. That a division of technical programs and a division of planning be established within the nuclear waste project office.

a. Assign the division of technical programs responsibility for:

- (1) Environmental evaluation,
- (2) Engineering evaluation,
- (3) Geotechnical evaluation,
- (4) Quality assurance,
- (5) Radiological health assessments, and
- (6) Other duties as assigned by the director.

b. Assign the division of planning responsibility for:

- (1) Coordination with local governments and other state agencies,
- (2) Information dissemination to local governments and other affected entities,
- (3) Public information programs,
- (4) Transportation and socioeconomic studies,
- (5) Assessment of potential impacts of the proposed project and means of mitigating the negative aspects of these impacts, and
- (6) Other duties as assigned by the director.

6. That the senate committee on finance and the assembly committee on ways and means authorize staffing for the nuclear waste project office to include at least a director, heads of the two divisions, a senior-level planner and two secretaries.

C. State Office - Detailed Aspects

7. That the following definitions, unless the context otherwise requires, be included in statute:

a. "Office" means the nuclear waste project office within the office of the governor.

- b. "Director" means the director of the nuclear waste project office.
 - c. "Nuclear Waste Policy Act of 1982" or "Act" means the Nuclear Waste Policy Act of 1982 enacted by Congress and signed into law by the President on January 7, 1983 (Public Law 97-425), which sets forth the provisions by which the Federal Government will manage the transportation, storage, and disposal of high-level radioactive waste materials, and other related provisions.
 - d. "High-level radioactive waste" means:
 - (1) The highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations;
 - (2) Spent nuclear fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing; and
 - (3) Other highly radioactive material that the U.S. Nuclear Regulatory Commission (NRC), consistent with existing law, determines by rule requires permanent isolation.
8. That the following provisions relative to the director be established in statute:
- a. The governor shall appoint the director, who serves at the pleasure of the governor in the unclassified service of the state.
 - b. A person who is selected to serve as director must have had at least 5 years of responsible experience in public or business administration, or possess broad management skills in areas related to the functions of the office.
 - c. The governor shall select the director on the basis of his training, his commitment to working with local governments, and his experience and aptitude for coordinating agencies which perform

duties relating to planning, management, and coordination between governments. The knowledge and abilities of the director must include some or all of:

- (1) A comprehensive knowledge of the principles of administration and a working knowledge of matters which will be under his direction;
 - (2) Ability to assess the operations of the office and protect the interests of the public in areas covered by the duties of his office;
 - (3) Ability to organize and present oral and written communications to the governor, legislature, local governmental entities, and other officials and members of the public.
- d. The director is entitled to be reimbursed for travel expenses and expenses of subsistence in amounts provided by law for state officers and employees.
 - e. The director shall devote his full time to the duties of his office and not engage in any other gainful employment or occupation.
9. That the statutes require that the director:
- a. Appoint, with the consent of the governor, a head of each division of the office.
 - b. Carry out duties as prescribed by law.
 - c. Accept grants from and cooperate with any governmental agency or other person to further the purposes of this Act.
 - d. Consult with regularly and seek advice from:
 - (1) Legislature;
 - (2) Affected local governmental entities;
 - (3) Other state agencies; and
 - (4) Relevant university departments, agencies, and institutes.

10. That the statutes allow the director to:
 - a. Employ, without regard to the provisions of chapter 284 of Nevada Revised Statutes (NRS), within the limitations of legislative authorization, technical consultants, specialists, investigators, and other professional and clerical employees to enable the office to carry out its duties.
 - b. Make and execute contracts and all other instruments necessary or convenient for the exercise of the duties of the office with any governmental agency, company, or other person.
 - c. Rent, lease, purchase, or contract for property, equipment and supplies necessary to carry out the purposes of this act.
 - d. Adopt regulations necessary to carry out the duties of the office.
 - e. Perform other functions necessary to the proper discharge of the duties of the office.
11. That the statutes provide that the head of each division of the department:
 - a. Is in the unclassified service of the state and is entitled to be reimbursed for travel expenses and expenses of subsistence in amounts provided by law for state officers and employees.
 - b. Shall administer the provisions of law relating to his division under the administrative supervision of the director.
 - c. Shall devote his entire time and attention to the business of his division and not pursue any other business or occupation or hold any other office of profit.
12. That the statutes indicate that the attorney general:
 - a. Is the counsel and attorney for the office.
 - b. Shall designate deputies to be counsel and attorney for the office in all actions, proceedings, and hearings. The deputies so designated:

(1) Are the legal advisors to the office in all matters relating to the office and to the powers and duties of its officers.

(2) Are in the unclassified service of the state.

13. That the governor be allowed, by executive order, to abolish the nuclear waste project office whenever he determines it is no longer needed.

C. Local Governments

14. That a policy statement be placed in the statutes indicating that local governments are direct participants in the development and conduct of the state's program for analysis of high-level radioactive waste in the state.

15. That the director of the nuclear waste project office be required to consult regularly with and seek advice from local governments in the affected areas.

16. That the director of the nuclear waste project office be required regularly to provide information relevant to the state's program to interested governmental entities, including local governments.

D. Legislative Subcommittee

17. That a legislative committee be established by statute to perform the general duties outlined in Senate Concurrent Resolution No. 52 from the 1983 legislative session. Specify the membership to consist of two senators appointed by the majority leader of the senate and three assemblymen appointed by the speaker of the assembly. Provide that the committee elect its chairman from the membership.

18. That the legislative leadership consult with the members of the committee before making appointments to the National Conference of State Legislatures' "Legislative Working Group on Disposal of High-Level Radioactive Waste."

II. THE FEDERAL PROGRAM

A. General Policy

19. That a resolution be adopted stating that the Federal Government should:
 - a. Bear the total financial responsibility for mitigation of all adverse effects associated with the study, site characterization, construction, operation and closure, including related transportation activities, of any repository for high-level radioactive waste which might be located in the state. Indicate that mitigation of adverse effects should be undertaken at the time that these effects are determined to be occurring.
 - b. Purchase and obtain in Nevada the materials and equipment used in connection with all phases of the high-level radioactive waste project.
 - c. Include in all construction contracts provisions to assure that materials and equipment purchased for the repository project in Nevada will be subject to state sales and use taxes.
 - d. Assume all liability, without limit, for accidents or injuries associated with the transportation, handling, construction, operation, decommissioning, closure, or long-term use of facilities to store or dispose of high-level radioactive waste.

B. Mitigation of Negative Impacts

20. That a resolution be adopted stating that:
 - a. A mechanism for developing a combined request from all governmental entities in the State of Nevada for assistance in mitigation of adverse effects associated with the repository project will be established; and
 - b. The Federal Government should recognize this organization as the final authority on state and local needs and priorities.

21. That a resolution be adopted urging the Federal Government to establish a special fund consisting of money to be used to mitigate adverse effects associated with the study and characterization of sites as possible locations for a repository. Indicate that mitigation of the adverse effects should be undertaken at the time that these effects are determined to be occurring.

22. That a resolution be adopted stating that, if a repository is located in Nevada, the Federal Government should provide assistance for mitigation of the adverse effects of the repository project in each of the following areas, as well as others that may be identified in the planning processes at local, state and federal levels:
 - a. Education, including facilities and personnel for the elementary and secondary levels, community colleges, vocational and technical education, and universities;
 - b. Public health, including facilities and personnel for programs of water treatment and distribution, sewerage and sewage treatment, pest control, sanitary land fill and sanitation;
 - c. Law enforcement and criminal justice, including facilities and personnel for the functions of prosecution and defense, for the courts, for corrections and for training of administrative personnel;
 - d. Fire protection, including early location and construction of stations, acquisition of fire-fighting equipment and communications equipment and personnel;
 - e. Emergency medical services, including equipment, facilities and personnel;
 - f. Medical care, including hospitals, equipment and personnel;
 - g. Cultural needs, including facilities and personnel for libraries, management of cultural resources, museums, recreational facilities and acquisition and expansion of parks;

- h. Disposal of public lands in a timely fashion to allow the expansion of existing communities, the possible creation of new ones and the construction of needed residential and commercial facilities;
- i. Utilization of labor, including facilities and personnel for employment services and for vocational training;
- j. Social services, including facilities and personnel for welfare programs, services to the aging, services to youth, rehabilitation programs, programs relating to health and mental hygiene and programs relating to the abuse of alcohol and controlled substances;
- k. Transportation, including full responsibility for any road, rail or air facilities built for the repository project and assistance for the repair and maintenance of any facilities used or damaged by vehicles and equipment associated with the construction or operation of the repository project;
- l. Training and equipment for local and state public safety, emergency medical and firefighting personnel for the handling of radioactive or hazardous waste accidents;
- m. Establishment of appropriate methods and equipment, including computer capability, to observe and assess long-term effects of the repository project over the entire life of the project, including study, site characterization, construction, closure and postclosure phases until the waste is no longer radioactive;
- n. Energy needs, including requisite facilities, created by all activity induced by the repository project, recognizing that the payment for such needs should not be subsidized by current residents of the area affected by construction of the facility;
- o. Funds to compensate the state for loss of revenue from tourism and economic development potential, and funds necessary to mitigate the effects of limiting the state's potential for economic diversification and development;

- p. A special account containing funds to mitigate unforeseen effects associated with the project; and
- q. Such other facilities and personnel of state or local governments as may be required to meet needs that would not have occurred except for the construction, operation and closure of the repository project.

III. COORDINATION BETWEEN STATE AND FEDERAL PROGRAM

Consultation and Cooperation Agreement

- 23. That the governor be authorized to enter negotiation with the Secretary of the U.S. Department of Energy to develop a written agreement regarding the interaction between the state's program and the U.S. Department of Energy, as outlined in section 117 (c) of the Nuclear Waste Policy Act of 1982. Further, provide that the governor may initiate the negotiations at any time, or at such time as required by the Act. Direct the governor to consult with and seek advice from the legislature and affected local governments before and during negotiation of the agreement.
- 24. That the authority to sign the consultation and cooperation agreement be assigned to the governor or his designee and the chairman of the legislative commission. Require that the legislative commission hold a public hearing on the written agreement before it is signed by the chairman of the commission.

IV. FEES

Permits and Fees for Transportation

- 25. That legislation similar to Assembly Bill 679 from the 1983 legislative session be enacted to require permits and impose fees for transport of high-level radioactive waste in the state.

BULLETIN 85-7

STUDY OF THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING
AND MAINTAINING A VETERANS' CEMETERY IN NEVADA

A.C.R. 24 - 1983 Session

Interim Subcommittee

Assemblyman James J. Banner, Chairman
Senator Lawrence E. Jacobsen, Vice Chairman

Assembly Concurrent Resolution No. 24—Assemblyman May

FILE NUMBER 118.

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the feasibility and desirability of establishing and maintaining a veterans' cemetery in Nevada.

WHEREAS, Many Nevadans have proudly served this country in its military endeavors; and

WHEREAS, It behooves the people of this state to show their appreciation and respect to those veterans; and

WHEREAS, There are 110 federal veterans' cemeteries in the United States, but not one is located in Nevada; and

WHEREAS, A veteran from Nevada who desires to be buried in a veterans' cemetery must be taken to Riverside, California; and

WHEREAS, In 1980 Congress passed legislation which allows the Veterans' Administration to provide grants of up to 50 percent to match the money spent by states for the establishment, expansion or improvement of state veterans' cemeteries; 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 feasibility and desirability of establishing and maintaining a veterans' cemetery in Nevada; and be it further

Resolved, That the commission submit a final report of the findings of the study and any recommended legislation to the 63rd session of the Nevada legislature.

ABSTRACT

STUDY OF THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING AND MAINTAINING A VETERANS' CEMETERY IN NEVADA

The 1983 legislature adopted Assembly Concurrent Resolution No. 24 (File No. 118, Statutes of Nevada 1983) which directs the legislative commission to study the feasibility and desirability of establishing and maintaining a veterans' cemetery in Nevada. In response to the resolution, the legislative commission appointed a subcommittee which provided direction for the staff study. The subcommittee held one meeting to review a draft report and take public testimony. At that meeting, the subcommittee also made its findings and adopted several recommendations.

In addition to the legislature's desire to show appreciation to Nevada's veterans for their service, several other factors contributed to the introduction and passage of the measure calling for the study. These factors include: (1) the fact that no veterans' cemetery exists in Nevada; (2) the growing population of Nevada and, in particular, the growing number of veterans; (3) the creation of a state cemetery grant program administered by the Veterans' Administration; and (4) a study to identify a possible location for a state veterans' cemetery conducted by a veterans' cemetery committee convened by Governor Richard H. Bryan.

The report provides background information on state and federal veterans' cemeteries, population characteristics, the state cemetery grants program, and, the governor's veterans' cemetery committee. The report also contains a chapter on veterans' cemetery programs in other states and a chapter which provides cost estimates for a Nevada veterans' cemetery.

The subcommittee made one basic recommendation to establish and maintain a state veterans' cemetery in Nevada. To effectuate the basic recommendation the subcommittee made five additional recommendations relating to the establishment and management of the proposed cemetery.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The major findings of the subcommittee are:

1. That it is desirable to establish and maintain a veterans' cemetery in Nevada. The subcommittee supports the sentiment expressed in Assembly Concurrent Resolution No. 24 that "* * * It behooves the people of this state to show their appreciation and respect to those veterans * * *" who "* * * have proudly served this country in its military endeavors * * *."
2. That the establishment and maintenance of a veterans' cemetery will require a substantial long-term financial commitment by the State of Nevada.

