

*Summary Bulletin  
of  
Reports of the Legislative Commission  
to the 71st Session of the  
Nevada Legislature*



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## SUMMARY BULLETIN 2001

### INTRODUCTION

This bulletin summarizes 20 study reports which were completed in the year 2000 for consideration by the 2001 Nevada Legislature. The Summary Bulletin serves two primary purposes: (1) it provides a brief outline of the work of each interim committee or subcommittee, so that legislators and interested parties may become familiar with the various studies, issues, and resulting recommendations; and (2) it is a reference tool to facilitate and encourage the use and understanding of the individual reports it summarizes.

Interim studies included in this bulletin were mandated by one of four methods: (1) by a special act of the Legislature; (2) by a concurrent or joint resolution adopted by both the Senate and the Assembly; (3) by a law appearing in the *Statutes of Nevada* or *Nevada Revised Statutes* (NRS); or (4) by direction of the Legislative Commission.

Of the 20 study reports in this publication, seven reports were initiated by special acts of the Legislature, i.e., the Air Quality Programs in Clark County (Senate Bill 432), Committee to Study the Funding of Higher Education (Senate Bill 443), Advisory Committee to Locate a 4-year College in Henderson (Assembly Bill 220), Task Force for Long-Term Financial Analysis and Planning (Assembly Bill 525), Commission on School Safety and Juvenile Violence (Assembly Bill 686), Pension Plan for Certain Justices and Judges (Assembly Bill 698), and Subcommittee to Study Domestic and Municipal Water Wells (Assembly Bill 408). Seven studies were directed by concurrent or joint resolutions approved during the 1999 Legislative Session. Six studies, including those conducted by the Committees on Education, Health Care, Marlette Lake, Public Lands, Workers' Compensation, and High-Level Radioactive Waste, were authorized by laws appearing in NRS.

For each study, an abstract and summary of the recommendations, if any, are provided. Some committee abstracts and summaries are more detailed than others, depending upon the nature of the study. The bill, resolution, or statutory provisions that mandated the studies are included for each study, where applicable. In addition, committee members and staff are listed to assist legislators and others in identifying those who may help in their understanding of issues or recommendations.

The Summary Bulletin is a guide to the contents of the regular study reports. It is prepared by staff of the Research Division of the Legislative Counsel Bureau in cooperation with the lead staff assigned to each interim study. For additional information regarding a particular study, interested parties should refer to the bulletin number cited on the initial page of each section. The full publications may be obtained from the Legislative Counsel Bureau's Publications Office and are identified by bulletin number.



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BULLETIN 01-3

**AIR QUALITY PROGRAMS IN CLARK COUNTY**

S.B. 432—1999 Session

**Members**

Senator Jon C. Porter, Sr., Chairman  
Senator Mark A. James  
Senator Dina Titus  
Assemblyman Douglas A. Bache  
Assemblyman Bob Beers  
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**Advisory Committee Members**

Richard B. Holmes, Assistant County Manager, Clark County, Chairman  
Terri Barber, Southern Nevada Homebuilders Association  
Daryl Capurro, Nevada Motor Transport Association  
Gina Grey, Western States Petroleum Association  
Steven D. Hill, Associated Builders and Contractors of Southern Nevada  
Jessica Hodge, Citizen Alert  
Jolaine Johnson, Deputy Administrator, Division of Environmental Protection  
Berlyn Miller, Nevada Contractors Association  
Michael Naylor, Air Quality Division, Clark County Health District  
Jim Parsons, Department of Motor Vehicles and Public Safety  
Jesse Paulk, Associated General Contractors  
Margaret Pierce, Sierra Club  
Dr. Doug Selby, City of Las Vegas and Nevada League of Cities  
Jacob Snow, Regional Transportation Commission of Clark County  
Tom Stephens, Director, Nevada's Department of Transportation  
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Senate Bill No. 432–Senator Porter  
CHAPTER 529

AN ACT relating to air pollution; directing the Legislative Commission to conduct an interim study of certain air quality control programs; setting forth the purpose and duties of the subcommittee of the Legislative Commission; establishing an advisory committee; directing the Department of Motor Vehicles and Public Safety to implement certain programs of air quality control; making an appropriation; and providing other matters properly relating thereto.

Whereas, The legislature finds and declares that a general law cannot be made applicable for the provisions of this act because of the unusual patterns of growth in certain local governments of this state, the need to identify and evaluate the environmental needs of certain counties that have arisen as a result of the growth experienced by those counties and the special conditions experienced in certain counties related to the need to monitor and control air quality; and

Whereas, The Southern Nevada Strategic Planning Authority was created by Senate Bill No. 383 of the 69th session of the Nevada Legislature; and Whereas, The Southern Nevada Strategic Planning Authority submitted a final report to the 70th session of the Nevada Legislature which establishes a set of goals and objectives that address twelve areas which are highly impacted by growth in the Las Vegas Valley; and

Whereas, Support and implementation of the air quality and environmental strategies contained within the final report of the Southern Nevada Strategic Planning Authority are significant to the area of Las Vegas that will not attain the federal standards for air pollution caused by carbon monoxide and particulate matter; and

Whereas, While Clark County currently attains the federal standards for air pollution caused by ozone, based upon 11 observations of Clark County exceeding requirements in 1998, it is expected that Clark County will not attain the federal standards for air pollution caused by ozone within the next 3 years; and

Whereas, The federal standards for carbon monoxide, particulate matter and ozone cannot be attained and maintained within the Las Vegas Valley without the adoption and implementation of additional or improved strategies to control emissions, or both; and

Whereas, The failure to attain the standard for carbon monoxide by December 31, 2000, may result in the loss of federal money; and

Whereas, With the exception of heavy-duty motor vehicles, most motorized vehicles registered in the Las Vegas Valley are required to have an annual emission test as part of an inspection and maintenance program; and

Whereas, According to the Department of Motor Vehicles and Public Safety, in 1996, diesel-powered vehicles accounted for less than 2 percent of the vehicles registered in the Las Vegas Valley, yet the Department of Comprehensive Planning in Clark County estimates that diesel-powered vehicles produce substantial amounts of nitrogen oxides, particulate matter and sulfur dioxides that are emitted directly into the air from on-road and non-road mobile sources; and

Whereas, The Carbon Monoxide Air Quality Implementation Plan of 1995 from Clark County identifies gasoline-powered motor vehicles as the primary source of emissions of carbon monoxide within the Las Vegas Valley; and

Whereas, The provisions of NRS 445B.798 authorize the Department of Motor Vehicles and Public Safety to conduct a test of the emissions from a motor vehicle that is being operated on a highway in certain counties; and

Whereas, The Department agreed to begin conducting tests of the emissions from 50 percent of the motor vehicles in the Las Vegas Valley in the beginning of 2001, and to conduct tests of the emissions from 90 percent of the motor vehicles in the Las Vegas Valley by the end of 2001; and

Whereas, The provisions of NRS 445B.830 establish the pollution control account for the express purpose of providing money to the Department of Motor Vehicles and Public Safety, and to agencies in nonattainment or maintenance areas for carbon monoxide, for programs related to the improvement of the quality of air; now, therefore,

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

**Section 1.** 1. The Legislative Commission shall appoint a subcommittee consisting of three Senators and three Assemblymen to conduct an interim study concerning the programs for air quality control in Clark County.

2. In addition to the legislators, the Legislative Commission shall appoint an advisory committee to assist the subcommittee consisting of:

(a) One member appointed by the Board of County Commissioners of Clark County, who shall serve as Chairman of the Committee;

(b) One member appointed by the Board of County Commissioners of Clark County to represent the fuel industry;

(c) Two members appointed by the Board of County Commissioners of Clark County to represent environmental concerns;

(d) One member appointed by the Board of County Commissioners of Clark County to represent the Nevada Contractors Association;

(e) One member appointed by the Regional Transportation Commission of Clark County;

(f) One member appointed by the Board of Trustees of the Clark County School District;

(g) One member appointed by the Board of Health of Clark County;

(h) One member appointed by the Nevada League of Cities;

(i) One member appointed by the Las Vegas Chapter of the Associated General Contractors of America;

(j) One member appointed by the Southern Nevada Chapter of the Associated Builders and Contractors;

(k) One member appointed by the Nevada Motor Transport Association;

(l) One member appointed by the Southern Nevada Home Builders Association;

(m) The Director of the Department of Motor Vehicles and Public Safety or his designee;

(n) The Director of the Nevada Department of Transportation or his designee; and

(o) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources or his designee.

3. The subcommittee of the Legislative Commission shall:

(a) Contract with a qualified, independent consultant to conduct a study of the air quality in Clark County and negotiate the terms of the contract;

- (b) Establish the scope of the study; and
- (c) Ensure that the consultant is adhering to the scope of the study and will complete the study on time by requiring progress reports from the consultant and establishing a schedule for completion of the study.

**Sec. 2.** 1. The study of the air quality in Clark County conducted by the consultant pursuant to section 1 of this act must include, without limitation, an analysis of and recommendations concerning:

- (a) Existing programs related to air quality in Clark County and methods for improving the efficiency of such programs;
- (b) Programs that may be required in the future to meet standards pertaining to particulates, carbon monoxide, ozone and regional haze and visibility, including, without limitation, programs for the inspection of heavy-duty motor vehicles that are powered by diesel fuel, programs for the inspection and maintenance of light-duty motor vehicles, programs to manage urban haze and visibility, programs that involve the use of alternative fuels, remote sensing or alternative transportation, and estimates of the potential effectiveness of such programs;
- (c) Current and future funding requirements of programs related to air quality, sources of funding for such programs and methods of determining adequate levels of funding for such programs; and
- (d) The roles of state and local governmental agencies and the private sector in addressing air quality issues in Clark County, including, without limitation, recommendations concerning an institutional structure that will effectively address air quality issues in the Las Vegas Valley.

2. The consultant shall consider, when analyzing and making recommendations concerning a program related to air quality in Clark County:

- (a) The cost-effectiveness of the program by comparing it with other programs related to air quality; and relating to the availability, effectiveness, reliability and safety of any proposed technology that may be used in the program.

3. On or before June 30, 2000, the consultant shall submit a written report of the study to the subcommittee of the Legislative Commission.

4. On or before October 15, 2000, the subcommittee shall review the report submitted pursuant to subsection 3. Any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Assembly appointed to the subcommittee and a majority of the members of the Senate appointed to the subcommittee. The Legislative Commission shall submit its findings and recommendations for legislation to the 71st session of the Nevada Legislature.

**Sec. 3.** 1. In consultation with the State Environmental Commission and local air pollution control agencies, the Department of Motor Vehicles and Public Safety shall ensure the expedient implementation of an improved program to determine whether a motor vehicle that uses diesel fuel complies with controls over emissions.

2. As soon as the equipment that is necessary becomes available, the Department of Motor Vehicles and Public Safety shall begin conducting roadside tests of the emissions from motor vehicles that are operated on highways in a county whose population is 400,000 or more to determine whether the vehicles comply with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted thereto.

3. The Department of Motor Vehicles and Public Safety shall monitor the effectiveness of its programs for the inspection and maintenance of motor vehicles and shall implement improvements to provide the highest air quality and improvement in air quality.

4. The Department of Motor Vehicles and Public Safety shall implement its use of computers to ensure that its use of staff is efficient, to increase the number of staff that can conduct inspections of motor vehicles and to address current problems with the program to control emissions from motor vehicles.

**Sec. 4.** 1. There is hereby appropriated from the pollution control account in the state general fund to the Legislative Commission the sum of \$500,000 to pay for the costs associated with carrying out the provisions of this act.

2. The Legislative Commission shall determine the manner in which to expend the money appropriated pursuant to subsection 1 and shall distribute at least \$100,000 of the appropriation to the Department of Motor Vehicles and Public Safety for use by the Department in its program for the inspection of heavy-duty motor vehicles that are powered by diesel fuel.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

**Sec. 5.** This act becomes effective upon passage and approval.

## ABSTRACT

### **AIR QUALITY PROGRAMS IN CLARK COUNTY (S.B. 432)**

The 70th Session of the Nevada Legislature enacted Senate Bill 432 (Chapter 529, *Statutes of Nevada 1999*), which directed the Legislative Commission to appoint an interim subcommittee, consisting of three Senators and three Assembly members, to study the programs for air quality control in Clark County. The bill also directed the Legislative Commission to appoint a 16-member advisory committee, representing specific entities and interests, to assist the subcommittee in the study.

