

SUMMARY BULLETIN
OF
REPORTS OF THE LEGISLATIVE COMMISSION
TO THE 65TH SESSION OF THE
NEVADA LEGISLATURE



Bulletin No. 89-20

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

JANUARY 1989

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INTRODUCTION

This bulletin summarizes 20 legislative study reports which were completed in 1988. Legislative Counsel Bureau Bulletin No. 89-21, Nevada's 1989 Legislative Manual, is a regular biennial publication of the legislature and is not summarized in this document.

The 1987 session of the Nevada legislature directed that 14 studies be undertaken by the legislative commission or committees appointed by the commission. The legislature directed the interim finance committee to undertake one study. The 1987 legislature also authorized the creation of a blue ribbon commission to study the legislative process and created a standing committee on health care.

Interim studies may be mandated by the legislature in at least three ways: by a concurrent resolution adopted by both houses of the legislature; by a law appearing in the Nevada Revised Statutes (NRS); or by a special act of the legislature. Of the 20 study reports summarized in this document, 12 were ordered by concurrent resolutions approved during the 1987 legislative session. The reports on the office of consumer's advocate, high-level radioactive waste in Nevada, the public lands committee, and the committee on health care were authorized by laws appearing in the NRS. The four remaining studies were initiated by special acts of the legislature.

Reports of the 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 thoroughly 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.

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BULLETIN 89-1

BLOCK BOUNDARIES FOR 1990 CENSUS

A.C.R. 12 - 1987 Session

Interim Subcommittee

Assemblyman Joan A. Lambert, Chairman
Assemblyman Courtenay C. Swain, Vice Chairman
Senator Randolph J. Townsend
Senator Sue Wagner
Assemblyman Jane A. Wisdom

Principal Staff

Brian Davie, Principal Research Analyst

**Assembly Concurrent Resolution No. 12--Committee on Elections
FILE NUMBER..44...**

ASSEMBLY CONCURRENT RESOLUTION--Directing the Legislative Commission to continue to participate in the Block Boundary Suggestion Program and to participate in other programs conducted by the Bureau of the Census in preparation for the census in 1990.

WHEREAS, Public Law 94-171 requires the Bureau of the Census of the United States Department of Commerce to provide each state with a count of its population for reapportioning legislative districts as part of the decennial census in 1990; and

WHEREAS, The Bureau of the Census will number the entire nation by blocks for that census and has established the Block Boundary Suggestion Program to enable it to do so; and

WHEREAS, That program affords each state the opportunity to suggest certain visible features as boundaries for those blocks; and

WHEREAS, This information will enable the Bureau of the Census to provide each state with information from the census in 1990 relating to each voting district in that state; and

WHEREAS, The 63rd session of the Nevada Legislature directed the Legislative Commission to study the establishment of the boundaries of blocks in this state and to participate in the Block Boundary Suggestion Program in preparation for the decennial census in 1990; and

WHEREAS, The Legislative Commission completed Phase 1 of the Block Boundary Suggestion Program in December 1986; and

WHEREAS, The Bureau of the Census will invite the states to participate in Phase 2 of the Block Boundary Suggestion Program by July 1987; and

WHEREAS, Phase 2 of the program will provide state officers an opportunity in the latter part of 1988 to review the preliminary maps for the census in 1990 which define the boundaries for blocks in this state and to designate boundaries for each voting district to be used by the Bureau of the Census for providing information to each state concerning those voting districts; and

WHEREAS, If this state does not participate in Phase 2 of the Block Boundary Suggestion Program, it will receive only standard census tabulations and will not receive the additional tabulations relating to each voting district or voting district equivalent in this state; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to continue to participate in the Block Boundary Suggestion Program and to participate in any other program conducted by the Bureau of the Census in preparation for the census in 1990; and be it further

RESOLVED, That the Legislative Commission shall:

1. Consult with the appropriate agencies of the executive branch and local governments in this state concerning Phase 2 of the Block Boundary Suggestion Program;
2. Allow each local government to designate on the preliminary maps for the census in 1990 the boundaries of each voting district or voting district equivalent in its jurisdiction;
3. Prepare and maintain a copy of a complete set of maps to be used by the Bureau of the Census which define each designated voting district or other boundaries in this state which are required by the Bureau for the census in 1990; and
4. Report to the 65th session of the Nevada Legislature the results of the state's participation in those programs conducted by the Bureau of the Census.

ABSTRACT

STUDY OF BLOCK BOUNDARIES FOR 1990 CENSUS

The 1987 legislature adopted Assembly Concurrent Resolution No. 12 (File No. 44) which directed the legislative commission to continue to participate in the Block Boundary Suggestion Program (BBSP) and to participate in other programs conducted by the United States Bureau of the Census in preparation for the census in 1990. This resolution provided for the continuation of the study authorized by the 1985 legislature through the adoption of Senate Concurrent Resolution No. 59 (File No. 139).

The legislative commission appointed a subcommittee to direct and oversee the staff work for this study which was assigned to the research division of the legislative counsel bureau. The subcommittee held one meeting on April 5, 1988, in Reno, Nevada. The subcommittee determined that further meetings were not necessary since the maps needed to complete Phase 2 of the BBSP would not be available from the Census Bureau until the first quarter of 1989 when the Nevada legislature again would be in session.

The subcommittee reviewed the previous study, discussed the status of the BBSP, reviewed the Census Bureau's guidelines for participation in Phase 2, and provided the opportunity for public testimony relating to the 1990 census. The subcommittee heard a presentation from a representative of the 1990 Census Redistricting Data Office with the Bureau of the Census in Washington, D.C. The presentation included an update on the BBSP, an overview of the status and plans for the 1990 census, and a discussion of census issues relating to adjustment and the counting of United States citizens who live abroad and undocumented aliens. The subcommittee also received presentations concerning completion of the Census County Division Program and computer requirements for reapportionment in the state.

The final report of the subcommittee includes an explanation of the status of the BBSP and appendices primarily from the Census Bureau relating to the BBSP and the 1990 census in general. The subcommittee adopted one recommendation to provide for further study of the requirements for reapportionment in Nevada in preparation for that task during the 1991 session of the legislature.

SUMMARY OF RECOMMENDATIONS

This summary presents the recommendation to the 65th session of the Nevada legislature by the legislative commission's subcommittee to study block boundaries for 1990 census.

The subcommittee recommends:

That a concurrent resolution be adopted to direct the legislative commission to study the requirements for reapportionment in Nevada to include:

1. An examination of the computer software, fiscal and personnel needs for reapportionment by the Nevada legislature;
2. A review of the case law concerning the legal requirements for redistricting;
3. A review of the planning and reapportionment programs in other states;
4. The continuation of the state's participation in programs of the Bureau of the Census; and
5. Participation in a public relations program in order to obtain a complete census count of Nevadans in 1990.

(BDR R-187)

BULLETIN 89-2

STUDY OF AVAILABILITY OF LOW-INCOME HOUSING

A.C.R. 24 - 1987 Session

Interim Subcommittee

Assemblyman Morse Arberry, Jr., Chairman
Assemblyman Robert E. Price, Vice Chairman
Assemblyman Eileen B. Brookman
Assemblyman Virgil M. Getto
Assemblyman David D. Nicholas

Principal Staff

Paul Mouritsen, Senior Research Analyst

Assembly Concurrent Resolution No. 24--Assemblymen Myrna Williams, Wisdom, Banner, Carpenter, Brookman, McGaughey, Nicholas, Thomas, May, Dini, Spriggs, Haller, Humke, Nevin, Porter, Getto, Arberry, Tebbs, Callister, Evans, Freeman, Thompson, Swain, Garner, Sedway, Bergevin, DuBois, Adler, Kissam, Lambert, Craddock, Triggs, Spinello, Sader, Fay and Gaston

FILE NUMBER...151

ASSEMBLY CONCURRENT RESOLUTION--Directing the Legislative Commission to conduct an interim study of the availability of low-income housing.

WHEREAS, The number of persons living below the poverty level in Nevada is increasing more rapidly than in any other state in the United States; and

WHEREAS, The demand for affordable housing far exceeds the supply; and

WHEREAS, The Tax Reform Act of 1986 is expected to create a substantial increase in rents and diminish incentives for builders to construct low-cost housing; and

WHEREAS, The capability of a person with a low income to purchase or rent decent, safe and sanitary housing in this state is of great concern to the Nevada Legislature; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study to:

1. Determine the adequacy of the supply of affordable housing that is available to residents of Nevada who earn low incomes;
 2. Recommend programs which would encourage the construction of affordable housing in Nevada; and
 3. Identify potential sources of revenue which could be used to finance any recommended programs;
- and be it further

RESOLVED, That the Legislative Commission is directed to submit a report of its findings, with any recommended policies, programs and proposed legislation, to the 65th session of the Nevada Legislature.

ABSTRACT

STUDY OF AVAILABILITY OF LOW-INCOME HOUSING

The 1987 legislature adopted Assembly Concurrent Resolution No. 24 (File No. 151, Statutes of Nevada, 1987) which directed the legislative commission to study the availability of low-income housing in Nevada. To fulfill this mandate, the legislative commission appointed a subcommittee to conduct the study.

The subcommittee met four times between October 1987 and May 1988. Two of these meetings were held in Las Vegas, Nevada; one was held in Reno, Nevada; and one was held in Carson City, Nevada. Extensive testimony was taken from state agency personnel, clergymen, representatives of legal services organizations, representatives of local housing authorities, spokesmen for various nonprofit corporations involved in housing issues, spokesmen for the United States Department of Housing and Urban Development, and interested members of the public.

After the third meeting, an informal advisory committee was organized with the encouragement of the chairman and other members of the subcommittee. This informal group, consisting of 14 individuals representing various groups interested in housing policy, met several times to consider alternative approaches to solving Nevada's low-income housing shortage. Although this group did not act in any official capacity, it performed an invaluable service in collecting and analyzing information for the subcommittee and assisting the members in their consideration of the frequently complex issues of housing policy. The advisory committee presented its report to the legislative subcommittee at its final meeting.

The subcommittee's activities focused on two tasks: first, documenting the extent of the need for low-income housing in Nevada, now and in the future; and second, proposing appropriate policies by which the State of Nevada may ameliorate this shortage.

SUMMARY OF RECOMMENDATIONS

The legislative commission's subcommittee to study the availability of low-income housing recommends for the consideration of the 65th session of the Nevada legislature that:

1. A housing trust fund be created to pay for low-income housing projects. This trust fund should be administered by the division of housing, department of commerce.
 - a. Revenues for the fund should come from the following sources:
 - (1) An appropriation of \$20 million from the general fund; and
 - (2) A 2-cent increase in the cigarette tax.
 - b. The following criteria should apply to expenditures from the fund:
 - (1) Seventy percent should be spent for the benefit of persons below poverty level;
 - (2) Twenty-five percent should be spent for the benefit of persons whose incomes are between poverty level and 50 percent of median income; and
 - (3) Five percent should be spent for the benefit of persons whose incomes are up to 120 percent of median income.
 - c. Communities should be allowed to identify the types of programs which should be funded by grants from the housing trust fund.
 - d. The following types of projects should be eligible for funding:
 - (1) Rent subsidies for very low-income persons or persons below poverty level;
 - (2) New construction, rehabilitation or acquisition of housing for very low-income persons and persons below poverty level;

- (3) Technical assistance to nonprofit organizations involved in the construction, acquisition or rehabilitation of low-income housing;
- (4) Administrative costs to assist in obtaining grants from sources other than the housing trust fund;
- (5) Mortgage insurance or guarantees for eligible projects;
- (6) Acquisition of low-income housing units by the public sector or not-for-profit corporations;
- (7) Loans or guarantees for the payment of rental deposits and first and last months' rent for homeless persons; and
- (8) Other projects which alleviate the shortage or provide access to affordable housing for very low-income or poverty level families.

(BDR 25-190)

2. The manufactured housing division in the department of commerce be required to collect information regarding rental costs and vacancy rates from mobile home parks.
(BDR 10-193)
3. Counties and cities be required to include in their master plans a housing plan and update it every 3 years. Require that the plan be submitted to Nevada's office of community services for approval.
(BDR 22-191)
4. Nevada's office of community services be required to establish the position of housing planner who should prepare a statewide housing plan. (BDR 22-191)
5. All low-income housing owned by not-for-profit corporations be exempted from property taxes.
(BDR 32-195)
6. All facilities for the homeless which are funded in whole, or in part, by the Stewart B. McKinney Act or the Homeless Assistance Act be exempted from property taxes. (BDR 32-196)

7. Payments to Aid to Dependent Children recipients who do not live in subsidized housing be increased by \$50 per month.
8. Ties between the state rural housing authority and the State of Nevada be decreased to allow the authority greater flexibility in competing for federal grant funds. (BDR 25-198)
9. A resolution be adopted calling upon local governments to review their zoning ordinances and building codes to determine whether they should be amended to encourage the construction of more affordable housing. (BDR R-192)
10. A resolution be adopted calling upon the United States Congress to extend the authorization of the low-income housing tax credit beyond 1989 (BDR R-199); and
11. A resolution be adopted urging Congress to enact legislation providing federal land for use in constructing low-income housing, including mobile home parks for low-income mobile home owners. (BDR R-194)

The subcommittee also recommends that the legislative commission adopt the following:

A resolution calling upon Congress to remove the sunset date of December 31, 1988, on the mortgage revenue bond program in order to allow the housing division to continue to finance single-family homes for first-time home buyers.

(Such a resolution was adopted by the legislative commission on September 29, 1988.)

BULLETIN 89-3

STUDY OF PUBLIC ELEMENTARY AND SECONDARY
EDUCATION IN NEVADA

S.C.R. 40 - 1987 Session

Interim Subcommittee

Senator Ann O'Connell, Chairman
Assemblyman Matthew Q. Callister, Vice Chairman
Senator Thomas J. Hickey
Senator Raymond D. Rawson
Assemblyman Ernest E. Adler
Assemblyman John B. DuBois
Assemblyman Virgil M. Getto
Assemblyman Kenneth L. Haller
Assemblyman Marvin M. Sedway
Assemblyman Terry Tebbs

Principal Staff

Donald O. Williams, Principal Research Analyst

Senate Concurrent Resolution No. 40--Senator O'Connell
FILE NUMBER..138

SENATE CONCURRENT RESOLUTION--Directing the Legislative Commission to conduct an interim study on public elementary and secondary education in this state.

WHEREAS, Public education is a fundamental responsibility of state government; and

WHEREAS, Public education plays a crucial role in producing well-informed, educated and productive members of society; and

WHEREAS, Public education is an important factor in maintaining the excellent quality of life enjoyed by the people of this state; and

WHEREAS, Public education is critically important in the state's plan for economic diversification; 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 an interim study on public elementary and secondary education in this state; and be it further

RESOLVED, That the study include an evaluation of:

1. The organizational structure of the system of public instruction;
 2. The duties of the county school districts;
 3. The duties and rights of the parents, pupils and teachers of those districts; and
 4. The financial effect of any changes recommended by the subcommittee appointed for this study;
- and be it further

RESOLVED, That the results of the study and any recommended legislation be reported to the 65th session of the legislature.

ABSTRACT

STUDY OF PUBLIC ELEMENTARY AND SECONDARY EDUCATION IN NEVADA

The 1987 Nevada legislature adopted Senate Concurrent Resolution No. 40 (File No. 138, Statutes of Nevada, 1987) which directed the legislative commission to conduct an interim study on public elementary and secondary education in this state. The legislative commission appointed a subcommittee composed of 10 legislators to carry out the study and make recommendations to the 65th session of the legislature which convenes in 1989.

The subcommittee held five meetings to obtain expert and public testimony. Three meetings were held in Las Vegas; one meeting was in Carson City and another was in Reno.

The Senate Concurrent Resolution No. 40 study focused on three major issues: (1) class size; (2) incentives for school improvement; and (3) educational accountability. The subcommittee adopted recommendations for class size reduction, mandatory availability of kindergarten, school accountability and incentive programs to encourage school improvements and reward outstanding principals and teachers.

The legislative commission's report to the 65th Nevada legislature includes cost estimates and proposed legislation (bill draft requests) for implementing the recommendations from the study of public elementary and secondary education.

SUMMARY OF RECOMMENDATIONS

The subcommittee recommends that:

CLASS SIZE REDUCTION

1. The legislature make an appropriation for a pilot program to be implemented at the Oran Gragson Elementary School, Clark County School District, Las Vegas, Nevada, for the 1989-1990 school year. The pilot project shall be designed to reduce the pupil-teacher ratio to an average of 15:1 in mathematics and reading by staggering pupil schedules in this year-round school. The subcommittee further recommends that the state department of education be empowered to act for the state in collecting any pertinent information on the success of the program to be forwarded to the 1991 legislature for consideration of expanding the program. In addition, the department is to be required to perform the ongoing oversight of the pilot project and to report back to the next legislature.

The estimated cost of this recommendation is approximately \$300,000, based on cost factors for the 1988-1989 school year. (BDR S-1159)

2. The legislature approve and fund a 40-school pilot project that would be developed in close association with the state board of education. The pilot project shall make use of flexible scheduling to reduce the pupil-teacher ratio to an average of 15:1 in mathematics and reading classes in grades 1 through 6.

The estimated cost of this recommendation is approximately \$6.2 million in the next biennium, 1989-1991. Depending on the length of the project, there may be similar costs in the 1991-1993 biennium. (BDR S-1160)

3. The legislature approve and fund a statewide class size reduction program in language arts and mathematics, with an average pupil-teacher ratio in each school of 15:1 in kindergarten through 8th grade and 25:1 in 9th through 12th grade. The subcommittee further recommends that the program be phased in over an 11-year period with full implementation in the 2000-2001 school year.

The estimated cost of this recommendation in the next biennium is approximately \$5.2 million if the class size reduction in 9th grade through 12th grade is fully and immediately implemented while the reduction in

kindergarten through 8th grade is incrementally phased in. The cost would increase progressively in each successive fiscal year through full implementation. (BDR 34-218)

KINDERGARTEN

4. The statutes be amended to mandate that kindergarten be made available in every elementary school statewide.

The estimated cost of this recommendation for the state is approximately \$1.7 million in the next biennium. If the minimum local cost of providing classroom space is included, the approximate total cost is \$2.4 million in the biennium. (BDR 34-217)

INCENTIVE PROGRAMS

5. The legislature establish and fund an ongoing program to provide annual awards in recognition of outstanding principals and teachers in Nevada's public elementary and secondary schools. Principals and teachers selected for the program shall be invited to attend an annual awards ceremony where they shall each receive a certificate of commendation and a \$2,000 cash award. The program shall be administered by the state department of education which shall develop and adopt the selection procedures under the provision that each school in the state shall have the opportunity to nominate at least one teacher, and each school district shall have the opportunity to nominate at least one principal for the award.