Based on the above findings, the subcommittee made one basic recommendation:

That the 1985 Nevada legislature enact legislation to establish and maintain a state veterans' cemetery and appropriate such funds as are necessary to implement such an act.

To effectuate the above recommendation, the subcommittee further recommends:

- a. The purchase of the entire 80-acre parcel from the United States Bureau of Land Management (BLM) that has been identified as a site for a cemetery if approved for purchase under the Recreation and Public Purposes Act (R&PP).
- b. That the Nevada state veterans' cemetery be administered through the office of the Nevada commission for veteran affairs.
- c. That the Nevada veterans' advisory commission serve as an advisory body to whatever agency administers the cemetery.
- d. That eligibility criteria for interment in the Nevada state veterans' cemetery be the same as the national standards, adding that the decedent must be a legal resident of Nevada at the time of death.
- e. That a veterans' cemetery fund be established to accept donations and as a repository for interment fees. The subcommittee further recommends that moneys in this fund are to be used to pay a portion of the operating costs.

BULLETIN 85-8

STUDY OF THE METHODS OF TAXING ELECTRICAL POWER PLANTS
AND DISTRIBUTING THE RESULTING REVENUE

S.C.R. 42 - 1983 Session

Interim Subcommittee

Assemblyman Paul W. May, Chairman
Senator Keith Ashworth, Vice Chairman
Assemblyman John B. DuBois
Assemblyman Virgil M. Getto

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study methods of taxing electrical power plants and distributing the resulting revenue.

WHEREAS, The proposed White Pine Power Project and, to a lesser extent, the Valmy Power Project are bringing to areas of this state construction and electrical generating capacity of a magnitude not before experienced in those areas or in the state as a whole; and

WHEREAS, Questions have been raised concerning appropriate policies for taxation with respect to electrical power plants and the distribution of the resulting revenue in light of the nature of these projects; and

WHEREAS, It is essential that the legislature be thoroughly familiar with the effects of various options for taxation of such projects and the distribution of revenue therefrom as it makes final decisions on these matters; and

WHEREAS, A legislative subcommittee studying the central assessment of property recently reviewed certain statutes and proposals relating to the assessment of electrical power plants, but only as one segment of a larger study; and

WHEREAS, This legislature has deferred until July 1, 1985, the effective date of certain legislation relating to the allocation among counties of the valuation of electrical power plants, providing an opportunity for further study and legislative action during the 1985 legislative session if necessary; 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 methods of taxing electrical power plants and distributing the resulting

revenue, taking into account the extent of the sales of power from these plants within and outside the State of Nevada; and be it further

Resolved, That the results of the study and recommendations for legislation be reported to the 63rd session of the legislature.

ABSTRACT

STUDY OF THE METHODS OF TAXING ELECTRICAL POWER PLANTS AND DISTRIBUTING THE RESULTING REVENUE

The 1983 Nevada legislature adopted Senate Concurrent Resolution No. 42 (File No. 124, Statutes of Nevada 1983) which directed the legislative commission to study methods of taxing electrical power plants and distributing the resulting revenues.

The legislative commission appointed a subcommittee of four members to conduct the study. The subcommittee held three meetings in Carson City and received information and testimony from the state department of taxation, county assessors, local government officials, representatives of electrical utilities, and the general public.

The subcommittee accepted an offer from the White Pine Power Project to develop a computerized tax model depicting the anticipated tax consequences of the construction of the White Pine Power Project under existing state law. The White Pine Power Project is a consortium of local government entities and private municipal power companies.

Taxation of large-scale electrical power generation facilities has been an issue since 1979 when the legislature authorized bonding and construction of the White Pine Power Project. In 1981, the legislature realized that the addition of a power facility the size of the White Pine Power Project would significantly affect the property tax base and the sales taxes of the county in which it was located. The result of the construction of such a project in a small county would be a substantial increase in revenue for the local governments within that county. This could lead to a greatly reduced property tax rate which would benefit participating utilities. The 1981 legislature also recognized that the construction of such a plant would affect the water resources and the air quality of the entire state. Therefore, the legislature sought a taxing procedure that would benefit the entire state. The 1981 legislature approved Senate Bill 687 which changed the distribution of tax revenues from such a project from a county of situs or line mileage basis to a statewide population basis. These taxing procedures were refined in 1983 with the passage of S.B. 27. As a result of these changes, tax revenue attributable to electrical generation facilities will be distributed to all counties in the state so that all Nevadans will receive the benefit of the increased tax collections.

After careful review of the testimony provided in subcommittee meetings and the results of the computerized tax model prepared by the White Pine Power Project, the subcommittee concluded that existing statutes prescribe an acceptable tax distribution mechanism for any large-scale electrical generation project. Therefore, the subcommittee recommended only minor changes in the current methods of taxing such projects.

SUMMARY OF RECOMMENDATIONS

1. Amend Nevada Revised Statutes (NRS) 361 to require that construction work and progress for centrally assessed properties be placed on the tax rolls by the county assessors in the amounts determined by the department of taxation pursuant to tax commission regulations.
2. Legislation to provide that special tax distributions included in Senate Bill 687 (1981) and S.B. 27 (1983) would only apply to power plants that exceed a threshold of 25 megawatts in design capacity.
3. Amend NRS 361 to provide the authority for the tax commission to establish a property tax rate for a local government entity when that entity's tax rate would or has gone to zero because of the construction of a power plant. Authority should also be granted to the tax commission to reset that rate once the power plant becomes operational.
4. That the 1985 legislature give no further consideration to Senate Joint Resolution No. 2 of the 1981 legislative session.

BULLETIN 85-9

STUDY OF EDUCATION IN NEVADA

S.C.R. 55 - 1983 Session

Interim Committee

Assemblyman Marvin M. Sedway, Chairman
Senator William H. Hernstadt, Vice Chairman
Assemblyman Robert G. Craddock
Assemblyman Jane F. Ham
Assemblyman Charles C. Perry

Senate Concurrent Resolution No. 55—Senator Townsend

FILE NUMBER 159..

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to appoint a special committee to study education.

WHEREAS, The National Commission on Excellence has issued a public report describing the problems facing education in America; and

WHEREAS, The Commission's report proposes solutions to those problems; and

WHEREAS, The contents of this report are important to the people of Nevada and the system of education in Nevada; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to appoint a special committee to:

1. Study the report of the National Commission on Excellence and the recommendations in the report for improving education; and
2. Report the results of this study and any recommendations to the governor, the department of education, the school districts in Nevada and the legislative commission; and be it further

Resolved, That the results of the study and any recommendations for legislation be reported to the 63rd session of the legislature.

ABSTRACT

STUDY OF EDUCATION IN NEVADA

Senate Concurrent Resolution No. 55 (File No. 159, Statutes of Nevada 1983) directed the legislative commission to appoint a special committee to study education. The special committee was directed to:

1. Study the report of the National Commission on Excellence in Education and the recommendations contained therein for improving education;
2. Report the results of this study and any recommendations to the governor, the state department of education, the school districts in Nevada and the legislative commission; and
3. Transmit the results of the study and any recommendations for legislation to the 63rd session of the legislature.

The special committee held three public hearings and two work sessions. Testimony was received from expert witnesses representing all facets of public education in Nevada and from all geographic areas of the state. In addition to a chapter on findings and recommendations, the report provides a summary of major national education reports, an overview of recent studies of education in other states, and, a discussion of recent public education reform activities in Nevada.

The report of the special committee contains 28 recommendations covering a broad range of topics including curriculum, vocational education programs for special populations, standards and expectations, teachers and teaching, morale and working conditions, staffing and administration, and postsecondary education.

SUMMARY OF RECOMMENDATIONS

This summary represents the major conclusions reached by the subcommittee. These conclusions are based upon suggestions which came from public hearings, representatives of educational organizations and institutions, research documents, and the experience of the members of the special committee.

The special committee recommends that:

CURRICULUM

1. The state board of education continue to prescribe the minimum number of credits to graduate. The special committee also recommends that the state board of education further define and emphasize course and curriculum content.

VOCATIONAL EDUCATION

2. The statutes be amended to change the term "vocational education" to "occupational education."
3. The Joint Council on Vocational Education consist of a broader representation, including members from Nevada's tourism, gaming, and mining industries.
4. The legislature establish a capital equipment fund of \$3 million to which school districts may apply on a one-time basis for funds to provide them with adequate and up-to-date equipment for vocational education programs.
5. The legislature provide a basic support guarantee for vocational education on a program unit basis patterned after special education program units.
6. The statutes be amended to require each school district with a population of over 100,000 to establish a vocational education school.
7. The 1985 session of the Nevada legislature adopt a resolution urging school districts with populations under 100,000 to cooperate in the establishment of regional vocational programs which make use of existing facilities.

PROGRAMS FOR SPECIAL POPULATIONS

8. The legislature, when establishing basic support guarantees, increase the number of special education units by 60 in the first year of the 1985-87 biennium and by 40 in the second year over the number set for the 1984-85 school year.
9. The statutes be amended to permit educational services to all exceptional children as early as age 3.

STANDARDS AND EXPECTATIONS

10. The statutes be amended to require that kindergarten instruction be available to every age-eligible child.
11. The statutes be amended to permit any child who will arrive at the age of 4 years by September 30 to enter kindergarten.
12. The statutes be amended to require compulsory education for children between 6 and 16 years of age.
13. The statutes be amended to provide teachers with the sole authority to promote, or not promote, a student to the next grade.
14. The section of the statutes that states that no pupil may be retained more than one time in the same grade be repealed.

TEACHERS AND TEACHING

15. The statutes be amended to establish a grant/loan program for persons entering the teaching profession in critical subject areas and who agree to teach in those districts where teachers are most needed. The special committee further recommends that such a program be patterned after the Western Interstate Commission for Higher Education student loan fund.
16. The statutes be amended to require persons desiring to teach for the first time in Nevada to pass a nationally recognized basic skills test and subject matter test in the area(s) in which they are seeking certification.

17. The statutes be amended to require that evaluation committees consist of the teacher being evaluated, his administrator, and his peers with the peer group constituting a majority. The special committee further recommends that the state board of education be required to develop the basic evaluation instrument and the instructions for its use. The special committee further recommends that the school districts be permitted to add additional evaluation criteria if those criteria are approved by the state board of education.
18. The 1985 session of the Nevada legislature enact legislation to require an entry level base salary for teachers in all school districts of \$16,000 in 1985-86, \$17,000 in 1986-87, and \$18,000 in 1987-88 based on the number of work days (plus 5) in 1983-84; and to require that salary schedules be structured to permit annual increases in salary over an employment period of 20 years. The special committee further recommends that in each district all teachers receive salary increases commensurate with the entry level base salary increase.
19. The statutes be amended to require school districts to provide more opportunities for teachers to interact on a professional basis to develop competency by increasing inservice training to a minimum of 5 days.
20. The statutes be amended to broaden the scope of mandatory bargaining to include class size/class ratio, evaluation, discipline, and transfer procedures.
21. School districts and individual schools reduce the administrative burden on teachers and other related intrusions into the school day in order to add time for teaching and learning.
22. The statutes be amended to require that any employee of a school district who observes an illegal act on school property report such act to the proper legal authorities. The special committee further recommends that any person who observes and fails to report an illegal act on school property be guilty of a misdemeanor.
23. The legislature give strong consideration to increased financial support for instructional materials and supplies for the school districts.

STAFFING AND ADMINISTRATION

24. The statutes be amended to require a master's degree for certification as a school administrator beginning with the 1985-86 school year. The special committee further recommends that this requirement not apply to those persons already employed as school administrators.
25. The state department of education be permitted to increase the size of its staff to provide better services to the local districts. The special committee further recommends that the additional staff include a library consultant.
26. Adequate counseling services for all pupils in elementary schools be available.

POSTSECONDARY EDUCATION

27. The community colleges in the State of Nevada continue to have an open admissions policy. The special committee further recommends that the statutes be amended to raise the admissions standards at the University of Nevada-Reno and the University of Nevada-Las Vegas to require a minimum grade point average on high school course work of 2.5 on a 4.0 scale and an acceptable score, as defined by the board of regents, on the American College Test (ACT) or Scholastic Aptitude Test (SAT).
28. The statutes be amended to permit the commission on economic development to provide grants of money to postsecondary institutions for the establishment of training programs for new or existing industries in Nevada to meet the personnel needs of these industries.

BULLETIN 85-10

REGIONAL WATER AUTHORITIES AND OTHER WATER ISSUES

S.C.R. 45 - 1983 Session

Interim Subcommittee

Assemblyman Leonard V. Nevin, Chairman
Senator Randolph J. Townsend, Vice Chairman
Senator Alan H. Glover
Assemblyman Erik Beyer
Assemblyman Bruce R. Bogaert
Assemblyman Charles G. Bourne

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the feasibility of establishing regional water authorities and prohibiting the transfer of certain water and the state engineer from acting upon applications to export water from certain counties.