As part of its responsibilities, the subcommittee was directed to contract with a qualified, independent consultant to conduct a study of air quality in Clark County. Among other topics, the consultant's study was required to review the following:

- Existing programs related to air quality in the county and methods for improving the efficiency of these programs;
- Programs that may be required in the future to meet air quality standards;
- Current and future funding requirements of air quality programs; and
- The roles of state and local governmental agencies and the private sector in addressing air quality issues in Clark County.

Senate Bill 432 requires the consultant to submit a written report to the subcommittee, and it requires the Legislative Commission to submit a report of the subcommittee's findings and recommendations to the 2001 Legislature.

Senate Bill 432 includes an appropriation of \$500,000 from the pollution control account of the State General Fund to the Legislative Commission to carry out the provisions of the bill. The measure specifies, however, that at least \$100,000 of the appropriation must be distributed to the Department of Motor Vehicles and Public Safety (DMV&PS) to implement a program of inspection of heavy-duty diesel powered vehicles in Clark County.

At the beginning of the interim study, the subcommittee's advisory committee assisted in preparing a Request for Proposal (RFP) for a consultant to conduct the air quality study, and it later screened the seven proposals that were submitted as a result of the RFP process. After hearing presentations from the three consulting firms recommended by the advisory committee, the subcommittee selected ENVIRON International Corporation (ENVIRON) to conduct the study. A contract was signed, and the consultant began its work on January 13, 2000.

The consultant presented the subcommittee with monthly progress reports, and participated in all the subcommittee meetings held after its work commenced. Pursuant to the provisions of the contract, ENVIRON submitted a draft final report on June 23, 2000. At the direction of the subcommittee, the consultant revised that report and submitted its Final Report on September 29, 2000. In compliance with the provisions of S.B. 432 and the contract with the subcommittee, ENVIRON's report includes detailed information and analysis of current and future air quality in Clark County and potential future air pollution control measures for the county. In addition, the report includes information and recommendations regarding funding requirements and governmental responsibilities for air quality programs in Clark County.

The subcommittee held a total of eight meetings, including the final meeting and work session, during the course of the study. All of these public hearings were held in legislative meeting rooms at the Grant Sawyer State Office Building in Las Vegas, Nevada, and they were conducted through simultaneous videoconferences between the Las Vegas location and meeting rooms at the Legislative Building in Carson City, Nevada.

During the course of this interim study, the subcommittee obtained extensive expert and public testimony concerning Clark County's air quality programs. It received testimony and correspondence from concerned citizens, environmental groups, business owners, representatives of regulated industries, various interest groups, and the subcommittee's consultant. State and local officials contributed significant information and suggestions throughout the study.

At its final meeting and work session, the subcommittee adopted 25 recommendations, including five bill draft requests (BDRs), for consideration by the 2001 Legislature. The recommendations, most of which are based on the consultant's recommendations in its Final Report, address the following major topics:

- Governmental Roles and Responsibilities for Air Quality Programs in Clark County;
- Funding Requirements for Air Quality Programs in Clark County;
- Alternative Fuels; and
- Motor Vehicle Emissions.

The final report of the subcommittee contains an overview of the interim study and the consultant's findings and recommendations. It also contains a discussion of each of the topics under which the subcommittee made its own recommendations. Most importantly, a copy of the consultant's report is included with the subcommittee's report.

## SUMMARY OF RECOMMENDATIONS

This summary presents the recommendations approved by the Legislative Commission's Subcommittee on Air Quality Programs in Clark County (Senate Bill 432 [Chapter 529, *Statutes of Nevada 1999*]). The Subcommittee submits the following proposals to the 71st Session of the Nevada Legislature:

### RECOMMENDATIONS CONCERNING GOVERNMENTAL ROLES AND RESPONSIBILITIES

#### Local Governmental Roles and Responsibilities in Clark County

1. **First, include a statement in the Subcommittee's final report directing local governmental agencies in Clark County (Clark County Board of Commissioners, Clark County District Board of Health, City of Boulder City, City of Henderson, City of Las Vegas, City of North Las Vegas, City of Mesquite, and the Regional Transportation Commission [RTC] of Clark County) to continue to work with the Southern Nevada Regional Planning Coalition (SNRPC) and follow through on interlocal agreements to restructure existing air quality programs and submit, for introduction in the 2001 Legislative Session, a detailed proposal for legislation to create a new regional air quality authority ("The Southern Nevada Air Quality Management Authority"). Further, direct these local governmental agencies to consider the various recommendations made in Chapter 5, "Governmental Roles and Responsibilities for Air Quality Programs in Clark County, Nevada," of the Final Report submitted by ENVIRON International Corporation on September 29, 2000.**

**Second, draft legislation to implement the local governments' proposal to restructure the air quality programs in Clark County consistent with the work of the SNRPC and the interlocal agreements. (BDR -790)**

**Third, request the legislative leadership of the Nevada Senate and Nevada Assembly, of the 71st Session of the Nevada Legislature, to appoint the members of the S.B. 432 Subcommittee as a joint select committee during the 2001 Legislative Session to consider the local governments' proposed legislation to restructure the air quality programs in Clark County and related matters.**

2. **Include a statement in the Subcommittee's final report recommending the following actions if a new local air quality agency is established in Clark County:**
  - a. **A professional management consultant be employed to help orchestrate the actual organizational setup of the new agency, as well as address such employee issues as continuing health insurance coverage and achieving salary parity. The consultant should also propose a three- to five-year budget plan.**

- b. **The new agency should include a combination of the current split responsibilities of the Clark County Health District's (CCHD's) Air Quality Division (AQD) and Clark County's air quality team in the Department of Comprehensive Planning. In addition, Clark County's air pollution control board, which is established under existing statutes and the *Clark County Code*, should be terminated when the new agency is established.**
  
  - c. **The new agency should facilitate the following matters:**
    - (i) **Improved working conditions for air management professionals;**
    - (ii) **Improved equity in salaries;**
    - (iii) **Improved communications, public access to data, and public outreach; and**
    - (iv) **Improved training of technical and support staff.**
3. **Draft and enact legislation amending Chapter 445B of *Nevada Revised Statutes* (NRS) to require the local air quality agency in Clark County to conduct a biennial audit of air quality programs in the county as part of its programmatic responsibilities. Working in conjunction with the State Department of Conservation and Natural Resources (SDCNR)/Nevada's Division of Environmental Protection (NDEP) and the United States Environmental Protection Agency (USEPA), the local agency would fund the costs of hiring a contractor to conduct a comprehensive program audit. The audit would be conducted by an independent contractor selected by the local agency through a Request for Proposal (RFP) process and would include a detailed evaluation of the county's ambient air monitoring, compliance, enforcement, permitting, and planning programs. The legislation would require that the local air quality agency in Clark County, in consultation with the SDCNR/NDEP and USEPA, develop specific evaluation and adequacy criteria to be used by the contractor to ensure a consistent and comprehensive review.**

**In addition, the legislation would amend NRS 445B.520 to require the State Environmental Commission to establish criteria for evaluating the adequacy of local air quality programs in Clark County and make a formal adequacy determination based on the results of the audit. Should inadequacies be found, the Commission would be required to establish the corrective measures that need to be taken. In addition, the legislation would require that a report containing the local air quality agency's biennial audit report, including any issues identified; the adequacy determination; corrective measures; and time lines, as necessary, be prepared by the Commission (SDCNR/NDEP) and provided to the Legislature. (BDR 40-794)**

## State Roles and Responsibilities

- 4. Draft and enact legislation to require that the SDCNR/NDEP: (a) be actively involved in developing, reviewing, and approving State Implementation Plan (SIP) revisions; (b) monitor the timetable for major federal Clean Air Act (CAA) requirements and Clark County's progress on them; (c) be a party to SIP development to the extent that state control measures are part of the control strategy included in the SIP; and (d) comment on draft SIP revisions and testify before the board of the local air quality agency during the adoption process. (BDR 40-794)**
- 5. Draft and enact legislation amending Chapter 445B of NRS to assign SDCNR/NDEP the lead role in setting regional haze standards. The State of Nevada will be required to address the federal regional haze mandates in the next three to five years. This program will require coordinated efforts by the SDCNR/NDEP and the local air quality agency in Clark County. The legislation would require SDCNR/NDEP to lead these efforts and have the responsibility for submittal of the regional haze SIP on behalf of the State of Nevada. The NDEP would also be required to work with the counties to provide necessary technical support. (BDR 40-794)**
- 6. Include a statement in the Subcommittee's final report recommending that NDEP perform an evaluation of and make recommendations regarding the use of dust suppressants. The extensive application of dust suppressants is critical to meeting the air quality standards for particulate matter PM-10. Because there is a need to evaluate the products available on the market to ensure that safe and environmentally suitable materials are applied, the NDEP should take the lead role in assessing those products and in establishing appropriate restrictions regarding their application. The NDEP should begin this task immediately.**
- 7. Include a statement in the Subcommittee's final report recommending that NDEP coordinate, initiate, and lead activities of a Clark County Air Quality Forum. The Air Quality Forum, modeled after the Lake Mead Water Quality Forum, would be created to address air quality issues, coordinate research efforts, and share air quality information within the region. The forum, led by NDEP, would consist of representatives of Clark County; the CCHD or the local air quality agency in Clark County; the Cities of Boulder City, Henderson, Las Vegas, North Las Vegas, and Mesquite; Nevada's Department of Transportation; the RTC; the Department of Motor Vehicles and Public Safety (DMV&PS); the State Department of Agriculture; USEPA; the University and Community College System of Nevada (UCCSN); and the public.**
- 8. Include a statement in the Subcommittee's final report recommending that NDEP, in partnership with the UCCSN, develop a training program for air quality professionals. The NDEP has identified a critical need for qualified, professional air quality staff at both the state and local levels, and the Final Report by ENVIRON International Corporation recommends a formalized training agenda for air pollution**

control staff. The NDEP should also coordinate with the UCCSN and other available training resources to ensure that appropriate courses are made readily available to the staff of the state and local air quality agencies in Nevada.

9. Include a statement in the Subcommittee's final report recommending that state agencies involved in air quality regulation, particularly NDEP and DMV&PS, have membership on local air quality program technical committees in Clark County. Membership and participation on such technical committees would allow the state agencies to enhance the quality of the technical work by providing the benefit of the state's resources and experience, while also increasing the state agencies' understanding of and support for the local effort.

### Federal Relationship

10. Include a statement in the Subcommittee's final report recommending improving the relationships between Clark County's air pollution control program and the USEPA, as follows:
  - a. The organization of the local air quality agency in Clark County should include a federal/state liaison officer.
  - b. Regular meetings between staff of the local air quality agency in Clark County and the USEPA, Region IX, should continue, in order to minimize policy disagreements, solicit timely federal comments, and obtain federal technical assistance.
11. Urge, by resolution, that Congress require the United States Department of the Interior's Bureau of Land Management (BLM) and USEPA to work more closely to assure that the BLM addresses state and county regulations contained in the various SIPs. Congress should also require the BLM to clearly identify the air quality impacts in the environmental impact statements concerning proposed land sales. (BDR R-792)

Furthermore, include a statement in the Subcommittee's final report recommending that the BLM should be represented on any local air quality agency's technical advisory committee.

### RECOMMENDATIONS CONCERNING FUNDING REQUIREMENTS FOR AIR QUALITY PROGRAMS IN CLARK COUNTY

12. Include a statement in the Subcommittee's final report recommending that local enforcement penalties for air quality violations in Clark County be increased to a level closer to the norm in large and growing local air pollution programs in other jurisdictions.