In addition, the subcommittee recommends that the schools and school districts shall receive their nominations from selection panels with at least one member from each of the following groups: administrators, community members, parents and teachers. The nominations shall be based on exemplary evaluations and exceptional contributions to pupil learning. The award recipients are not eligible for renomination for 2 years following their selection. The awards shall not be used to offset salaries of the selected personnel. The department may select as many as two principals and 50 teachers for the program each year. Whenever possible, elementary and secondary schools shall be represented in proportion to their numbers statewide. In designing this program, the department may

incorporate provisions of the current National Teacher of the Year Program and the New Jersey Governor's Teacher Recognition Program.

The estimated cost of this recommendation is approximately \$110,000 in each of the next fiscal years.
(BDR 34-220)

6. The legislature establish and fund a School Improvement Grant Fund that would provide funding for each eligible public elementary and secondary school to create a school improvement council made up of the principal, teachers and parents. The state department of education shall determine a school's eligibility for the program based on an annual application for funding that includes the school's specific goals and objectives for improving school performance in such areas as pupil achievement, pupil attendance and dropout rate, and teacher attendance. The amount of the annual grant award shall be \$10 per pupil per school with a minimum of \$5,000 up to a maximum of \$25,000 per school. The department may award school improvement grants to as many as 55 schools each year with a fair and equitable distribution of grants among the various school districts and geographic regions of the state. Neither the school nor the school district may offset the current school budget with the grant funds. The expenditure of such funds at each school shall be determined exclusively by the school improvement council.

The subcommittee further recommends that the grant funds shall be used at the school building site for innovative academic programs, expanded services to students, purchase of instructional equipment, alternative education programs, community and parental involvement programs, business and education partnership programs, staff training or for any other purposes consistent with the local school improvement council's goals and objectives as stated in its application to the department.

In developing and implementing this grant program, the state department of education may incorporate its existing school improvement program and shall consider related provisions of the Massachusetts Public School Improvement Act of 1985 and the South Carolina Education Improvement Act of 1984. The subcommittee also recommends that the department shall require that each school receiving funding under this program submit a report on school performance improvements for each year it received such a grant.

The estimated cost of this recommendation is approximately \$825,000 in each of the next fiscal years. (BDR 34-221)

7. The legislature provide the state department of education with the necessary funds to employ staff to carry out its responsibilities under the legislature's incentive programs for principals, teachers and school improvement.

The estimated cost of this recommendation is approximately \$76,000 in each of the next fiscal years.

SCHOOL ACCOUNTABILITY

8. The legislature enact legislation establishing general guidelines for state accreditation of each public school and school district in the state. The legislature shall provide that specific accreditation regulations be developed by the state board of education and that the state department of education shall implement the regulations through on-site visits to each school to ensure that the specific accreditation criteria are met. The subcommittee also recommends that the state department of education report back periodically to a permanent statutory legislative committee on education regarding the specific actions and findings on school accreditation. In addition, the subcommittee advises the legislature of the need to provide funding for adequate staff for the state department of education to perform these accreditation functions. (BDR 34-1161)
9. The legislature create a permanent statutory legislative committee on education with broad powers to review all matters relating to education in the state, including subpena and investigative powers, the ability to accept gifts, grants or other awards, and the ability to travel to conferences and meetings. The subcommittee further recommends that the majority and minority floor leaders from each house of the legislature should each select two members, for a total of eight committee members, and that the chairmanship of the committee shall rotate each year with the vice chairman being a member of the opposite house. (BDR 34-219)

BULLETIN 89-4

STUDY OF THE PROVISION AND FUNDING OF
SPECIAL EDUCATION FOR
HANDICAPPED MINORS

S.C.R. 3 - 1987 Session

Interim Subcommittee

Senator Joseph M. Neal, Jr., Chairman
Assemblyman Vincent L. Triggs, Vice Chairman
Senator Erik Beyer
Assemblyman Robert G. Craddock
Assemblyman Wendell P. Williams

Principal Staff

Ken Elverum, Senior Research Analyst

Senate Concurrent Resolution No. 3--Senators Beyer and Horn
FILE NUMBER 136.

SENATE CONCURRENT RESOLUTION--Directing the Legislative Commission to study the provision and funding of special educational programs for handicapped minors and the payment of the costs for the education of certain children in medical facilities.

WHEREAS, The system of public instruction in this state is of critical importance to our future; and

WHEREAS, A major concern in that system is the ability to provide an educational program for handicapped minors and to pay the costs for the education of certain children with special needs at private medical facilities, which ensures them of a reasonably equal educational opportunity; and

WHEREAS, The educational needs of handicapped minors are often special in nature and require different plans, equipment and supplies than those required for other pupils; and

WHEREAS, The medical condition of a pupil sometimes requires that he or she remain in a hospital or other medical facility for many months and although many such facilities are licensed as private educational institutions, the cost of this individualized education is often more than can be borne by the child's parents or guardian; and

WHEREAS, Adequate financial support for these special programs is imperative; 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 manner in which the special education of handicapped minors is provided and funded and alternatives for the payment of the costs for the education of certain children with special needs at private medical facilities; and be it further

RESOLVED, That the legislative commission develop a plan to meet the long-range educational needs of handicapped minors and children in private medical facilities and suggest methods to support those plans; and be it further

RESOLVED, That the legislative commission report the results of the study and any recommended legislation to the 65th session of the Nevada legislature.

ABSTRACT

STUDY OF THE PROVISIONS AND FUNDING OF SPECIAL EDUCATION FOR HANDICAPPED MINORS

The 1987 legislature adopted Senate Concurrent Resolution No. 3 (File No. 136, Statutes of Nevada, 1987) which directed the legislative commission to study the provision and funding of special education for handicapped minors in Nevada. In response to the resolution, the legislative commission appointed a subcommittee to conduct the study and make recommendations to the commission for appropriate action by the 1989 session of the Nevada legislature.

The subcommittee held a total of three meetings and received testimony from a variety of sources, including staff of the state department of education and the department of human resources, local county school district personnel, spokespersons from various state organizations interested in special education, consultants for private medical facilities, and parents of handicapped children.

The subcommittee found that the current funding mechanisms for special education for handicapped minors do not fully cover the costs of salaries and benefits for the average special education teacher. As a result, in order to meet federal and state requirements to provide a free appropriate public education, school districts have had to transfer funds from other areas in their budgets. The subcommittee also learned that if Nevada does not have a 3-year-old mandate in place for early childhood special education programs by 1991, the state will lose approximately \$1.6 million in federal money it now receives.

With regard to special education services provided by private medical facilities, the subcommittee found that procedures to place children in private hospitals and provide reimbursement for such services already exist through the child's individualized education program. However, there needs to be increased communication between the state department of education, local school districts, and private medical facilities concerning this process.

In response to these findings, the subcommittee recommended that special education for handicapped minors be fully funded in the future and that all handicapped children be served at the age of 4 years beginning in fiscal year 1990 and at 3 years in fiscal year 1991. Associated bill drafts,

where necessary, are included in the subcommittee's final report.

SUMMARY OF RECOMMENDATIONS

This summary represents the subcommittee's recommendations regarding funding of special education for handicapped minors in Nevada. These recommendations were developed from suggestions presented at public hearings and written communications to the subcommittee.

The subcommittee recommends:

1. Placing in the statutes a policy statement that the amount provided by the state to local school districts for each special education program unit must be the estimated cost of the average salary and benefits payable to or on behalf of special education teachers, adjusted for any prospective changes in schedules for salaries which may be anticipated by the legislature. The average salary and benefits of special education teachers must be calculated by the state department of education and supplied to each legislature for use in its deliberations upon the financial support for special education program units. (BDR 34-162)
2. Placing in the statutes a policy statement that it is the intent of the legislature that the minimum number of special education program units provided to local school districts by each session of the legislature must be the number provided by the previous sessions of the legislature plus any units which have, since the previous session, been added by districts with local money from a source other than federal money. (BDR-34-162)
3. Mandating that all handicapped children be served at the age of 4 years beginning in fiscal year 1990 and at 3 years in fiscal year 1991. (BDR 34-163)
4. Providing additional funds to the state department of education to enable it to hire a full-time specialist for the gifted and talented to develop and coordinate special programs for academically talented students.
5. Requiring local school districts to reimburse private medical facilities for educational costs of handicapped minors who have been placed in their care when the minor's individualized education program recommends such a placement.
6. Supporting the concept to create in Nevada's department of human resources a special children's division that

would provide integrated services to children, including handicapped minors who come under its authority.

7. Using alternative methods of teaching when instructing children with learning disabilities.

BULLETIN 89-5

PRESERVATION AND PROMOTION OF
NEVADA'S CULTURAL RESOURCES

A.C.R. 36 - 1987 Session

Interim Subcommittee

Senator Nicholas J. Horn, Chairman
Assemblyman Courtenay C. Swain
Senator Erik Beyer
Assemblyman John C. Carpenter
Assemblyman John B. DuBois
Assemblyman Virgil M. Getto

Principal Staff

Fred Welden, Chief Deputy Research Director

**Assembly Concurrent Resolution No. 36--Committee on
Legislative Functions
FILE NUMBER..152**

**ASSEMBLY CONCURRENT RESOLUTION--Directing the Legislative Commission to
conduct an interim study of the preservation of Nevada's cultural resources.**

WHEREAS, Nevada's cultural resources include the arts, the humanities, its history, and historical and archeological properties; and

WHEREAS, The preservation of these resources is critical to Nevada's ability to compete in the areas of education, tourism and economic diversification; and

WHEREAS, Nevada faces a potential loss of federal money for cultural purposes; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study to determine ways to preserve and promote these resources; and be it further

RESOLVED, That the Legislative Commission may accept and use any gift or grant of money to aid it in carrying out the study; and be it further

RESOLVED, That the Legislative Commission report the results of its study and any recommended legislation to the 65th session of the Nevada Legislature.

ABSTRACT

PRESERVATION AND PROMOTION OF NEVADA'S CULTURAL RESOURCES

The 64th session of the Nevada legislature in 1987 adopted Assembly Concurrent Resolution No. 36 (File No. 152) which directed the legislative commission to study the preservation and promotion of the state's cultural resources.

The subcommittee which conducted the study held a total of five meetings in Carson City, Elko, Las Vegas and Reno. The members also participated in a factfinding tour of the Seattle/Portland area of the State of Washington to investigate the manner in which that state is managing its cultural resources.

The subcommittee adopted a total of 22 recommendations addressing a broad range of issues associated with the state's cultural resources. The initial, comprehensive recommendation establishes a long-term program for preservation and promotion of Nevada's cultural resources. It incorporates three major components and a financing/promotion element. The proposal calls for construction of a major art museum in Clark County, Nevada, construction of a major cultural center (performing arts/exhibition) in Washoe County, Nevada, and development of cultural centers and multi-disciplinary projects throughout the state. The subcommittee proposes that financing for the program be obtained through a 3/4 percent increase in the statewide room tax. The subcommittee believes that the program will increase tourism and economic development and enhance the quality of life for Nevada citizens.

The remaining recommendations address specific disciplines within the broader topic of cultural resources. Major areas include historic preservation and archeology, the arts, the humanities, museums and libraries.

SUMMARY OF RECOMMENDATIONS

Following is a summary of the recommendations approved by the legislative commission's subcommittee to study the preservation and promotion of Nevada's cultural resources.

I. COMPREHENSIVE RECOMMENDATIONS

A. Long-Term Comprehensive Program

1. Initiate a long-term program to develop a network of cultural resource centers and activities in the state.

- a. Two Major Facilities - -

Two major facilities are proposed as the initial components of the statewide network. State funding in the amount of \$60 million dollars is proposed for construction of an art museum in Clark County, and the sum of \$40 million is allocated for construction of a cultural center (performing arts/exhibitions) in Washoe County.

- b. Ten-Year Plan and Its Implementation - -

The conceptual "backbone" of the proposal is preparation of a plan for preservation and promotion of the state's cultural resources. Based upon this plan, cultural centers and multi-disciplinary projects (in addition to the two major facilities) are to be developed throughout the state over a 10-year period. The initial \$2 million per year during the 10-year period is dedicated to the rural portion of the state, while the remaining revenue is applied statewide.

- c. Financing and Promotion - -

Financing for the proposal is to be provided through an increase of $3/4$ percent in the statewide room tax.

Promotion of the program takes two approaches. One highlights the fact that the proposal will increase tourism and economic development in the state, while the other emphasizes the increased

"quality of life" for Nevada citizens provided by such cultural developments. (BDR S-183)

B. Other Broad-Based Recommendation

2. Include, in the final report, a statement which expresses recognition of and support for the ongoing activities of the office of volunteerism in the state's office of community services as these activities provide technical assistance, information distribution, training workshops and coordination for volunteers who are vital to the efficient functioning of agencies and nonprofit organizations in the cultural resources field.

II. HISTORIC PRESERVATION AND ARCHEOLOGY

A. Archeological Permitting Process

3. Transfer responsibility for administration of the permitting process for archeological projects from the state department of museums and history to the state division of historic preservation and archeology in the state department of conservation and natural resources; and provide the division with the authority to adopt regulations in order to implement the program. (BDR 33-201)
4. Amend the Nevada Revised Statutes (NRS) to:
 - a. Expand the permitting program so that it applies to activities conducted on all public lands, rather than applying only to lands owned by the Federal Government or the State of Nevada;
 - b. Allow for issuance of emergency permits in cases where delay could cause damage to a site or when the interests of the state would be served by prompt action;
 - c. Increase the requirements for qualifications of persons who may receive permits;
 - d. Require that, as a condition of the permit, all archeological and paleontological specimens and records of the activities must be placed in an acceptable Nevada public repository with which the applicant has a written agreement or, at the discretion of the granter of the permit, an acceptable repository owned by the applicant;

- e. Provide for revocation of permits under specified conditions; and
- f. Increase the penalties for vandalism to provide that, if damage to a site or building totals more than \$5,000, the violator is guilty of a felony. (BDR 33-201)

B. Planning and Code-Related Recommendations

- 5. Place the responsibility with the division of historic preservation and archeology for:
 - a. Compiling and maintaining a statewide inventory of significant historic, archeological and architectural resources; and
 - b. Designating the repositories where the records comprising this inventory (project reports, site inventory forms and other records of information - generated through permitted activities) are to be kept. (BDR 33-203)
- 6. Amend NRS 278.160 to require that local master plans must include a historic preservation plan consisting of at least the following elements:
 - a. An inventory of significant historic, archeological and architectural properties which have been identified;
 - b. Means of encouraging preservation of these properties; and
 - c. Provisions for surveys to identify such properties prior to their development. (BDR 22-206)
- 7. Direct, by resolution, the state public works board and the state fire marshal division in the state department of commerce to use the Uniform Code for Building Conservation and the United States Secretary of the Interior's Standards for Historic Preservation when dealing with the state's historic resources. (BDR R-208)

C. Recommendation Related to Historic Districts

8. Amend NRS 384.005 to allow cities (in addition to counties as prescribed in the existing law) to establish historic districts. (BDR 33-210)

D. Recommendation Associated With the State's Commission on Tourism and Commission on Economic Development

9. Urge, by resolution, the governor to appoint one person on each commission who has a knowledge of the field of historic preservation. (BDR R-211)

E. Staff of the Division of Historic Preservation and Archeology

10. Professionalize the qualifications for the division's administrator by requiring that he or she have a graduate degree (at least a Master's degree) in anthropology, archeology, architectural history, art history, history or a related field and at least 1 year of professional experience in this field. (BDR 33-212)
11. Require that the division's administrator serve as the state historic preservation officer. (BDR 33-212)
12. Express support for the addition of a historic archeologist to the division's staff to handle existing responsibilities in the area of review and compliance, public education, the historical marker program, and overview of the division's grants program in southern Nevada.

III. THE ARTS AND HUMANITIES

A. Education in Arts/Humanities

13. Include, in the final report, a statement encouraging school districts to strengthen the core curricula in their elementary schools to include arts and humanities.

B. Recommendations Dealing With the Arts

14. Adopt model legislation (based upon New York statute) which provides protection against defacement, changing or reproduction of artworks without permission of the artist. (BDR 52-202)

15. Express support for the concept of a "Percent for Art" program in Nevada through which a specified percentage of the state public works' capital improvement/construction funds would be set aside to buy or commission art for state buildings and to provide for administration of the program.
16. Recommend that the senate committee on finance and the assembly committee on ways and means give consideration to providing an overall (federal/state) budget for the Nevada state council on the arts of approximately \$1 per Nevada citizen, or as close to this figure as is possible.

C. Recommendation Dealing With the Humanities

17. Appropriate from the state general fund to the Nevada Humanities Committee the sum of \$50,000 annually to facilitate the maintenance of its staff and offices in Las Vegas and Reno, Nevada (to be matched by approximately \$40,000 in additional federal funding). (BDR S-209)

IV. MUSEUMS AND LIBRARIES

A. Recommendations Associated With Facilities of Nevada's Department of Museums and History

18. Include, in the final report, a statement expressing support for the following concepts relative to changes or additions (at the appropriate times) to facilities of the department of museums and history:
 - a. Initiation of a long-term plan to establish the Nevada state museum on a 300-acre parcel of land immediately south of Carson City (in conjunction with development of facilities by the state's division of state parks in the state department of conservation and natural resources);
 - b. Moving of the exhibition element of the Nevada Historical Society to a more accessible structure in downtown Reno;
 - c. Relocation of the Las Vegas Museum if its stability at Lorenzi Park is not assured;

- d. Development of additional exhibit space in a more accessible facility in downtown Las Vegas; and
 - e. Development, protection and study of the archeological sites associated with the Lost City Museum in Overton.
19. Express support for the following concepts associated with new facilities and services of the department of museums and history:
- a. Development of a Boulder City museum to house and operate railroad equipment and emphasize the history of transportation in its many forms as related to Nevada and the region;
 - b. Adoption of a "field services unit" approach to provision of services to outlying areas; and
 - c. Establishment of a "conservation lab unit" to provide protection from deterioration for artifacts and collections in the state.
20. Include, in the final report, a statement expressing support for developing the capability within the department of museums and history to care for and exhibit the state's decorative and fine arts collections, including those of its Native American cultures.

B. Recommendations Related to Libraries and Archives

21. Include a statement in the final report recognizing:
- a. The role of public libraries as purveyors of cultural activities in local communities; and
 - b. The need to establish physical and intellectual control over current and future archival records (valuable government records), including their arrangement and description using professionally accepted methods for their preservation and conservation.
22. Endorse the construction of a new state library and archives facility as planned through appropriations by the 1987 legislature, and endorse creation of a conservation laboratory in the new facility for the preservation of permanently valuable materials.