WHEREAS, There has been and continues to be a large growth in population and intense residential, commercial and industrial development in the incorporated and unincorporated areas of several counties in this state; and

WHEREAS, The domestic and waste water facilities in such counties have traditionally been operated by several private and municipal utilities that primarily serve city residents; and

WHEREAS, With the development of multiple contiguous communities and suburban living, the existing domestic and waste water facilities are now serving the inhabitants of a large geographical area and increasing numbers of tourists; and

WHEREAS, The multiple corporations and municipalities are unable to operate effectively these domestic and waste water facilities because the vast amount of money required for maintenance and capital improvements is not available to the municipalities or private corporations through issuance of the types of securities permitted by law; and

WHEREAS, A regional governmental corporation would accommodate the expanding urban population, provide adequate funding and establish the administration necessary to ensure adequate services to the region within the boundaries of such counties; and

WHEREAS, The creation of a regional governmental corporation is a matter of public necessity and would serve a public purpose and promote the general welfare by facilitating adequate domestic and waste water services; and

WHEREAS, There may be alternative solutions to the domestic and waste water problems in such counties; and

WHEREAS, The export of water from such counties may frustrate and negate the planning efforts of those counties; 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 feasibility of creating, governing and financing a regional authority to provide domestic and waste water services in an area which includes all or part of such a county; and be it further

Resolved, That the study include the storage of water and other measures to conserve water in such counties; and be it further

Resolved, That the study include the consideration of recommendations from the governing bodies of such counties and cities within such counties, other persons and companies that are engaged in supplying such services and from any regional planning agencies in the area; and be it further

Resolved, That the results of the study be submitted to the 63rd session of the Nevada legislature; and be it further

Resolved, That the state engineer shall not act on an application to divert water from a county having a population of more than 13,000 to a county having a population of 250,000 or less until:

1. The county from which the water would be exported has completed any study it is conducting of the supply and management of water in the county; and

2. The legislative commission has completed its study conducted pursuant to this resolution, its report has been submitted to the legislature, and the 63rd session of the legislature has adjourned; and be it further

Resolved, That the state engineer shall not allow any water to be transferred from Washoe Valley to any other area until the legislative commission has completed its study conducted pursuant to this resolution, its report has been submitted to the legislature, and the 63rd session of the legislature has adjourned; and be it further

Resolved, That the state engineer shall report to the 63rd session of the legislature the nature and status of applications and permits for exporting water from a county having a population of more than 13,000 to a county having a population of 250,000 or less, and the quantity of water being exported pursuant to such permits.

ABSTRACT

REGIONAL WATER AUTHORITIES AND OTHER WATER ISSUES

The 1983 legislature reviewed several bills pertaining to water-related issues, including a regional water authority in Washoe County, intercounty transfers of water, and transfers of water rights. In order that these inter-related issues could be studied in a more systematic and comprehensive manner, the legislature also passed Senate Concurrent Resolution No. 45 (File No. 158, Statutes of Nevada 1983).

Four main topics were identified for study by S.C.R. 45, including:

1. The feasibility of a regional water authority in Washoe County;
2. Alternative solutions to the domestic and waste water problems in certain counties;
3. The export of water from certain counties, which may frustrate and negate the planning efforts of those counties; and
4. The storage of water and other measures to conserve water in certain counties.

Population limits prescribed in S.C.R. 45 limited study to only six Nevada counties (Carson City, Churchill, Douglas, Elko, Lyon and Washoe).

Additionally, S.C.R. 45 prohibits Nevada's state engineer, division of water resources, state department of conservation and natural resources, from acting upon applications to export water from one of the six counties mentioned earlier to another county of this same group. With strong support from Washoe County legislators, this provision was partially a response to an application filed by Carson City to export some 3,000 acre-feet of water per year from the southern portion of Washoe County (Washoe Valley) into Carson City.

As a result of six public meetings conducted by the interim subcommittee of the legislative commission studying S.C.R. 45, 12 specific issues were identified for possible final action. Of these 12 issues, five recommendations for legislative action and four recommendations not requiring legislation were approved. Three of the issues received no official recommendation.

Recommendations for legislation include proposals to:

1. Require water-saving faucets in new buildings;
2. Allow the state engineer to act on applications for intercounty transfers of water after the end of the 1985 legislative session;
3. Establish a permanent fund for water resources research;
4. Require a two-thirds vote of the full membership of the board of directors of the Washoe County Metropolitan Water Authority for all official actions of that body; and
5. Require that local ordinances for the installation of watermeters in Reno or Sparks be approved by a vote of the people.

SUMMARY OF RECOMMENDATIONS

The legislative commission's subcommittee studying regional water authorities and other water issues recommends for the consideration of the 63rd session of the Nevada legislature that:

1. Section 445.017 of the Nevada Revised Statutes be amended to require the installation of indoor water-saving faucets in buildings constructed after January 1, 1986, in addition to the shower apparatus presently regulated by this section.
2. Line 20 of page 2227 of the Statutes of Nevada, 1983, (Senate Concurrent Resolution No. 45 of the 62nd session, File No. 158) be amended by deleting the word "and" which separates subsections 1 and 2, as cited below, and inserting the word "or."

* * * the state engineer shall not act on an application to divert water from a county having a population of more than 13,000 to a county having a population of 250,000 or less until:

1. The county from which the water would be exported has completed any study it is conducting of the supply and management of water in the county; [and] or
 2. The legislative commission has completed its study conducted pursuant to this resolution, its report has been submitted to the legislature, and the 63rd session of the legislature has adjourned. * * *
3. The Nevada Revised Statutes be amended to establish a permanent fund or account for water resources research. All of the fees collected on an annual basis by the state engineer should go into that account or fund, with the exception of up to \$25,000, which must be used by the state engineer, after obtaining matching money from the Federal Government, to microfilm the records of water rights maintained in his office.
 4. Chapter 487 of the Statutes of Nevada, 1983, be amended to provide that a two-thirds vote of the full membership of the board of directors of the Washoe County Metropolitan Water Authority be required for all official actions of that body.
 5. Section 704.230 of the Nevada Revised Statutes be amended to provide that in cities and towns containing more than 7,500 people, but less than 250,000 people, the local governing body may not require the installation of watermeters or similar mechanical devices unless approved by a vote of the public.

6. An official high water level for Washoe Lake be designated. In this regard, the subcommittee further recommends that:
 - a. The staff of the research division of the legislative counsel bureau identify and prepare a list of those persons who own land located around the edges of Washoe Lake.
 - b. The staff of the research division also identify and prepare a list of those persons and entities who may be affected by the establishment of an official high water level, including the Federal Water Master for the Truckee and Carson Rivers, state agencies, ditch companies and homeowners' associations.
 - c. The chairman of the subcommittee send letters to the persons on the list provided by legislative staff. The letters are to suggest that meetings be held to determine the feasibility of reinitiating the legal proceeding of the Federal Water Master to establish an official high water level for Washoe Lake. The letters to the state agencies (e.g., transportation, wildlife and parks) should emphasize strongly mutual cooperation and the establishment of a unified position by the state.
 - d. The Federal Water Master reinitiate legal proceedings to establish an official high water level for Washoe Lake if the affected landowners, agencies and other entities are able to agree on the issue.
7. The legislature and other entities in Nevada continue or initiate studies regarding additional facilities for the storage of water.
8. The state engineer be prudent in his review and possible approval of interbasin transfers of water within and between counties.
9. It be respectfully requested that all proposed legislation pertaining to the Washoe County Metropolitan Water Authority be submitted to members of the legislature's subcommittee studying regional water authorities and other water issues for review prior to the 1985 legislative session. This will enable better coordination of such legislation.

BULLETIN 85-11

NEVADA LEGISLATURE'S COMMITTEE TO REVIEW THE PERFORMANCE
OF THE OFFICE OF CONSUMER'S ADVOCATE

A.B. 473 - 1981 Session

Legislative Committee

Senator Robert E. Robinson, Chairman
Senator Richard E. Blakemore
Senator Bob Ryan
Assemblyman Robert W. Fay
Assemblyman Steven C. Francis
Assemblyman Bob L. Kerns
Assemblyman Courtenay C. Swain

Assembly Bill No. 473—Assemblymen Westall, Dini, Mello, Schofield, May, Prengaman, Redelsperger, Jeffrey, Polish, DuBois, Craddock, Nicholas, Vergiels, Thompson, Price, Foley, Horn, Kovacs, Barengo, Bremner, Hayes, Hickey, Bergevin, Sader, Stewart, Robinson, Marvel, Banner, Bennett, Beyer, Chaney, Coulter, Glover and Ham

CHAPTER...592..

AN ACT relating to public utilities; creating the office of advocate for customers of public utilities within the office of the attorney general; defining his powers and duties; imposing an annual assessment upon public utilities for the support of his office; creating the fund for the consumer's advocate and transferring money to that fund; creating a legislative committee to review the performance of his office; providing for independent counsel for the public service commission; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 228 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

SEC. 2. 1. "Consumer's advocate" means the advocate for customers of public utilities.

2. "Cooperative utility" means a cooperative association or nonprofit corporation or association which supplies utility services for the use of its own members only.

3. "Public interest" means the interests or rights of the State of Nevada and of the citizens of the state, or a broad class of those citizens, which arise from the constitutions, court decisions and statutes of this state and of the United States and from the common law. As used in sections 2 to 12, inclusive, of this act, the term refers to those interests and rights as they relate to the regulation of public utilities.

SEC. 3. The office of advocate for customers of public utilities is hereby created within the office of the attorney general. The advocate for customers of public utilities may be known as the consumer's advocate.

SEC. 4. 1. The attorney general shall appoint the consumer's advocate for a term of 4 years. The consumer's advocate is in the unclassified service of the state. The person appointed:

(a) Must be knowledgeable in the various areas of the regulation of public utilities;

(b) Must be independent of and have no pecuniary interest in any utility or industry regulated by the public service commission;

(c) Shall devote all of his time to the business of his office and shall not pursue any other business or vocation or hold any other office of profit; and

(d) Must not be a member of any political convention or a member of any committee of any political party.

2. The attorney general may remove the consumer's advocate from office for inefficiency, neglect of duty or malfeasance in office.

SEC. 5. The consumer's advocate may:

1. Employ the staff necessary to carry out his duties and the functions of his office, in accordance with the personnel practices and procedures established within the attorney general's office. The staff shall include:

(a) A person licensed to practice law in this state, who shall serve as staff counsel;

(b) A person knowledgeable in ratemaking and principles and policies of rate regulation;

(c) A specialist in public utilities knowledgeable in accounting or finance or economics or one or more related disciplines; and

(d) An administrative assistant, who must be in the unclassified service of the state. The consumer's advocate has sole discretion to employ and remove the members of his staff who are in the unclassified service.

2. Purchase necessary equipment.

3. Lease or make other suitable arrangements for office space, but any lease which extends beyond the term of 1 year must be reviewed and approved by a majority of the members of the state board of examiners.

4. Apply for an order or subpoena for the appearance of witnesses or the production of books, papers and documents in any proceeding in which he is a party or intervener, in the same manner as any other party or intervener, and make arrangements for and pay the fees or costs of any witnesses and consultants necessary to the proceeding. If any person ordered by the public service commission to appear before it as a witness pursuant to this subsection fails to obey the order, the commission shall apply for a subpoena commanding the attendance of the witness.

5. Perform such other functions and make such other arrangements as may be necessary to carry out his duties and the functions of his office.

SEC. 6. 1. The fund for the consumer's advocate is hereby created as a special revenue fund. All money collected for the use of the consumer's advocate must be deposited in the state treasury for credit to the fund.

2. Money in the fund may be used only to defray the costs of maintaining the office of the consumer's advocate and for carrying out the provisions of sections 2 to 12, inclusive, of this act.

3. All claims against the fund must be paid as other claims against the state are paid.

SEC. 7. All gifts or grants of money which the consumer's advocate is authorized to accept must be deposited with the state treasurer for credit to the fund for the consumer's advocate.

SEC. 8. The consumer's advocate may, with respect to all public utilities except railroads, common and contract motor carriers and cooperative utilities, and except as provided in section 10 of this act:

1. Conduct or contract for studies, surveys, research or expert testimony relating to matters affecting the public interest or the interests of utility customers.

2. Examine any books, accounts, minutes, records or other papers or property of any public utility subject to the regulatory authority of the public service commission in the same manner and to the same extent as authorized by law for members of the public service commission and its staff.

3. Petition for, request, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs; modifications of service or any related matter before the public service commission or any court, regulatory body,

board, commission or agency having jurisdiction over any matter which the consumer's advocate may bring before or has brought before the public service commission or in which the public interest or the interests of any particular class of utility customers are involved. The consumer's advocate may represent the public interest or the interests of any particular class of utility customers in any such proceeding, and he is a real party in interest in the proceeding.

SEC. 9. All public utilities, except railroads, common and contract motor carriers and cooperative utilities, and except as provided in section 10 of this act, shall provide the consumer's advocate with copies of any proposed changes in rates or service, correspondence, legal papers and other documents which are served on or delivered or mailed to the public service commission.

SEC. 10. The powers of the consumer's advocate do not extend to matters directly relating to the consideration of tariffs requested by a telephone utility for products or equipment which the utility certifies under oath are subject to competition.