13. Draft and enact legislation to amend Chapter 445B of NRS to require that the SDCNR/NDEP coordinate assessment of and make recommendations regarding funding needs for air pollution control programs throughout Nevada, particularly the local air quality programs in Clark County. As the State of Nevada, particularly Clark County, continues to grow rapidly, attaining and maintaining air quality will become increasingly challenging. The level of effort and resources necessary will increase significantly over time as issues such as regional/urban haze, particulate matter (PM) 2.5, and ozone are also required to be addressed. Increases in funding are a prerequisite to meeting these present and future challenges. The NDEP should take the lead, in coordination with all involved federal, state, and county agencies, to assess the funding needs; and it should investigate and apply for all available funding sources. Furthermore, the NDEP should establish priorities for the use of limited funding, and it should recommend appropriate legislation to the Legislature before the 2003 Legislative Session and each subsequent session. (BDR 40-794)

#### RECOMMENDATIONS CONCERNING ALTERNATIVE FUELS

14. Draft and enact legislation to amend Chapter 486A of NRS to expand the duties of the SDCNR/NDEP relating to its implementation of Nevada's alternative fuels program. The SDCNR/NDEP currently implements the program for conversion of public fleet vehicles to alternative fuels pursuant to Chapter 486A of NRS. The SDCNR/NDEP should enhance coordination with the Nevada State Energy Office, which implements the United States Department of Energy's requirements for conversion of federal and state fleets under the federal Energy Policy Act. Clean fuels are available in Clark County, but the market may need incentives for further development. The SDCNR/NDEP should coordinate further with the Nevada State Energy Office to evaluate, promote, and implement incentives for increased use of alternative fueled vehicles. Public awareness and outreach efforts should be enhanced by these agencies. (BDR 40-794)

15. Include a statement in the Subcommittee's final report directing the Nevada State Energy Office and NDEP, in consultation with local governments in Nevada, to study and make recommendations regarding state incentives for the sale and use of alternative fuels in Nevada. On or before April 1, 2001, these agencies should prepare and submit a report, including recommendations for legislation, to the 71st Session of the Nevada Legislature.

#### RECOMMENDATIONS CONCERNING MOTOR VEHICLE EMISSIONS

16. Include a statement in the Subcommittee's final report recommending that the surface street opacity program (for inspecting emissions from heavy-duty diesel vehicles) implemented by DMV&PS as a result of Senate Bill 432 (Chapter 529, *Statutes of Nevada 1999*) be expanded to include gasoline-powered vehicles emitting visible smoke

on the highways and surface streets in the Las Vegas Valley. This recommendation will allow DMV&PS to continue its efforts by having heavy-duty diesel vehicles violating the opacity standards either repaired or removed from operation, and at the same time address the approximately 9,000 smoking vehicles reported each year. The DMV&PS has indicated that this recommendation can be accomplished without the need for additional resources or statutory authority.

17. Include a statement in the Subcommittee's final report recommending that the state and local agencies responsible for air quality planning reevaluate the current opacity standards for heavy-duty diesel vehicles operating within the Las Vegas Valley to determine whether significant air quality benefits would be realized by adopting lower opacity cutpoints recommended by the USEPA document, "Guidance to States on Smoke Opacity Cutpoints to be Used with the SAE J1667 In-Use Smoke Test Procedure," dated February 25, 1999. The USEPA document recommends that states adopt a uniform opacity cutpoint of 40 percent for 1991 and newer vehicles, and 55 percent for 1990 and older vehicles.

18. Include a statement in the Subcommittee's final report stating the following:

"On the basis of statistical information gathered over the past several months, the DMV&PS is recommending that annual emission testing of heavy-duty diesel vehicles not be pursued. The Department feels that the low opacity failure rate (2.4 percent) observed during its enforcement program does not warrant the significant imposition an annual testing program would have on the industry, or the costs associated with such a program."

19. Draft and enact legislation to amend Chapter 445B of NRS to authorize and require SDCNR/NDEP to develop incentive programs for repairing high-emitting vehicles. According to NDEP, the repair of high-emitting vehicles is critical to successfully reducing mobile source pollution, and, therefore, to achieving and maintaining ambient air quality standards. Furthermore, NDEP reports that a pilot program, recently conducted by DMV&PS and Clark County, resulted in the repair of over 1,100 vehicles that failed smog check tests and were owned by individuals who could not afford to pay the repair costs. The effectiveness of this program is currently being evaluated. Should the program prove to be an effective means of reducing pollution, the NDEP should work with the DMV&PS and the local air quality agency in Clark County to further develop and implement an effective, full-scale incentive program for repairing such vehicles. (BDR 40-794)

20. Include a statement in the Subcommittee's final report recommending that the State Environmental Commission, through NDEP, assume increased responsibility for setting emissions standards for motor vehicles. According to NDEP, the State Environmental Commission has made a commitment to adopt emission standards as necessary to achieve and maintain the ambient air quality standards. The NDEP

should work with Clark County and the DMV&PS to evaluate the effectiveness of and need for more stringent vehicle emission standards. Effective standards should be proposed to the State Environmental Commission. In addition, the State Environmental Commission should consider expanding Nevada's inspection and maintenance (I/M) program for motor vehicles to include additional areas of the state, including, among others, the Lake Tahoe area and commuter communities where residents currently are not required to have smog checks for their vehicles, even though they travel to and from work in areas where smog checks are required.

### MISCELLANEOUS RECOMMENDATIONS

21. Include a statement in the Subcommittee's final report recommending that the SNRPC and the local governments in Clark County, as part of restructuring the existing air quality programs and creating a new regional air quality agency in the county, should review and consider implementing the recommendations in ENVIRON's Final Report, particularly those recommendations addressing the following topics:

- Air Pollution Emission Inventories;
- Air Quality Monitoring;
- Control Measure Needs Assessment;
- Emission Reduction Credit (ERC) Program;
- Enforcement of Regulations;
- Fugitive Dust Rules; and
- Research Coordination and Priorities.

On or before February 1, 2001, these local agencies should submit a report to the 71<sup>st</sup> Session of the Nevada Legislature on how they plan to address these recommendations.

22. Include a statement in the Subcommittee's final report directing the Clark County District Board of Health, with assistance and oversight from the SNRPC, to initiate a management organizational study of the AQD of the CCHD. The objectives of the study should be as follows:

- a. Determining if the AQD is effectively and efficiently implementing and enforcing the 1990 federal CAA and amendments thereto, and all applicable state and local regulations. Considerations should include communication; management; policies

and procedures; responsibilities; staffing and resources; work environment; and conflict of interest.

- b. Comparing the practices of AQD to the best practices in the field.
- c. Developing, if necessary, an implementation plan for effective managerial practices.
- d. Reviewing any previous findings noted by any external agencies.

This management study should be conducted by a qualified, independent consultant. Furthermore, representatives of CCHD and SNRPC should provide a status report on the progress of this study to the Legislative Commission at its meeting on December 11, 2000. On or before February 1, 2001, the final report resulting from this management study should be completed and submitted to the 71st Session of the Nevada Legislature.

- 23. Include a statement in the Subcommittee's final report directing the Clark County District Board of Health, with assistance and oversight from the SNRPC, to initiate an independent audit of the ERC Program operated by the AQD of the CCHD. This audit should be conducted by a qualified, independent auditing or consulting firm with no previous contractual relationship with, or other experience working for, the CCHD.
- 24. Draft and enact legislation to amend the provisions of Chapter 445B of NRS to specifically authorize the establishment and operation of an ERC Program and the assessment of any accompanying fees by a local air pollution control agency. (BDR 40-791)
- 25. Draft and enact legislation to extend the existing statutory whistleblower protection, which is now provided only to state employees (NRS 281.611 through 281.671), to local government employees. This legislation would provide that no retaliatory action may be taken against such an employee for reporting improper governmental action. Furthermore, this legislation should allow local governments to adopt provisions that provide additional whistleblower protection for their employees. (BDR 23-793)

BULLETIN 01-4

**COMMITTEE TO STUDY THE FUNDING OF  
HIGHER EDUCATION**

S.B. 443—1999 Session

**Voting Members**

Senator William J. Raggio, Chairman  
Senator Dina Titus  
Senator Randolph J. Townsend  
Assemblyman Bob Beers  
Assembly Speaker Joseph E. Dini, Jr.  
Assemblyman Richard D. Perkins  
Dr. Jill Derby, Chair, UCCSN Board of Regents  
Dixie May, UNR Foundation President  
Doug Seastrand, UCCSN Regent  
Steve Sisolak, UCCSN Regent  
Don Snyder, UNLV Foundation President  
Dr. James Richardson, Nevada Faculty Alliance

**Nonvoting Members**

John P. Comeaux, Director, Department of Administration  
Dr. Joseph N. Crowley, President, UNR  
Dr. Carol C. Harter, President, UNLV  
Dr. Richard Moore, Founding President, Nevada State College

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Senate Bill No. 443-Committee on Finance  
CHAPTER 505

AN ACT relating to education; creating a committee to study the methods of funding higher education in this state; providing for its organization, powers and duties; 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 Committee to Study the Funding of Higher Education, consisting of 12 voting members and 4 nonvoting members, is hereby created.

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

- (a) Three members of the Senate, appointed by the Majority Leader of the Senate;
- (b) Three members of the Assembly, appointed by the Speaker of the Assembly;
- (c) Three members of the Board of Regents, appointed by the Chairman of that board; and
- (d) Three members appointed by the Governor.

3. The Governor shall appoint the following persons to serve as the nonvoting members of the Committee:

- (a) One person who is employed in the Budget Division of the Department of Administration; and
- (b) Three persons who are employed by the University and Community College System of Nevada.

4. The Chairman of the Legislative Commission shall designate one of the members as Chairman of the Committee.

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

6. For each day or portion of a day during which they attend a meeting of the Committee or are otherwise engaged in the business of the Committee:

(a) The voting members of the Committee who are Legislators 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 plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

(b) The voting members of the Committee who are members of the Board of Regents are entitled to receive travel expenses and a per diem allowance at the rates established in NRS 396.070.

(c)The voting members of the Committee appointed by the Governor are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 2. The Committee shall:

1. Compare the existing method of funding higher education in Nevada with the methods used in other states; and
2. Determine whether the other methods would be appropriate and useful in Nevada.

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

Sec. 4. The Committee may employ such educational and financial consultants as it deems necessary for this study.

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

Sec. 6. 1. There is hereby appropriated from the state general fund to the Legislative Commission the sum of \$150,000 for the purpose of conducting a study of the funding of higher education as provided in this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after December 31, 2000, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 7. The Committee shall submit to the Legislative Commission a report of its findings and recommendations for legislation before the commencement of the 71st session of the Legislature.

Sec. 8. This act becomes effective on July 1, 1999, and expires by limitation on January 1, 2001.

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## ABSTRACT

### **COMMITTEE TO STUDY THE FUNDING OF HIGHER EDUCATION (S.B. 443)**

The 70th Session of the Nevada Legislature approved Senate Bill 443 establishing the Committee to Study the Funding of Higher Education in Nevada and appropriating \$150,000 to conduct the study. The Committee comprised twelve voting members and four non-voting members.

Higher education funding formulas developed in 1986 served their purpose well. However, as witnessed by debate during the 1999 Legislative Session, the 1986 funding methodologies did not adapt well to the explosive growth experienced on several of the University and Community College System of Nevada (UCCSN) campuses. The UCCSN-commissioned an equity funding study completed in April 1999, reported funding inequities among the campuses.

The Committee to Study the Funding of Higher Education was tasked with comparing the existing method of funding higher education in Nevada with the methods used in other states and determining whether those methods would be appropriate and useful in Nevada. The Committee built upon the results of the previous equity study and redefined the funding formulas necessary to guide UCCSN in the future. The Committee worked to ensure that new formulas are both flexible and equitable to all institutions involved.

The formulas recommended by the Committee focus on the equitable distribution of available funding. During several meetings, it was noted that UCCSN's share of general fund appropriations for the most recent ten biennial legislative sessions ranged from approximately 18 to 20 percent. The Chairman stated that the study was not intended to increase the percentage of general fund appropriations to the UCCSN relative to other state needs. Taken in context, the new funding formulas approved by the Committee have no fiscal impact. However, if fully funded for the 2001 - 2007 time period, using the new formulas would result in an additional 1.5 to 4.0 percent above the amounts suggested by the 1986 formulas.

The Committee met seven times with the first meeting occurring on October 27, 1999, and the final meeting on June 21, 2000. Much activity occurred in this brief period. The Committee hired two independent consultants and assigned a working group of UCCSN, Legislative Counsel Bureau and Budget Division staff to provide analytical and data gathering support.

The first consultant, Dr. William Pickens, gathered data on higher education funding formulas used by other states. Dr. Pickens provided executive summaries and comprehensive explanations of formula methodologies used in 30 formula states. Using Dr. Pickens' report, with the assistance of the working group, the Committee considered formulas that may be

suitable for the State of Nevada. As a secondary task, Dr. Pickens completed and presented a nationwide comparative analysis of state and local appropriations for higher education.

The second consultant, Dr. Larry Leslie, identified a group of peers for the seven UCCSN institutions. Dr. Leslie located comparable institutions from states and local communities whose ability to support public higher education, and whose economies and populations are relatively similar. The primary basis for comparison was similarity in program responsibilities. The Committee accepted the peer comparison report with the understanding the UCCSN institutions could make use of the information in developing their budget requests, and that the Committee could utilize the report where appropriate.