BULLETIN 89-6

STUDY OF THE RELATIONSHIP BETWEEN PREMIUM AND
ACTUAL COSTS TO PROVIDE INSURANCE

A.C.R. 55 - 1987 Session

Interim Subcommittee

Assemblyman Gene T. Porter, Chairman
Senator Bob Coffin, Vice Chairman
Senator Joseph M. Neal, Jr.
Assemblyman John B. Dubois
Assemblyman Bob E. Gaston
Assemblyman Myrna T. Williams

Principal Staff

Paul Mouritsen, Senior Research Analyst

Assembly Concurrent Resolution No. 55--Committee on
Legislative Functions
FILE NUMBER 154.

ASSEMBLY CONCURRENT RESOLUTION--Directing the Legislative Commission to
conduct an interim study of the relationship between premiums and the actual cost
to provide insurance.

WHEREAS, Insurance is a practical necessity of life for everyone; and
WHEREAS, The cost of insurance has skyrocketed in recent years; and
WHEREAS, Certain persons can no longer afford insurance coverage and
therefore are unprotected should a catastrophe befall them; 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 comprehensive study of the relationship of premiums and related income to
the actual costs and expenses of providing insurance; and be it further

RESOLVED, That the Legislative Commission may consider the following
kinds of insurance during its study:

1. Liability insurance provided to:

(a) Governmental agencies and political subdivisions of this state,
including:

- (1) Cities and towns;
- (2) School districts; and
- (3) Other political subdivisions;

(b) Public officers;

(c) Establishments where alcoholic beverages are sold;

(d) Facilities for the care of children;

(e) Labor, fraternal or religious organizations; and

(f) Officers or directors of organizations formed pursuant to Title 7 of

NRS;

2. Liability insurance for:

(a) Defective products;

(b) Medical malpractice;

(c) Malpractice of attorneys;

(d) Malpractice of architects and engineers; and

(e) Errors and omissions by other professionally qualified persons; and

3. Vehicle insurance, for:

(a) Private vehicles;

(b) Commercial vehicles;

(c) Liability insurance; and

(d) Insurance for related property damage;

and be it further

RESOLVED. That the Legislative Commission may require that insurers submit reports which include, without limitation, information specifically pertaining to this state or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

1. Premiums directly written;
2. Premiums directly earned;
3. Number of policies issued;
4. Net investment income, using appropriate estimates when necessary;
5. Losses paid;
6. Losses incurred;
7. Loss reserves, including:
 - (a) Losses unpaid on reported claims; and
 - (b) Losses unpaid on incurred but not reported claims;
8. Number of claims, including:
 - (a) Claims paid; and
 - (b) Claims that have arisen but are unpaid;
9. Expenses for adjustment of losses, including allocated and unallocated losses;
10. Net underwriting gain or loss;
11. Net operation gain or loss, including net investment income; and
12. Any other information requested by the Legislative Commission;

and be it further

RESOLVED. That the Legislative Commission may also obtain, based upon an insurer in its entirety, information regarding:

1. Recoverable federal income tax;
2. Net unrealized capital gain or loss; and
3. All other expenses not specifically listed;

and be it further

RESOLVED. That the Legislative Commission is specifically empowered to subpoena any records of an insurance company doing business in this state to further the objectives of the comprehensive study; and be it further

RESOLVED. That the results of the study and any recommended legislation be submitted to the 65th session of the Legislature.

ABSTRACT

STUDY OF RELATIONSHIP BETWEEN PREMIUM AND ACTUAL COSTS TO PROVIDE INSURANCE

In response to growing concerns regarding the cost of insurance in Nevada, the 1987 legislature adopted Assembly Concurrent Resolution No. 55 (File No. 154, Statutes of Nevada, 1987). This resolution directed the legislative commission to study the relationship between insurance premiums and the actual costs of providing insurance coverage. The legislative committee appointed a subcommittee to conduct the study and recommend appropriate legislative actions to the 1989 legislature.

Assembly Concurrent Resolution No. 55 was drawn in broad terms. Its provisions allowed the legislative commission to study almost all lines of insurance, except life and health. The resolution also granted the commission extensive powers to obtain records and statistical information regarding insurance company operations.

Because of the limited amount of time available, the subcommittee decided to restrict its investigations to one particular type of coverage: automobile insurance. This line was selected for special scrutiny because it affects so many of Nevada's citizens and has such a large effect on the state's economy.

In accordance with its mandate, the subcommittee studied the way in which premium dollars flow through the insurance accounting system, and the actuarial factors that go into making insurance rates.

The subcommittee made several recommendations to improve the ratesetting, and claims settlement process, and to make the automobile insurance system fairer and more efficient for Nevada's drivers.

SUMMARY OF RECOMMENDATIONS

The legislative commission's subcommittee studying the relationship between premiums and the actual cost to provide insurance recommends that the 65th session of the Nevada legislature:

1. Direct the insurance division in the department of commerce to publish a shopper's guide on automobile insurance. The guide should include comparative information on rates offered by various insurers.
(BDR 57-233)
2. Declare that collision damage waivers issued by automobile rental agencies are insurance and should be regulated in the same manner as other types of insurance. (BDR 57-231)
3. Establish a mandatory arbitration procedure to settle automobile accident claims of less than \$15,000.
(BDR 3-234)
4. Establish a pilot program for a state system to provide automobile insurance as an alternative to the insurance provided by private insurers. (BDR S-232)
5. Amend the statutes to require automobile insurance companies which direct their customers to particular automobile body shops, or which provide a list of recommended shops, to recommend or direct their customers only to shops which are licensed pursuant to Nevada Revised Statutes 487.600, et seq., "Body Shops."
(BDR 57-228)
6. Repeal the sunset provision in Senate Bill 236 (chapter 654, Statutes of Nevada, 1987) to allow the commissioner of insurance in the insurance division to continue to collect and analyze statistical information regarding specific subclasses of insurance.
(BDR 57-227)
7. Forbid automobile insurance companies to base rates on the geographic area or neighborhood in which the insured resides. (BDR 57-227)
8. Amend the statutes to provide that no rate increase should be effective until the commissioner of insurance has acted upon it. Require that the commissioner act within 60 days. (BDR 57-229)

BULLETIN 89-7

**REPORT OF THE BLUE RIBBON COMMISSION ON
LEGISLATIVE PROCESS**

A.B. 678 - 1987 Session

Interim Subcommittee

Keith Ashworth, Chairman
Former Senator and Currently Executive with
Nevada Power Company, Las Vegas

Ann Zorn, Vice Chairman
Chairman of the Advisory Committee on Flood Control
Las Vegas

Norman D. Glaser
Former Nevada State Senator and
Currently a Rancher from Halleck

Alan E. Glover
Former Nevada State Senator and Currently
Clerk-Recorder for Carson City

Kenny C. Guinn
President of Nevada Development Authority

Karen W. Hayes
Former Nevada State Assemblyman and
Currently Clark County Commissioner

Luther Mack
Businessman, Reno

Robert C. Maxson
President of the University of Nevada-Las Vegas

Philip G. Satre
President of Harrah's

Don Schlesinger
Attorney At Law

Robert Weise
Former Nevada State Assemblyman and
Currently a Rancher and Land Developer

Principal Staff

Donald A. Rhodes, Director

Assembly Bill No. 678--Assemblymen McGaughey, Schofield, Bergevin, Dini, Jeffrey, Price, DuBois, Getto, Spinello, Wendell Williams, Porter, Triggs, May, Banner, Marvel, Thompson, Kerns, Humke, Freeman, Adler, Spriggs, Lambert, Garner, Kissam, Brookman, Myrna Williams, Nevin, Callister, Nicholas, Gaston, Haller, Swain, Carpenter, Tebbs, Wisdom, Sader, Sedway, Arberry, Fay, Evans and Craddock

CHAPTER 311

AN ACT relating to governmental affairs; creating a blue ribbon commission on the legislative process; providing for its organization 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. The legislature declares that:

1. Since 1950, Nevada has had the highest percentage of growth among the 50 states.
2. Because Nevada is a rapidly growing state it requires the assistance of the legislature to serve the needs of a growing population of over 1,000,000 and to ensure the timely development of an adequate economic framework for the requirements of business.
3. The philosophy and practice of the "citizen-legislator" provides a unique and valuable contribution to the creation and application of new laws.
4. Our state must have a progressive state government to promote and assist economic growth so that Nevada can develop its potential to become a strong, versatile force in the international marketplace.

Sec. 2. As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, "commission" means the blue ribbon commission on the legislative process.

Sec. 3. 1. The blue ribbon commission on the legislative process, consisting of 11 members appointed by consensus of the speaker and minority leader of the assembly and the majority and minority leaders of the senate, is hereby created. Two members of the commission must be former or present members of the senate and two members must be former or present members of the assembly. The remainder of the members must be representatives of the general public.

2. Each member of the commission must be a resident of the state.

3. The membership must be composed of representatives from various geographical locations in the state.

Sec. 4. Each member of the commission is entitled to receive the per diem allowance and travel expenses established for state officers and employees generally for each day he is actually engaged in the business of the commission, but is not entitled to receive a salary.

Sec. 5. 1. The commission shall elect a chairman and a vice chairman at the first meeting.

2. The commission shall hold public hearings at least three times in Clark County, twice in Washoe County and once in a rural county. The chairman may hold additional meetings if he deems it necessary to accomplish the objectives of the commission.

Sec. 6. The legislative counsel bureau shall provide all staff necessary to support the operations of the commission.

Sec. 7. The commission shall consider:

1. The desirability of annual sessions of the legislature, including:

(a) The limitation of an annual session not to exceed 60 days as compared to one biennial session of unlimited days.

(b) The ability of a limited annual session to address all legislative concerns.

(c) The inability of a biennial legislature to address in a timely manner the rapid changes in the needs of the residents and businesses of our state.

2. Trends in population as projected for 1993 to 2000 and beyond, including:

(a) An analysis of the effects and needs of the anticipated increase in population.

(b) The identification of the means to address the advantages and disadvantages that this increase will create regarding delivery of state governmental services.

3. Trends in business-related enterprises, including the identification of the advantages and disadvantages of rapid growth in business-related enterprises within the state.

4. Financial remuneration of legislators, including:

(a) Recognition of the value of a "citizen-legislator" who can bring a layman's approach to government as opposed to professional politicians or persons from select segments of society.

(b) The need to compensate more fully the "citizen-legislator" to offset his living expenses while attending the session and to compensate him for the days he serves in session.

(c) The amount of compensation paid to the legislators and its effect on the caliber of person attracted to public service.

(d) The possibility that only two types of persons will be able to serve in future years in the legislature, the retired and the financially independent, if legislators are not compensated adequately.

5. The desirability of retaining the nonprofessional, "citizen legislature" so as to encourage diversity in the legislative process by drawing upon all socioeconomic walks of life for solving problems and planning for the 21st century.

6. The convening of the session at a later date to provide more time between the election and the beginning of the session for the legal division of the legislative counsel bureau to draft bills in order that the legislature can immediately operate at its full potential.

7. A short recess of the legislative session at midpoint to provide "citizen-legislators" time to consult with their constituents and address personal and business matters.

8. The use of more joint legislative committee hearings to:

- (a) Reduce the time spent processing a bill.
- (b) Reduce the occurrences of repetitious testimony.
- (c) Reduce the time and expense of those testifying.

9. The operation of standing committees and appropriations, including a study of the desirability for all standing committees to make decisions about appropriations in their related areas and the creation of a budget committee composed of members of each standing committee to tie the budget together.

10. Any other activities and programs which may assist legislators in the continuation of the efficient and effective government of this state into the 21st century.

Sec. 8. The commission shall submit its findings and recommendations to the legislative commission by September 1, 1988, for review and action by the 65th session of the Nevada Legislature.

Sec. 9. 1. There is hereby appropriated \$9,000 for the support of the blue ribbon commission on the legislative process.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after December 1, 1988, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 10. This act expires by limitation on December 1, 1988.

ABSTRACT

REPORT OF THE BLUE RIBBON COMMISSION ON LEGISLATIVE PROCESS

During the past two decades, there has been a continuing interest in the modernization of the Nevada legislature. Three formal studies have been conducted by the legislature, and an outside study was performed by a group called The Citizen's Conference on State Legislatures.

The 1987 legislature recognized the need to evaluate the legislature and its processes as the state moved into the 21st century. It, therefore, enacted Assembly Bill 678 (chapter 811, Statutes of Nevada, 1987) which called for the creation of the Nevada legislature's blue ribbon commission on the legislative process. That commission was composed of 11 citizens and former legislators from different geographic areas of the state to study the legislature and make recommendations to the 65th session of the Nevada legislature.

The commission's recommendations are based upon public hearings, questionnaire surveys, correspondence received by the commission, and on suggestions from the University of Nevada System and the legislative commission. They also are based upon a comprehensive survey of the literature, visits to the state legislatures of Colorado and Utah, and the extensive expertise of the members themselves.

The blue ribbon commission emphasizes that its recommendations are interrelated and not mutually exclusive. The proposals to increase legislative compensation should be contingent upon the enactment of the recommendations to limit the length of legislative sessions. The commission believes that the total package of recommendations will provide the basis for an efficient and effective legislature which will attract and retain quality legislators who can meet the needs of Nevada for years to come.

SUMMARY OF RECOMMENDATIONS

The Nevada legislature's blue ribbon commission recommends that the legislature:

1. Provide the environment that is conducive to retaining a citizen legislature.
2. Retain biennial legislative sessions and propose to amend the Nevada constitution to limit the length of the session to 100 calendar days. The constitutional amendment should include the provision that any legislation enacted after the 100th day shall be null and void. (BDR C-356)
3. Propose to amend the Nevada constitution to convene the biennial sessions on the first Monday in March of odd-numbered years. (Note: This amendment should not be combined with the constitutional amendment to limit the length of biennial sessions.) (BDR C-356)
4. Modify the budget review procedure by involving additional legislators and expediting the process by:
 - a. Requiring the governor to present the executive budget to the legislative counsel bureau 30 days before the convening of the session;
 - b. Establishing an executive appropriation committee to oversee and reconcile the budget;
 - c. Establishing six joint appropriation subcommittees consisting of nine members each (three senators and six assemblymen) to review the budgets and make appropriate recommendations in the following areas:
 - (1) Commerce, labor and transportation;
 - (2) Government affairs;
 - (3) Human resources;
 - (4) Judiciary;
 - (5) Natural resources; and
 - (6) Public and higher education.

- d. Authorizing the majority leader of the senate and the speaker of the assembly to appoint cochairmen of the appropriations subcommittees;
 - e. Providing that the cochairmen of the executive appropriation committee and the appropriation subcommittees alternate as chairmen on successive days;
 - f. Limiting the cochairmen of the appropriation subcommittees to no more than two consecutive terms (4 years); and
 - g. Providing additional staff, in the amount not to exceed \$200,000 per year, for the fiscal analysis division of the legislative counsel bureau. (BDR 17-451 and BDR R-452)
5. Establish parallel standing committees and meeting times in the senate and assembly. (BDR's R-448, R-449, R-450, R-455)
6. Provide by statute and joint rules, as appropriate, for the financial renumeration of legislators as follows:
- a. A salary in the amount of \$12,000 for the biennial session;
 - b. An expense allowance of \$350 per month to reimburse legislators for expenses associated with representational duties; and
 - c. A vouchered system for expenses such as travel, per diem and telephone up to the statutory limits during the session. (BDR 17-357)

The blue ribbon commission further recommends that the salary increase be contingent upon the passage of the constitutional amendment to limit the length of the biennial legislative sessions. In addition, the monthly expense allowance for representational duties, as well as the reimbursement for travel expenses for rural legislators and the additional service for legislators in southern and northwestern Nevada (see recommendation No. 9), should be contingent upon the adoption of joint rules in the 1989 session to implement parallel committees (recommendation No. 5), modified budget review procedures (recommendation No. 4) and the system of deadlines for action on bills (recommendation No. 14).

7. Establish a compensation commission to recommend salaries and expense allowances for legislators and compensation for other elected state and local government officers whose salaries are set by the legislature.

The blue ribbon commission further recommends that the compensation commission:

- a. Be composed of seven members with diverse interests and from different geographic areas of the state;
 - b. Consist of no more than four members from the same political party; and
 - c. Use staff provided by the legislative counsel bureau. (BDR 23-358)
8. Propose to amend the Nevada constitution to delete the provisions for the \$60 limit of the legislative postage allowance and for the additional allowance of \$2 per diem for the presiding officers. (BDR C-359)
 9. Establish the following services for legislators under the legislative counsel bureau guidelines for non-campaign purposes and in an amount not to exceed \$300,000 per year:
 - a. An office of the legislative counsel bureau in southern Nevada;
 - b. Increased clerical support between legislative sessions for legislators for services for constituents in northwestern Nevada; and
 - c. A system to reimburse legislators from districts with larger geographic areas for travel expenses within their districts associated with representational duties between legislative sessions. (BDR 17-357)
 10. Propose to amend the Nevada constitution to remove the lieutenant governor from the position as president of the senate. (BDR C-360)
 11. Require agency and local government bills that are drafted to be delivered to leadership and introduced during the first week of the legislative session. (BDR R-361)

12. Authorize individual legislators to make unlimited requests for bills for introduction before the beginning of the session, but impose a limit of five bill requests per legislator from the start of session until the 20-day deadline for individual bill requests. (BDR R-362)
13. Enable earlier drafting of bills by changing the deadline for agencies to submit proposed regulations from November 1 to August 1 in even-numbered years. (BDR 18-363)
14. Establish a system of deadlines for action on bills to include:
 - a. A requirement that bills cannot be passed from the house of origin later than 60 days after introduction; and
 - b. A requirement that all bills passed from the house of origin must be heard and voted on by committee in the other house. (BDR R-453)
15. Change the effective date of bills following the session from July 1 to October 1, unless otherwise specified in the legislation. (BDR 17-364)
16. Require proper noticing of meetings of conference committees and the preparation of written minutes and reports on these meetings. (BDR R-454)
17. Amend Assembly Rule No. 40 to provide for the referral of bills in the assembly by titles and chapters of Nevada Revised Statutes. (BDR R-448)
18. Encourage the appropriation standing committees to monitor business and population trends through orientation briefings early in each session.

BULLETIN 89-8

REPORT OF THE NEVADA LEGISLATURE'S COMMITTEE
ON HEALTH CARE

NRS 439B.200, et seq.

Committee

Senator Raymond D. Rawson, Chairman
Assemblyman Morse Arberry, Jr., Vice Chairman
Senator Bob Coffin
Senator Randolph J. Townsend
Assemblyman Vivian L. Freeman
Assemblyman Bob L. Kerns

Principal Staff

H. Pepper Sturm, Research Analyst

439B.200 Creation; members; restrictions on ownership in, employment by or association with health facilities; officers; vacancies.