SEC. 11. 1. The consumer's advocate has sole discretion to represent or refrain from representing the public interest and any class of utility customers in any proceeding.

2. In exercising his discretion, the consumer's advocate shall consider the importance and extent of the public interest or the customers' interests involved and whether those interests would be adequately represented without his participation.

3. If the consumer's advocate determines that there would be a conflict between the public interest and any particular class of utility customers or any inconsistent interests among the classes of utility customers involved in a particular matter, he may choose to represent one of the interests, to represent no interest, or to represent one interest through his office and another or others through outside counsel engaged on a case basis.

SEC. 12. 1. There is hereby created an interim committee of the legislature to review the performance of the office of the consumer's advocate.

2. The committee consists of:

(a) Two members of the senate from the majority political party, designated by the majority leader of the senate;

(b) One member of the senate from the minority political party, designated by the minority leader of the senate;

(c) Three members of the assembly from the majority political party, designated by the speaker of the assembly; and

(d) Two members of the assembly from the minority political party, designated by the minority leader of the assembly.

3. The members from the assembly shall select a chairman from among their number to serve for the period ending with the convening of the 62d session of the legislature. The members from the senate shall select a chairman from among their number to serve during the next legislative interim, and the chairmanship shall continue to alternate between the houses of the legislature according to this pattern.

4. The committee exists only when the legislature is not in regular

or special session. The committee shall meet at the call of the chairman to review and evaluate the effectiveness and functioning of the office of the consumer's advocate. It may make recommendations to the consumer's advocate, the attorney general, the legislative commission, the interim finance committee and the legislature.

5. The director of the legislative counsel bureau shall provide a secretary for the committee. Each member of the committee is entitled to receive out of the legislative fund a salary for each day or portion of a day of attendance at a meeting of the committee, in an amount equal to the salary established for members of the legislative commission, and the per diem allowance and travel expenses provided by law.

SEC. 13. NRS 703.147 is hereby amended to read as follows:

703.147 1. The public service commission regulatory fund is hereby created as a special revenue fund. All money collected by the commission pursuant to law must be deposited in the state treasury for credit to the fund. Money collected for the use of the consumer's advocate must be transferred pursuant to the provisions of subsection 8 of NRS 704.035.

2. Money in the fund which belongs to the commission may be used only to defray the costs of:

(a) Maintaining staff and equipment to regulate adequately public utilities and other persons subject to the jurisdiction of the commission.

(b) Participating in all rate cases involving those persons.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that regulation and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the commission.

3. All claims against the fund must be paid as other claims against the state are paid.

4. The commission must furnish upon request a statement showing the balance remaining in the fund as of the close of the preceding fiscal year.

SEC. 14. NRS 703.210 is hereby amended to read as follows:

703.210 1. The [attorney general] commission may employ, or retain on a contract basis, legal counsel who shall:

(a) Except as provided in subsection 2, be counsel and attorney for the commission in all actions, proceedings and hearings.

(b) Prosecute in the name of the [State] public service commission of Nevada all civil actions for the enforcement of chapters 704, 704A, 705, 706, 708, 711 and 712 of NRS and for the recovery of any penalty or forfeiture provided for therein.

(c) [If the district attorney fails or refuses to do so, prosecute all violations of the laws of this state by public utilities and motor carriers under the jurisdiction of the commission and their officers, agents and employees.

(d)] Generally aid the commission in the performance of its duties and the enforcement of chapters 704, 704A, 705, 706, 708, 711 and 712 of NRS.

2. Each district attorney shall:

(a) Prosecute any violation of chapters 704, 704A, 705, 706, 708,

711 or 712 of NRS for which a criminal penalty is provided and which occurs in his county.

(b) Aid in any investigation, prosecution, hearing or trial held under the provisions of chapters 704, 704A, 705, 706, 708, 711 or 712 of NRS and, at the request of the [attorney general or the] commission [.] or its legal counsel, act as counsel and attorney for the commission.

3. *The attorney general shall, if the district attorney fails or refuses to do so, prosecute all-violations of the laws of this state by public utilities and motor carriers under the jurisdiction of the commission and their officers, agents and employees.*

4. *The attorney general is not precluded from appearing in or moving to intervene in any action and representing the interest of the State of Nevada in any action in which the commission is a party and is represented by independent counsel.*

SEC. 15. NRS 704.033 is hereby amended to read as follows:

704.033 1. The commission shall levy and collect an annual assessment from all public utilities subject to the jurisdiction of the commission.

2. [The] *Except as otherwise provided in subsection 3, the annual assessment [shall] must be [not more than 4 mills] :*

(a) *For the use of the commission, not more than 3.50 mills; and*

(b) *For the use of the consumers' advocate, 0.75 mills,*

on each dollar of gross operating revenue derived from the intrastate operations of such utilities in the State of Nevada, except that the minimum assessment in any 1 year [shall] *must be \$10. The total annual assessment must be not more than 4.25 mills.*

3. *For railroads the total annual assessment must be the amount levied for the use of the commission pursuant to paragraph (a) of subsection 2. The levy for the use of the consumer's advocate must not be assessed against railroads.*

4. The gross operating revenue of [such] the utilities [shall] *must be determined for the preceding calendar year. In the case of:*

(a) Telephone utilities, such revenue shall be deemed to be local service revenues plus intrastate toll revenues.

(b) Railroads [and airlines,] , such revenues shall be deemed to be revenue received only from freight and passenger intrastate movements.

(c) All public utilities, such revenue [shall] *does not include the proceeds of any commodity, energy or service furnished to another public utility for resale.*

SEC. 16. NRS 704.035 is hereby amended to read as follows:

704.035 1. On or before June 1 of each year, the commission shall mail revenue report forms to all public utilities under its jurisdiction, to the address of [such] those utilities on file with the commission. [Such] *The revenue report form [shall serve] serves as notice of the commission's intent to assess the utilities, but failure to notify any [such] utility [shall] does not invalidate the assessment with respect thereto.*

2. Each public utility subject to the provisions of NRS 704.033 shall complete the revenue report referred to in subsection 1, compute the assessment and return the completed revenue report to the commission accompanied by payment of the assessment and any penalty due, pursuant to the provisions of subsection 5.

3. The assessment [shall be] *is* due and payable on July 1 of each year, but may, at the option of the public utility, be paid quarterly on July 1, October 1, January 1 and April 1.

4. The assessment computed by the utility is subject to review and audit by the commission, and the amount of the assessment may be adjusted by the commission as a result of [such] *the* audit and review.

5. Any public utility failing to pay the assessment provided for in NRS 704.033 on or before August 1, or if paying quarterly, on or before August 1, October 1, January 1 or April 1, shall pay, in addition to such assessment a penalty of 1 percent of the total unpaid balance for each month or portion thereof that [said] *the* assessment is delinquent, or \$10, whichever is greater, but no penalty [shall] *may* exceed \$1,000 for each delinquent payment.

6. When a public utility sells, transfers or conveys substantially all of its assets or certificate of public convenience and necessity, the commission shall determine, levy and collect the accrued assessment for the current year not later than 30 days after [such] *the* sale, transfer or conveyance, unless the transferee has assumed liability for [such] *the* assessment. For purposes of this subsection the jurisdiction of the commission over the selling, transferring or conveying public utility [shall continue] *continues* until it has paid [such] *the* assessment.

7. The commission may bring an appropriate action in its own name for the collection of any assessment and penalty which is not paid as provided in this section.

8. *The commission shall, on a quarterly basis, transfer to the fund for the consumer's advocate that portion of the assessments collected which belongs to the consumer's advocate.*

SEC. 17. NRS 704.675 is hereby amended to read as follows:

704.675 Every cooperative association or nonprofit corporation or association and every other supplier of services described in this chapter supplying those services for the use of its own members only is hereby declared to be affected with a public interest, to be a public utility, and to be subject to the jurisdiction, control and regulation of the commission for the purposes of NRS 703.191, [704.033, 704.035.] 704.330, 704.350 to 704.430, inclusive, but not to any other jurisdiction, control and regulation of the commission or to the provisions of any section not specifically mentioned in this section.

SEC. 18. NRS 705.360 is hereby amended to read as follows:

705.360 1. Every company, corporation lessee, manager or receiver, owning or operating a railroad in this state, shall equip, maintain, use and display at night upon each locomotive being operated in road service in this state an electric or other headlight of at least 1,500-candlepower, measured without the aid of a reflector. Any electric headlight which will pick up and distinguish a man dressed in dark clothes upon a dark, clear night at a distance of 1,000 feet is deemed the equivalent of a 1,500-candlepower headlight measured without the aid of a reflector.

2. This section does not apply to:

- (a) Locomotive engines regularly used in switching cars or trains.
- (b) Railroads not maintaining regular night train schedules.
- (c) Locomotives going to or returning from repair shops when ordered in for repairs.

3. Any railroad company, or the receiver or lessee thereof, which violates the provisions of this section is liable to the [State] *public service commission* of Nevada for a penalty of not more than \$1,000 for each [offense.] *violation*.

SEC. 19. NRS 705.370 is hereby amended to read as follows:

705.370 1. Each railroad company or corporation or its receiver, owning or operating any railroad within this state, shall equip and maintain in each of its passenger trains, cabooses, locomotives, motors or diesel engines used in the propelling of trains or switching of cars an emergency first aid kit whose contents must be those prescribed by the public service commission of Nevada. Each passenger train and each caboose must be equipped with at least one stretcher. All of the contents of the emergency first aid kits, except the stretchers, must be stored on each passenger train, caboose, locomotive, motor or diesel engine, in a clean, sanitary and sterile container and in an accessible place at all times, which places, including the storage places of stretchers, must be plainly designated.

2. The employee of any railroad company or corporation or its receiver, having charge of any passenger train, caboose, locomotive, motor or diesel engine, shall as soon as possible report in writing to the office or officer designated by the company, corporation or receiver for the purpose, whenever any of the emergency first aid kit has been used or has been found missing. The emergency first aid kit must only be used to render first medical or surgical aid to injured passengers, employees or other injured persons requiring first aid.

3. Any railroad company or corporation or its receiver, which refuses, neglects or fails to comply with the provisions of this section is liable for a penalty to the [State] *public service commission* of Nevada of \$25 for each failure to equip a passenger train, caboose, locomotive or motor or diesel engine with the emergency first aid kit specified in subsection 1.

4. Any person who removes, carries away from its proper place or uses any emergency first aid kit provided in this section, except for the purpose of administering first aid in the event of injury to any passenger, employee or other person is guilty of a misdemeanor and may be punished by a fine of not more than \$500.

SEC. 20. NRS 705.420 is hereby amended to read as follows:

705.420 Any railroad company or receiver of any railroad company, and any person, firm, company or corporation engaged in the business of common carrier doing business in the State of Nevada, which violates any of the provisions of NRS 705.390 to 705.410, inclusive, is liable to the [State] *public service commission* of Nevada for a penalty of \$500 for each [offense.] *violation*.

SEC. 21. The attorney general shall appoint the first consumer's advocate pursuant to section 4 of this act for a term ending December 31, 1984.

SEC. 22. 1. There is hereby transferred from the public service commission regulatory fund existing pursuant to the provisions of NRS 703.147 to the fund for the consumer's advocate created by section 6 of this act the sum of \$200,000.

2. On or before March 31, 1983, the consumer's advocate shall repay from the fund for the consumer's advocate to the public service commission regulatory fund the amount transferred pursuant to subsection 1.

SEC. 23. The office of the consumer's advocate is hereby authorized to expend from the fund for the consumer's advocate the sum of \$64,534 during the period commencing on the effective date of this act and ending on June 30, 1981.

SEC. 24. At the general election on November 2, 1982, the provisions of sections 1 to 22, inclusive, of this act must be submitted to the registered voters of this state, pursuant to section 2 of article XIX of the Nevada constitution, as a different measure enacted by the legislature on the same subject as the initiative petition presented to the legislature by the secretary of state on January 19, 1981.

SEC. 25. This act shall become effective upon passage and approval.

ABSTRACT

NEVADA LEGISLATURE'S COMMITTEE TO REVIEW THE PERFORMANCE OF THE OFFICE OF CONSUMER'S ADVOCATE

The 1981 Nevada legislature adopted Assembly Bill 473 (chapter 692, Statutes of Nevada 1981) which created the office of advocate for customers of public utilities (OCA). Section 12 of that bill, which became Nevada Revised Statutes 228.400, provided for an interim legislative committee to review the performance of the OCA and evaluate its effectiveness. The committee was allowed to make recommendations directly to the consumer's advocate, the attorney general, the legislative commission, the interim finance committee, and the legislature. The committee chose to report to the legislative commission.

The committee held one meeting in Carson City on May 30, 1984. The committee received a progress report from the consumer's advocate which described the activities of the OCA since 1982. The committee also heard testimony and received written comments from the attorney general, the public service commission, representatives of several utilities, representatives of business and consumer groups, and private citizens.

The report includes five recommendations regarding the activities of the consumer's advocate. Only one of the recommendations requires a statutory change.

SUMMARY OF RECOMMENDATIONS

This summary represents the major conclusions reached by the committee to review the performance of the office of consumer's advocate.