Concurrent with the work of the consultants, the staff working group independently prepared reports of savings incentives plans, comparative library data, and formula modification recommendations. The UCCSN provided the Committee with new formula recommendations using the voluminous materials assembled by the working group and the consultants.

At its final meeting, the Committee concurred on numerous recommended changes to the formulas developed in 1986. The recommendations address the following major topics:

- Equitable funding among the UCCSN institutions statewide;
- Instructional formula funding, computation of full-time-equivalent (FTE) students, salary equity, and community college full-time to part-time faculty ratios;
- New and ongoing equipment funding;
- Academic support formula modifications based on the number of faculty positions at the universities and academic support funding for technology at the community colleges;
- Library support and acquisitions;
- Student services operating costs and headcount/enrollment cost drivers;
- Inflation in institutional support costs;
- The impact of building age in the O&M formula and the inclusion of the Desert Research Institute (DRI) in the formula calculations;
- Performance, research and graduate assistant funding.

## SUMMARY OF RECOMMENDATIONS

### COMMITTEE TO STUDY THE FUNDING OF HIGHER EDUCATION (S.B. 443)

This summary presents the recommendations approved by the Committee to Study the Funding of Higher Education in Nevada (S.B. 443). The Committee will transmit a report to the members of the Legislative Commission prior to the commencement of the 71st Session of the Legislature as required by Senate Bill 443, (Chapter 505, *Statutes of Nevada 1999*, page 2605).

#### RECOMMENDATIONS REQUIRING LEGISLATIVE ACTION

The Committee developed no recommendations requiring legislation.

#### RECOMMENDATIONS CONCERNING FUNDING OF HIGHER EDUCATION IN NEVADA

##### **Instruction Formulas**

1. Revise the computation of graduate full-time-equivalent (FTE) students. The current formula calculates graduate FTE students by taking the total student credit hours divided by a factor of 16. The new formula uses a factor of 24 for graduate masters students and 18 for graduate doctoral students.
2. Calculate full-time-equivalent student enrollment projections based upon a weighted three-year rolling average rather than using system-generated projections.
3. Revise student-to-faculty formula ratios using a matrix modeled after the State of Connecticut. The matrix consists of four rows (high, medium, low cost and clinical) and six columns by level of discipline (GBC/WNCC, TMCC/CCSN, university lower division, university upper division, graduate masters, graduate doctoral). Ratios vary by cell within the matrix.
4. Fund new faculty at the same rate at the two universities (Associate Professor, mid-point of Quartile 1 and Quartile 2, currently \$55,858) rather than using the average salary cost at each institution. At the colleges, the faculty rate should be equal to a rank 4, step 10 (currently \$42,158). Nevada State College (NSC) positions should also be funded at the midpoint of Q1 and Q2 of the salary range for an Associate Professor (based upon board-approved schedules).
5. Establish a salary equity pool exclusively for UNLV. The pool comprises the current all-ranks salary difference (\$5,200) times the number of vacant positions.

6. Fund faculty and classified operating and wage rates as follows: Universities at \$6,000 and \$2,300 respectively per position; NSC at \$5,000 and \$2,300; and colleges at \$4,600 and \$2,300. Instructional operating funding currently is based on the prior years' average costs per faculty per institution.
7. The 1986 funding study recommended a 70:30 full-time to part-time ratio for community college faculty. During the 1999 Session, the Legislature funded a 60:40 ratio with an estate tax supplement to improve the ratio. The Committee recommends formalizing the full-time to part-time ratio at 60:40. New part-time faculty should be funded at a salary equal to 60 percent of the base salary for full-time faculty (approximately \$25,295).
8. Add \$1,000 per faculty FTE for teaching assistants at the community colleges.
9. Provide \$5,200 annually for instructional equipment for each existing full-time university faculty position. NSC faculty should receive \$4,500 per FTE and the community colleges should receive \$3,500 for each full-time faculty position. Also, provide \$1,000 per existing classified FTE for workstation replacement. Current formulas fund equipment replacement at 5 percent of inventory and maintenance at 6 percent of the previous biennium appropriation.

**Academic Support**

10. As a supplement to the existing university formula, add professional and classified positions based on the number of faculty positions. Professional salaries should be set at Quartile 1 of rank 4 (currently \$85,794). At the universities, increase the current add-on from 6.5 percent to 9.5 percent of the instruction budget for technology and academic advisement. At NSC, establish the add-on at 6.5 percent of the instruction budget.
11. To recognize added costs associated with high-tech centers, technology equipment and staffing, and operating at the Community Colleges, the Committee recommends academic support funding based upon the following percentages of instructional funding:

1st \$7.5 mil – GBC:	30%
Over \$7.5 mil – GBC:	25%
CCSN/TMCC/WNCC:	22%

**Library Support**

12. For the universities, continue using the current formula that generates 50 positions for libraries up to 500,000 volumes with one new position for every additional 16,000 volumes. Add new positions at a 40:60 professional to classified ratio. Fund

professional positions at the mid-point of Q1 and Q2, salary range 2 (currently \$55,838 plus fringe). Fund library operating and wages of \$5,500 per FTE at the universities and \$4,000 at NSC. Fund workstation replacement of \$1,000 per existing FTE.

13. Continue using the Clapp-Jordan formula for library acquisitions at the universities. Develop separate budgets for each institution. Reduce the library annual acquisition rate from 5 percent to 4.3 percent. No change is recommended to the existing formula for the community colleges.

### **Student Services**

14. Reduce student services headcount and FTE enrollment drivers for the universities from 300 to 200 and 400 to 350. For NSC, establish the drivers at 275 and 375 respectively. For CCSN, TMCC, and WNCC, revise the 400 driver to a range of drivers (350 and 400) depending upon combined FTE and headcount. At GBC, revise the 375 driver to a range of drivers (210, 275, 375 and 425) depending upon combined FTE and headcount. Distribute new positions at a 60:40 professional to classified ratio.
15. Fund operating and wages at \$10,500 at the universities, \$8,250 at NSC, and \$6,000 for the Colleges. Add an ADA allowance of \$1,000 per disabled student at the colleges and universities. Add \$1,000 per FTE for workstation replacement.

### **Institutional Support**

16. Funding for institutional support is based on a percentage of the operating budgets administered by each campus. The Committee recommends adjusting the current drivers to reflect inflation as follows:

At the universities, use the following drivers:

\$0 to \$25 mil:	15%
\$25 to \$50 mil:	10%
Over \$50 mil:	7.5%

At NSC, use the following drivers:

\$0 to \$20 mil:	15%
\$20 to \$40 mil:	10%
Over \$40 mil:	7.5%

At the community colleges, use the following drivers:

\$0 to \$17.5 mil:	15% at CCSN & TMCC, 17% at WNCC & GBC
\$17.5 to \$35 mil:	10%
Over \$35 mil:	7.5%

## **Operation and Maintenance of Plant**

17. Revise the current formula to add one position for every 10,500 of maintained square footage. New positions generated by the formula should be distributed according to the following ratio: 3 custodial, 3 maintenance and services, and 1 administration. An adjustment of 10 percent should be added to maintenance and service positions to reflect increased personnel costs due to age of facilities (25 years or older). The grounds formula (1 position per 4.5 improved acres) should remain intact. Additionally, \$1,000 per FTE should be provided for non-grounds and custodial positions for workstation replacement.
18. Operating funding should be determined by multiplying gross maintained square footage by an average cost of \$0.90 per square foot. Buildings older than 25 years should be funded at an increased rate of 25 percent.
19. The Desert Research Institute was excluded from previous formulas. The Committee recommends DRI be treated similarly to other UCCSN institutions when calculating operations and maintenance of plant funding.

## **Graduate Assistants**

20. For the universities, the Committee recommends increasing the graduate assistant ratio from 1 graduate assistant for every 5 FTE graduate masters students to 1 graduate assistant for every 8 graduate masters students. The doctoral ratio would remain unchanged at 1 graduate assistant for every 3.33 doctoral students. Assistantships should be funded at \$13,515.

## **New Position Equipment**

21. New faculty and staff should receive one-time equipment funding at the rates used by the Budget Division to prepare the biennial budget instructions. The current amounts are approximately \$6,000 and \$4,000 respectively.

## **Research**

22. The state currently retains 25 percent of indirect cost recovery generated by the universities. No change is recommended however the Committee suggests the status of indirect cost recoveries be reviewed further during the next session.

## **Performance Funding**

23. The Committee recommends a pool not-to-exceed 2 percent of the total appropriation be established and appropriated based upon achievement of specified performance goals.

BULLETIN 01-5

**REAPPORTIONMENT AND REDISTRICTING**

S.C.R. 1—1999 Session

**Members**

Senator Ann O'Connell, Chairwoman  
Senator William J. Raggio  
Senator Dean A. Rhoads  
Senator Dina Titus  
Assemblywoman Barbara E. Buckley  
Assemblyman Joseph E. Dini, Jr.  
Assemblywoman Christina R. Giunchigliani  
Assemblyman Lynn C. Hettrick

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**Senate Concurrent Resolution No. 1—Committee on Legislative  
Affairs and Operations**

**FILE NUMBER 95**

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the requirements for reapportionment and redistricting in the State of Nevada.

WHEREAS, The 71st session of the Nevada Legislature will be required to reapportion and redistrict the election districts for the members of the Legislature, and members in the United States House of Representatives from the State of Nevada, the Board of Regents of the University of Nevada System and the State Board of Education; and

WHEREAS, The Bureau of the Census of the United States Department of Commerce is required to deliver redistricting data from the decennial census in 2000 to the states not later than April 1, 2001, when the Nevada Legislature already will be in session; and

WHEREAS, The amount of data from the census in 2000 and the necessity to accomplish reapportionment and redistricting in an expeditious manner during the 71st legislative session will require additional computer software and extensive preparation and testing to allow for the generation and analysis of proposals concerning reapportionment and redistricting; and

WHEREAS, The reapportionment and redistricting must comply with current case law and constitutional and statutory legal requirements; and

WHEREAS, The Nevada Legislature has been working with the Bureau of the Census on the Block Boundary Suggestion Program and other programs in preparation for the census in 2000 and the process of reapportionment and redistricting; 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 requirements for reapportionment and redistricting in this state in conjunction with the data from the decennial census of 2000; and be it further

RESOLVED, That the committee to conduct the study consists of eight members of the 70th Legislative Session to be appointed, subject to the approval of the Legislative Commission, as follows:

1. Three members of the Senate appointed by the Majority Leader of the Senate.
2. One member of the Senate appointed by the Minority Leader of the Senate.
3. Three members of the Assembly appointed by the Speaker of the Assembly.
4. One member of the Assembly appointed by the Minority Leader of the Assembly.

The Legislative Commission shall appoint the chairman of the committee and, in approving the appointments to the committee, shall ensure that not less than two of the members are appointed from the Assembly Standing Committee on Elections, Procedures, and Ethics and not less than two of the members are appointed from the Senate Standing Committee on Government Affairs; and be it further

RESOLVED, That the study include:

1. A continuing examination and monitoring of any redistricting systems established or recommended by the 70th session of the Nevada Legislature, or to be established pursuant to any legislation enacted by the 70th session of the Nevada Legislature, including the requirements for computer equipment, computer software and the training of personnel;

2. A review of the case law concerning the legal requirements for reapportionment and redistricting;

3. A review of the programs concerning planning for reapportionment and redistricting in other states;

4. The continuation of the state's participation in the programs of the Bureau of the Census; and

5. The participation in a program of the Bureau of the Census to increase the awareness of the general public concerning the census to ensure a complete and accurate count of all Nevadans in the year 2000; and be it further

RESOLVED, That the Legislative Commission may enter into contracts or other necessary agreements to establish and test reapportionment and redistricting programs and computer equipment to provide for the timely and efficient commencement of data processing for reapportionment and redistricting before the Legislature convenes in 2001; and be it further

RESOLVED, That no action may be taken by the study committee on recommended legislation unless it receives a majority vote of the Senators on the committee and a majority vote of the Assemblymen on the committee; and be it further

RESOLVED, That the Legislative Commission report to the 71st session of the Nevada Legislature the results of the study and any action taken in preparation for and any recommendations concerning reapportionment and redistricting.