1. There is hereby established a legislative committee on health care consisting of three members of the senate and three members of the assembly. The members must be appointed with appropriate regard for their experience with and knowledge of matters relating to health care. The members must be appointed as follows:

- (a) Two members must be appointed by the majority leader of the senate;
- (b) One member must be appointed by the minority leader of the senate;
- (c) Two members must be appointed by the speaker of the assembly; and
- (d) One member must be appointed by the minority leader of the assembly.

2. No member of the committee may:

- (a) Have a financial interest in a health facility in this state;
- (b) Be a member of a board of directors or trustees of a health facility in this state;
- (c) Hold a position with a health facility in this state in which the legislator exercises control over any policies established for the health facility; or
- (d) Receive a salary or other compensation from a health facility in this state.

This subsection does not prohibit a member of the committee from selling goods which are not unique to the provision of health care to a health facility if the member primarily sells such goods to persons who are not involved in the provision of health care.

3. The majority leader of the senate shall select the chairman of the committee and the speaker of the assembly shall select the vice chairman of the committee. Each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the majority leader of the senate or the speaker of the assembly, as appropriate, shall appoint a replacement for the remainder of the unexpired term.

4. Any member of the committee who does not return to the legislature continues to serve until the next session of the legislature convenes.

5. Vacancies on the committee must be filled in the same manner as original appointments.

(Added to NRS by 1987, 863)

439B.210 Meetings; quorum; compensation.

1. The members of the committee shall meet throughout each year at the times and places specified by a call of the chairman or a majority of the committee. The director of the legislative counsel bureau or a person he has designated shall act as the nonvoting recording secretary. The committee shall prescribe regulations for its own management and government. Four members of the committee constitute a quorum, and a quorum may exercise all the powers conferred on the committee.

2. Except during a regular or special session of the legislature, members of the committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the committee or is otherwise engaged in the business of the committee plus the per diem allowance and travel expenses provided for state officers and employees generally.

3. The salaries and expenses of the committee must be paid from the legislative fund.

(Added to NRS by 1987, 864; A 1987, 1629)

439B.220 Powers. The committee may:

1. Review and evaluate the quality and effectiveness of programs for the prevention of illness.

2. Review and compare the costs of medical care among communities in Nevada with similar communities in other states.

3. Analyze the overall system of medical care in the state to determine ways to coordinate the providing of services to all members of society, avoid the duplication of services and achieve the most efficient use of all available resources.

4. Examine the business of providing insurance, including the development of cooperation with health maintenance organizations and organizations which restrict the performance of medical services to certain physicians and hospitals, and procedures to contain the costs of these services.

5. Examine hospitals to:

(a) Increase cooperation among hospitals;

(b) Increase the use of regional medical centers; and

(c) Encourage hospitals to use medical procedures which do not require the patient to be admitted to the hospital and to use the resulting extra space in alternative ways.

6. Examine medical malpractice.

7. Examine the system of education to coordinate:

(a) Programs in health education, including those for the prevention of illness and those which teach the best use of available medical services; and

(b) The education of those who provide medical care.

8. Review competitive mechanisms to aid in the reduction of the costs of medical care.

9. Examine the problem of providing and paying for medical care for indigent and medically indigent persons, including medical care provided by physicians.

10. Examine the effectiveness of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services, and its effect on the subjects listed in subsections 1 to 9, inclusive.

11. Determine whether regulation by the state will be necessary in the future by examining hospitals for evidence of:

(a) Degradation or discontinuation of services previously offered, including without limitation, neonatal care, pulmonary services and pathology services; or

(b) A change in the policy of the hospital concerning contracts, as a result of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services.

12. Study the effect of the acuity of the care provided by a hospital upon the revenues of hospital and upon limitations upon that revenue.

13. Review the actions of the director in administering the provisions of this chapter and adopting regulations pursuant to those provisions. The director shall report to the committee concerning any regulations proposed or adopted pursuant to this chapter.

14. Conduct investigations and hold hearings in connection with its review and analysis.

15. Apply for any available grants and accept any gifts, grants or donations to aid the committee in carrying out its duties pursuant to this chapter.

16. Direct the legislative counsel bureau to assist in its research, investigations, review and analysis.

17. Recommend to the legislature as a result of its review any appropriate legislation.

(Added to NRS by 1987, 864)

439B.230 Investigations and hearings: Depositions; subpoenas.

1. In conducting the investigations and hearings of the committee:

(a) The secretary of the committee, or in his absence any member of the committee, may administer oaths.

(b) The secretary or chairman of the committee may cause the deposition of witnesses, residing either within or outside of the state, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The chairman of the committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena, the chairman of the committee may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the committee which is named in the subpoena, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the committee.

3. Upon such petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days from the date of the order, and to show cause why he has not attended or testified or produced the books or papers before the committee. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the committee, the court shall enter an order that the witness appear before the committee at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order constitutes contempt of court.

(Added to NRS by 1987, 866; A 1987, 1630)

439B.240 Investigations and hearings: Fees and mileage for witnesses. Each witness who appears before the committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this state. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the secretary and chairman of the committee.

(Added to NRS by 1987, 866)

ABSTRACT

REPORT OF THE NEVADA LEGISLATURE'S COMMITTEE ON HEALTH CARE

The 1987 legislature adopted Assembly Bill No. 289 (chapter 377) which established a legislative oversight committee to monitor health care activities in Nevada and to monitor certain provisions of the bill. The committee members were appointed by the leadership of both the senate and the assembly.

The committee held nine regular meetings from October 1987 through November 1988. Three additional subcommittee meetings were called by the chairman to consider action regarding the certification of nursing assistants and concerning the monitoring of hospital compliance with the provisions of A.B. 289.

The committee considered over 100 proposed recommendations. A total of 50 recommendations were approved in the areas of funding of health care, long-term care, the nursing shortage, public health, regulatory authority, and state-wide health care systems. A separate background paper has been issued by the committee concerning the effect of A.B. 289 on containing the cost of health care.

The committee's final report contains a review of the major health care topics considered by the committee, and a discussion is included for each recommendation. The report also contains material which may be used to supplement Legislative Counsel Bureau Bulletin No. 87-6 titled, Study of Restraining Costs of Medical Care, dated December 1986. The earlier report should be consulted for a review of the history of health care and for background information surrounding major issue areas.

SUMMARY OF RECOMMENDATIONS

This summary presents the recommendations to the 65th session of the Nevada legislature by its committee on health care.

I. REGULATORY AUTHORITY

A. PROVIDERS OF HEALTH CARE

1. Include in the committee's future work schedule the development of potential recommendations for modification of Nevada's certificate of need law.
2. Allow, by statute, counties to place social services representatives on site in county hospitals and in non-county hospitals in order to expedite the evaluation and processing of medical indigency claims. (BDR 38-1225)

B. DATA COLLECTION/DISSEMINATION

3. Include in the final report a statement that the health care committee will continue to fulfill and emphasize its responsibilities under NRS 439B.200 [Creation; members; restrictions on ownership in, employment by or association with health facilities; officers; vacancies], subsections 10 and 11, to collect and evaluate data concerning quality of health care services within Nevada's hospitals.
4. Require the director of the department of human resources (DHR) to prepare semiannual reports concerning the cost of health care in Nevada. (BDR 40-292)
5. Require the inclusion of nurses on hospital committees for the advocacy of maintaining the quality of care by hospitals. (BDR 40-614)
6. Modify Nevada Revised Statutes 449.475, "Commission for advocacy of maintaining quality of care provided by hospitals in county whose population is 100,000 or more: Creation; members; duties; exchange of information," to exempt both the commissions for the advocacy of maintaining quality of care by hospitals and the hospital committees for the advocacy of maintaining quality of care by

hospitals from Nevada's open meeting law requirements and to make their proceedings and actions nondiscoverable.
(BDR 40-1554)

7. Include in the final report a statement that the health care committee will continue to fulfill and emphasize its responsibilities under NRS 439B.200, subsections 10 and 13, to evaluate the effectiveness of the division for review of health resources and costs, department of human resources, in carrying out its data-gathering and cost-containment functions.

C. MEDICAL MALPRACTICE

8. Repeal the "sunset" provisions of NRS 41A.016, et seq. [Submission of case to screening panel required before suit may be filed; findings of screening panel are admissible in court. Expires by limitation June 30, 1989.], and thus provide for continuation of the medical-legal screening panels established to review medical malpractice claims.
(BDR 3-169)
9. Expand the size of the medical-legal screening panel member pools of attorneys and physicians, and incorporate an orientation and training component for all panel members. (BDR 3-169)

D. PUBLIC HEALTH

10. Establish legislation which designates public places as smoke free, expands the definition of public place, narrowly defines exceptions where smoking can occur, and provides a penalty for violations. (BDR 15-166)
11. Revise those sections of the Nevada Revised Statutes concerning sexually transmitted diseases as specified in the Nevada AIDS task force report titled, "Proposed legislative changes for communicable disease control." (BDR 40-1216)
12. Establish a public health surveillance system within the health division to monitor such diseases as chronic fatigue syndrome. (BDR 40-1227)
13. Require the establishment of a toll-free telephone service for the dissemination of information about

the effects of exposure to teratogenic agents during pregnancy. (BDR 40-290)

E. PROGRAMS FOR THE ELDERLY

14. Appropriate \$69,248 for staff and equipment to the aging services division of the department of human resources in order to institute a program within the existing home-delivered meal system that would offer therapeutic diets to those persons with certain medical conditions. (BDR S-167)
15. Direct the aging services division to conduct a study to determine the best means of temperature maintenance for food provided by its program of the home-delivered meals for the elderly. (BDR S-167)
16. Expand the existing urban delivery system of the home-delivered meals program in order to decrease the time an eligible patient discharged from a hospital may spend on the program's waiting list. (BDR S-167)
17. Direct the aging services division to evaluate a variety of food delivery systems and implement a delivery system that will allow clients from a larger area to be served by this program. (BDR S-167)
18. Direct the aging services division to evaluate alternative ways of providing home-bound meals when extra nutritional needs are present or for assistance on weekends (alternatives could include a 1-day per week delivery of frozen meals in outlying areas or the delivery of canned food supplements). (BDR S-167)
19. Establish an "elder abuse hotline" within the department of human resources--similar to the existing "child abuse hotline"--to report cases of abuse of the elderly. (BDR 38-1217)
20. Require the department of human resources to create registries of substantiated claims of abuse, exploitation or neglect of defenseless, incapable or elderly persons. (BDR 38-1217)

F. HEALTH MAINTENANCE ORGANIZATIONS

21. Include in the committee's future work schedule development of potential recommendations to address concerns regarding HMO solvency, acquisition/mergers, and unfair trade practices.
22. Direct the legislative commission to contract with consultants to conduct an interim study to determine enrollee satisfaction with health maintenance organizations; the results of which would be subject to review and approval by the committee on health care. (BDR S-294)

II. FINANCING OF HEALTH CARE

A. GENERAL

23. Include in the preamble of the final report a statement encouraging those business entities which hold monopsony power over the health care industry to exercise their collective influence to restrain the costs of health care.

B. MEDICAID

24. Expand Medicaid coverage by adopting the federal option to implement a program for the medically needy. (Medicaid benefits would be made available to those individuals and families who do not qualify for Aid-to-Dependent-Children or Supplemental Security Income programs because their income is too high. Those eligible would contribute a small amount for care with Medicaid paying the remainder.) (BDR 38-1224)
25. Expand Medicaid eligibility to allow Medicaid coverage to children and pregnant women whose income does not exceed 185 percent of federal poverty guidelines (in order to take advantage of changes in federal law). (BDR 38-1221)
26. Amend Medicaid eligibility to include coverage for two-parent households in which the principal breadwinner is unemployed (as allowed under federal guidelines for Medicaid options). (BDR 38-1222)
27. Allow small businesses to "buy into" Nevada Medicaid in order to provide health care insurance for their employees. (BDR 38-1226)

28. Revise chapter 422 of NRS to allow persons whose monthly income is less than three times the income allowable to receive benefits pursuant to 42 United States Code §§ 1382 through 1383c is eligible to receive assistance to the medically indigent for the purpose of long-term medical care. (BDR 38-1223)

C. STATE INDUSTRIAL INSURANCE SYSTEM

29. Include in the committee's future work schedule the development of potential recommendations concerning contracts with various categories of health care providers for the preferential provision of goods or services within the state industrial insurance system.

D. HEALTH CARE INSURANCE

30. Direct the commissioner of insurance in the insurance division of the department of commerce to examine the practice of using regional morbidity factors to set insurance rates. (BDR R-293)
31. Include in the committee's future work schedule the development of potential recommendations to provide assistance to Nevada's retired public employees who are not eligible to receive Medicare benefits and who must pay a retiree differential to maintain their health insurance.
32. Include in the committee's future work schedule the development of potential recommendations relative to establishing a health insurance pool in Nevada for high-risk individuals. (Such a pool would address the needs of persons unable to obtain insurance due to preexisting medical conditions such as cancer, diabetes, and so on.)

III. HEALTH CARE SYSTEMS AND PERSONNEL

A. NURSING SHORTAGE

33. Establish a program to provide loans to nursing students, authorizing waivers of repayment of the loans upon practice of nursing in Nevada after graduation for a period of time determined by the total amount of the loan. (BDR 34-168)

34. Establish incentives for recipients of financial aid for nursing students to practice in rural areas. (BDR 34-168)
35. Send a letter to Nevada's congressional delegation encouraging support of the passage of United States Senate Bill 1402. (The bill would establish nurse recruitment centers to target potential candidates for the field; and encourage nursing schools to promote gerontological nursing as a career and nursing homes as a clinical setting.)
36. Send a letter to Nevada's congressional delegation encouraging the passage of U.S. Senate Bill 1765 which would provide incentives for increased use of nurse practitioners in nursing homes.
37. Send a letter to Nevada's congressional delegation encouraging the reinstatement of the Federal Nurse Training Act loan program, with the addition of program guidelines to encourage nurses to practice in long-term care facilities.
38. Send a letter to all schools of nursing in Nevada and to all of Nevada's nursing homes encouraging clinical affiliations between the nursing schools and nursing homes in order to promote student interest in the field of gerontological nursing.
39. Send a letter to all employers of nurses in Nevada encouraging the funding of scholarships to assist student nurses through their academic programs. (Students would contract with a facility to provide a "work" payback system as a guarantee for financial assistance.)
40. Send a letter to the board of regents for the University of Nevada System encouraging all nursing schools to include funding requests for a statewide marketing campaign to promote the profession of nursing.
41. Send a letter to the board of regents for the University of Nevada System supporting funding requests for the system's nursing education programs, including increases in faculty size and salaries, and additional ancillary personnel.
42. Send a letter to the board of regents of the University of Nevada System expressing concern that the articulation difficulties between university

and community college nursing programs be addressed immediately.

B. HEALTH CARE PROFESSIONS

43. Clarify the meaning of "unearned fee" in NRS 640.160 with regard to physical therapists. (BDR 54-291)
44. Require the certification of nursing assistants (including specifications for training requirements and qualifications), provide for their regulation, and require specific cooperative efforts among those state agencies which regulate facilities that employ nursing assistants. (BDR 54-165)
45. Include in the final report a statement encouraging the state board of nursing to make specific reference to excessive number of working hours in its regulations concerning professional impairment.
46. Direct that businesses that provide temporary medical personnel to health care facilities be regulated. (BDR 54-1555)

C. RURAL HEALTH CARE

47. Include in the final report a proposal not acted upon by the committee concerning the provision of financial incentives to hospitals that provide management assistance and other help to designated rural hospitals. (BDR S-1218)
48. Allow district hospitals to issue bonds in the same manner as county hospitals, i.e., to the limit established by the hospital board for specifically defined purposes. (BDR 40-1219)
49. Appropriate \$10 million from the state general fund to the office of the state treasurer to create a permanent capital pool, with the principal balance remaining intact and the investment income being made available to meet the capital needs of rural hospitals. (BDR 40-1220)
50. Establish a Nevada health service corps in which, under certain conditions, a portion of a physician's medical school loans will be repaid by the board of regents in exchange for the physician agreeing to practice for a specified time in Nevada's rural and underserved areas. (BDR 34-615)

BULLETIN 89-9

REPORT OF THE
NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS

NRS 218.536, et. seq.

Committee Members

Senator Dean A. Rhoads, Chairman
Assemblyman David D. Nicholas, Vice Chairman
Senator Kenneth K. Redelsperger
Senator John M. Vergiels
Assemblyman Virgil M. Getto
Assemblyman John W. Marvel
Karen W. Hayes, Clark County Commissioner

Principal Staff

Brian Davie, Principal Research Analyst

218.536 Legislative findings and declarations. The legislature finds and declares that:

1. Policies and issues relating to public lands and state sovereignty as impaired by federal ownership of land are matters of continuing concern to this state.

2. This concern necessarily includes an awareness that all federal statutes, policies and regulations which affect the management of public lands are likely to have extensive effects within the state and must not be ignored or automatically dismissed as beyond the reach of the state's policymakers.

3. Experience with federal regulations relating to public lands has demonstrated that the State of Nevada and its citizens are subjected to regulations which sometimes are unreasonable, arbitrary, beyond the intent of the Congress or the scope of the authority of the agency adopting them and that as a result these regulations should be subjected to legislative review and comment, and judicially tested where appropriate, to protect the rights and interests of the state and its citizens.

4. Other western states where public lands comprise a large proportion of the total area have shown an interest in matters relating to public lands and those states, along with Nevada, have been actively participating in cooperative efforts to acquire, evaluate and share information and promote greater understanding of the issues. Since Nevada can both contribute to and benefit from such interstate activities, it is appropriate that a committee on matters relating to public lands be assigned primary responsibility for participating in them.

(Added to NRS by 1979, 5; A 1983, 208)

218.5361 "Committee" defined. As used in NRS 218.5361 to 218.5371, inclusive, "committee" means the legislative committee on public lands.

(Added to NRS by 1979, 5; A 1983, 209)

218.5363 Establishment; membership; chairman; vacancies.

1. There is hereby established a legislative committee on public lands consisting of three members of the senate, three members of the assembly and one elected officer representing the governing body of a local political subdivision, appointed by the legislative commission with appropriate regard for their experience with and knowledge of matters relating to public lands. The members who are state legislators must be appointed to provide representation from the various geographical regions of the state.

2. The members of the committee shall select a chairman from one house of the legislature and a vice chairman from the other. After the initial selection of a chairman and a vice chairman, each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the committee shall select a replacement for the remainder of the unexpired term.

3. Any member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the legislature.

4. Vacancies on the committee must be filled in the same manner as original appointments.

(Added to NRS by 1979, 5; A 1983, 209; 1985, 589)

218.5365 Meetings; regulations; compensation of members.

1. The members of the committee shall meet throughout each year at the times and places specified by a call of the chairman or a majority of the committee. The research director of the legislative counsel bureau or a person he has designated shall act as the nonvoting recording secretary. The committee shall prescribe regulations for its own management and government. Four members of the committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the committee.