The committee recommends:

1. That Nevada Revised Statutes 228.400, subsection 4, be amended to include the public service commission of Nevada in the list of government bodies to which the committee to review the office of the consumer's advocate may make recommendations.
2. That the office of the consumer's advocate request, and the interim finance committee approve, additional travel funds as the need arises to be used to represent Nevada's interests relative to federal programs and legislation which would affect utility customers.
3. That the office of the consumer's advocate establish an informal working relationship with the commission on economic development to reduce the perception that the consumer's advocate is antibusiness and antiutility.
4. That the appropriate committee of the 1985 legislature review the possibility of reducing from 0.75 mills the maximum levy allowed to be assessed on the public utilities for the use of the consumer's advocate.
5. That the office of the consumer's advocate continue as a quasi-independent office under the office of the attorney general.

BULLETIN 85-13

REVIEW AND EVALUATION OF THE COMPREHENSIVE STATEWIDE PLAN
FOR SERVICES TO AID ABUSED AND NEGLECTED CHILDREN

A.C.R. 47 - 1983 Session

Interim Subcommittee

Assemblyman David E. Humke, Chairman
Assemblyman Shelley L. Berkley, Vice Chairman

Assembly Concurrent Resolution No. 47—Assemblymen Humke, Bourne, Berkley, Craddock, Kerns, Bilyeu, Francis, Joerg, Sedway, DuBois, Redelsperger, Nicholas, Chaney, Stone, Banner, Nevin, Fay, Thompson and Kovacs

FILE NUMBER.....137

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to review and evaluate the comprehensive statewide plan for services to aid abused and neglected children.

WHEREAS, In the State of Nevada more than 3,800 children are abused and neglected each year; and

WHEREAS, These children are in need of therapeutic services of high quality, both immediate and long term; and

WHEREAS, Steps should be taken to make the system for providing those services less fragmented, complicated and confusing; and

WHEREAS, Pursuant to the directives of Assembly Bill No. 50 of the 61st session of the legislature (chapter 291, Statutes of Nevada 1981), the department of human resources has prepared a comprehensive statewide plan for the organization, financing and coordination of programs and services to aid abused and neglected children; and

WHEREAS, That plan has identified significant areas of concern and contains recommendations, some of which involve statutory change and all of which should be reviewed by the legislature; and

WHEREAS, The legislature needs to know what actions can be taken to improve the system for providing programs and services to aid abused and neglected children, and what financial arrangements for the support of those programs and services would be most effective and efficient; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislative commission is hereby directed to:

1. Review and evaluate the comprehensive statewide plan for the organization, financing and coordination of programs and services to aid abused and neglected children; and

2. Conduct public hearings for the purpose of gathering information and comments from state, county and local agencies concerning the plan; and be it further

Resolved, That the results of the review and evaluation be incorporated as comments to the plan, including explanations and suggestions with respect to specific recommendations and appropriate means of carrying them out, whether or not they require statutory change; and be it further

Resolved, That proposed legislation be developed for those recommendations requiring statutory change, such as the establishment of a “children’s trust fund”; and be it further

Resolved, That the legislative commission submit its report and recommendations to the 63rd session of the legislature.

ABSTRACT

REVIEW AND EVALUATION OF THE COMPREHENSIVE STATEWIDE PLAN FOR SERVICES TO AID ABUSED AND NEGLECTED CHILDREN

The 1983 Nevada legislature adopted Assembly Concurrent Resolution No. 47 (File No. 137, Statutes of Nevada 1983) which directs the legislative commission to review and evaluate the comprehensive statewide plan for services to aid abused and neglected children. Pursuant to the resolution, the legislative commission appointed a subcommittee composed of legislators to conduct the study and recommend appropriate actions to the 1985 session of the Nevada legislature.

As mandated by A.C.R. 47, the study covered a review and evaluation of the department of human resources' comprehensive statewide plan for the organization, financing and coordination of programs and services to aid abused and neglected children. In accordance with the directions of the resolution, public hearings were conducted for the purpose of gathering information and comments concerning the plan from citizens and state, county and local agencies.

The subcommittee's report is comprehensive. In addition to a chapter on findings and recommendations, the report discusses the child abuse and neglect problem, provides a historical review of federal and state child protection laws and programs, describes Nevada's child abuse and neglect laws, presents an overview of services to aid abused and neglected children in Nevada, and details recent child abuse legislation in other states.

The subcommittee's recommendations cover a broad range of topics including child abuse education and prevention programs, a child protection act, a children's trust fund, requiring criminal background investigations of certain persons working with children, extending victims of crime compensation to abused and neglected children, funding child abuse and neglect services, licensing family day care homes, reporting child abuse and neglect, and state authority and responsibility concerning services to aid abused and neglected children.

SUMMARY OF RECOMMENDATIONS

This summary represents the subcommittee's recommendations in response to its conclusions and findings. These recommendations are based upon suggestions which were presented in public hearings and written communications to the subcommittee. They reflect the testimony of representatives of state agencies and child protective services agencies, staff research, and the experience and research of the members of the subcommittee.

The subcommittee recommends:

CHILD ABUSE EDUCATION AND PREVENTION PROGRAMS

1. Child abuse and neglect education be provided for the professionals and lay persons of each community.
2. School districts disseminate information which will educate children regarding abuse and neglect.
3. Two actions for the prevention of child abuse and neglect:
 - (a) Parenting education begin as early as the preschool years of a child's life and be a mandatory part of the curriculum in elementary, junior high and high schools. The subcommittee recommends further that the curriculum include, but not be limited to, communication, problem solving and conflict resolution skills, positive self-esteem and human development; and
 - (b) Empower children against assaults of all types by a child abuse prevention program such as California's Child Assault Prevention Program which teaches children to be safe, strong and free.

CHILD PROTECTION ACT

4. That a comprehensive child protection act be added to the Nevada Revised Statutes. The subcommittee recommends that the act clarify which agencies are responsible for child protection and welfare and which jurisdictions are responsible for funding child abuse and neglect services. The subcommittee recommends further that the child protection act give authority and responsibility for child protective services to the department of human resources, cover definitions, and describe program services and procedures.

CHILD PROTECTIVE CUSTODY HEARING

5. The statutes be amended to require either a juvenile master or a district court judge to hold a protective custody hearing to examine the facts within 72 hours after a child has been removed from his parents.

CHILDREN'S TRUST FUND FOR CHILD ABUSE AND
NEGLECT PREVENTION

6. The statutes be amended to create a children's trust fund for child abuse and neglect prevention under the director of the department of human resources. The subcommittee recommends further that the trust fund be established in the following manner:
 - (a) The statutes be amended to increase the state marriage license fee by \$1 and the state fee for birth certificates by \$2. One dollar of each marriage license fee and \$2 of each birth certificate fee collected should be deposited with the state treasurer who should transfer the funds to the welfare division of the department of human resources for deposit in the children's trust fund for the prevention of child abuse;
 - (b) The statutes be amended to designate the director of the department of human resources as the administrator of the trust fund and to authorize the director to designate the state welfare division certain administrative functions;
 - (c) The statutes be amended to create a children's trust fund committee to develop criteria for awarding trust fund money and to make the final decisions regarding the awarding of contracts and grants. The committee should consist of the following seven members:
 - (1) The administrator of the youth services division of the department of human resources;
 - (2) The superintendent of a local school district to be appointed by the director of the department of human resources;
 - (3) A district court judge to be appointed by the director of the department of human resources;

- (4) A director of a local child protective services agency to be appointed by the director of the department of human resources;
- (5) A representative of a community organization involved with children and youth to be appointed by the director of the department of human resources;
- (6) One public member with knowledge or experience in the area of child abuse services to be appointed by the governor; and
- (7) One Nevada legislator with knowledge or experience in the area of child abuse services to be appointed by the legislative commission.

The subcommittee recommends further that at least one of the seven members of the committee be a resident of a rural county.

- (d) The statutes be amended to provide that the children's trust fund committee should annually award contracts and grants from the children's trust fund to state and local government agencies, nonprofit community agencies, or educational institutions. The subcommittee recommends further that the contracts and grants must be used for the development or delivery of child abuse and neglect prevention services which may include educational programs;
- (e) The statutes be amended to require that no more than 5 percent of the moneys in the children's trust fund may be expended for administrative expenses related to the fund and that the travel expenses for the committee members who are not state employees may be withdrawn from the trust fund;
- (f) The statutes be amended to provide that the trust fund committee meet at least twice a year; if additional meetings are required, they should be called at the discretion of the director of the department of human resources and within the limits of the 5 percent budget established in item (e) of this recommendation;

- (g) The statutes be amended to provide that any balance of funds remaining in the children's trust fund account at the end of the fiscal year be carried over to the next fiscal year; and
- (h) The statutes be amended to require the director of the department of human resources to submit a report regarding the children's trust fund for child abuse and neglect prevention to each regular session of the legislature and to report to the 1987 legislature regarding the possible need to expand the fund to include contracts or grants to community-based programs providing counseling and treatment services to abused children.

The subcommittee recommends further that any additional department of human resources' staff positions, which are provided by increased general fund appropriations for child abuse and neglect services, serve the function of providing liaison assistance to the children's trust fund administrator and the children's trust fund committee.

COURT APPOINTED SPECIAL ADVOCATES

- 7. The Court Appointed Special Advocate program be expanded into Nevada's rural areas.

CRIMINAL BACKGROUND INVESTIGATIONS OF CERTAIN PERSONS WORKING WITH CHILDREN

- 8. The statutes be amended to require a criminal background investigation as an additional condition of employment for each person employed or seeking employment, for compensation, in a child care facility, public or private school, or any other public or private facility or institution which cares for children 17 years of age or younger. The subcommittee recommends further that such a person must submit to a criminal background investigation which should include, among other things, providing his fingerprints to the Federal Bureau of Investigation (FBI). The subcommittee recommends, moreover, that the individual employee or his employer bear all costs of the investigation. In addition, the subcommittee recommends that any person found to have been convicted of child abuse or neglect, any sex offense, or any violent act should be immediately terminated if already employed in a facility or institution caring for or serving children, or should be denied employment if he is an applicant for employment.

9. The statutes be amended to provide that the penalty for hiring a person who has not submitted to proper investigation and fingerprinting as a compensated employee of a child care facility or public or private school be a gross misdemeanor.
10. The statutes be amended to require family members and other residents of child care facilities who are 16 years of age or older to submit to criminal background investigations and fingerprinting.

DEPARTMENT OF HUMAN RESOURCES' AUTHORITY AND RESPONSIBILITY
CONCERNING SERVICES TO ABUSED AND NEGLECTED CHILDREN

11. The statutes be amended to authorize the welfare division of the department of human resources to coordinate state and community efforts in the prevention, identification and treatment of child abuse and neglect in Nevada.
12. The statutes be amended to designate the welfare division of the department of human resources as the single state agency responsible for the coordination and planning on a statewide basis of child protection services (CPS) in Nevada. The subcommittee recommends further that the welfare division's coordination and planning functions include, but not be limited to, the following:
 - (a) Legal authority to establish standards for the uniform provision of child protective services throughout the state;
 - (b) The necessary staff to monitor and evaluate the child protective services provided throughout the state; and
 - (c) Authority to take corrective action to assure local compliance with state standards.
13. The statutes be amended to authorize the welfare division of the department of human resources to provide directly or arrange for the provision of child protective services from public or private, state or local agencies. The subcommittee recommends further that the welfare division be authorized to provide financial support, within the limits provided by the legislature, to child protective services programs provided by local agencies.

14. The statutes be amended to designate the welfare division of the department of human resources as the state agency responsible for administering state and federal funds for child abuse and neglect.
15. A concurrent resolution be enacted directing the department of human resources to report to the 1987 legislature its experiences, both positive and negative, as they pertain to child abuse and neglect legislation adopted by the 1985 legislature.

EXTENDING VICTIMS OF CRIME COMPENSATION TO
ABUSED AND NEGLECTED CHILDREN

16. The statutes be amended to assure that the victims of child abuse and neglect are included under the provisions of chapter 217 of Nevada Revised Statutes, "Aid To Certain Victims Of Crimes."

FUNDING OF CHILD ABUSE AND NEGLECT SERVICES IN NEVADA

17. The 1985 legislature appropriate additional funds from the state general fund for state and local services to aid abused and neglected children. The subcommittee specifically recommends that necessary funds be provided to adequately fund the following activities and positions:
 - (a) Counseling and treatment services for the victims of child abuse and neglect;
 - (b) A statewide 24-hour response system for child abuse and neglect cases;
 - (c) A permanent child abuse specialist position in the department of human resources;
 - (d) State welfare staff to monitor and evaluate the child protective services provided throughout the state;
 - (e) State welfare staff to plan the delivery of child protective services;
 - (f) Training programs for child protective services staff, law enforcement officials, and medical personnel; and
 - (g) Emergency intervention services to be made available in each county.

18. The department of human resources develop and implement a child protective services' funding formula which provides for the distribution of funds to local governments based on child population. In developing the funding formula, the subcommittee recommends that the department make the necessary adjustments to meet the special needs of the rural counties.
19. The local governments increase their financial commitment to child abuse and neglect services.
20. The department of human resources provide each county with sufficient state funds, within the limits set by the legislature, to provide for both child abuse and neglect services under one county agency.