## ABSTRACT

### LEGISLATIVE COMMISSION'S COMMITTEE ON REAPPORTIONMENT AND REDISTRICTING (S.C.R. 1)

The 1999 Nevada Legislature adopted Senate Concurrent Resolution No. 1 (File No. 95, *Statutes of Nevada 1999*), which directed the Legislative Commission to study and make recommendations to the 2001 Legislative Session concerning the requirements for reapportionment and redistricting in Nevada in conjunction with the data from the decennial census of 2000. The resolution directed that the study include a continuing examination and monitoring of any redistricting systems established or recommended by the 70th Session of the Nevada Legislature, or to be established pursuant to any legislation enacted by the 70th Session of the Nevada Legislature, including the requirements for computer equipment, computer software, and the training of personnel. In addition, the resolution directed that the study include a review of the case law concerning the legal requirements for redistricting and reapportionment, a review of the programs concerning planning for reapportionment and redistricting in other states, a continuation of the state's participation in the programs of the United States Census Bureau (Census Bureau), and participation in a program of the Census Bureau to increase the awareness of the general public concerning the census to ensure a complete and accurate count of all Nevadans in the year 2000.

The Legislative Commission appointed a joint interim study committee on reapportionment and redistricting consisting of eight members—four from the Senate and four from the Assembly. The members include the leadership of each party in each house and represent legislative districts in Clark County, Washoe County, and Nevada's rural counties.

The Committee on Reapportionment and Redistricting held four meetings as follows:

- October 20, 1999, in Carson City and videoconferenced to Las Vegas;
- January 19, 2000, in Las Vegas and videoconferenced to Carson City;
- May 3, 2000, in Las Vegas and videoconferenced to Carson City; and
- September 29, 2000, in Carson City and videoconferenced to Las Vegas.

A final meeting of the Committee is scheduled for January 22, 2001.

The Committee on Reapportionment and Redistricting was active in the promotion and monitoring of the 2000 census, legal and technical issues relating to reapportionment and redistricting, and staff activities related to the selection of hardware and software to be used in the Legislature's redistricting efforts. In addition, the Committee sponsored publication of a newsletter (*Redistricting News*) to help inform and educate Nevada's legislators and the public about the 2000 census and redistricting issues.

The final report of the Committee on Reapportionment and Redistricting is designed to serve as an overview on reapportionment and redistricting. It includes detailed information on the legal and technical issues relating to reapportionment and redistricting, along with an overview of the activities and recommendations of the Committee. To date, only one proposal adopted by the Committee recommends action by the 71st Session of the Nevada Legislature. That proposal deals with proposed rules for reapportionment and redistricting, which are designed to promote the development of constitutionally acceptable redistricting plans.

## SUMMARY OF RECOMMENDATIONS

### REAPPORTIONMENT AND REDISTRICTING (S.C.R. 1)

This summary presents the recommendation to the 71st Session of the Nevada Legislature by the Legislative Commission's Committee on Reapportionment and Redistricting.

The Committee recommends adoption of redistricting rules in accordance with the document titled "Proposed Rules for Reapportionment and Redistricting by the 2001 Nevada Legislature," which address the following general topics:

1. Equality of Representation—State legislative districts must have only minor deviations in population between districts, and the population of each of the Nevada congressional districts must be as nearly equal as is practicable. Equality of population in accordance with the standards for state legislative districts also is the goal of redistricting for the State Board of Education and the Board of Regents.
2. Population Database for Redistricting—The total state population, and the population of defined subunits thereof, as determined by the 2000 census shall be the exclusive database for redistricting by the Nevada Legislature.
3. Districts—All district boundaries created by a redistricting plan must follow the census geography.
4. Compliance With the Voting Rights Act—The redistricting committees will not consider a plan that violates Section 2 of the Voting Rights Act, which prohibits any state from imposing any voting qualification, standard, practice, or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color, or status as a member of a language minority group. In addition, the redistricting committees will not consider a plan that is racially gerrymandered. For the purpose of analyzing the 2000 census data, the redistricting committees shall adopt the method set forth in the United States Office of Management and Budget Bulletin No. 00-02 for aggregating and allocating the 63 categories of race data that will be reported to Nevada by the Census Bureau as part of the federal decennial census.
5. Public Participation—The redistricting committees shall seek and encourage public participation in all aspects of the reapportionment and redistricting activities and the widest range of public input into the deliberations relating to those activities. In addition, the Legislative Counsel Bureau shall make available to the public copies of the validated 2000 census database for the cost of reproducing the database, and the redistricting committees shall make available for review by the public, copies of all maps prepared at the direction of the committees.

The Committee agreed to take no action on a rule concerning procedures related to bill drafting pending further review and discussion of that issue.



BULLETIN 01-6

**LONG-TERM CARE IN NEVADA**

S.C.R. 4 — 1999 Session

**Members**

Senator Mike McGinness, Chairman  
Senator Terry Care  
Senator Raymond D. Rawson  
Assemblywoman Merle A. Berman  
Assemblywoman Sheila Leslie  
Assemblywoman Kathy McClain

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Senate Concurrent Resolution No. 4–Committee on  
Legislative Affairs and Operations

FILE NUMBER 143

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to appoint a subcommittee to conduct an interim study concerning long-term care.

Whereas, The State of Nevada has experienced unprecedented growth in population, and a large percentage of this growth is attributable to elderly persons who have retired in this state; and

Whereas, Persons who are 65 years of age or older and persons with disabilities generally have the highest incidence of chronic illness and the greatest need for long-term care services; and

Whereas, The health care needs of this growing segment of the population must be addressed to ensure that their needs are met with the best resources available within this state; and

Whereas, There are generally three types of long-term care services available to elderly persons who are unable to live safely alone without assistance, including, community-based care for those who can remain at home with supportive services, group care facilities or assisted living facilities, and nursing home care provided in a medical facility; and

Whereas, Spending for long-term care is biased toward institutional care even though several studies have concluded that community-based care offers a cost-effective alternative to institutional care; and

Whereas, It is important to determine the availability of alternatives for providing long-term care other than institutionalized care within the State of Nevada, the costs of each alternative type of care, and the advantages and disadvantages of each alternative type of care to ensure that persons in need of long-term care and the agencies of the state and local governments responsible for administering public programs for the elderly are able to make informed decisions concerning health care services; and

Whereas, Approximately 80 percent of the funding for nursing homes comes from public sources, including, without limitation, Medicare, Medicaid and county medical assistance programs; and

Whereas, Acute care services provided to elderly persons through Medicare are currently not integrated with long-term care services provided to elderly persons through Medicaid; and

Whereas, The lack of coordination between Medicare and Medicaid leads to conflicting incentives for payment, shifting of costs between programs and providers, and duplicative administrative provisions that impede good clinical care and efficient delivery of services to elderly persons who are eligible for both Medicare and Medicaid; and

Whereas, To be eligible for Medicaid in a nursing home, a single person must possess less than \$2,000 in nonhousing assets and must contribute all of his income toward the cost of his care, except for a small allowance for personal needs, which is generally \$30 per month; and

Whereas, The requirement that persons in this state impoverish themselves to become eligible for long-term care benefits places many persons in need of long-term care in a very difficult situation when determining how to receive the health care services that they need to survive; and

Whereas, The growing number of persons in need of long-term care is of grave concern to this legislative body; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly Concurring, That the Legislative Commission is hereby directed to appoint a subcommittee to conduct an interim study of long-term care in the State of Nevada; and be it further

Resolved, That the study must include, without limitation:

1. The identification, review and evaluation of alternatives to institutionalization for providing long-term care, including, without limitation:

(a) Analyzing the costs of the alternatives to institutionalization and the costs of institutionalization for persons receiving long-term care in this state;

(b) Determining the positive and negative effects of the different methods for providing long-term care services on the quality of life of persons receiving those services in this state;

(c) Determining the personnel required for each method of providing long-term care services in this state; and

(d) Determining realistic methods for funding the long-term care services provided to all persons who are receiving or who are eligible to receive such services in this state;

2. An evaluation of the possibility of obtaining a waiver from the Federal Government to integrate and coordinate acute care services provided through Medicare and long-term care services provided through Medicaid in this state; and

3. An evaluation of the possibility of obtaining a waiver from the Federal Government to eliminate the requirement that elderly persons in this state impoverish themselves as a condition of receiving assistance for long-term care; and be it further

Resolved, That any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee; and be it further

Resolved, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 71st session of the Nevada Legislature.

## ABSTRACT

### **LONG-TERM CARE IN NEVADA (S.C.R. 4)**

The 70th Session of the Nevada Legislature adopted Senate Concurrent Resolution No. 4 (File No. 143, *Statutes of Nevada*, page 4055) which directed the Legislative Commission to conduct an interim study concerning long-term care in Nevada.

The Legislative Commission appointed a Subcommittee of six legislators (three members of the Senate and three members of the Assembly) to carry out the provisions of the resolution. The Subcommittee held five meetings, including a work session. Three of the meetings were held in Carson City and one meeting was held in Las Vegas. All five meetings were public hearings and were video teleconferenced between Carson City and Las Vegas.

During the course of the interim study, the Subcommittee reviewed subject matter on a multitude of issues designed to provide a solid foundation on long-term care services and systems in Nevada and to provide a broad understanding of national trends with long-term care policy. Specifically, the Subcommittee reviewed alternatives to institutionalization currently available in Nevada, innovative approaches states are implementing to avoid institutionalization, community-based options such as the feasibility of maximizing home and community-based services in the Medicaid program and exploring residential alternatives to institutionalization, models that simplify and promote a single point of entry into a state's long-term care system to avoid the fragmentation of services, the important role of caregivers and their needs for better support systems and the role private long-term care insurance can provide for financing long-term care in the future. Subject matter testimony was received from nationally recognized experts on long-term issues and policy, state and local officials who represent numerous agencies that work with long-term care issues, officials who represent a variety of advocacy groups, representatives from the long-term care industry, experts on long-term care insurance, representatives from state agencies responsible for regulating insurance carriers, representatives from the state agency that administers the health insurance program for state and retired state employees and other interested parties.

At the work session held on June 29, 2000, the Subcommittee approved seven recommendations, which included four bill draft requests (BDRs) for consideration by the 2001 Legislature. The recommendations address the following issues:

- Establishing a long-term care insurance program for state and retired state employees;
- Establishing a pilot project that provides support services for caregivers;

- Establishing an assisted living option as part of the Medicaid program;
- Establishing consistent eligibility criteria for all Home and Community-Based Waivers in the Medicaid program.
- Establishing a consistent policy for patient liability reimbursement for all Home and Community-Based Waivers in the Medicaid program.
- Managing the waiting list for the Community Home-Based Initiatives Program (CHIP).
- Continuing the study of long-term care issues under legislative oversight beyond the current interim.

## SUMMARY OF RECOMMENDATIONS

### **LONG-TERM CARE IN NEVADA (S.C.R. 4)**

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Study Long-Term Care in Nevada.

#### **LONG-TERM CARE INSURANCE**

The Subcommittee recommends a bill draft request to implement a long-term care insurance program for all state employees and retired state employees. The Subcommittee recommends designating the Public Employees' Benefits Program, under the direction of its Board, as the lead agency responsible for implementing and administering the long-term care insurance program. The Public Employees' Benefits Program has experience with administering the existing voluntary long-term care insurance program available to state employees as well as administering the health insurance program for state employees and retirees. The effective date for implementing the long-term care insurance program is January 1, 2003, which allows an adequate amount of time for planning the program and coincides with the annual enrollment process for the state health insurance program. The estimated annual cost to establish the long-term care insurance program is \$7.2 million and is based on the following minimum benefit package:

- Facility benefit — \$2,000 per month
- Home care — Total home care 50% of facility
- Elimination period — 90 days
- Duration — three years facility and six years home

The bill draft request will include a general fund appropriation and highway fund appropriation to cover the annual per employee premium cost for long-term care insurance coverage. The Subcommittee recommends to the extent possible that the annual premium cost for long-term care insurance coverage be allocated against the various revenue sources currently used to fund state employee salary and fringe benefit costs. Allocating the costs in this manner will ensure that the non-general fund and non-highway fund revenue sources pay a proportionate share of the costs for the long-term care insurance program.