2. The members of the committee who are state legislators are entitled to receive a salary of \$80 and the subsistence allowances and travel expenses provided for state officers and employees generally for each day of attendance at a meeting of the committee and while engaged in the business of the committee. Per diem allowances, salary and travel expenses of the legislative members of the committee must be paid from the legislative fund.

3. The member of the committee who represents a local political subdivision is entitled to receive the subsistence allowances and travel expenses provided by law for his position for each day of attendance at a meeting of the committee and while engaged in the business of the committee, to be paid by his local political subdivision.

(Added to NRS by 1979, 5; A 1981, 170; 1983, 209; 1985, 398, 1131; 1987, 1208)

218.5367 Powers of committee.

1. The committee may:

(a) Review and comment on any administrative policy, rule or regulation of the:

(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and

(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;

(b) Conduct investigations and hold hearings in connection with its review, including but not limited to investigating the effect on the state, its citizens, political subdivisions, businesses and industries of such policies, rules, regulations and related laws;

(c) Consult with and advise the state land use planning agency on matters concerning federal land use, policies and activities in this state.

(d) Direct the legislative counsel bureau to assist in its research, investigations, review and comment;

(e) Recommend to the legislature as a result of its review any appropriate state legislation or corrective federal legislation; and

(f) Advise the attorney general if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the state pursuant to the Constitution of the United States.

2. Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.

(Added to NRS by 1979, 5; A 1981, 170)

218.5368 Duties of committee. The committee shall:

1. Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

2. Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

3. Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

(Added to NRS by 1983, 208)

218.5369 Oaths; depositions; subpoenas.

1. In conducting the investigations and hearings of the committee:

(a) The secretary of the committee, or in his absence any member of the committee, may administer oaths.

(b) The secretary or chairman of the committee may cause the deposition of witnesses, residing either within or without the state, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The secretary or chairman of the committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If any witness refuses to attend or testify or produce any books and

papers as required by the subpoena, the secretary or chairman of the committee may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the committee which is named in the subpoena, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the committee.

3. Upon such petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the committee. A certified copy of the order shall be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the committee, the court shall enter an order that the witness appear before the committee at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

(Added to NRS by 1979, 6)

218.5371 Fees and mileage for witnesses. Each witness who appears before the committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this state. The fees and mileage shall be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the secretary and chairman of the committee.

(Added to NRS by 1979, 6)

ABSTRACT

REPORT OF THE NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS

The committee on public lands is a permanent, statutory committee of the Nevada state legislature (Nevada Revised Statutes 218.536, et seq.). The committee was created in 1983 to review and comment on proposals and practices affecting public lands under the control of the Federal Government in this state, and to provide a forum for the discussion and hearing of public lands matters. The committee generally reports to the members of the legislature on its activities during the interim period.

This report includes a review of public lands legislation from the 1987 session of the Nevada legislature, and a summary of the meetings and issues of the public lands committee. The committee held nine regular meetings throughout the state and conducted two visits to Washington, D.C., to meet with United States senators, representatives and executive branch officials who are involved in public lands matters. The report includes an overview of these meetings and activities.

The committee deals with many public lands issues which involve ongoing problems, programs and activities that are subject to congressional and other federal action. The committee has been active and involved in a wide variety of at least 21 separate public lands issues during the 1987-1988 interim period. The report highlights these issues and includes a summary and background information on certain selected major issues.

The committee adopted 11 recommendations for action and legislation. The recommendations include proposals for changes in statutes and joint resolutions relating to a gradual land acquisition process, federal lands and airspace, the grazing fees on public lands, the management of wild horses, the introduction and reintroduction of wildlife species in the state, impact assistance for local communities and the statutes pertaining to the committee.

SUMMARY OF RECOMMENDATIONS

This summary presents the recommendations to the 65th session of the Nevada legislature by the committee on public lands.

The committee recommends:

1. That the staff of the public lands committee work with the administrator of the division of state lands in the state department of conservation and natural resources to continue development of the concept and provide recommendations concerning a trigger mechanism for possible legislation to implement a gradual land acquisition process. The mechanism should include the staff, procedures and financial requirements which would be necessary to implement a land transfer process.
2. That the legislature continue the Senate Bill 40 (chapter 587, Statutes of Nevada, 1983) land planning process as an ongoing program and approve one additional staff person in the division of state lands to conduct the program and facilitate the acquisition of federal lands under existing processes. (BDR 26-1734)
3. That the legislature remove the moratorium on the sale of state lands and modify the procedures for the exchange, lease and sale of state lands to provide for approval of such actions by the state board of examiners. (BDR 26-1735)
4. That the legislature place a policy statement in the statutes to establish designated purposes and goals for the gradual acquisition of federal lands. The purposes are to include the acquisition of lands which:
 - a. Provide reparation for expanding and multiple military land and airspace withdrawals and United States Department of Energy withdrawals;
 - b. Meet the state's needs for economic expansion which allow for logical commercial, industrial and residential development and within good planning practices;
 - c. Provide for commercial and geographical diversity;
and

- d. Have potential to generate revenues to the state either through leases, sales or taxation.

(BDR 26-1736)

5. That the legislature consider a joint resolution to urge Congress to obtain permission from a state in which any major federal project is proposed to be located on federal lands in that state. (BDR R-1737)
6. That the legislature consider a joint resolution to urge Congress to provide in lieu tax payments to states for compensation for the use and withdrawal of military airspace. (BDR R-1738)
7. That the issue of impact assistance be investigated as a way to help with infrastructure needs for local governments and communities that are affected by large-scale developments; and that sales taxes during construction be the primary method investigated to finance this assistance.
8. That the legislature amend NRS 218.5365 to include the standard language for compensation for members of the public lands committee as is provided for other permanent legislative committees. (BDR 17-1739)
9. That the legislature adopt a joint resolution to Congress to reaffirm its support of the existing formula for grazing fees on federal lands. (BDR R-1740)
10. That the legislature adopt a joint resolution to urge Congress to consider proposals to enlarge the sanctuary system for unadoptable wild horses and to establish a system of privately-owned wild horse ranges to help resolve the issue of and excessive costs for wild horse and burro management. (BDR R-1741)
11. That the legislature consider statutory changes to provide a procedure and funds for Nevada's department of wildlife for mitigation and damages caused by the introduction or reintroduction of any new or old wildlife species in the state; and that the legislation include provisions for compensation by the department of wildlife for the loss of grazing rights to permittees due to a reduction of animal unit month allocations caused by the introduction or reintroduction of any wildlife species. (BDR 45-1742)

BULLETIN 89-10

INTERIM FINANCE COMMITTEE'S SUBCOMMITTEE ON
OCCUPATIONAL EDUCATION

S.B. 165 - 1987 Session

Interim Subcommittee

Assemblyman John E. Jeffrey, Chairman
Senator Dean A. Rhoads, Vice Chairman
Senator Donald R. Mello
Senator William J. Raggio
Assemblyman Jan Evans
Assemblyman David E. Humke

Ward Gubler, Director of Vocational Schools &
Occupational Education
Clark County School District

Dr. Wayne E. Thomsen, Las Vegas

Richard Wright, Director of Administrative Services
Washoe County School District

Principal Staff

Robert E. Erickson, Research Director

Senate Bill No. 165--Committee on Finance
CHAPTER...743

AN ACT relating to occupational education; requiring the Interim Finance Committee to conduct an interim study to determine appropriate methods of funding occupational education in Nevada; making an appropriation; 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 Interim Finance Committee shall conduct an interim study to determine appropriate methods of funding occupational education in Nevada.

2. The Interim Finance Committee shall appoint a study subcommittee consisting of nine members to include:

(a) Three members of the Interim Finance Committee who were members of the Assembly of the 64th Session;

(b) Three members of the Interim Finance Committee who were members of the Senate of the 64th Session; and

(c) Three persons who are experts in occupational education or possess knowledge of the system of public instruction in Nevada, and who were not members of the Assembly or Senate of the 64th Session.

3. The chairman of the Interim Finance Committee shall designate one of the members as chairman of the subcommittee.

4. The Director of the Legislative Counsel Bureau shall provide the necessary professional staff and a secretary for the subcommittee.

5. The members of the subcommittee who are members of the Interim Finance Committee are entitled to receive a salary for each day or portion of a day of attendance at a meeting of the subcommittee 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. The members of the subcommittee who are not members of the Interim Finance Committee are entitled to receive the travel expenses and per diem allowance provided by law for state officers and employees generally.

6. The subcommittee 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 occupational education an opportunity to present relevant information and recommendations.

7. The subcommittee may accept and use any gifts and grants which it receives to further its work.

8. The subcommittee shall submit to the Interim Finance Committee a report of its findings and recommendations for legislation before the commencement of the 65th Session of the Legislature.

Sec. 2. 1. There is hereby appropriated from the state general fund to the Interim Finance Committee the sum of \$16,000 for the payment of the salaries and travel and per diem expenses of the subcommittee pursuant to this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after December 31, 1988, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act expires by limitation on January 1, 1989.

ABSTRACT

INTERIM FINANCE COMMITTEE'S SUBCOMMITTEE ON OCCUPATIONAL EDUCATION

In 1987, the 64th session of the Nevada legislature adopted Senate Bill 165 (chapter 743) which directed its interim finance committee "to conduct an interim study to determine appropriate methods of funding occupational education in Nevada, making an appropriation, and providing other matters properly relating thereto." The interim finance committee appointed a subcommittee to conduct the study consisting of three members of the senate, three members of the assembly and three persons who were experts in occupational education or who possessed knowledge of the system of public instruction in Nevada. Primary staff support to the subcommittee was provided by the research division of the legislative counsel bureau.

The subcommittee held six public meetings - two in Clark County, two in Washoe County and one each in Carson City and Elko. These meetings were: (1) October 22, 1987, Las Vegas; (2) December 12, 1987, Reno; (3) January 28, 1988, North Las Vegas; (4) March 18, 1988, Reno; (5) May 3, 1988, Elko; and (6) June 1, 1988, Carson City.

The subcommittee received testimony from a variety of sources, including individuals representing business and industry, the state board of education's committee on excellence in occupational education, representatives of local chambers of commerce, and the board's council on occupational education. In addition, testimony was received from individual students and teachers, vocational education youth organization representatives and representatives of the Nevada Vocational Association. The Nevada School Administrators' Association, Nevada School Boards of Trustees, the Nevada School Superintendents' Association, the Nevada State Education Association and representatives of the University of Nevada System's colleges of education and community colleges also testified. The state department of education provided extensive background material which greatly aided the subcommittee in its deliberations.

Occupational education was conceived and developed in response to the needs of an industrial society. Today, occupational education exists in an "information" society. The subcommittee heard testimony that occupational education has a very important role in the Nevada education system to respond to the major changes that are transforming this society into a new age.

Although public elementary and secondary schools continue to emphasize preparing students for college, it was pointed out that 24.1 percent of Nevada's 9th graders in 1987 will not finish high school and some 85 percent will not obtain a college degree. Despite these facts, enrollment in traditional occupational education courses in Nevada recently has been declining -- 34 percent decrease in grades 7 and 8 and 18 percent decrease in grades 9 through 12.

In response to these issues and problems, the subcommittee developed a series of comprehensive and far-reaching recommendations. Revitalization of occupational education in Nevada is essential if we are to provide viable alternatives for our noncollege bound youth and if we are to respond to the ever-changing needs of our work force.

SUMMARY OF RECOMMENDATIONS

The subcommittee of the interim finance committee which studied funding for occupational education recommends for the consideration of the 65th session of the Nevada legislature that:

1. The state board of education be directed to establish a program in "home and career skills" for all students in grades 7 or 8, and a legislative appropriation be made for related instructional equipment and materials in affected classrooms throughout the state. The appropriation needed, which should not be included in the salary negotiations for teachers, is a one-time amount of \$1,461,000. (BDR 34-271)
2. The state board of education be directed to establish a program in "introduction to technology" for all students in grades 7 or 8, and a legislative appropriation be made for related instructional equipment and materials in affected classrooms throughout the state. The appropriation needed, which should not be included in the salary negotiations for teachers, is a one-time amount of \$720,000. (BDR 34-270)
3. The state board of education be directed to establish a course of study for a comprehensive guidance and counseling program in grades 7 through 12 of Nevada's public schools, including the Nevada Career Information System, which would be phased in as funding becomes available. (BDR 34-268)
4. In recognition of the additional costs associated with occupational education programs in grades 9 through 12, additional money should be appropriated for use by local school districts specifically for occupational education programs, including enhancement of these programs through the inclusion of student competencies - introducing students to occupations in grades 9 and 10, and improving job-specific programs in grades 10 through 12. The state board of education also should be directed to develop a course of study for grades 9 through 12. The full additional funding needed (\$8,792,559 per year, currently) should be appropriated in the future as money becomes available. Full funding should be phased in over time, and for the 1989-1990 and 1990-1991 fiscal years, it is recommended that the legislature appropriate 25 percent of the identified excess costs (\$2,198,139.75) for each of these years. Appropriations of this type, which should not be

included in salary negotiations for teachers, will be required on an ongoing basis.

The state board of education should recommend the allocation of a base amount to each school district, and the remainder should be distributed based upon the number of students in each district who are enrolled as full-time students in occupational education on the last day of the first month of each school year. Each school district should justify its use of the money.
(BDR 34-269)

5. The state board of education be urged to require that all students have an opportunity to participate in an occupational education youth organization.
(BDR R-266)
6. The University of Nevada System (UNS) board of regents be urged to review current programs for preparing occupational education teachers and to increase the availability of these programs.
(BDR R-265)
7. Local school boards in Nevada be urged to provide the resources needed to develop special education services within occupational education programs. (BDR R-264)
8. Local school districts in Nevada be urged to implement the state board of education's policy (Nevada Administrative Code 389.672, "Academic credit for occupational courses of study") on awarding academic credit for an occupational course(s) when it has been substantiated that the curriculum for the occupational course of study includes the curriculum of the academic course of study. No more than two credits in English, one credit in mathematics, and/or one credit in science may be earned for graduation through this alternative route.

The UNS board of regents also should be urged to accept an occupational course(s), which has been approved for academic credit, toward the admission requirements to the UNS universities and community colleges.
(BDR R-268)

BULLETIN 89-11

A REVIEW OF THE PERFORMANCE OF THE OFFICE
OF THE CONSUMER'S ADVOCATE

NRS 228.400

Interim Subcommittee

Senator Joseph M. Neal, Jr.
Senator Ann O'Connell
Senator William R. O'Donnell
Assemblyman Eileen B. Brookman
Assemblyman Bob L. Kerns
Assemblyman John W. Marvel
Assemblyman Leonard V. Nevin
Assemblyman Robert E. Price

Principal Staff

Ken Elverum, Senior Research Analyst

228.400 Interim legislative committee to review performance of office of consumer's advocate.

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 each even-numbered regular 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 alternates 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 public service commission of Nevada, 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 in 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 for state officers and employees generally.

(Added to NRS by 1981, 1676; A 1985, 402, 1121; 1987, 705)

ABSTRACT

A REVIEW OF THE PERFORMANCE OF THE OFFICE OF THE CONSUMER'S ADVOCATE

The 1981 Nevada legislature adopted Assembly Bill 473 (chapter 692) which created the office of advocate for customers of public utilities, more commonly known as the office of consumer's advocate (OCA). Section 12 of that bill, which became Nevada Revised Statutes 228.400, provided for an interim legislative committee to review and evaluate the effectiveness and functioning of the OCA. The committee may make recommendations to the consumer's advocate, the attorney general, the public service commission of Nevada (PSCN), the interim finance committee, and the legislature. The committee traditionally has chosen to submit its report to the legislative commission.

The committee held two meetings -- one in Las Vegas, Nevada, on August 9, 1988, and the second in Carson City, Nevada, on November 16, 1988. The committee heard presentations and testimony from the consumer's advocate, the chairman of the PSCN, the attorney general, representatives of various public utilities and utility customers, and private citizens. The committee also received written information and letters from Nevada Power Company, Sierra Pacific Power Company, and organizations representing consumers and utility companies.

The report includes one recommendation which requires a statutory change. The recommendation would expand the scope of the interim committee to include the oversight of the PSCN.

SUMMARY OF RECOMMENDATION

This summary presents the recommendation to the 65th session of the Nevada legislature by the committee to review the performance of the office of the consumer's advocate.

The committee recommends:

That the Nevada Revised Statutes be amended so as to expand the scope of the Nevada legislature's committee to review the performance of the office of the consumer's advocate to include oversight of the public service commission of Nevada.

BULLETIN 89-12

A REVIEW OF THE ACTIVITIES OF THE
TAHOE REGIONAL PLANNING AGENCY
(1987-1989)

S.C.R. 16 - 1987 Session

Interim Subcommittee

Assemblyman David D. Nicholas, Chairman
Senator Raymond C. Shaffer, Vice Chairman
Senator John M. Vergiels
Assemblyman Joan A. Lambert
Assemblyman Danny L. Thompson

Principal Staff

Fred Welden, Chief Deputy Research Director

Senate Concurrent Resolution No. 16--Committee on
Natural Resources
FILE NUMBER.144.

SENATE CONCURRENT RESOLUTION--Directing the Legislative Commission to
continue to review the activities of the Tahoe Regional Planning Agency.

WHEREAS, The Tahoe Regional Planning Agency, with the powers conferred by the Tahoe Regional Planning Compact, was established to enhance the efficiency and governmental effectiveness in protecting the region of the Lake Tahoe Basin; and

WHEREAS, Senate Concurrent Resolution No. 27 of the 63rd session of the Nevada Legislature directed the Legislative Commission, under the auspices of the Joint Committee on Natural Resources, to appoint a subcommittee to review the activities of the Tahoe Regional Planning Agency; and

WHEREAS, The subcommittee to review the activities of the Tahoe Regional Planning Agency has held hearings to aid understanding of the State of Nevada's concerns in the region, including regulation of land use and the problems of single-lot owners; and

WHEREAS, The legislative subcommittee has developed an understanding of the decision-making process of the Tahoe Regional Planning Agency; and

WHEREAS, The Tahoe Regional Planning Agency has recently made substantial progress in reaching a settlement of long-standing problems with the development of a regional plan; and

WHEREAS, The legislative subcommittee will continue to enhance the "consensus-building process" of the Tahoe Regional Planning Agency; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to reappoint a subcommittee composed of two members of the Senate and three members of the Assembly to review the activities of the Tahoe Regional Planning Agency including, without limitation, a review of:

1. Its adherence to the provisions of the Tahoe Regional Planning Compact;
2. The extent to which the agency is carrying out the requirements of the compact;
3. The effectiveness of any actions taken by the agency; and
4. Any problems the agency may have and the reasons therefor;

and be it further

RESOLVED, That the members of the subcommittee, in carrying out their review, shall consult with:

1. The members from Nevada of the governing body of the agency;

2. The members of the Boards of County Commissioners of Douglas and Washoe counties and of the Board of Supervisors of Carson City;

3. The members of the agency's staff;

4. The owners of real property who are affected by decisions of the agency; and

5. Any other interested organizations located within the region;
and be it further

RESOLVED, That the subcommittee submit a quarterly report of its activities to the Interim Finance Committee; and be it further

RESOLVED, That the Legislative Commission report the results of its review to the 65th session of the Nevada Legislature.