LICENSING FAMILY DAY CARE HOMES

21. The statutes be amended to require licensing of any facility furnishing care on a temporary or permanent basis, during the day or overnight, for compensation, to one or more children under 18 years of age who are not related to the person operating the facility.

MULTIDISCIPLINARY PROTECTIVE SERVICE TEAMS

22. Creating multidisciplinary teams comprised of experts in such fields as social work, medicine, mental health, law and child development to deal with child abuse and neglect cases in every community. The subcommittee recommends further that the concept of a multidisciplinary team be included in the statutes but that the composition of the team not be mandated because this would tend to limit flexibility.

REPORTING CHILD ABUSE AND NEGLECT

23. The statutes be amended to conform Nevada's child abuse reporting requirements to the provisions of the National Center on Child Abuse and Neglect's Federal Model Child Protection Act (Revised 1983).
24. The statutes be amended to make it a felony for certain persons, who are required by statute to report, to fail to report child abuse and neglect and for any person to prevent or attempt to prevent a person from making a report.

STATE POLICY REGARDING ABUSED AND NEGLECTED CHILDREN

25. The statutes be amended to express the policy of the State of Nevada as being that the state's first priority regarding abused and neglected children is the protection of the child and the second priority is the maintenance of the family structure.

BULLETIN 85-14

THE FUNCTION OF PAROLE IN THE CRIMINAL JUSTICE SYSTEM

S.B. 375 - 1983 Session

Interim Committee

Senator Helen A. Foley, Chairman
Assemblyman Byron (Bill) Bilyeu, Vice Chairman
Senator Nicholas J. Horn
Senator Bob Ryan
Assemblyman John E. Jeffrey
Assemblyman Janson F. Stewart

Senate Bill No. 375—Senators Foley, Ashworth, Blakemore, Faiss, Gibson, Glaser, Glover, Hernstadt, Horn, Jacobsen, Lamb, Mello, Raggio, Robinson, Ryan, Townsend and Wilson

CHAPTER 572

AN ACT relating to parole; creating a legislative committee to study the function of parole in the system of criminal justice and providing for its organization, powers and duties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The legislative committee to study the abolition of parole, consisting of six voting members and seven nonvoting members, is hereby created.

2. The following persons shall serve as voting members of the committee:

(a) Three members of the senate of the 62nd session of the Nevada legislature, appointed by the majority leader of the senate; and

(b) Three members of the assembly of the 62nd session of the Nevada legislature, appointed by the speaker of the assembly.

3. The following persons shall serve as nonvoting members of the committee:

(a) The chief parole and probation officer;

(b) A district judge;

(c) The district attorney of a county of this state;

(d) A representative of an agency of law enforcement of this state;

(e) An attorney in private practice who specializes in defending criminal actions;

(f) A member of the state board of parole commissioners; and

(g) The director of the department of prisons.

4. The chairman of the legislative commission shall designate one of the members as chairman of the committee.

5. The director of the legislative counsel bureau shall provide the necessary professional staff and a secretary for the committee.

6. The voting members of the committee are entitled to receive a salary for each day or portion of a day of attendance at a meeting of the committee in an amount equal to the salary established for the members of the legislative commission and the travel expenses and per diem allowance provided by law for members of the standing committees of the legislature.

Sec. 2. The committee shall study the benefits, detriments and costs of abolishing parole, including without limitation:

1. The operation, composition, method of appointment and the powers and duties of the state board of parole commissioners;

2. The operation, composition, powers and duties of the department of parole and probation;

3. The criteria used to grant parole;

4. Credits on term of imprisonment;
5. The length of time offenders must serve before becoming eligible for parole;
6. The effects that modification or abolition of parole might have on the system of criminal justice in this state;
7. The changes which may be needed in the laws governing sentencing if parole were modified or abolished, including changes in the use of guidelines, sentencing for fixed terms and the creation of a commission on sentencing; and
8. The fiscal effects of abolition or any proposed modification of parole upon:
 - (a) The department of prisons;
 - (b) The department of parole and probation; and
 - (c) The state board of parole commissioners.

Sec. 3. The committee may hold public hearings at such times and places as it deems necessary to afford the general public and representatives of governmental agencies and of organizations interested in the subject of parole an opportunity to present relevant information and recommendations.

Sec. 4. All agencies of the executive and judicial departments of Nevada state government and the political subdivisions of the state involved in the administration of criminal justice shall cooperate with the committee and shall furnish to the committee all information and material which the committee requests to conduct its study and prepare its report.

Sec. 5. The committee may accept and use all gifts and grants which it receives to further its work.

Sec. 6. The committee shall submit to the legislative commission a report of its findings and recommendations for legislation before the commencement of the 63rd session of the legislature.

Sec. 7. This act expires by limitation on July 1, 1984.

ABSTRACT

THE FUNCTION OF PAROLE IN THE CRIMINAL JUSTICE SYSTEM

Nevada, in recent years, has been faced with an ever increasing prison population. With 354 individuals per 100,000 population in prison, Nevada currently has the highest incarceration rate of any state. By comparison, the average for the western states is 152 prisoners per 100,000 population. Nevada also has a high prison disposition rate with approximately 42 percent of all felony convictions resulting in a prison term. In addition, Nevada has a very low parole approval rate; about 28 percent were approved in 1983. This is a dramatic change from a 65 percent approval rate in 1979. The consequence has been a growing prison population that may soon exceed its critical operating capacity of 3,674 beds. This may require the construction of new prison facilities, which would be very costly.

During the last several legislative sessions, many bills have been introduced which propose to reform Nevada's sentencing and parole system. However, due to the limited data available, it has been very difficult to assess the system-wide effect of these bills. Therefore, the 62nd session of the Nevada legislature, in 1983, passed Senate Bill 375 (chapter 572, Statutes of Nevada 1983) which authorized an interim legislative committee to conduct a comprehensive study of the alternatives to Nevada's indeterminate sentencing system. The committee examined the state's entire criminal justice system from sentencing through parole and developed a system-wide correctional policy for handling convicted offenders.

The committee held its first meeting on November 6, 1983, in Las Vegas. Subsequent meetings were held on December 6, 1983, in Reno; February 15, 1984, April 16, 1984, and May 23, 1984, in Las Vegas; and June 15, 1984, in Carson City. A subcommittee meeting was held at the Southern Nevada Correctional Center at Jean, Nevada, to allow inmates to express their concerns regarding the parole process. These hearings allowed committee members to review Nevada's current criminal justice system and hear testimony from correctional experts from throughout the United States who advised the committee on how other states have reformed their sentencing and parole systems.

In addition, the committee, with funds from the National Institute of Justice, contracted with the National Council on Crime and Delinquency to collect and analyze data on how sentencing and parole decisions are currently being made and to determine the criteria used by the courts and the parole board in making these decisions. After obtaining this information, the committee reviewed various alternatives to Nevada's indeterminate sentencing system. These alternatives included determinate sentencing and sentencing guidelines, abolition of parole and the use of parole guidelines. The committee also reviewed Nevada's current good time credit system. Each of these alternatives is reviewed in the committee's report which was adopted by the legislative commission at its October 25, 1984, meeting.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

This summary represents the major conclusions reached by the Senate Bill 375 committee. These conclusions were made by committee members after conducting a total of six committee hearings and one subcommittee hearing. Information was received from the public, state officials, inmates and correctional experts from throughout the United States.

The committee recommends:

A. SENTENCING GUIDELINES

1. Creation of a 13-member commission appointed by the governor to develop statewide sentencing guidelines. The composition of the commission should include a supreme court justice, two district court judges (one from northern Nevada and one from southern Nevada), a justice of the peace, a senator, an assemblyman, a defense attorney, a prosecutor, two private citizens, one law enforcement representative, the director of the department of prisons, and the chief parole and probation officer.
2. The commission should develop a series of recommended sentence ranges for all felony offenses based on the severity of the offense and the offender's prior criminal history. The commission should begin its work on July 1, 1985, and submit its recommended sentencing guidelines to the 1987 legislature and, if approved, the guidelines should be effective July 1, 1987.
3. The guidelines should provide a presumptive fixed sentence with only good time credit earned reducing the term of imprisonment.
4. The guidelines should determine which felony offenders should be incarcerated and those who should be placed on probation, provide restitution, fined or punished by some other alternative sentence.
5. The sentencing guidelines recommended by the commission should allow judges to sentence outside the guidelines if there are compelling reasons justifying an exceptional sentence. However, a written explanation for departure from the guidelines is required.

6. The commission should develop its recommended sentencing ranges without consideration to the impact on the prison population. However, should the commission estimate that its recommended guidelines will exceed the prison population projection of 6,650 inmates by June 1993, developed by the National Council on Crime and Delinquency, based on the current indeterminate sentencing system not being modified, the committee recommends that the commission prepare an additional list of sentencing ranges which will not exceed that limit. This will ensure that if the recommended sentencing ranges are more restrictive than the current sentencing system, an alternative proposal will also be available for review by the 1987 legislature.

B. PAROLE GUIDELINES

1. Creation of a five-member committee appointed by the governor to develop formal parole guidelines. The composition of the committee should include the chairmen of the state board of parole commissioners, the director of the department of prisons, the chief parole and probation officer, a district attorney and a district judge.
2. To allow the committee to begin its work as soon as possible, legislation should be effective upon passage and approval. The formal parole guidelines should become effective on January 1, 1986.
3. The guidelines should be voluntary, allowing the parole board to make release decisions outside the guidelines. However, any decision made outside the guidelines should be detailed in writing and the decisions compiled and reported to the next session of the legislature.
4. The guidelines should apply to the existing prison population and take into account that those inmates who commit violent crimes or who are career criminals should serve longer terms than the nonviolent, nonhabitual offender.

5. The guidelines committee should examine the possibility of including the setting of an early presumptive parole date for inmates. If the guidelines committee decides to include a presumptive date provision, it should ensure that the parole decision is still completely at the discretion of the parole board regardless of an inmate's institutional behavior. If an inmate feels his presumptive parole date is unfair, there should be a one-time petition process to the parole board to reconsider the release date.
6. If sentencing guidelines are approved and implemented by the legislature at a later date, then the parole guidelines would continue in effect only for those inmates sentenced under the current indeterminate sentencing system.

C. GOOD TIME CREDIT

Nevada's good time credit system should be revised as follows:

1. Inmates should receive 5 days statutory credit per month for good behavior.
2. An additional 10 days credit per month could be earned for good behavior and participation in work or educational-related programs inside the prison for a maximum of 15 days credit per month.
3. An additional 15 days credit per month could be earned for good behavior and work outside the prison for a maximum of 30 days good time credit per month.
4. A maximum of 30 days meritorious good time credit per year could be earned for such services as fire-fighting, saving the life or property of another or exemplary service to the citizens of Nevada.
5. The board of prison commissioners should adopt regulations concerning the earning, forfeiture and restoration of good time credit.
6. The parole board should be removed from the formal process of revoking good time credits except that the parole board would have authority to revoke statutory good time at a parole revocation hearing.

D. CLASSIFICATION

The committee endorsed the work done by the 1981 Senate Concurrent Resolution No. 56 subcommittee which developed the Prison Master Plan. In the master plan, a formal inmate classification system was endorsed and a profile of the 1979 to 1981 Nevada prison admission population indicated that inmates should be classified at the following levels: maximum 10.5 percent, medium 51 percent and minimum 38.5 percent. The committee requested information updating the characteristics of Nevada's inmate admission population which indicated that the 1983 inmate admission population had not changed dramatically from the 1979 to 1981 inmate admission population. Therefore, the S.B. 375 committee feels the classification percentages outlined in the Prison Master Plan are still valid.

E. HONOR CAMP PROGRAM

1. Information provided to the committee indicates the need for additional minimum security bedspace within the department of prisons. Currently, only 14.8 percent of the inmate population is housed in minimum security bedspace while the Prison Master Plan and the S.B. 375 committee estimated that 38.5 percent of Nevada inmates should be classified as minimum security risks. The committee recommends that to the maximum extent possible that the department of prisons accommodate increased bedspace needs through expansion of the honor camp program.
2. The committee endorses the continuation of operating the prison honor camps on a pay as you go basis whenever feasible and recommends that the division of forestry continue to actively pursue the acquisition of paid projects for honor camp crews. However, the committee also feels that it is better for the inmates to keep active in productive work projects, even if the projects would not be on a pay for service basis. However, the first priority of jobs should continue to be those that are revenue producing to help offset the cost of operating the program.

F. MANAGEMENT INFORMATION SYSTEMS

The committee recommends that funding be provided for the continuation of the computerized sentencing and case management information system at the department of parole and probation, and the inmate population and classification system at the department of prisons. In the past, the legislature has been faced with a lack of reliable information dealing with the criminal justice system. The state is now at a point where information is becoming available to decisionmakers in the executive, judicial and legislative branches of government which will allow educated decisions to be made concerning the criminal justice system. The committee feels these important data systems should be maintained and strengthened in the future.

G. RECIDIVISM

The committee raised many questions concerning recidivism, however, due to the lack of information in this area, their questions could not be answered. Therefore, the committee recommends that the department of prisons and the department of parole and probation collectively develop criteria to assess the recidivism rates for inmates who have been placed in parole or probation supervision compared to those who "max out" their prison sentences. This information could then be used to determine if supervision upon release from prison reduces the likelihood for future offenses. In addition, this data may be useful in determining what factors are important in predicting the type of offender likely to commit further crimes after being released from prison.