The Subcommittee recommends sending a letter informing the Governor the role that long-term care insurance could play for potentially reducing the anticipated growth in government financing for long-term care in the future. The letter will include a recommendation urging the Governor consider designating a portion of the cost-of-living increase proposed by the Governor for state employees for the upcoming

biennium be used to cover the annual premium costs for long-term care insurance coverage. **(BDR 23-299)**

### **SUPPORT SERVICES FOR CAREGIVERS**

The Subcommittee recommends a bill draft request with a general fund appropriation in the amount of \$782,740 to establish a pilot project that replicates the Caregiver Resource Center (CRC) model in California. The CRC model provides support services to caregivers who are responsible for the care of a brain-impaired adult whose brain impairment has occurred after the age of 18. The CRC model targets middle-income families. The CRC model provides a range of support services designed to defer institutionalization, to allow caregivers to maintain a normal routine and to provide quality care. The services the CRC model typically provides include the following: specialized information, advice and referrals to care giving families; comprehensive in-home assessments to determine the caregiver's needs and skills, to determine the care recipient's functional and behavioral problem and the impact on the caregiver; family consultation which includes short-term counseling, support groups, psycho-educational groups and legal consultation; and respite care.

The Subcommittee recommends the pilot project include two CRC sites, one site located in an urban area of the state and one site located in a rural area of the state. The Subcommittee recommends designating the Division of Aging Services as the lead agency responsible for implementing the pilot project. The appropriation recommended as part of the bill draft request includes funding to retain a consultant to assist the Division of Aging Services with implementing the pilot project and for issues such as establishing eligibility criteria for program services, training, developing a request for proposal process if non-profit organizations are contracted with to provide CRC services and for developing reporting criteria to measure the performance of the pilot project. The bill draft request will include a sunset provision to ensure that the Legislature has an opportunity to fully evaluate the progress and performance of the pilot project prior to providing permanent funding and/or adding new sites.

### **ASSISTED LIVING OPTION IN THE MEDICAID PROGRAM**

The Subcommittee recommends an appropriation in the amount of \$100,000 for the Aging Services Division for administrative support needed to explore the feasibility of developing an assisted living option within the Medicaid program. An assisted living option would allow for Medicaid services to be provided to eligible individuals who reside in an assisted living facility constructed with financing available from various federal housing programs. In order for this option to work, the assisted living facility would need to be affordable for low-income seniors and the Medicaid services would be tailored to meet each eligible individual's needs. The Medicaid services provided would include a 24-hour response capability to meet eligible individuals' scheduled or unpredictable needs. The eligibility criteria for this option and the Medicaid service

component would require either a new Medicaid waiver or possibly an amendment to an existing waiver such as the Community Home-Based Initiatives Program (CHIP). The intent of this recommendation is to maintain the independence of a low-income senior within an affordable community setting by offering an enhanced level of medical services. The assisted living option would potentially reduce a current gap in the care continuum for a low-income senior who may be forced into a nursing facility when, in reality, that senior may function independently within an assisted living environment if enhanced Medicaid services were available.

The assisted living option will require an extensive amount of planning, data collection and coordinating regulatory, budgetary and site location issues prior to implementation. The Department of Human Resources estimates this effort would be accomplished over a three-year period. The administrative support provided by the general fund appropriation will be used for this effort. The Subcommittee recommends sending a letter informing the Governor, the Budget Director and the Director, Department of Human Resources of the Subcommittee's recommendation to pursue the assisted living option. The letter will request the Governor consider recommending the administrative support needed by the Division of Aging Services to work on the assisted living option in The Executive Budget for the 2001-2003 biennium.

#### **MEDICAID – HOME AND COMMUNITY BASED WAIVERS**

1. The Subcommittee recommends the Department of Human Resources amend the Home and Community Based Waiver for Elderly in Group Care (commonly referred to as the Adult Group Care Waiver) and increase the SSI eligibility level up to 300 percent (\$1,536) of the SSI income. The Adult Group Care Waiver is designed to offer individuals an alternative to nursing home care by providing supplemental services in a group care home. The services provided include case management and personal care. Raising the income level for the Adult Group Care Waiver would establish income eligibility criteria, which is consistent among all Medicaid waivers. More importantly, this would provide a number of clients in the Community Home-Based Initiatives Program (CHIP) an opportunity to choose a less restrictive option to nursing facility care that is currently not available and potentially defray long-term care costs in the Medicaid program. The Subcommittee also recommends that any necessary modifications to the Medicaid budget be included in the Department of Human Resources budget request submitted to the Governor for the 2001-2003 biennium.
2. The Subcommittee recommends the Department of Human Resources amend the Home and Community Based Waiver for the Community Home-Based Initiatives Program (CHIP) and eliminate the patient liability requirement. The CHIP program is the only Medicaid waiver that includes a patient liability requirement. The requirement when applied has created a consistency problem

for clients who may transfer to the CHIP program from another Medicaid waiver, which has no patient liability requirement. The amount of patient liability collected on an annual basis is insignificant and when not collected, state funds must be used to make-up for the shortfall, which ultimately reduces the amount of services available to state-only clients in the CHIP program. Additionally, if the patient liability requirement were eliminated, the Medicaid Estate Recovery process would ultimately recover the full cost of services provided once the client is deceased. The Subcommittee recommends the Aging Services Division include the necessary modifications associated with eliminating the patient liability requirement in the CHIP budget submitted to the Governor for the 2001-2003 biennium.

3. The Subcommittee recommends that the Aging Services Division request sufficient funding in the budget for the Community Home-Based Initiatives Program (CHIP) for the 2001-2003 biennium for the projected growth in population for the age groups served by CHIP in order to maintain a reasonable wait time for services. The Subcommittee recommends sending a letter to the Governor, the Budget Director and the Director, Department of Human Resources to request that sufficient funding be included in The Executive Budget to meet the intent of this recommendation and that tobacco settlement monies be used to fund the additional costs for reducing the wait time for state-only cases.

#### **FUTURE INTERIM STUDY ON LONG-TERM CARE ISSUES**

The Subcommittee recommends a bill draft request to create an interim study committee to continue the study of long-term issues upon the adjournment of the 2001 Legislative Session. The Subcommittee also recommends the bill draft request include a general fund appropriation in the amount of \$34,300 for consultant support. The consultant support would be used to provide research, analysis and guidance to the interim study committee on the complex and technical areas that may be part of the mission for an ongoing study. **(BDR S-300)**

BULLETIN 01-7

**CONTINUED REVIEW OF THE  
TAHOE REGIONAL PLANNING AGENCY**

S.C.R. 16—1999 Session

**Members**

Assemblyman Greg Brower, Chairman  
Senator Mark E. Amodei  
Senator Bill R. O'Donnell  
Senator Raymond C. Shaffer  
Assemblywoman Vivian L. Freeman  
Assemblyman Kelly Thomas

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Senate Concurrent Resolution No. 16–Committee on  
Natural Resources

FILE NUMBER 77

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to  
appoint a committee to continue the review of the Tahoe Regional Planning  
Compact.

WHEREAS, The Tahoe Regional Planning Compact provides for the maintenance of the scenic, recreational, educational, scientific, natural and public health values of the entire Lake Tahoe Basin; and

WHEREAS, The Tahoe Regional Planning Compact establishes the Tahoe Regional Planning Agency to adopt and enforce a regional plan and to provide opportunities for the orderly growth and development of the Lake Tahoe Basin; and

WHEREAS, The Legislature of the State of Nevada is vitally concerned with achieving regional goals in conserving the natural resources of the entire Lake Tahoe Basin and with the programs and activities of the Tahoe Regional Planning Agency that affect these goals; and

WHEREAS, As a necessary corollary to this vital concern and for the protection of Lake Tahoe, the Legislature of the State of Nevada is also concerned with the role and efforts of those federal and state agencies that have authority to regulate activities in the Lake Tahoe Basin and their interactions with and effect upon the Tahoe Regional Planning Agency and the Lake Tahoe Basin; and

WHEREAS, Subcommittees of the Legislative Commission have successfully reviewed the programs and activities of the Tahoe Regional Planning Agency on previous occasions; and

WHEREAS, Senate Concurrent Resolution No. 2 of the 69th Legislative Session directed the Legislative Commission to appoint a committee of six legislators composed of three members of the Senate and three members of the Assembly to continue the review of the Tahoe Regional Planning Compact and to oversee the Tahoe Regional Planning Agency; and

WHEREAS, The review and oversight of the programs and activities of the Tahoe Regional Planning Agency and the role of each federal and state agency having authority and responsibility in the Lake Tahoe Basin continue to be necessary to ensure the proper functioning of those agencies; and

WHEREAS, It is vital to remain in communication with members of the Legislature of the State of California to continue to achieve the goals set forth in the Tahoe Regional Planning Compact; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to appoint a committee of six legislators composed of three members of the Senate and three members of the Assembly to continue the review of the Tahoe Regional Planning Compact and to oversee the Tahoe Regional Planning Agency and each federal and

state agency having authority to regulate activities in the Lake Tahoe Basin; and be it further

RESOLVED, That the committee is directed to:

1. Review the budget, programs, activities, responsiveness and accountability of the Tahoe Regional Planning Agency; and
2. Study the role and activities of each federal and state agency having authority to regulate activities in the Lake Tahoe Basin, including, without limitation, their role in the protection of Lake Tahoe and their interactions with and effect upon the Tahoe Regional Planning Agency and the Lake Tahoe Basin; and be it further

RESOLVED, That the committee is directed to continue to communicate with interested members of the Legislature of the State of California to achieve the goals set forth in the Tahoe Regional Planning Compact and to make an effort to meet personally with those members as soon as practicable after the appointment of the committee; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Executive Director of the Tahoe Regional Planning Agency, each member of the California delegation to the Tahoe Regional Planning Agency, the President pro Tempore of the Senate of the State of California and the Speaker of the Assembly of the State of California.

## ABSTRACT

### CONTINUED REVIEW OF THE TAHOE REGIONAL PLANNING AGENCY (1999-2000) (S.C.R. 16)

The 1999 Nevada Legislature adopted Senate Concurrent Resolution No. 16 (File No. 77, *Statutes of Nevada 1999*). This resolution directed the Legislative Commission to appoint a Committee to continue the review of the Tahoe Regional Planning Compact and provide oversight of the Compact's implementing body, the Tahoe Regional Planning Agency (TRPA). The measure further directed the Committee to review the programs of federal and state agencies having authority to regulate activities in the Basin. Because the Committee has been reestablished during every legislative interim except one since 1985, its role has generally evolved into one of continuing legislative oversight for the broad range of programs and activities in the Lake Tahoe Basin.

In recent years, the Committee has recommended that the emphasis in the Lake Tahoe Basin shift from *planning* per se to the *implementation* of projects and programs (move from outlining actions that need to be taken to actually taking the actions). The Presidential Forum in 1997 fostered this trend by highlighting that major projects to protect and enhance the environment in the Basin must be completed within the next 10 years if the deterioration of water quality is to be turned around. Based on this premise, an Environmental Improvement Program (EIP) has been compiled to define the specific projects and funding needed to implement these projects during the 10-year time period. The EIP also identifies the responsibilities as they rest with the States of Nevada and California, the Federal Government, local governments in the Basin, and the private sector.

The major function of the Committee at its first two meetings was to review the efforts of these participants to begin implementation of the EIP. The Committee members participated in a relatively extensive, on-the-ground examination of projects and issues in the Basin and received testimony concerning specific programs and issues. The remaining two meetings were directed toward receiving and acting upon specific recommendations. At its final meeting and work session, the committee adopted 14 recommendations that address:

- Funding related issues for the TRPA;
- Implementation of state agency programs in Nevada; and
- Several general topics of significance within the Tahoe Basin.



## SUMMARY OF RECOMMENDATIONS

### CONTINUED REVIEW OF THE TAHOE REGIONAL PLANNING AGENCY (1999-2000) (S.C.R. 16)

Following is a summary of the recommendations adopted by the Legislative Commission's Committee to Continue the Review of the Tahoe Regional Planning Agency (TRPA) at its meeting of June 9, 2000. These recommendations will be forwarded to the Legislative Commission and ultimately to the 2001 Session of the Nevada Legislature, as appropriate.

#### RECOMMENDATIONS CONCERNING TRPA PROGRAMS

##### *General TRPA Programs and Procedures*

1. Urge, by letter from the Committee, the TRPA to emphasize its efforts to "streamline" procedures associated with implementation of projects identified in the Environmental Improvement Program (EIP) with the goal of achieving completion of "on-the-ground" projects in the most efficient and expeditious manner possible.
2. Urge, by letter from the Committee, the TRPA to provide for training of Governing Board members to the degree possible based upon reasonable budgetary and time constraints.

##### *Funding-Related Recommendations for TRPA Programs*

3. Transmit letters to the chairs and members of the Legislature's "money committees" making them aware of the significant amount of community discussion that has taken place in regard to the Regional Revenue Feasibility Analysis, and urging the members to look favorably upon any relevant recommendations emanating from the Analysis and the Steering Committee.
4. Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" urging their support for funding TRPA basic operations from the State General Fund.
5. Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" urging their support for funding salary adjustments for the TRPA in order to provide comparable salary levels relative to Nevada and California state employees.