ABSTRACT

A REVIEW OF THE ACTIVITIES OF THE TAHOE REGIONAL PLANNING AGENCY (1987-1989)

The 1987 Nevada legislature adopted Senate Concurrent Resolution No. 16 (File No. 144) which directed the legislative commission to reappoint a subcommittee to review the activities of the Tahoe Regional Planning Agency (TRPA).

A subcommittee charged with this oversight function was originally established in 1985. The present successor to the original subcommittee is charged with the same responsibilities as follows:

1. To report findings and recommendations to the legislative commission; and
2. To submit quarterly reports to the legislature's interim finance committee .

The subcommittee fulfilled both these duties. Its final report, which is summarized here, is designed to be an update of the original subcommittee's report which is referenced as Legislative Counsel Bureau Bulletin No. 87-16, "Review Of The Activities Of The Tahoe Regional Planning Agency," dated August 1986. Thus, the reader is directed to the previous report for additional background information, historical perspective and TRPA program descriptions.

SUMMARY OF RECOMMENDATIONS

Following is a summary of recommendations approved by the legislative commission's subcommittee to review the activities of the Tahoe Regional Planning Agency.

A. Congressional Action on Amendment of Bistate Compact

1. Urge, by resolution, the United States Congress to expedite its ratification of amendments to the bistate compact which have been adopted by the states of California and Nevada. (BDR R-397)

B. Scientific Information Concerning Sources and Types of Pollutants

2. Include in the final report a discussion of the need for more complete scientific information from a greater variety of research entities concerning the sources and types of pollutants which are affecting the Tahoe Basin.

C. Activities Associated with the Nevada Commission on Land Acquisition in the Tahoe Basin

3. Acknowledge the efficient work performed by the commission and its recommendation that the terms of its members be allowed to expire ("sunset") on January 1, 1989.
4. Include in the final report a copy of the commission's bill draft request which would create a "Nevada Tahoe Resource Bank" in order to enhance the state land registrar's [division of state lands, state department of conservation and natural resources] authority to manage property in the Basin. (BDR 26-398)
5. Urge, by resolution, the Federal Government to cooperate with the State of Nevada on land exchanges designed to enhance the Lake Tahoe Basin state park and the property in the Basin administered by the United States Forest Service. (BDR R-396)

D. Federal Funding for Santini-Burton Program

6. Urge the full legislature to consider readoption of its 1987 resolution (Assembly Joint Resolution No. 18, File No. 57) expressing support for continued federal funding of the Santini-Burton program.

E. Future of Legislative Subcommittee

7. Include in the final report a statement indicating that the subcommittee is investigating various methods available for the continuation of its oversight activities at minimal cost and with the use of a minimum number of personnel.
8. Include in the final report a discussion of the subcommittee's sending letters to the California legislative leadership inviting legislative participation from that state in the oversight of activities in the Tahoe Basin.

BULLETIN 89-13

REPORT OF THE NEVADA LEGISLATURE'S COMMITTEE
ON HIGH-LEVEL RADIOACTIVE WASTE

NRS 459.0085

Committee

Senator Thomas J. Hickey, Chairman
Assemblyman James W. Schofield, Vice Chairman
Senator James I. Gibson
Senator Kenneth K. Redelsperger
Assemblyman Matthew Q. Callister
Assemblyman John E. Vergiels
Assemblyman Gaylyn J. Spriggs

Principal Staff

Donald M. Bayer, Senior Research Analyst

459.0085 Creation; membership; duties; compensation and expenses of members.

1. There is hereby created a committee on high-level radioactive waste. It is a committee of the legislature composed of:

(a) Three members of the senate, appointed by the majority leader of the senate.

(b) Four members of the assembly, appointed by the speaker.

2. The legislative commission shall select a chairman and a vice chairman from the members of the committee.

3. The committee shall meet at the call of the chairman to study and evaluate:

(a) Information and policies regarding the location in this state of a facility for the disposal of high-level radioactive waste;

(b) Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and

(c) Any other policies relating to the disposal of high-level radioactive waste.

4. The committee shall report the results of its studies and evaluations to the legislative commission and the interim finance committee at such times as the legislative commission or the interim finance committee may require.

5. The committee may recommend any appropriate legislation to the legislature and the legislative commission.

6. The director of the legislative counsel bureau shall provide a secretary for the committee on high-level radioactive waste. Except during a regular or special session of the legislature, each member of the committee is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a committee meeting or is otherwise engaged in the work of the committee plus the per diem allowance and travel expenses provided for state officers and employees generally. Per diem allowances, salary and travel expenses of members of the committee must be paid from the legislative fund.

(Added to NRS by 1985, 685; A 1987, 399)

ABSTRACT

REPORT OF NEVADA LEGISLATURE'S COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

The 1985 legislature adopted Senate Bill 55 (chapter 211) which established a legislative committee on high-level radioactive waste. The legislature directed the committee to study and evaluate all matters pertaining to the location in the state of a facility for the disposal of high-level radioactive waste.

The committee members were appointed by the leadership of both the senate and the assembly. Staff was assigned to the committee from the research division of the legislative counsel bureau. The committee held three meetings, one in southern Nevada and two in northern Nevada: (1) October 20, 1987 in Reno, (2) March 1, 1988 in Las Vegas, and (3) November 16, 1988 in Carson City.

The committee heard testimony from federal, state and local officials and from the interested public.

The committee expects to continue to meet during the 1989 legislative session to continue its oversight of the high-level radioactive waste repository siting program. Two areas of specific review involve:

1. The payments-equal-to-taxes (PETT) provisions of the Nuclear Waste Policy Act; and
2. The development of a comprehensive plan for the transportation of high-level radioactive waste in response to Assembly Concurrent Resolution No. 8 from the 1987 session of the Nevada legislature (File No. 92).

The committee at its previous meetings was appraised of the status of the programs. It expects to review final reports on both issues early in 1989. Possible legislation to implement PETT and a transportation plan is expected to be considered by the committee at a subsequent meeting.

The committee will prepare an addendum to its previous interim study report for presentation to the legislative commission in early spring of 1989.

BULLETIN 89-14

STUDY OF FRANCHISES

S.C.R. 45 - 1987 Session

Interim Subcommittee

Senator Randolph J. Townsend, Chairman
Assemblyman Matthew Q. Callister, Vice Chairman
Senator William R. O'Donnell
Senator Raymond C. Shaffer
Assemblyman James W. McGaughey
Assemblyman Jane A. Wisdom

Principal Staff

Kimberly A. Morgan, Principal Deputy Legislative Counsel

**Senate Concurrent Resolution No. 45--Committee on
Commerce and Labor
FILE NUMBER..140**

**SENATE CONCURRENT RESOLUTION--Directing the Legislative Commission to conduct
an interim study of franchises.**

WHEREAS, The method of marketing by franchise employs hundreds of thousands of persons nationwide; and

WHEREAS, Marketing franchises are a significant part of the economy of Nevada and have been successful in stimulating that economy while satisfying the needs of Nevada's consumers; and

WHEREAS, Franchises are outstanding business institutions which were created through the American system of free enterprise enabling many an entrepreneur to fulfill his dream of owning his own business; and

WHEREAS, The importance of this business institution precipitates the need to preserve its integrity and thus merits legislative study; 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 an interim study of the method of marketing by franchise; and be it further

RESOLVED, That the study should include, but not be limited to:

1. The requirements for contracts;
2. The termination and renewal of franchises;
3. The transfer of franchises;
4. The feasibility of adopting uniform requirements; and
5. Any other related matter;

and be it further

RESOLVED, That the results of the study and any recommended legislation be submitted to the 65th Session of the Legislature.

ABSTRACT

STUDY OF FRANCHISES

The 1987 Nevada legislature adopted Senate Concurrent Resolution No. 45 (File No. 140) which directed the legislative commission to study the method of marketing by franchise to determine the need for additional statutes or for amendments to existing statutes. The resolution was drafted at the request of the senate committee on commerce and labor.

The study was carried out by a subcommittee appointed by the legislative commission. Staff was assigned to the subcommittee from the legal division of the legislative counsel bureau. The committee held four meetings -- three in southern Nevada and one in northern Nevada: (1) October 26, 1987, Las Vegas; (2) January 11, 1988, Reno; (3) March 12, 1988, Las Vegas; and (4) June 13, 1988, Las Vegas.

The subcommittee heard wide-ranging testimony relating to franchising in general, franchises for the sale of gasoline, liquor, beer and wine, governmentally controlled franchises (such as cable television) and franchises for convenience stores.

The final report of the subcommittee includes a compilation of all of the background materials considered by the subcommittee relating to the varied aspects of franchising.

SUMMARY OF RECOMMENDATIONS

This summary represents the conclusions reached by the committee. These conclusions are based upon (1) suggestions made to the committee at public hearings by members of the general public and representatives of franchised businesses; and (2) the experience and knowledge of the members of the committee.

The subcommittee recommends that the legislature:

1. Adopt a resolution expressing the sense of the legislature regarding the continued need to oversee the area of business franchises, containing the following sentiments:

WHEREAS, The Legislature found there to be some controversy and question on the broad issue of franchising; and

WHEREAS, The Legislature adopted Senate Concurrent Resolution 45 of the 64th session to establish an interim committee to study franchising; and

WHEREAS, One of the topics was "business format franchising" and the relationship between franchises as defined in Assembly Bill No. 45 of the 64th session; and

WHEREAS, We have studied the issue of business format franchising, the relationship between franchisor and franchisees, and the discussions between the Southland Corporation and the Nevada 7-Eleven Franchise Owners' Association; and

WHEREAS, We found that problems did exist between Southland and the 7-Eleven franchises; and

WHEREAS, We find that Southland and 7-Eleven franchises still do not agree on all matters of controversy between them, we also find that significant progress has been made in the many discussions held between Southland and the leaders of the 7-Eleven Franchise Owners' Association; and

WHEREAS, We find that both parties have engaged in good faith discussions; and

WHEREAS, We find that both parties have made significant concessions; and

WHEREAS, We further find that significant and material changes have occurred in the 7-Eleven Franchise Agreement that go beyond the scope of Assembly Bill No. 45; and

WHEREAS, Both sides continue to engage in good faith discussions; now, therefore,

WE HEREBY RESOLVE, That we encourage the Nevada Legislature to continue to oversee carefully all matters concerning franchisees and franchisors to maintain the best possible business atmosphere for the customer.

2. Adopt a resolution expressing the sense of the legislature regarding the continued need to oversee the marketing of petroleum, containing the following sentiment:

WHEREAS, Primarily because Assembly Bill No. 420 of the 64th session has not yet become fully implemented, insufficient evidence is available to determine what impacts its passage may have on the free enterprise system of marketing motor vehicle fuel; now, therefore,

WE HEREBY RESOLVE, That we encourage the Nevada Legislature to continue to oversee carefully all matters concerning petroleum marketers and marketing to maintain the best possible business atmosphere for the customer.

BULLETIN 89-15

STUDY OF FISCAL EFFECTS UPON COUNTIES OF THE
INCORPORATION OF CITIES UNDER GENERAL LAW

A.C.R. 47 - 1987 Session

Interim Subcommittee

Assemblyman John E. Jeffrey, Chairman
Senator James I. Gibson, Vice Chairman
Senator Charles W. Joerg
Assemblyman Joseph E. Dini, Jr.
Assemblyman Robert W. Fay
Assemblyman Val Z. Garner
Assemblyman Leonard V. Nevin
Assemblyman Danny L. Thompson

Principal Staff

Ted Zuend, Deputy Fiscal Analyst

Assembly Concurrent Resolution No. 47--Assemblymen Thompson, Bergevin, Garner, McGaughey, Freeman, Brookman, Kerns, Lambert, May, Adler, Banner, Craddock and Nevin

FILE NUMBER.153.

ASSEMBLY CONCURRENT RESOLUTION--Directing the Legislative Commission to conduct an interim study of the fiscal effects upon counties of the incorporation of cities under general law.

WHEREAS, The counties of this state have limited means by which to raise revenue to pay the costs of the services they provide; and

WHEREAS, A county rarely has sufficient reserves to cushion the effects of the incorporation of part of its territory; and

WHEREAS, Chapter 266 of NRS provides for incorporation at the request of the majority of qualified electors who are the owners of real property within the limits of the area to be incorporated; and

WHEREAS, In practical effects this allows a small minority of voters to control the fate of the rest of the residents of the affected county; 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 comprehensive study of the fiscal effects upon the counties of the incorporation of cities by general law; and be it further

RESOLVED, That the study should include, but not be limited to:

1. Identifying the sources of revenue of the counties and the amounts derived from each source;

2. Evaluating the costs of the services required to be provided for and by the counties and the sources of revenue used to pay those costs;

3. Considering the manner in which general law currently provides for incorporation; and

4. Examining the practical effect such an incorporation has on the rest of the residents in the affected county;

and be it further

RESOLVED, That the results of the study and any recommended legislation be submitted to the 65th session of the Legislature.

ABSTRACT

STUDY OF THE FISCAL EFFECTS UPON COUNTIES OF THE INCORPORATION OF CITIES UNDER GENERAL LAW

The 1987 legislature adopted Assembly Concurrent Resolution No. 47 (File No. 153) which directed the legislative commission to study the fiscal effects upon counties of the incorporation of cities under general law. The legislature was concerned that under existing statutes, the decision to incorporate by a small number of voters in an area might have an undue impact on residents elsewhere in the county. The legislature also felt that a county might not have sufficient reserves to cushion the effects of a new incorporation.

The legislative commission appointed an eight-member subcommittee to conduct the study. Staff from the fiscal analysis division of the legislative counsel bureau was assigned to the subcommittee. The subcommittee held five meetings: (1) October 16, 1987, in Las Vegas; (2) December 10, 1987, in Carson City; (3) February 10, 1988, in Carson City; (4) April 28, 1988, in Carson City; and (5) May 19, 1988, in Carson City.

The subcommittee received considerable testimony regarding the problems associated with a new incorporation from local government officials and other interested parties.

The final report of the subcommittee highlights the most serious concerns expressed during testimony regarding the incorporation issue. Support for the conclusions reached by the subcommittee also are documented in the report. The subcommittee recommended five bills for consideration by the 1989 legislature to limit the fiscal problems that might result from a new incorporation.

SUMMARY OF RECOMMENDATIONS

The subcommittee recommends that the legislature:

1. Amend Nevada Revised Statutes (NRS) 354.5982, "Limits upon revenue: Exceeding pursuant to vote of people; addition of imposed costs; assumption by county of governmental functions; treatment of excess revenue," to allow any local government or combination of local governments to take over the functions and resources of any local government that no longer exists. (BDR 31-140)
2. Amend the statutes to require that proceedings for the merger of certain special districts be commenced upon the incorporation of a city encompassing such a district. (BDR 21-941)
3. Amend the statutes to require an estimate of the fiscal effect of a proposed incorporation of a new city be approved by the local government advisory committee and included on the ballot for the election and to make certain technical corrections to the provisions governing the incorporation of cities. (BDR 21-142)
4. Amend NRS 354.5988, "Reserve fund for the supplemental city-county relief tax: Creation; deposit and distribution of excess tax receipts," to allow a distribution from the reserve fund for the supplemental city-county relief tax to temporarily compensate certain counties and cities for the effect of the incorporation of a new city. (BDR 31-143)
5. Amend NRS 354.5987, "Maximum allowable revenue of certain local governments to be established by Nevada tax commission," to exclude new cities from the countywide combined allowable revenue limit to allow both the county government and the city government to provide the basic services for which they have been created and to clarify the transfer of revenues from any local government to another local government, other than a new city, which performs a function previously performed by the first local government. (BDR 31-144)

BULLETIN 89-16

ADVISORY COMMITTEE TO STUDY LAWS RELATING TO CHILDREN

A.B. 637 -1987 Session

Interim Committee

**Assemblyman David E. Humke, Chairman
Senator Sue Wagner, Vice Chairman
Senator Ann O'Connell
Assemblyman Bob E. Gaston**

**William R. Lewis, Jr.
Chief Probation Officer
Juvenile Probation Department, Carson City**

**The Honorable Charles M. McGee
Second Judicial District Court, Reno**

**The Honorable John S. McGroarty
Eighth Judicial District Court, Las Vegas**

**Eugene T. Paslov
Superintendent of Public Instruction
Nevada's State Department of Education**

**Stephen A. Shaw
Chief of Planning, Evaluation and Program Development
Nevada's Department of Human Resources**

**The Honorable Charles E. Springer
Supreme Court of Nevada**

**Noel S. Waters
District Attorney, Carson City**

**Belie Williams
Chairman of the Washoe County Commission**

Principal Staff

Lorne J. Malkiewich, Legislative Counsel

Assembly Bill No. 637--Assemblymen Humke, Dini, Tebbs, Kerns,
Lambert, Freeman, Sedway, Evans, Spinello, Swain, Arberry, Sader,
Callister, Marvel, Gaston, Myrna Williams and Spriggs

CHAPTER 666

AN ACT relating to children; creating the advisory committee to study the laws relating to children; making an appropriation; 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 advisory committee to study the laws relating to children, consisting of 12 voting members, is hereby created.

2. The committee consists of:

(a) Two members of the senate appointed by the majority floor leader of the senate;

(b) Two members of the assembly appointed by the speaker of the assembly;

(c) One member who is a representative of the department of human resources and involved in the formulation of the policies of the department, appointed by the governor;

(d) One member who is a justice of the supreme court, appointed by the chief justice of the supreme court;

(e) Two members who are district judges and serve as judges of the juvenile division of the district court, appointed by the chief justice of the supreme court;

(f) One member who is a district attorney, appointed by the Nevada District Attorneys Association;

(g) One member who is a member of a board of county commissioners, appointed by the Nevada Association of Counties;

(h) One member who is a chief juvenile probation officer, appointed by the Nevada Association of Chief Juvenile Probation Officers; and

(i) One member who is the superintendent of public instruction or a person who is designated by him.

3. The legislators who are members of the committee are entitled to receive the salary provided for a majority of the members of the legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the committee.