H. EXPANSION OF PAROLE BOARD

The committee recommends the 1985 legislature consider the possibility of expanding the parole board from three to five members and the two new members be based in southern Nevada. The parole board currently does not have any members based in southern Nevada and is attempting to handle an ever increasing workload by having the parole board members travel throughout the state. By having two members in southern Nevada, the board will be able to better handle its increasing workload and will be able to be more timely in its decisionmaking.

BULLETIN 85-15

REPORT ON LOCAL GOVERNMENT FISCAL NOTES
AND THEIR CONTENTS

S.C.R. 2 - 1983 Session

Interim Subcommittee

Senator Lawrence E. Jacobsen, Chairman
Assemblyman Leonard V. Nevin, Vice Chairman

Senate Concurrent Resolution No. 2—Senator Jacobsen

FILE NUMBER 126

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the development and contents of the fiscal notes for local governments on bills introduced in the legislature.

WHEREAS, Each bill and joint resolution introduced in the legislature contains a fiscal note to indicate its fiscal effect, if any, on local governments; and

WHEREAS, These fiscal notes do not presently contain sufficient information for local governments to evaluate the bills; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to study the development and contents of the fiscal notes for local governments used on bills introduced in the legislature; and be it further

Resolved, That the results of the study and any recommendations for legislation be reported to the 63rd session of the legislature.

19  83

ABSTRACT

REPORT ON LOCAL GOVERNMENT FISCAL NOTES AND THEIR CONTENTS

The 1983 legislature adopted Senate Concurrent Resolution No. 2 (File No. 126, Statutes of Nevada 1983) which directed the legislative subcommittee to study local government fiscal notes. The subcommittee, which was appointed by the legislative commission to conduct the study, held two meetings in Carson City. Written and oral testimony was solicited and received from local governments throughout the State of Nevada, and from the Nevada League of Cities and the Nevada Association of Counties. It was determined from the testimony that most local government representatives did not understand what a fiscal note was designed to do and that this was the primary reason that fiscal notes were little used during the 1983 session.

The fiscal note is not a comprehensive fiscal impact statement, but rather, a strictly defined document to identify adverse fiscal effects on local governments directly resulting from the proposed bill. The significant feature of a fiscal note is that it must be physically attached to the bill before any action can be taken by either house or any legislative committee.

The subcommittee found that disseminating information and educating local government representatives regarding the role of the fiscal note was the most significant and appropriate method of addressing the matter. That was accomplished through the subcommittee meetings and by presentations made by the subcommittee at the annual conferences of the Nevada League of Cities and the Nevada Association of Counties. Other recommendations to enhance the use of fiscal notes are on the following page.

SUMMARY OF RECOMMENDATIONS

1. Nevada Revised Statutes 218.2723 should be amended to reflect that the requirement for a fiscal note is based on the existence of an "adverse" fiscal effect.
2. A space should be provided on the bill draft request form to indicate if the bill draft requester is aware of any adverse fiscal effect.
3. Every city and county should identify one person within their organization to coordinate the development and transmittal of fiscal note data.
4. The legislative counsel bureau should develop procedures with the Nevada League of Cities and the Nevada Association of Counties to facilitate the timely and accurate development of data for local government fiscal note preparation.

BULLETIN 85-16

STUDY OF THE EFFECTS OF CERTAIN TAX MEASURES, TAXATION
ON AIRCRAFT, THE FUEL USED IN AIRCRAFT AND THE
PROMOTION OF AVIATION IN NEVADA

A.C.R. 50 - 1983 Session

Interim Subcommittee

Assemblyman Robert E. Price, Chairman
Senator James H. Bilbray, Vice Chairman
Assemblyman Steven C. Francis
Assemblyman James W. Schofield
Assemblyman Barbara Zimmer

Assembly Concurrent Resolution No. 50—Assemblyman Price

FILE NUMBER 140

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the effects of certain tax measures, the taxation of aircraft, the fuel used in aircraft, and the promotion of aviation in Nevada.

WHEREAS, The 62nd session of the Nevada legislature has responded to the problems of shortages of revenue to operate state and local government and of certain inequities in taxation by enacting several measures for raising revenue and improving equity in taxation; and

WHEREAS, One area of considerable concern lies in the taxation of aircraft, the fuel used in aircraft and the promotion of aviation in Nevada; and

WHEREAS, The legislature must continue to be responsive to the financial condition of government in this state, to concerns over apparent inequities in taxation and to the promotion of aviation in Nevada, and in order to do so must provide itself with accurate and timely information about the effects of the measures which it has enacted or considered; 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:

1. The effects of measures to raise revenue and improve equity in taxation passed by the 62nd session of the Nevada legislature and the possible effects of measures on those subjects considered by the committees on taxation of that session;
 2. The problems of taxation of aircraft, the fuel used in aircraft and other property and activities related to aviation in Nevada; and
 3. Appropriate ways to promote aviation in this state;
- and be it further

Resolved, That the legislative commission report the results of its study and any recommended legislation to the 63rd session of the Nevada legislature.

ABSTRACT

STUDY OF THE EFFECTS OF CERTAIN TAX MEASURES, TAXATION ON AIRCRAFT, THE FUEL USED IN AIRCRAFT AND THE PROMOTION OF AVIATION IN NEVADA

The 1983 legislature adopted Assembly Concurrent Resolution No. 50 (File No. 140, Statutes of Nevada 1983) directing the legislative commission to study the effects of tax measures considered by the 1983 legislature and also to study matters related to aviation. The subcommittee held hearings in Elko, Las Vegas, and Reno. At these hearings it considered written and oral testimony from the department of taxation, various county assessors, and several groups interested in tax matters. Representatives of the Air Transport Association, Aircraft Pilots and Owners Association, McCarran and Reno Cannon Airports, and private individuals interested in aviation matters also testified.

The subcommittee considered several topics including assessment standards and practices, sales tax on services, itemized budgets/tax bills, resolutions/petitions for tax reform, taxation of aircraft and facilities, jet fuel tax and the establishment of a statewide aviation agency.

SUMMARY OF RECOMMENDATIONS

1. The 63rd session of the legislature should adopt legislation which would limit the permissible use of revenues derived from property tax to police and fire protection, libraries, bonded indebtedness, special services related to public health and safety and to the court system.
2. The 63rd session of the legislature should adopt legislation to amend the constitution to prohibit taxation of property for the benefit of the state general fund.
3. The 63rd session of the legislature should adopt legislation to correct inconsistencies and conflicts in assessment standards and practices as a result of the several changes that have taken place in legislation over the last several years.
4. The legislative commission should contract with the University of Nevada or an appropriate consultant to derive accurate projections of potential revenue from the sales tax on services.
5. The tax committees of both houses of the 63rd session should study all goods and property that is currently exempted from sales tax and ad valorem tax respectively and the revenue loss therefrom.
6. The tax committees of both houses of the 63rd session should review the jet fuel tax and consider abolishing the tax or returning the revenues to the airport of origin to offset landing and rental fees and related costs.

BULLETIN 85-17

STUDY OF THE LAWS, RULES AND PRACTICES RELATING
TO THE GRAND JURY IN NEVADA

S.C.R. 10 - 1983 Session

Interim Subcommittee

Senator Sue Wagner, Chairman
Assemblyman Janson F. Stewart, Vice Chairman
Senator William J. Raggio
Senator Thomas R. C. Wilson
Assemblyman Lonie Chaney
Assemblyman Jane F. Ham
Assemblyman James A. Stone

Senate Concurrent Resolution No. 10—Senators Wagner, Foley, Neal, Townsend,
Mello, Raggio, Bilbray and Wilson

FILE NUMBER 127

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to
study grand juries in Nevada.

WHEREAS, The grand jury is an integral part of the system of
criminal justice in Nevada; and

WHEREAS, Recognizing the need for minimum guidelines in the
administration of criminal justice, the American Bar Association has
developed a set of comprehensive standards covering the system of
criminal justice which includes a draft published in 1979 relating to
grand juries; and

WHEREAS, These standards may be of great benefit to criminal jus-
tice in Nevada; and

WHEREAS, Appropriate action should be taken to study and review
the standards along with other recommendations and carry them out
where necessary and practical; now, therefore, be it

*Resolved by the Senate of the State of Nevada, the Assembly con-
curring*, That the legislative commission is hereby directed to conduct
a study of the laws, rules and practices relating to the grand jury in
Nevada; and be it further

Resolved, That this study include an evaluation of the standards of
the American Bar Association regarding grand juries; and be it further

Resolved, That the legislative commission report the results of the
study and any recommended legislation to the 63rd session of the legis-
lature.

ABSTRACT

STUDY OF THE LAWS, RULES AND PRACTICES RELATING TO THE GRAND JURY IN NEVADA

The American grand jury has historically been reputed to be a strong barrier against unwarranted prosecution and governmental oppression. Nevertheless, the extensive powers of the grand jury create some potential for abuse. The grand jury works in secret, without court supervision. It does not keep a record of its proceedings, and may issue virtually unlimited subpoenas. It may question a witness without his attorney present, is not required to hear exculpatory evidence, and may jail uncooperative persons without a trial.

The call for the reform of the American grand jury system began in the mid-1970's and was directed at the federal system. Use of the federal grand jury had increased, especially for investigating complex "white collar crime," "organized crime," governmental corruption and violations of antitrust laws. This expansion caused the legal profession to become interested and resulted in extensive work by the American Bar Association (ABA), which adopted 30 principles for the reform of the grand jury system.

The study of the laws, rules and practices relating to grand juries in Nevada used the ABA's principles as a base and then considered the other changes suggested by judges, district attorneys, defense attorneys, former grand jurors, persons who had been the subject of a grand jury's investigation and other interested citizens.

Nevada's grand jury system was found to be significantly better than the federal system which was the target of the ABA's principles. However, the subcommittee made 30 recommendations to further ensure against the abuse of Nevada's grand juries. Some of the most significant recommendations are to allow legal counsel to accompany certain persons appearing before a grand jury, to increase the penalty for breaching the secrecy of a grand jury's proceedings and to expand the group of people to whom the penalty applies.

SUMMARY OF RECOMMENDATIONS

1. Allow a witness who is the subject of an investigation to be accompanied by counsel in his appearance before the grand jury.
2. Allow the subject of an investigation to testify before the grand jury if he signs a waiver of immunity.
3. Require district attorneys to make all reasonable attempts to notify a person of his right to testify unless notification may result in flight or endanger other persons or obstruct justice.
4. Limit the period of confinement for a witness who refuses to testify before a grand jury and is found in contempt.
5. Prohibit a district attorney from calling a person to testify before a grand jury regarding matters which have been determined to be within his constitutional privilege against self-incrimination.
6. Require the district attorney to inform orally any witness subpoenaed to testify before a grand jury of the general nature of the grand jury's inquiry.
7. Allow a witness to review his previous testimony before a grand jury.
8. Allow the subject of the investigation, if the grand jury does not indict him, to decide whether to make public the fact that no indictment was issued.
9. Require a district attorney to disclose to the grand jury any evidence of which he is aware that will tend to substantially negate guilt.
10. Prohibit a district attorney from making any statement to a grand jury which would be impermissible at trial before a petit jury.
11. Require the district attorney to inform the grand jury as to the specific elements of the crimes to be considered by it before he seeks an indictment.

12. Prohibit the questioning of any attorney, his agent or employee, by the grand jury concerning matters he has learned in the legitimate investigation, preparation or representation of his client's cause and prohibit the subpoenaing of his private notes, memoranda and other materials which were a product of his work.
13. Prohibit the public disclosure of the granting of immunity in a grand jury's proceeding before the issuance of an indictment or presentment in the case.
14. Increase the penalty for breaching the secrecy of a grand jury proceeding and expand the group of persons to whom the penalty applies.
15. Allow reports by grand juries which contain statements on matters affecting the public interest; prohibit those which ridicule or abuse any person involved.
16. Permit any person who is directly or by innuendo, imputation or otherwise accused of a wrongdoing in a grand jury's report, which if true would constitute an indictable offense, but where a true bill has not been returned to:
 - (a) Receive a copy of the portion of the report which pertains to him; and
 - (b) Request a hearing where he may move to expunge any improper statements.
17. Require a district judge to file a grand jury's report within 60 days after it is submitted to him for review.
18. Require the recording of all matters before a grand jury by a certified shorthand reporter except:
 - (a) Any confidential communication between a witness and his legal counsel, when the legal counsel is allowed to accompany the witness before the grand jury; and
 - (b) The deliberations and voting of the grand jury.
19. Require the clerk of the court to transmit within 5 days to any affected agency or public officer a copy of the grand jury's report.

20. Require the court which impanels a grand jury to charge the jurors and alternate jurors completely.
21. Require the grand jury to issue a quarterly report to the district court which includes a summary of its activities and financial status.
22. Require the district judge to give advice to the grand jury regarding legal matters.
23. Prohibit the grand jury from spending money or incurring obligations in excess of the amount budgeted for its investigative activities unless the proposed expenditure is approved in advance by the district judge.
24. Prohibit a district attorney from using a grand jury to obtain tangible, documentary or testimonial evidence to assist him in the preparation for trial of a defendant who has already been charged by indictment or information.
25. Replace the term "misconduct" in Nevada Revised Statutes 172.175 with "conduct which may constitute a violation of a provision of chapter 197 of NRS."
26. Require that grand jurors vote separately on each person considered for and each count included in a presentment or indictment.
27. Increase the number of voters required for a petition to summon a grand jury.
28. Increase the panel of grand jurors selected in larger counties.
29. Require the county treasurer to distribute to the grand jury a monthly accounting of the grand jury's expenditures and the balance remaining.
30. Allow a district court to impanel a grand jury to inquire into a specific limited matter.