6. Transmit letters to Nevada’s Department of Administration and the chairs and members of the Legislature’s “money committees” urging them to direct the TRPA to transfer revenue generated from fines for enforcement actions to programs that are not under the direction of the Agency rather than using any of the revenue to support TRPA activities or staff (i.e., research or educational efforts through the Universities or project review activities conducted by local governments under Memorandums of Understanding with the TRPA). Include a “Committee report” explaining this recommendation and the action taken by the Committee.

## **RECOMMENDATIONS RELATING TO STATE AGENCY PROGRAMS**

### ***Grants of State Bond Money to Nonprofit Organizations and Private Persons***

7. Enact legislation:
  - a. Authorizing the Division of State Lands to make grants to nonprofit organizations and private persons for the implementation of EIP projects; and
  - b. Authorizing local governments, with the approval of the Administrator of the Division of State Lands, to enter into contracts or other agreements with special districts, nonprofit organizations, and other persons or entities to implement EIP projects using grants provided through the Division of State Lands.

Provide that the State Land Registrar (Administrator of the Division of State Lands) must ensure that the grant funds are expended only for public purposes and that the public interest is adequately protected when any funds are expended for projects on privately owned property.

### ***Continuation of Authorization to Issue Bonds***

8. Draft legislation:
  - a. Highlighting that Subsection 3 of Section 1 of Assembly Bill 285 (Chapter 514, *Statutes of Nevada 1999*) provides for the periodic issuance of general obligation bonds in a total face amount of not more than \$53.2 million between July 1, 2001, and June 30, 2007, to implement EIP projects identified in a schedule established by the Administrator of the Division of State Lands and approved by the Legislature or the Legislature’s Interim Finance Committee;
  - b. Authorizing the issuance of bonds and the use of revenue in the amount of approximately \$20 million for EIP projects during the 2001-2003 biennium; and
  - c. Outlining the schedule of EIP projects for which the revenue may be used.

### ***Commendation of the Nevada Tahoe Resource Team***

9. Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" commending the activities of the Nevada Tahoe Resource Team and urging the Department and legislative committees to support continuation of the team and efforts to enhance its administrative efficiency.

### ***Incentives for Implementation of "Best Management Practices"***

10. Include in the final report a request that the Administrator of the Division of State Lands work with the Nevada Tahoe Conservation District to investigate the feasibility and desirability of establishing incentives to assist private property owners with the implementation of "best management practices" on their property.

## **GENERAL RECOMMENDATIONS**

### ***Efforts of the State of California and the California Tahoe Conservancy***

11. Commend, by resolution, the State of California and the California Tahoe Conservancy for their efforts to secure funding and establish a coordinated team at the state level to implement the EIP in the Lake Tahoe Basin.

### ***Federal Funding and Activities***

12. Transmit letters to appropriate Federal officials urging their support for: (1) continued short-term and long-term funding of the Federal Government's portion of the costs for implementing the EIP; and (2) enactment of the Lake Tahoe Restoration Act (S. 1925 and H.R. 3388).

### ***Recreational Access Along State Route 28 by Transit***

13. Include in the final report a statement commending the stakeholders participating in efforts to compile the Eastshore Access Plan and urging them to continue to work toward a resolution of the remaining issues associated with recreational access to the Lake that incorporates transit service and appropriate parking availability.

### ***Continuation of the Legislative Committee***

14. Provide, by resolution, for the continued existence of the Committee (during the 2001-2003 interim) in a similar manner as prescribed in Senate Concurrent Resolution No. 16 (File 77, *Statutes of Nevada 1999*).



BULLETIN 01-8

**ENCOURAGING CORPORATIONS AND  
OTHER BUSINESS ENTITIES TO ORGANIZE  
AND CONDUCT BUSINESS IN NEVADA**

S.C.R. 19—1999 Session

**Members**

Senator Mark A. James, Chairman  
Assemblyman David R. Parks, Vice Chairman  
Senator Ann O'Connell  
Senator Dean A. Rhoads  
Senator Michael A. Schneider  
Senator Dina Titus  
Assemblyman Greg Brower  
Assemblywoman Barbara K. Cegavske  
Assemblyman Mark A. Manendo  
Assemblywoman Bonnie L. Parnell

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Senate Concurrent Resolution No. 19–Committee on Judiciary

FILE NUMBER 144

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of methods to encourage corporations and other business entities to organize and conduct business in this state.

WHEREAS, The State of Nevada is recognized for its achievements in establishing and maintaining an attractive climate for business entities to organize and conduct business; and

WHEREAS, The State of Nevada has a vital interest in ensuring that business entities continue to enjoy the benefits of organizing and conducting business in this state; and

WHEREAS, A comprehensive assessment of the possible methods to encourage corporations and other business entities to organize and conduct business in this state would be beneficial in maintaining and improving the attractive climate for business entities that exists in this state; and

WHEREAS, A comprehensive assessment should include a review of methods that have helped other states to become more user-friendly to business entities, such as the reduction of certain administrative fees, the expanded use of available technology and the extension of the hours of operation of the Office of the Secretary of State; and

WHEREAS, The establishment of a court of limited jurisdiction to resolve litigation and contractual disputes relating to business entities may promote greater specialization among judges, may ensure that cases and disputes are heard by judges with experience and expertise in complex corporate and fiduciary matters, may contribute to the development and stability of corporate and business law and may ensure consistency in the disposition of cases and disputes involving business entities; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to appoint a subcommittee consisting of legislators to conduct an interim study of methods to encourage corporations and other business entities to organize and conduct business in this state; and be it further

RESOLVED, That, in addition to the subcommittee, the Legislative Commission shall appoint an advisory committee to assist the subcommittee, which must include, without limitation:

1. One representative from the Office of the Secretary of State;
  2. One representative from the Commission on Economic Development;
- and

RESOLVED, That the study must include, without limitation, a comprehensive assessment of:

1. Whether any laws concerning business entities should be revised to facilitate the organization of business entities in this state and the conducting of business by business entities in this state;

2. The administrative fees charged to business entities who organize or conduct business in this state;

3. The need for expanded use of technology, including, without limitation, electronic filing of documents, to assist the Office of the Secretary of State in maintaining a high level of service for business entities;

4. Whether the hours of operation of the Office of the Secretary of State should be extended; and

5. Whether a court of limited jurisdiction should be established to resolve litigation and contractual disputes relating to business entities, and the possible organization of such a court, including, without limitation:

(a) The jurisdiction of such a court;

(b) The manner in which the judges for the court would be selected if such a court were to be established in this state and the qualifications required for such judges; and

(c) The development of a proposed structure and administration for the court, with consideration given to caseloads, facilities and personnel required for the operation of the court and consideration given to the possible effects on the operation and organization of the other courts in this state; and be it further

RESOLVED, That no action may be taken by the subcommittee on recommended legislation unless it receives a majority vote of the Senators on the subcommittee and a majority vote of the Assemblymen on the subcommittee; and be it further

RESOLVED, That the Legislative Commission submit a report of the results of the study and any recommended legislation to the 71st session of the Nevada Legislature.

## ABSTRACT

### **ENCOURAGING CORPORATIONS AND OTHER BUSINESS ENTITIES TO ORGANIZE AND CONDUCT BUSINESS IN NEVADA (S.C.R. 19)**

The 1999 Nevada Legislature adopted Senate Concurrent Resolution No. 19 (File No. 144, *Statutes of Nevada 1999*, page 4057), which directs the Legislative Commission to conduct an interim study of methods to encourage business entities to organize and conduct business in Nevada. The Commission appointed a committee of ten legislators (five Senators and five Assembly members) and four advisory members to carry out the provisions of the resolution.

The full Subcommittee held three meetings in Las Vegas with videoconferencing to Carson City. Six additional meetings of Sub-subcommittees were held to conduct more in-depth reviews of the three major issues within the scope of the interim study: the creation of a business court, economic incentives for businesses to organize in Nevada, and the operation of the Office of the Secretary of State.

During the course of its work, the Subcommittee considered testimony from national, state, and local entities, including Justices on Nevada's Supreme Court, Lieutenant Governor Lorraine T. Hunt, Secretary of State Dean Heller, Nevada's Commission on Economic Development, representatives of the University and Community College System of Nevada, officials from rural Nevada, local attorneys who practice in the areas of business incorporation and intellectual property, and business and venture capital organizations.

At its final meeting and work session, the Subcommittee adopted a total of 18 recommendations addressing the following issues:

- **Business Court in Nevada** – Endorse the creation of business court procedures by court rule and amend the *Nevada Constitution* to create a business court.
- **Nevada's Laws** – Revise Nevada's business and intellectual property laws to include changes that will encourage corporations and other business entities to organize and conduct business in this State.
- **Economic Development and Diversification** – Strengthen the coordination of economic development and diversification work throughout the State.
- **Office of the Secretary of State** – Support the efforts and goals of the Office of the Secretary of State to improve its technology and to provide state-of-the-art mechanisms for its clients to conduct their business with that office. These efforts also include expanded office hours and other expedited services.



## SUMMARY OF RECOMMENDATIONS

### ENCOURAGING CORPORATIONS AND OTHER BUSINESS ENTITIES TO ORGANIZE AND CONDUCT BUSINESS IN NEVADA (S.C.R. 19)

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Study Methods to Encourage Corporations and Other Business Entities to Organize and Conduct Business in this State (S.C.R. 19). The Subcommittee will submit these proposals to the 71st Session of the Nevada Legislature.

#### BUSINESS COURTS IN NEVADA

##### Creation of a Business Court

1. Draft a resolution endorsing the creation of business court procedures by court rule in the Second and Eighth Judicial District Courts. **(BDR R--253)**
2. Draft legislation to create a business court by amending the *Nevada Constitution* to authorize the Legislature to provide by law for a business court as a division of a district court and prescribe the business court's jurisdiction. **(BDR C--254)**

#### BUSINESS LAWS IN NEVADA

3. Draft legislation amending Nevada's business statutes to include the changes recommended by members of the Executive Committee of the Business Law Section of the State Bar of Nevada designed to encourage corporations and other business entities to organize and conduct business in this State. **(BDR 7--255)**

#### INTELLECTUAL PROPERTY LAWS IN NEVADA

4. Draft legislation to amend Nevada's Trademark Act (*Nevada Revised Statutes* [NRS] 600.240–600.450) to include an anti-dilution provision to make it illegal to use a famous trademark on unrelated goods or services, thereby weakening or deleting the mark's value. **(BDR 52--256)**
5. Draft legislation to amend Nevada's Uniform Trade Secrets Act (NRS Chapter 600A) to address dissemination of trade secrets through the Internet by allowing a court to impose immediate injunctive relief ordering the removal of the information from the Internet. Include a presumption that if the removal is done pursuant to a court order in a reasonable period, the trade secrets are not lost. **(BDR 52--257)**

## LAWS RELATING TO BUSINESS ON THE INTERNET

6. Draft legislation to adopt the comprehensive Uniform Electronic Transactions Act, which includes a provision regarding court acceptance of electronic records into evidence. **(BDR 59--258)**
7. Draft legislation to prohibit the use of the Internet as an offensive tool to disrupt business operations by sending unsolicited communications. Illegal activity includes electronically jamming or clogging a web site through the use of unsolicited e-mails or similar correspondence. **(BDR 15--259)**
8. Draft legislation to require Nevada-based Internet businesses (or businesses using Internet service providers located in Nevada) that collect personal information about Internet users to prominently post a statement as to their privacy practices on their web site. **(BDR 15--259)**

## ENTERTAINMENT LAW

9. Draft legislation to implement a Judicial Review of Minors Act that allows a district court to review a proposed contract or engagement with a minor and to approve the contract terms as being fair, reasonable, and in the minor's best interest. If such court approval were obtained, the minor could not then later challenge the contract when he reaches the age of majority. **(BDR 11--260)**

## ECONOMIC DEVELOPMENT AND DIVERSIFICATION IN NEVADA

10. Draft a resolution urging the Governor; the Lieutenant Governor; the Office of Science, Engineering, and Technology; Nevada's Commission on Economic Development; the University and Community College System of Nevada (UCCSN); and Nevada's Department of Education to coordinate efforts to promote Nevada's economic development and diversification. The State must identify the target areas for economic development, including new technologies, and coordinate with the UCCSN, which must be prepared to facilitate these efforts with programs to train the necessary workforce and to nurture new technologies. In addition, promotion of Nevada's university system as a center for Research and Development should be targeted as a primary tactic for competing with other states.