4. The legislative commission shall appoint a member of the committee to serve as chairman.

Sec. 2. 1. The committee shall study the laws relating to children who are 18 years of age or younger. The study must include but is not limited to:

(a) An evaluation of the need to modernize the laws relating to those children; and

(b) An analysis of the feasibility of and recommendations for creating a children's code to provide a coherent, comprehensive and integrated body of law relating to children, including the provisions of chapters 62, 432A and 432B of NRS.

2. The director of the legislative counsel bureau shall provide the committee with such staff as is necessary to carry out the duties of the committee.

3. The committee may accept and use any gift or grant of money or services to aid it in carrying out its duties.

Sec. 3. The committee to study the laws relating to children shall report the results of the study and any recommended legislation to the 65th session of the legislature.

Sec. 4. There is hereby appropriated from the state general fund to the advisory committee to study the laws relating to children the sum of \$15,000 to carry out the duties of the committee.

Sec. 5. Any remaining balance of the appropriation made by section 4 of this act must not be committed for expenditure after August 31, 1988, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 6. 1. This act becomes effective upon passage and approval.

2. Sections 1 and 2 of this act expire by limitation on September 1, 1988.

ABSTRACT

ADVISORY COMMITTEE TO STUDY LAWS RELATING TO CHILDREN

The advisory committee to study laws relating to children was created by Assembly Bill 637 of the 64th session of the Nevada legislature (chapter 666, Statutes of Nevada 1987). The committee was directed to study the laws relating to children who are 18 years of age or younger.

The advisory committee consisted of two senators, two assemblymen, a representative of the department of human resources, a justice of the supreme court, two judges of the juvenile division of the district court, a district attorney, a member of a board of county commissioners, a chief juvenile probation officer, and the superintendent of public instruction. The dean of the National College of Juvenile and Family Law was also appointed as an honorary member of the advisory committee. Members of the legal division of the legislative counsel bureau were assigned as staff.

The advisory committee held six meetings: (1) November 16, 1987, in Carson City; (2) February 4, 1988, in Carson City; (3) March 21, 1988, in Las Vegas; (4) May 9, 1988, in Carson City; (5) June 13, 1988, in Carson City; and (6) August 29, 1988, in Carson City. An additional 10 meetings were conducted by five subcommittees. Testimony was received from state and local officials, experts from other states, and interested members of the public.

The advisory committee analyzed the current state of the laws relating to children and evaluated the need for legislation regarding the systems of juvenile justice, education, and health and welfare. The advisory committee then adopted 42 recommendations for submission to the 65th session of the Nevada legislature, including 21 proposals for specific amendments and additions to chapter 62 of Nevada Revised Statutes (Juvenile Courts), a proposal for the creation of a manual of laws relating to children, nine proposals for legislation concerning the education of children, and various proposals concerning the delivery of services to children by state and local government.

SUMMARY OF RECOMMENDATIONS

The subcommittee recommends that the legislature:

1. Adopt a statutory procedure for informal supervision. Make certain the court is not deprived of the power to dismiss the formal petition and refer the child back for informal supervision. Require review and approval by the district attorney of any proposed informal supervision of a child who has committed a delinquent act which would otherwise be considered a gross misdemeanor or felony. (BDR 5-373)
2. Amend subsection 5 of NRS 62.128, "Investigation and recommendations by district attorney; release of child if filing not approved; time for filing petition; supervision and consent decree," to provide that children who successfully complete the consent decree period of supervision are able to respond to inquiries that they have not been arrested for or convicted of a delinquent offense. Make certain that nothing will prevent the probation department from using the record of the informal adjustment on a subsequent, adjudicated conviction for a delinquent offense. (BDR 5-373)
3. Require that all nondelinquent first referrals must be diverted without adjudication to available services in the community. If the child has violated a state law concerning truancy, incorrigibility or running away, the court will admonish the child to obey the law and a record of the admonition will be maintained. A child cannot be adjudicated as in need of supervision unless he has previously been diverted to services in the community in this manner. (BDR 5-373)
4. Using the current classification of delinquent, add a new section to chapter 62 of Nevada Revised Statutes (NRS) which sets forth the ability of the district attorney to add to the petition for delinquency another charge, that of "serious or chronic offender." The requirements for adjudication as a serious or chronic offender would be:
 - a. At least three adjudications as delinquent for acts which otherwise would be considered felonies.

or

One adjudication as delinquent for manslaughter, battery causing substantial bodily harm, assault

with a deadly weapon, sexual assault, armed robbery or kidnaping;

- b. That the child is at least 16 years of age; and
 - c. A determination by the court that the child was indeed a serious or chronic offender. Amend NRS 62.355, "Publication or broadcast of name or race of child and nature of charges," to authorize the court to publish for use by the press a list of the children who have been adjudicated as a serious or chronic offender and otherwise lift the usual veil of confidentiality. Upon the adjudication as a serious or chronic offender, the court's options for punishment would be expanded to include direct fines on the child, sending the child to a secure facility and any other punitive dispositional action determined by the court to be in the best interests of society. (BDR 5-373)
5. Amend NRS 62.271, "Probation violators: Confinement of persons over 18," to allow court-ordered commitments to juvenile detention facilities for adjudicated delinquents 17 years of age or less who violate their probation. Limit the commitment to 30 days. (BDR 5-373)
 6. Amend NRS 62.211, "Procedure of court on entry of order," to allow the court to impose fines directly on juvenile offenders when appropriate. Also amend paragraph (g) of subsection 1 to delete the requirement of participation in a "program" of restitution: just require restitution. (BDR 5-373)
 7. Amend paragraph (e) of subsection 1 of NRS 62.211 to allow courts to order juvenile offenders to perform public service on projects supervised by private, nonprofit agencies as well as on public projects. Require the agencies to provide the same supervision of the children as is required on public projects. (BDR 5-373)
 8. Make statutory the federal requirements which prohibit jailing of children in adult correctional facilities, jails or other detention facilities containing adults unless there is complete sight and sound separation. Provide an exception for children declared serious or chronic offenders. (BDR 5-373)
 9. Provide that a child alleged to be delinquent or in need of supervision may be detained in secure detention

before the court hearing only if it is demonstrated that probable cause exists to believe that:

- a. If the child is not detained, the child is likely to commit an offense dangerous to himself or to the community or likely to commit damage to property;
- b. The child will run away or be taken away so as to be unavailable for proceedings of the court or its officers;
- c. The child is brought to the juvenile probation officer pursuant to a court order or warrant; or
- d. The child is a fugitive from another jurisdiction. In addition, incorporate the proposed amendment to the Nevada's objective detention criteria.

(BDR 5-373)

10. Amend NRS 62.170, "Taking custody of child; release to parent or other person; detention of children," to limit the period of preadjudication detention for children in need of supervision to 24 hours, after which the child must be released to a parent, guardian, custodian or other person able to provide adequate care and supervision, or to a shelter, unless there is a special court order extending the time because the child threatens to run away from home or from the shelter. Provide that this time limit does not apply to the detention of children in need of supervision who have violated court orders, violated their parole or probation, were involved in violence at home, have a history of running away, or are from out of the state and have run away. Use the exceptions in the federal requirements for objective criteria for detention.
(BDR 5-373)
11. Delete subsections 3 and 5 of NRS 62.170. (BDR 5-373)
12. Amend NRS 62.170 to authorize supervised detention at the child's home instead of at the juvenile facility.
(BDR 5-373)
13. Amend subsection 2 of NRS 62.180 to allow funding of less expensive alternative programs for jail removal of children. (BDR 5-373)
14. Allow specifically the use of electronic monitoring devices for home detention of adjudicated delinquents. Include legislative declaration that the devices are to

be used as an alternative to commitment, not as an alternative to probation or informal supervision.
(BDR 5-373)

15. Authorize the court to delegate some of its power to its special masters. In lieu of requiring a law degree for persons appointed as special masters, amend subsection 2 of NRS 62.090 to remove the exception to the requirement that special masters must attend a course of instruction. Amend NRS 62.090, "Master: Appointment; training; compensation; duties," to change the delayed effectiveness of the masters' orders, and prohibit probation officers from serving as juvenile masters except in cases involving only minor traffic offenses. (BDR 5-373)
16. Amend NRS 62.043, "Court's jurisdiction over adults; rights and remedies of adult defendants," and NRS 62.281, "Penalties for disobedience of court orders; contempt," to state that the court has full and plenary jurisdiction over all adults who are the parents, relatives, guardians or custodians of children who are adjudicated the subject of chapter 62 of NRS. Give the court its usual contempt powers for a violation of a lawful court order and authorize the imposition of fines and other usual punishments for any such violations. (BDR 5-373)
17. Amend NRS 62.193, "Proceedings not criminal in nature; procedure; disclosure to victim," to include a provision that the maximum time between the referral and the court's disposition must be no longer than 60 days, unless the court enters a written order extending the time which contains specific reasons for the extension.
(BDR 5-373)
18. Amend subsection 3 of NRS 62.211 to require committing courts to direct the school district to transmit the educational transcript of a juvenile offender to the superintendent of the designated juvenile correctional institution. (BDR 5-373)
19. Make formation of probation committees mandatory in all judicial districts. (BDR 5-373)
20. Limit the power of probation officers to make arrests, but do not interfere with their power to make arrests in matters arising incidental to their basic activities. (BDR 5-674)

21. Increase the minimum age from 8 to 12 years of children who may be committed to a juvenile correctional facility. (BDR 16-374)
22. Impose an administrative assessment in cases involving minor traffic offenses committed by children in counties other than Clark County (where such assessments are already being collected). Allow any judicial officer who handles juvenile traffic offenses to charge the administrative assessments. (BDR 5-375)
23. Adopt a resolution directing the department of human resources, in cooperation with affected entities, to establish a formula for sharing with the counties the actual cost of keeping a child at a regional facility for children and at a regional facility halfway house, including the cost of providing parole services for those facilities and children. (BDR R-675)
24. Urge the juvenile courts to consider appointing some members of the probation committee (not a majority) from a list of persons named by the county commission. (BDR R-377)
25. Draft a bill which would:
 - a. Prohibit the escalation of children in need of supervision into delinquency status.
 - b. Expand current provisions providing for state aid to support local programs for the rehabilitation of juvenile offenders placed on probation (NRS 213.220 to 213.290, inclusive) to include local programs for the assistance of children in need of supervision. Require the department of human resources to adopt regulations setting forth minimum standards for the new programs.
 - c. Require that a petition alleging a child to be in need of supervision must contain a list of local programs to which the child was referred and other efforts taken in the community to modify the child's behavior. The juvenile court could not adjudicate the child to be in need of supervision unless it makes a specific finding that "reasonable efforts" were taken in the community to assist the child in ceasing the activities for which he is alleged to be in need of supervision.

The subcommittee which proposed this bill conditioned its support upon the legislature ensuring that the

department of human resources is allocated sufficient money to provide the necessary care, custody and control of children in need of supervision. (BDR 5-679)

26. Prohibit termination of employment of persons because they appear with their minor children in juvenile court. (BDR 5-378)
27. Authorize delivery of students found to be truant to an agency designated by the local school district as having services available for counseling and family intervention. (BDR 34-372)
28. Prohibit exclusionary procedures for the enforcement of school attendance. (BDR 34-380)
29. Encourage school districts to contact the parents of a child each time the child is absent from school. Encourage school districts to implement programs to increase parental involvement in the enforcement of school attendance. Promote communication and cooperation between school districts and the business community to:
 - a. Require, as a condition of student employment, regular school attendance and passing grades;
 - b. Enable school districts to communicate during business hours with working parents; and
 - c. Provide working parents with opportunities to attend school conferences during business hours. (BDR R-382)
30. Provide additional counselors in elementary and secondary schools, and redefine the duties of counselors in elementary and secondary schools to enable both sets of counselors to assist in the implementation of programs to improve the self-esteem of at-risk children and to provide instruction in parenting for their parents. Appropriate sufficient money to provide a ratio of one counselor for every 300 students. (BDR 34-384)
31. Create a new position within the state department of education for a person, under the supervision of the superintendent of public instruction, to:
 - a. Investigate the availability and feasibility of state and local options to prevent dropouts;

- b. Contact private and public persons, agencies and organizations in the various communities to instigate programs for the prevention of dropouts;
- c. Monitor new and existing programs for the prevention of dropouts administered by school districts and other agencies or organizations in the various communities;
- d. Coordinate state and local efforts to prevent dropouts; and
- e. Make recommendations concerning state instigation, implementation and participation in programs for the prevention of dropouts.

Make the law expire by limitation on July 1, 1991.
(BDR 34-677)

- 32. Create a state grant program to provide incentives for the prevention of dropouts. School districts would be able to apply for money from a fund, to be administered by the superintendent of public instruction, with the approval of the state board of education, by describing their proposed programs for the prevention of dropouts. Awards would be based upon the efficacy and cost of the programs. (BDR 34-678)
- 33. Encourage school districts to seek sources of funding for "latchkey" programs for children. (BDR R-676)
- 34. Provide additional funding for children in the system of juvenile justice to obtain education during the summer.
- 35. Encourage school districts to increase their use of techniques to test and diagnose conduct-disordered and emotionally disturbed children. (BDR R-383)
- 36. Be made aware that the committee supports the integrated and consolidated delivery of services to children in Nevada.
- 37. Draft a bill that creates a consolidated youth services division within the department of human resources. Include the bill draft in the report without recommendation. (BDR 18-385)
- 38. Instead of physically moving statutes within the NRS, request the legislative counsel to publish a manual that contains laws relating to children.

39. Direct the superintendent of public instruction to ensure that the Nevada youth training center in Elko is in compliance with Public Law 94-142.
 40. Amend NRS 432B.220 to require the reporting of child abuse or neglect immediately, but in no case more than 72 hours after discovery. Current language is that the report must be made immediately. (BDR 38-371)
 41. Create a 5-year legislative task force to create and review annually a 5-year plan for the provision of services to youth and recommend policies and laws for consideration by the appropriate governmental bodies. The plan should inventory existing services, assess the delivery of those services, evaluate existing and required resources, discuss and evaluate options for the delivery of services and propose an annual community-based plan to enhance those services, including permanency planning. The task force should be combined with the proposed oversight committees on education and mental health and mental retardation. The committee would also review and evaluate efforts by school districts to prevent dropouts, and report its findings and recommendations concerning programs for the prevention of dropouts to the legislature. A program for the prevention of dropouts should:
 - a. Be based upon a commitment to achieve a graduation rate of 100 percent of the students in the state;
 - b. Offer a variety of alternative methods and procedures for the prevention of dropouts; and
 - c. Provide an effective system for monitoring and reporting upon the progress of the program.
- Allow the committee to form subcommittees. (BDR 17-379)

BULLETIN 89-17

STUDY CONCERNING THE BASING OF PUBLIC UTILITY
RATES UPON ANTICIPATED REVENUES AND EXPENSES

S.C.R. 44 - 1987 Session

Interim Subcommittee

Assemblyman Bob L. Kerns, Chairman
Senator Dean A. Rhoads, Vice Chairman
Senator William R. O'Donnell
Assemblyman James J. Banner
Assemblyman Vivian L. Freeman
Assemblyman Leonard V. Nevin

Principal Staff

Jan V. Needham, Principal Deputy Legislative Counsel

Senate Concurrent Resolution No. 44--Committee on
Legislative Affairs and Operations
FILE NUMBER. 139

SENATE CONCURRENT RESOLUTION--Directing the Legislative Commission to conduct
an interim study concerning the basing of public utilities' rates upon anticipated
revenues and expenses.

WHEREAS, The basing of public utilities' rates solely upon past experience necessarily results in a lag between the incurring of costs and their recovery through charges to customers which can only be met by changing the rates; and

WHEREAS, Public utilities in this state have sought relief from this practice through legislation empowering or requiring the Public Service Commission of Nevada to base allowed rates on estimates of anticipated results, with provisions for adjustment as experience confirms or corrects those estimates; and

WHEREAS, Such estimates, called in regulatory circles "future test year," are so used in other jurisdictions, notably by the State of California and the Federal Energy Regulatory Commission; and

WHEREAS, Interest rates and other costs are currently comparatively stable, so that a transition to the practice of using anticipated results could be accomplished without drastic changes in rates and the effects of the practice observed and the practice itself refined if appropriate; 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 an interim study of the feasibility and desirability of basing public utilities' rates in this state upon estimates of anticipated costs and revenues, including at least:

1. A comparison between the methods used and results obtained from those methods and from the use of historical costs and revenues;

2. The methods of adjusting rates derived from such estimates to reflect actual results, drawing upon the experience of California and the Federal Energy Regulatory Commission, before another general change in rates is considered; and

3. The possibility under this method of limiting the frequency of applications for general changes in rates and the scheduling of such applications to spread out the work of the Public Service Commission of Nevada, and the advantages which may be derived from this limitation and scheduling of work;

and be it further

RESOLVED, That this study be conducted by a subcommittee comprised of members of both houses of the Legislature; and be it further

RESOLVED, That the results of this study and any recommendations for legislation be reported to the 65th Session of the Legislature.

19  87

ABSTRACT

STUDY CONCERNING BASING OF PUBLIC UTILITY RATES UPON ANTICIPATED COSTS AND REVENUES

The 64th session of the legislature adopted Senate Concurrent Resolution No. 44 (File No. 139, Statutes of Nevada 1987) which required the legislative commission to study the feasibility and desirability of basing public utilities' rates upon estimates of anticipated costs and revenues. The legislative commission was required to include in the study:

1. A comparison between the methods used and results obtained from the use of estimates of future expenses and from the use of historical costs and revenues;
2. The methods of adjusting rates derived from such estimates to reflect actual results; and
3. The possibility under this method of limiting the frequency of applications for general changes in rates and the scheduling of such applications to disperse the work of the public service commission of Nevada, and the advantages which may be derived from this limitation and scheduling of work.

The legislative commission appointed a subcommittee to conduct the study and recommend appropriate action. The subcommittee held four meetings. The first meeting was held on January 12, 1988, in Las Vegas, Nevada. The second meeting was held on February 29, 1988, in Carson City, Nevada. The third meeting was held on March 29, 1988, in Reno, Nevada. The final meeting was held on April 26, 1988 in Carson City, Nevada. The subcommittee heard testimony from public utilities providing services in Nevada, the public service commission of Nevada, the advocate for customers of public utilities and members of the general public.

In addition to studying the subjects required by Senate Concurrent Resolution No. 44, the subcommittee devoted part of its time to studying the method by which public utility rates are presently determined, the expense to the public service commission of Nevada in determining rates based on estimates of future expenses, and whether the rates of customers of public utilities would be increased by using estimates of future expenses to determine those rates. The subcommittee also studied the effect, if any, the use of estimates of future expenses would have on public utilities' bond ratings and shareholders' profits.

The report of the legislative commission includes suggested legislation which would authorize the public service commission of Nevada to consider estimated revenues, expenses, investments and costs of capital for a future period of operation in determining rates for public utilities.