BULLETIN 85-18

STUDY OF LAWS, REGULATIONS, AND POLICIES WHICH
AFFECT DEPOSITORY FINANCIAL INSTITUTIONS

S.C.R. 49 - 1983 Session

Interim Subcommittee

Senator Robert E. Robinson, Chairman
Assemblyman Shelley L. Berkley, Vice Chairman
Senator Bob Ryan
Senator Randolph J. Townsend
Assemblyman Charles W. Joerg
Assemblyman Bob L. Kerns
Assemblyman Robert E. Price

Senate Concurrent Resolution No. 49—Committee on Commerce and Labor

FILE NUMBER 133

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study laws, regulations and policies which affect depository financial institutions.

WHEREAS, Federal deregulation of depository financial institutions is creating rapidly changing controls which affect the state's banks, savings and loan associations, thrift companies and other regulated depository financial institutions; and

WHEREAS, Nevada's laws extract a tax on shares of some institutions and not on others; and

WHEREAS, Differing laws and regulations create inequities on different licensed depository financial institutions which are providing essentially the same services; and

WHEREAS, Our depository financial institutions may be placed in financial jeopardy by not being able to react promptly to competition from our sister states because of our restrictive laws which are only subject to biennial legislative revision; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to study the federal and state laws, regulations and policies which affect Nevada's depository financial institutions; and be it further

Resolved, That the legislative commission report the results of the study and recommendations for any changes in policies on interstate banking and necessary or desirable statutory or regulatory changes to the 63rd session of the legislature.

ABSTRACT

STUDY OF LAWS, REGULATIONS, AND POLICIES WHICH AFFECT DEPOSITORY FINANCIAL INSTITUTIONS

The 62nd session of the legislature adopted Senate Concurrent Resolution No. 49 (File No. 133, Statutes of Nevada 1983) which required the legislative commission to study laws, regulations, and policies which affect depository financial institutions. The resolution was adopted in response to federal deregulation which has blurred the traditional distinctions between different types of financial institutions. The legislature expressed concern that Nevada's laws may be too restrictive to allow financial institutions in Nevada to compete with those located in other states.

The legislative commission appointed a subcommittee to conduct the study and recommend appropriate action. The subcommittee devoted part of its time to studying a proposal by Citicorp to establish a regional center in Nevada for its credit card operations. The subcommittee suggested language for a bill draft which would authorize interstate banking in Nevada subject to restrictions on permissible activity by holding companies domiciled in other states. This would allow Citicorp to conduct its intended activities. The bill was passed and approved during the 15th special session of the legislature..

The subcommittee studied the taxation of banks in Nevada and recommended the approval of Senate Joint Resolution No. 3 of the 62nd session of the legislature, which provides for the taxation of banking corporations in the same manner as other corporations.

The subcommittee inquired into the causes of the recent failure of mortgage companies and other problems relating to these companies. The subcommittee suggested legislation which would provide greater protection for investors who deal with mortgage companies.

The effect of proposed federal legislation which would allow banks to sell insurance was also examined. The subcommittee suggested that, if federal legislation removes the prohibition on insurance sales, these sales should be regulated.

Proposed federal legislation which would allow banks to branch across state lines was also discussed. The committee recommended consideration of a bill which would allow interstate banking among specified western states.

SUMMARY OF RECOMMENDATIONS

1. Consider authorizing interstate banking and imposing restrictions upon permissible activities by holding companies which are domiciled in another state. (Passed and approved during the 15th special session of the legislature, chapter 2, Statutes of Nevada 1984).
2. Consider a bill which would allow regional banking in accordance with legislation enacted in Utah.
3. Approve Senate Joint Resolution No. 3 of the 62nd session of the legislature relating to taxation of bank shares.
4. Impose a penalty upon any bank which does not submit an annual report to the department of taxation.
5. Authorize banks to appeal assessments based upon valuations made by the Nevada tax commission to the state board of equalization.
6. Create different classes of licenses for mortgage companies and require a higher bond for the class authorized to maintain trust accounts.
7. Require title insurance for all mortgages placed through mortgage companies and for the transfer by mortgage companies of notes secured by liens on real property.
8. Require an annual audited statement by an independent accountant for each mortgage company which makes a large number of loans or loans a large sum of money.
9. Consider whether to allow small loan companies to share premises with other businesses, including mortgage companies.
10. Allow mortgage companies to make small, unsecured loans if such activity can be adequately regulated.

11. Remove the exemption from chapter 645A of Nevada Revised Statutes ("Escrow Agents") for escrow agents who are domiciled within the premises of a title insurance company or underwritten title company.
12. Require the insurance division of the department of commerce to study the reduction of the premium tax by the deduction for a "principal home office."
13. If federal legislation is passed which allows banks to sell insurance:
 - (a) Prohibit practices which would allow banks to influence a borrower's decision regarding insurance; and
 - (b) Require banks and insurance companies to operate independently, with no mingling of assets and with separate accounting.

BULLETIN 85-19

EFFECT OF FEDERAL ANTITRUST LAWS ON THE LICENSING
OF BUSINESSES BY LOCAL GOVERNMENTS

A.C.R. 18 - 1983 Session

Interim Subcommittee

Assemblyman John E. Jeffrey, Chairman

Assembly Concurrent Resolution No. 18—Committee on Legislative Functions
FILE NUMBER 117

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to conduct an interim study of the effect of federal antitrust laws on the licensing of businesses by local governments.

WHEREAS, The United States Supreme Court has recently held in *Community Communications Co., Inc. v. City of Boulder*, 102 S.Ct. 835 (1982), that an action of a local government temporarily prohibiting a company from expanding its system of cable television was not exempt from scrutiny under the federal antitrust laws unless the action constituted a state action; and

WHEREAS, To be considered a state action, the court held that an action must be an action of the state in its sovereign capacity or the action of a municipality in furtherance of a clearly articulated or affirmatively expressed state policy which is being actively supervised by the state itself; and

WHEREAS, As a result of that Supreme Court decision the possibility exists that a particular action by a local government may not be considered exempted state action but may have to be in compliance with the federal antitrust laws; and

WHEREAS, Some local governments in this state have levied franchise and license fees on business enterprises or imposed controls over their activities in a manner which would not meet the requirements for exemption from federal antitrust laws under the rule expressed in the Boulder case; and

WHEREAS, Such actions by local governments help to protect the interests of the citizens of this state; and

WHEREAS, Litigation over such actions could prove to be costly for the local governments and 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:

1. Study the effect of federal antitrust laws on the licensing of businesses by local governments;

2. Examine the activities of local governments to determine which do not constitute state action as described in the Boulder case and are therefore subject to scrutiny by the courts for compliance with the federal antitrust laws; and

3. Examine the relevant state laws and submit recommendations for any new legislation or amendments needed to protect the local governments from potential liability under federal antitrust laws; and be it further

Resolved, That the legislative commission report the results of the study and any recommended legislation to the 63rd session of the legislature.

ABSTRACT

EFFECT OF FEDERAL ANTITRUST LAWS ON THE LICENSING OF BUSINESSES BY LOCAL GOVERNMENTS

The 62nd session of the Nevada legislature adopted Assembly Concurrent Resolution No. 18 (File No. 117, Statutes of Nevada 1983) which directs the legislative commission to study the effect of federal antitrust laws on the licensing of businesses by local governments. This study was undertaken in response to a decision rendered by the United States Supreme Court in the case of Community Communications Co., Inc. v. City of Boulder, 102 S.Ct. 835 (1982). In this case, the Court held that an action of a local government prohibiting the expansion of a community antenna television company was not exempt from scrutiny under the federal antitrust laws. The doctrine of state governmental immunity did not apply because the state's grant of home rule under which the action was taken did not constitute state action. As a result of this decision, local governments in this state which have granted exclusive franchises to business enterprises or have imposed restrictive controls over the activities of those enterprises, and thereby have reduced competition, may be subject to costly antitrust litigation. These local governments may need state protection from potential liability under federal antitrust laws. Therefore, the legislative commission was directed to study this issue.

The subcommittee, appointed by the legislative commission, studied the applicable cases and actions taken by other states to define and to determine the method by which the state could authorize local governments to displace or limit competition without violating federal antitrust laws. In order to determine which activities of local governments may be subject to scrutiny, a questionnaire was sent to each city and county in the state to determine the areas of public services in which the local government had imposed regulatory constraints on businesses which reduced or eliminated competition, provided services without competition from private businesses or allowed a private business to provide services without competition. The responses to the questionnaire were then used to determine the areas in which local governments need state authorization to displace or limit competition in order to be in compliance with federal antitrust laws. The questionnaire and the responses to it are contained in Appendix A of the report.

The report of the legislative commission contains a brief explanation of the development of the law in this area, including the standards applied by the courts in finding acceptable grants of immunity from antitrust liability. In addition, suggested legislation is included in the report. This legislation would provide a clearly and affirmatively expressed state policy of replacing competition with regulation in those areas in which immunity from antitrust liability is needed, and would delegate to local governments the responsibility of carrying out that policy.

BULLETIN 85-20

STUDY OF THE LAWS WHICH CONCERN MINING AND
RELATED ACTIVITIES IN THIS STATE

A.C.R. 55 - 1983 Session

Interim Subcommittee

Assemblyman Virgil M. Getto, Chairman
Senator Richard E. Blakemore, Vice Chairman
Senator Wilbur Faiss
Assemblyman John W. Marvel
Assemblyman Kenneth K. Redelsperger

Assembly Concurrent Resolution No. 55—Committee on Legislative Functions
FILE NUMBER 142

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the mining laws of Nevada.

WHEREAS, Mining and its related activities have been and continue to be of paramount importance in this state; and

WHEREAS, The interests of miners vary with the size of their claims and their mining activities; and

WHEREAS, The interests of all miners, whether they have large or small claims, should be adequately protected by the Statutes of Nevada; and

WHEREAS, Many of Nevada's laws relating to mining have not been examined by the legislature during its recent sessions; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislative commission is hereby directed to appoint a subcommittee of 5 legislators to study the laws which concern mining and related activities in this state; and be it further

Resolved, That the results of the study and any recommendations for legislation be reported to the 63rd session of the legislature.

ABSTRACT

STUDY OF THE LAWS WHICH CONCERN MINING AND RELATED ACTIVITIES IN THIS STATE

During the 62nd session of the legislature, many bills were introduced which proposed amendments to various statutes concerning mining. The subjects of these bills ranged from the procedural requirements for staking, filing and maintaining the different kinds of mining claims to the number of hours of work permitted in mines and related facilities. The legislature had not examined the laws relating to mining during its recent sessions and many of the proposed amendments involved complex issues. The members of the legislature, therefore, agreed that further consideration was necessary and adopted Assembly Concurrent Resolution No. 55 (File No. 142, Statutes of Nevada 1983) directing the legislative commission to appoint a subcommittee to study Nevada laws which concern mining and related activities.

The subcommittee solicited the testimony from experts on small and large mining operations, from attorneys who work with the mining laws in Nevada, and from other interested persons and heard this testimony during five public hearings. The subcommittee also toured local mining operations in Ely, Tonopah, and Winnemucca.

The report of the study includes the recommendations of the subcommittee and suggested legislation. The suggested legislation includes: a bill which proposes amendments to the laws governing the staking, filing and maintaining of mining claims and the working hours permitted in mines and related facilities; a bill which proposes amendments to the laws governing the appropriation of water for mining operations; and a resolution which urges Congress not to enact legislation designating additional wilderness areas or buffer zones in Nevada.

SUMMARY OF RECOMMENDATIONS

1. Require the department of minerals to prescribe forms for all documents which must be filed to establish and maintain a mining claim and standardize the procedure for the making of maps of mining claims by counties.
2. Standardize the provisions for locating, filing and maintaining all types of mining claims.
3. Remove the obsolete provisions on mining from chapter 517 of Nevada Revised Statutes and revise the provisions on size and character of monuments to reflect current practices.
4. Allow an error which is common to more than one certificate to be corrected by a single amendment.
5. Change the time for filing an affidavit or statement of performance of labor to on or before October 31.
6. Provide that the costs be allowed of course to the prevailing party against any adverse party against whom a judgment is rendered for damages for claim-jumping.
7. Extend for another biennium the additional fee of 75 cents for filing a mining claim for the support of the department of minerals.
8. Lengthen the hours of work permitted in mines and related facilities.
9. Limit the time for the state engineer to act on applications for the appropriation of water for mining purposes.
10. Authorize the state engineer to issue temporary permits for the appropriation of water for exploratory mining operations.
11. Allow wells for small mining operations to be drilled without a permit.
12. Urge Congress not to enact legislation designating any additional land in Nevada for inclusion in the National Wilderness Preservation System or as buffer zones.