SUMMARY OF RECOMMENDATION

The subcommittee recommends that the legislature:

Authorize the public service commission of Nevada to consider estimated revenues, expenses, investments and costs of capital for a future period of operation in determining rates for public utilities. (BDR 58-216)

BULLETIN 89-18

STUDY ON FINANCING OF COMMERCIAL AND
INDUSTRIAL DEVELOPMENT

A.C.R. 18 - 1987 Session

Interim Subcommittee

Assemblyman Myrna T. Williams, Chairman
Assemblyman William A. Kissam, Vice Chairman
Senator Dean A. Rhoads
Senator Raymond C. Shaffer
Assemblyman Joan A. Lambert

Principal Staff

Brenda J. Erdoes, Chief Deputy Legislative Counsel

Assembly Concurrent Resolution No. 18--Assemblymen Myrna Williams, Wisdom, Getto, Dini, Lambert, Banner, Thomas, Thompson, Adler, Garner, Nevin, Fay, Haller, Kerns, Porter, Brookman, Freeman, Evans, Bergevin, DuBois, Arberry, Kissam, Craddock, Triggs, Humke, McGaughey, Nicholas and Sader

FILE NUMBER...150

ASSEMBLY CONCURRENT RESOLUTION--Directing the Legislative Commission to conduct an interim study of the laws relating to the financing of public facilities and public works which accompany residential, commercial and industrial development in this state

WHEREAS, Nevada is one of the fastest growing states in the nation; and

WHEREAS, The continued development of the residential, commercial and industrial sectors of Nevada's economy is vitally important to the future of this state; and

WHEREAS, The cost of providing public facilities and public works as a part of each project is passed on to the consumer in the form of higher costs; and

WHEREAS, As a result of these higher prices, the ability to provide affordable housing in this state is in jeopardy; and

WHEREAS, Laws governing the methods used and methods which may be used to provide and finance these public facilities and public works need to be examined in order to ensure an equitable distribution of the costs of providing these public improvements; 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 comprehensive study of the laws governing the methods used to finance public facilities and public works which accompany new residential, commercial and industrial development in this state; and be it further

RESOLVED, That the study include:

1. An examination of the effect on new development of providing services for utilities, streets, disposal of sewage, parks and other public services and facilities;

2. An identification of all the methods and sources of funding authorized by the laws of this state, and the use or lack of use by local governments of these methods and sources of financing;

3. An evaluation of the projected need for services necessary to maintain existing facilities and sustain continued future development; and

4. An identification and examination of any new methods which may be used to finance public facilities and public works for residential, commercial and industrial development;

and be it further

RESOLVED, That the Governor is hereby directed to appoint nine persons as members of an advisory committee to assist the subcommittee appointed by the Legislative Commission to study the financing of public facilities and public works for residential, commercial and industrial development; and be it further

RESOLVED, That the advisory committee consists of:

- 1. Three members involved in residential housing development;**
 - 2. Two members involved in commercial or industrial development;**
 - 3. Two members involved in local government;**
 - 4. One member representing public utilities; and**
 - 5. One member involved in the economic development of the state;**
- and be it further**

RESOLVED, That the Legislative Commission report the results of its study and any recommended legislation to the 65th session of the legislature.

ABSTRACT

STUDY ON FINANCING OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT

The 64th session of the legislature adopted Assembly Concurrent Resolution No. 18 (File No. 150, Statutes of Nevada 1987) which directed the legislative commission to conduct an interim study of the laws relating to the financing of public facilities and public works which accompany residential, commercial and industrial development in this state. The legislative commission was required to include in the study:

1. An examination of the effect on new development of providing services for utilities, streets, disposal of sewage, parks and other public services and facilities;
2. An identification of all the methods and sources of funding authorized by the laws of this state, and the use or lack of use by local governments of these methods and sources of financing;
3. An evaluation of the projected need for services necessary to maintain existing facilities and sustain continued future development; and
4. An identification and examination of any new methods which may be used to finance public facilities and public works for residential, commercial and industrial development.

The legislative commission appointed a subcommittee of five legislators to conduct the study and recommend appropriate action. Pursuant to the resolution, the governor appointed an advisory committee of nine persons to assist the legislative subcommittee. The subcommittee and advisory committee held five combined meetings in Las Vegas on: (1) November 16, 1987, (2) February 12, 1988, (3) April 15, 1988, (4) June 6, 1988, and (5) June 20, 1988. At the first meeting the chairman appointed four subsubcommittees consisting of members of both the subcommittee and the advisory committee to concentrate on these four areas to be covered by the study: (1) existing laws, (2) Mello-Roos type legislation, (3) infrastructure and bond banks, and (4) impact and development fees. Each subsubcommittee met two to four times between each of the five combined meetings and reported its progress at the combined meetings.

The subcommittee distributed a questionnaire to all local governments. The questionnaire included a list of the available methods of financing infrastructure. Each local government was asked to indicate which methods it had used during the past 10 years. The questionnaire also solicited comments concerning suggested changes to the laws governing these methods and suggestions for new methods of financing infrastructure. Approximately two-thirds of the local governments responded to the survey.

The subcommittee heard testimony from representatives of local governments, private developers, and other interested persons concerning all facets of financing and supporting new development and existing infrastructure.

The report of the subcommittee includes a compilation of the information concerning the use by local governments of the existing methods for financing infrastructure, various laws of other states which were considered by the subcommittee and all of the other background materials considered by the subcommittee as well as suggested legislation.

SUMMARY OF RECOMMENDATIONS

The legislative commission's subcommittee to study the laws relating to the financing of public facilities and public works which accompany residential, commercial and industrial development in this state and the governor's advisory committee thereto approved the inclusion in their report of the following recommendations:

1. Enact legislation creating a revolving fund to finance the construction of treatment works and the implementation of pollution control projects by local governments to be administered by the division of environmental protection of the state department of conservation and natural resources. (BDR 40-226)
2. Enact legislation requiring certain local governments to prepare annually a capital improvements plan for the ensuing 3 to 5 years. (BDR 22-184)
3. Enact legislation increasing the authorized duration of short-term financing by local governments from 5 years to 10 years. (BDR 31-185)
4. Enact legislation expanding the authority of the governing body of a local government which makes a special assessment to provide for the payment of the assessment in installments. (BDR 21-224)
5. Enact legislation allowing municipalities which are acquiring property to grant a security interest in property other than that being acquired. (BDR 30-223)
6. Enact legislation expanding the permissible methods of repaying public securities that provide for the payment of compound interest. (BDR 8-222)
7. Enact legislation authorizing local governments to impose impact fees. (BDR 22-225)
8. Enact legislation authorizing an expedited procedure for the creation of improvement districts. (BDR 21-272)

BULLETIN 89-19

STUDY OF THE MENTAL HEALTH AND MENTAL
RETARDATION DIVISION

A.C.R. 59 - 1987 Session

Interim Subcommittee

Assemblyman James J. Spinello, Chairman
Senator Raymond D. Rawson, Vice Chairman
Senator John M. Vergiels
Assemblyman Jan Evans
Assemblyman David E. Humke

Principal Staff

Bob Guernsey, Deputy Fiscal Analyst

Assembly Concurrent Resolution No. 59--Assemblymen Spinello,
Schofield, Marvel, Swain and Tebbs
FILE NUMBER 155

ASSEMBLY CONCURRENT RESOLUTION--Directing the Legislative Commission to
conduct an interim study of the Mental Hygiene and Mental Retardation Division
of the Department of Human Resources.

WHEREAS. The services of the Mental Hygiene and Mental Retardation
Division of the Department of Human Resources affect many people; and

WHEREAS. Most of the persons served by this division are wards of the
state and are, therefore, the responsibility of the state; and

WHEREAS. The efficiency and effectiveness of the management of this
division in relation to its treatment of its clients is of the utmost importance
to the state; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA. THE SENATE
CONCURRING, That the Legislative Commission is hereby directed to conduct
a comprehensive study of the Mental Hygiene and Mental Retardation
Division of the Department of Human Resources, its management and its
treatment of clients; and be it further

RESOLVED. That the results of the study and any recommended legislation
be submitted to the 65th session of the Legislature.

ABSTRACT

STUDY OF THE MENTAL HEALTH AND MENTAL RETARDATION DIVISION

The 1987 session of the Nevada legislature adopted Assembly Concurrent Resolution No. 59 (File No. 155) which directed the legislative commission to study the operation of the mental health and mental retardation division of the department of human resources.

During recent years, Nevada's population has grown rapidly, resulting in an increased need for the services provided by the mental health and mental retardation division. Increasing caseloads and concern over the treatment of clients created a need for the legislature to examine the operations of the division and the efficiency and effectiveness of its management. Consequently, the legislature charged the legislative commission with the responsibility for undertaking this study.

In response to this mandate, the legislative commission appointed a five-member subcommittee to conduct the study. The subcommittee held nine meetings and received testimony from employees of the division, concerned parents and relatives of clients, and former and current clients.

The subcommittee made 28 recommendations, 12 of which will require legislative action.

SUMMARY OF RECOMMENDATIONS

The subcommittee recommends:

1. That the legislature create a legislative committee on mental health and mental retardation as a subcommittee of the interim finance committee. The subcommittee should consist of five members and provide ongoing legislative oversight in reviewing and evaluating the quality and effectiveness of programs provided for mentally ill and mentally retarded persons in the state. (BDR 39-399)
2. That the legislature create a medical and professional advisory committee, consisting of nine members employed by the division of mental health and mental retardation in the department of human resources, to advise the division on matters relating to staff levels, budgets and treatment standards. The legislature should require the advisory committee to submit quarterly reports to the legislative committee concerning its findings. (BDR 39-399)
3. That the division of mental health and mental retardation add a training officer to the division's central office to plan, coordinate and implement training for all professional and paraprofessional staff within the division.
4. That funding for training throughout the division of mental health and mental retardation be significantly increased. The subcommittee finds that existing training programs are greatly deficient.
5. That the division of mental health and mental retardation present a plan to the legislature to begin requiring certification of all mental health technicians, mental retardation technicians and forensic technicians employed by the division, to be carried out in cooperation with the community colleges of this state and the University of Nevada System. The subcommittee further recommends that the division require that formal training begin by July 1, 1991. (BDR S 39-400)
6. That the division of mental health and mental retardation submit to the legislative committee a plan to provide training for nurses employed by the division in order to satisfy their requirements for continuing education. The division of mental health and mental retardation continues to experience problems with

recruitment and retention of nurses and the subcommittee feels that this will be an important benefit in assisting those recruitment efforts. (BDR 39-399)

7. That the division of mental health and mental retardation be required to submit to the legislative committee proposed ratios of staff members to in-patients, out-patients and other persons for whom services are provided by the division. This will begin to ensure that budget requests are based on a treatment-oriented standard of care. It was observed that treatment should be appropriate to the needs of the individual client served because of those differentiations in mental retardation and mental health. Different types of clients require different services and levels of care. (BDR 39-399)
8. That the division of mental health and mental retardation submit, as part of its budget request for the 1989 legislative session, a plan to eliminate all waiting lists. The subcommittee finds that the division had many programs and elements of those programs operating at or near capacity.
9. That staffing of the division of mental health and mental retardation's residential facilities should be sufficient to reduce overtime and to prevent back-to-back shifts being required of direct care staff.
10. That the legislature appropriate money from the state general fund to the University of Nevada school of medicine for the establishment of a residency training program for psychiatrists in the State of Nevada. (BDR S 39-401)
11. That the requirements for psychiatric certification for psychiatrists employed by the division of mental health and mental retardation, which currently mandates board certification after 3 years, be extended to 5 years. (BDR S 39-402)
12. That inpatient facilities of the division of mental health and mental retardation meet appropriate licensing and accreditation standards by July 1992.
13. That the the legislature require that the division of mental health and mental retardation adopt, by regulation, policies and procedures for defining and reporting abuse and neglect of clients of the division and to further clarify the definition of abuse and neglect. (BDR 39-404)

14. That the legislature prohibit a state agency from taking any retaliatory disciplinary action against an employee of that agency on the grounds that the employee testified or submitted a complaint against the agency. (BDR 23-405)
15. That the division of mental health and mental retardation begin planning for at least a 20-bed facility to be located in Clark County, Nevada, to house youthful offenders with severe emotional and mental health problems.
16. That the legislature require the payment of overtime at the rate of time and one-half for all nurses employed by the State of Nevada and that this requirement sunset after 4 years.
17. That the legislature consider, as part of the budget process, hiring more staff to lower the client/staff ratio in the community training centers. The subcommittee feels that the client/staff ratios should be based upon the needs of the individual clients and also should include an increase in the request for payment levels.
18. That the division of mental health and mental retardation be required to develop a 5-year plan and revise it annually. The plan and its annual revision should be presented to the legislative committee. The subcommittee also recognized that no staff members at the division are specifically assigned the duties of evaluating existing services and planning for future needs. Consequently, the committee recommends that a planner be added as a member of the division staff. (BDR 39-399)
19. The adoption of the proposal for dual diagnosis units in Las Vegas and Reno, Nevada, to provide services to clients diagnosed as having need for both mental health and mental retardation services. The subcommittee recommends that the facility in southern Nevada be able to provide services to no less than 12 patients and the the facility in northern Nevada be able to provide services to eight patients.
20. That a 50-bed secure forensic facility be constructed in southern Nevada during the next biennium.
21. That the division of mental health and mental retardation, as part of its budget process, request funding for the establishment of rural group homes in

Nevada. The subcommittee identified a great need for residential group homes to provide services to youths in rural Nevada.

22. That there be in place sufficient respite care for those families providing services to the mentally retarded and emotionally disturbed.
23. That the division of mental health and mental retardation request funding for a personnel officer to be located at the division's central office. It was pointed out to the subcommittee that the division has one of the highest employee grievance rates of any organization within state government and that it is operating without the services of a personnel officer. It also was pointed out that many of the positions within the division are specialized and recruitment is difficult. The hiring of a personnel officer should assist with recruitment efforts in addition to providing assistance in handling grievances and terminations.
24. That services for the chronically mentally ill population be expanded. The subcommittee received considerable testimony that the services for the chronically mentally ill adult population have been lacking in the past and currently are insufficient to meet the needs of those individuals. Statistics presented by the division of mental health and mental retardation indicated that Nevada is providing approximately 15 beds per 100,000. There also is a need for community based housing, such as intermediate halfway houses in both the northern and southern part of the state.
25. That in-patient facilities of the division of mental health and mental retardation, which are required to meet licensing or accreditation standards, should have sufficient staff to ensure that that functions such as quality assurance, utilization review and infection control are met. (BDR 39-403)
26. That the new in-patient adult psychiatric hospital in Las Vegas have sufficient pharmacy staff to ensure that this important element of treatment is not overlooked or postponed.
27. That the budget for the southern Nevada adult mental health services include a program to serve the mentally ill geriatric population. It was pointed out to the subcommittee that the Nevada mental health institute

operates an 18-bed facility to serve the mentally ill geriatric population and that a similar program is not in place in southern Nevada. With the expanding population in southern Nevada, and with the greater percentage of those individuals being at or approaching retirement age, it was found that this important program element should not be overlooked, and that planning should begin immediately to assist this population.

28. That case management services personnel need to be involved with clients throughout their treatments. The staffing for case management services should be sufficient to guarantee that all patients are tracked and appropriate services are provided in order to ensure patients are moved to a least restrictive setting as soon as possible.

BULLETIN 89-22

STUDY OF METHODS OF DISTRIBUTION OF REVENUES
FROM TAXATION OF ELECTRICAL POWER PLANTS

S.B. 307 - 1987 Session

Interim Subcommittee

Senator James I. Gibson, Chairman
Assemblyman Louis W. Bergevin, Vice Chairman
Senator Charles W. Joerg
Assemblyman John W. Marvel
Assemblyman Paul W. May, Jr.

Keith Ashworth, Nevada Power Company
Robert S. Hadfield, Nevada Association of Counties
Jim Salo, Sierra Pacific Power Company
Neil Renders, Southern California Edison Company

Principal Staff

Kevin Welsh, Deputy Fiscal Analyst

Senate Bill No. 307--Committee on Taxation
CHAPTER 704.

AN ACT relating to taxation of electrical power plants; requiring an interim study of the methods of distributing revenues from the taxation of large electrical power plants; 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 commission shall:

(a) Contract with consultants to conduct an interim study of the methods of distributing revenues from the taxation of large electrical power plants.

(b) Appoint five legislators to serve as an oversight committee for the study.

2. The legislative commission may also appoint other interested persons to serve as nonvoting members of the oversight committee. The nonvoting members are not entitled to receive any compensation or reimbursement for expenses from the state for their work on the committee.

3. The legislative members of the committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which they attend a meeting of the committee or are otherwise engaged in work of the committee plus the per diem allowance and travel expenses provided for state officers and employees generally, to be paid from the legislative fund.

4. The legislative commission may accept gifts of money from public utilities to pay for the consultants authorized to conduct the study pursuant to paragraph (a) of subsection 1.

Sec. 2. The oversight committee shall:

1. Define the scope of the study.

2. Establish a schedule for completion of the study.

3. Select the consultants and negotiate the terms of the contract.

4. Require scheduled progress reports from the consultants to ensure that:

(a) The consultants are adhering to the scope of the study as established by the oversight committee; and

(b) The study is completed as scheduled.

Sec. 3. The legislative commission shall submit a report of the study and any recommended legislation to the 65th session of the legislature.

Sec. 4. This act becomes effective upon passage and approval.

ABSTRACT

STUDY OF METHODS OF DISTRIBUTION OF REVENUES FROM TAXATION OF ELECTRICAL POWER PLANTS

The effects which the construction of large-scale electrical generating facilities might have on Nevada has been discussed by the legislature in every session since 1979. Interim studies on this subject were completed during the 1981-1982 biennium, the 1983-1984 biennium, and the 1985-1986 biennium. Because of the relationship between Nevada's constitution and its statutory local government revenue caps, the large increase in the local tax base which would result from the construction of this type of facility in one of Nevada's rural counties would cause a substantial reduction in local tax rates. This reduction would produce a windfall tax break for the utility and its out-of-state customers and would reduce the revenue available to mitigate the adverse effects which the plant might have on Nevada's communities.

To address these concerns, the 64th session of the Nevada Legislature adopted Senate Bill 307 (chapter 704). This bill directed the legislative commission to contract with consultants to conduct an interim study of methods of distributing revenue from the taxation of electrical power plants. A special subcommittee was appointed to oversee the completion of the study. The Policy Economics Group of Peat, Marwick, Main & Co. was hired to perform the research. This firm presented its final report to the oversight subcommittee in the fall of 1988. The subcommittee transmitted the findings and recommendations of the consultant to the legislative commission without recommendation.

The subcommittee's bulletin includes the final report of the consultant and provides additional background on the issue.