To accomplish these goals of economic diversification and cultivating an entrepreneurial environment in Nevada, initiatives in other states and the existing economic dynamics in Nevada should be reviewed, including (but not limited to):

- Research and Development programs offered through university systems such as the Georgia Research Alliance;

- Programs that promote networking for venture capital such as the Venture Network of Iowa;
  - Improved promotion and coordination of existing State programs;
  - Educational resources at the middle school, high school, and university levels required for students to graduate with the skills necessary for employment in the high tech industry; and
  - Entrepreneurial education opportunities such as the class offered by the University of Nevada, Reno that combines instruction in entrepreneurship and development of venture capital. **(BDR R--261)**
11. Include a statement in the report encouraging the 2001 Legislature to consider any recommendations from the Battelle Memorial Institute, which is currently examining the economic strengths and weaknesses of the entire State to establish a plan for Nevada's economic future.
  12. Send a letter on behalf of the S.C.R. 19 Subcommittee to Bob Shriver, Executive Director of Nevada's Commission on Economic Development (Commission), and Lieutenant Governor Lorraine T. Hunt, Chairman of the Commission, encouraging the Commission to accomplish its goals of developing a State plan for economic development and diversification that targets marketing, the growth of the film industry, the role of technology in the economy, and the retention and expansion of existing businesses.

#### **ECONOMIC ISSUES AFFECTING RURAL NEVADA**

13. Send a letter on behalf of the S.C.R. 19 Subcommittee to Nevada's Congressional representatives in support of the Nevada Public Land Management Act of 1999 (Senate Bill 719). This legislation requires that public lands for sale in northern Nevada be auctioned off to the highest bidder and designates how proceeds from the land sales are to be divided.
14. Send a letter on behalf of the S.C.R. 19 Subcommittee to Governor Kenny C. Guinn in support of the Ruby Gas Pipeline and Power Plant Project in Elko, Nevada.

#### **OFFICE OF THE SECRETARY OF STATE**

15. Include a statement in the report supporting the continuing efforts of the Office of the Secretary of State (Office) to improve its technology and to provide state-of-the-art mechanisms for its clients to conduct their business with the Office. Necessary funding should be discussed with the Governor in preparation of the Executive Budget. These efforts include new database filing

applications, computer hardware necessary to offer on-line filing processes, and the addition of necessary staff to accommodate the anticipated growth of the Office.

16. Include a statement in the report encouraging the Secretary of State to offer expanded office hours to accommodate the increased demand for services and to open at 6 a.m. to meet the needs of clients on the East Coast.

#### **Expedited Services**

17. Include a statement in the report in support of expedited services through the Secretary of State's Office, including same day (or less services); faxed confirmation of filed documents; and pre-clearing of documents.
18. Draft legislation to revise subsection 2(d) of NRS 225.140 to raise the \$100 statutory cap on fees for special or expedited services to \$500. **(BDR 18--262)**

BULLETIN 01-9

**ADVISORY COMMITTEE TO EXAMINE LOCATING A  
4-YEAR STATE COLLEGE IN HENDERSON**

A.B. 220—1999 Session

**Advisory Committee Members**

Assemblyman Richard D. Perkins, Chairman  
Senator Jon C. Porter, Sr.  
Mayor James B. Gibson  
Regent Mark Alden  
Regent Howard Rosenberg

**Staff Contacts**

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Mark W. Stevens, Assembly Fiscal Analyst  
(775) 684-6821



Assembly Bill No. 220—Assemblymen Perkins, Dini, Segerblom, Goldwater, Thomas, Gibbons, Cegavske, Lee, Neighbors, Berman, Bache, Price, Ohrenschall, Manendo, Parks, Anderson, Hettrick, Beers, Nolan, Mortenson, Claborn, Chowning, Humke, McClain and Williams

Joint Sponsors: Senators Porter, Wiener, Care, James, O’Connell, Amodei, Carlton, Neal, O’Donnell, Raggio, Rawson, Rhoads, Schneider, Shaffer and Townsend

## CHAPTER 513

AN ACT relating to higher education; creating an advisory committee to examine the issue of locating a new 4-year state college in Henderson, Nevada; making an appropriation to the advisory committee for a needs assessment and implementation plan for a 4-year state college in Henderson, Nevada; 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. There is hereby created an advisory committee to examine the issue of locating a new 4-year state college in Henderson, Nevada. The advisory committee consists of five members appointed as follows:

(a) One member appointed by the Governor.

(b) One member appointed by the Majority Leader of the Senate.

(c) One member appointed by the Speaker of the Assembly.

(d) Two members appointed by the Board of Regents of the University of Nevada.

2. The term of each member of the advisory committee commences on August 1, 1999, and expires on July 1, 2001.

3. Members of the advisory committee serve without compensation, except that while engaged in the business of the advisory committee, each member is entitled to the per diem allowance and travel expenses provided for state officers and employees generally, to be paid from the legislative fund.

4. The advisory committee shall meet at least once every 6 months.

5. A vacancy in the membership of the advisory committee must be filled in the same manner as the original appointment.

Sec. 2. There is hereby appropriated from the state general fund to the advisory committee created pursuant to section 1 of this act the sum of \$500,000 for completion of a needs assessment and implementation plan for a 4-year state college in Henderson, Nevada.

Sec. 3. On or before September 1, 2000, the advisory committee created pursuant to section 1 of this act shall submit a report of its findings and recommendations relating to the needs assessment and implementation plan to:

1. The Director of the Legislative Counsel Bureau for transmittal to the 71st session of the Nevada Legislature; and

2. The Director of the Department of Administration.

Sec. 4. Any remaining balance of the appropriation made by section 2 of this act must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 5. This act becomes effective upon passage and approval.

## ABSTRACT

### **ADVISORY COMMITTEE TO EXAMINE LOCATING A 4-YEAR STATE COLLEGE IN HENDERSON (A.B. 220)**

The 70th Session of the Nevada Legislature adopted Assembly Bill 220 (Chapter 513, *Statutes of Nevada 1999*), which created an Advisory Committee to Examine Locating a 4-Year State College in Henderson. The committee was comprised of five members: one appointed by the Governor, one appointed by the Senate Majority Leader, one appointed by the Speaker of the Assembly and two members appointed by the Board of Regents.

The Advisory Committee was tasked with the development of a needs assessment for a new 4-year state college. If the assessment determined a need existed for a new state college, the committee was required to develop an implementation plan for the proposed institution. An appropriation of \$500,000 from the state General Fund was provided to assist the Advisory Committee in completing their assigned tasks.

The Advisory Committee met nine times with the first meeting on September 3, 1999, and the final meeting on June 16, 2000. The University and Community College System of Nevada (UCCSN) was requested by the Advisory Committee to develop information to determine if a need existed for the establishment of a new 4-year state college in Nevada. Based on the information presented by the UCCSN the Advisory Committee determined a need did exist for a 4-year state college. The state college would represent a third tier of higher education in Nevada concentrating on baccalaureate and selected masters degrees.

After determining that a need for a state college existed, the Advisory Committee utilized staff from UCCSN, the City of Henderson, and a number of consultants to develop an implementation plan for the proposed new institution. Public forums were held throughout the state to introduce the concept and receive input on the establishment of a new 4-year state college. A preliminary master plan for the proposed new campus was completed including recommendations on a site for the new college, the architectural style of the buildings recommended for the campus as well as the first buildings that should be constructed if approval is granted to establish the new state college. A mission statement was also developed for the proposed new 4-year institution.

One of the reasons to establish a state college in Nevada is the lower cost of educating students at a 4-year college compared to a doctoral granting university. Working in conjunction with the interim committee reviewing the funding of higher education in Nevada, the Advisory Committee compared the cost of educating a student at the University of Nevada, Las Vegas (UNLV) to the cost of educating a student at the

proposed 4-year state college. Since it would not be appropriate to compare costs for an institution during the start-up years, FY 2007 was utilized for the cost comparisons. Utilizing the new funding formulas recommended by the Committee to Study the Funding of Higher Education, the Advisory Committee estimated that the cost of educating a student at the proposed 4-year state college in FY 2007 (\$7,051 per FTE student) would be approximately 65 percent of the cost of educating a student at UNLV (\$10,839 per FTE student).

The work of the Advisory Committee should be viewed as a work in progress. Although much planning and analysis was completed during the committee's review of this issue, should the establishment of a new 4-year state college be approved, a great deal of additional planning and effort will be required.

The decisions made by the committee were only advisory. All decisions made by the Advisory Committee were forwarded to the Board of Regents for their review and appropriate action. After reviewing the recommendations of the Advisory Committee the Board of Regents included operating and capital funds in the UCCSN 2001-03 biennial budget request to establish a new 4-year state college in Henderson with classes beginning in the fall of 2002. The final decision on the creation of a new 4-year state college will be a task that is undertaken by the Board of Regents, the Governor and the Legislature.

BULLETIN 01-10

**TASK FORCE FOR LONG-TERM  
FINANCIAL ANALYSIS AND PLANNING**

A.B. 525 —1999 Session

**Members**

Appointed

John Restrepo, Chairman, Las Vegas, Governor appointment  
Mark Arrighi, Kafoury Armstrong  
Bob Olson, Las Vegas  
Diane B. Torry, Sparks, Governor appointment  
Ron Zideck, Governor appointment

Designated

R. Keith Schwer, Vice Chairman, Director,  
UNLV, Center for Business and Research  
Dick Bartholet, Director, UNR  
Bureau of Business and Economic Research  
John P. Comeaux, Budget Director  
Lynne Knack, Administrative Services Officer III,  
Department of Taxation  
Charles McNeely, Nevada League of Cities, Reno City Manager  
Robert Murdock, Chief of Research and Analysis, DETR  
  
George Stevens, NACO, Finance Director for Clark County  
Doug Thunder, Deputy Superintendent, Administrative and Fiscal Services,  
State Department of Education

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Legal Division:  
William Keene, Deputy Legislative Counsel  
(775/684-6830)



Assembly Bill No. 525

Assemblymen Evans, Arberry, Goldwater, Giunchigliani, Humke, Dini, Buckley, Segerblom, Nolan, Berman, Perkins, Lee, Claborn, Gibbons, Neighbors, Marvel, Bache, Chowning, Anderson, Freeman, Leslie, de Braga, Parnell, Collins, McClain, Manendo, Koivisto, Thomas, Parks and Ohrenschall

CHAPTER 464 OF THE STATUTES OF NEVADA

AN ACT relating to state financial administration; creating the office of financial analysis and planning within the fiscal analysis division of the legislative counsel bureau; creating a task force for financial analysis and planning; and providing other matters properly relating thereto.

[Approved June 8, 1999]

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

**Section 1.** Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The office of financial analysis and planning is hereby created within the fiscal analysis division of the legislative counsel bureau. The senate fiscal analyst and the assembly fiscal analyst shall appoint such personnel as the fiscal analysts determine are necessary for the office to carry out the duties of the office.*

*2. The office of financial analysis and planning shall assist the legislature in long-term financial analysis and planning, including, without limitation, long-term economic planning and forecasting of future state revenues.*

**Sec. 2.** 1. There is hereby created a task force for financial analysis and planning consisting of 13 members.

2. Five members of the task force must be appointed as follows:

- (a) One member appointed by the speaker of the assembly;
- (b) One member appointed by the majority leader of the senate; and
- (c) Three members appointed by the governor.

The members appointed pursuant to this subsection must not be elected officers, state officers or employees of this state or any political subdivision of this state, including, without limitation, an institution of higher education that receives public money.

3. In addition to the members appointed pursuant to subsection 2, the task force consists of:

- (a) The chief of the budget division of the department of administration or his designee;
- (b) The chief of the bureau of research and analysis of the department of employment, training and rehabilitation, or his designee, or, if that position ceases to exist, the position deemed by the director of the department of employment, training and rehabilitation to be the equivalent of that position;
- (c) The executive director of the department of taxation or his designee;
- (d) The superintendent of public instruction or his designee;

(e) The state director of the bureau of business and economic research of the University of Nevada, Reno, or his designee;

(f) The director of the center for business and economic research of the University of Nevada, Las Vegas, or his designee;

(g) An employee of a county in Nevada, appointed by the Nevada Association of Counties; and

(h) An employee of a city in Nevada, appointed by the Nevada League of Cities.

4. Each of the members who is appointed to the task force pursuant to subsection 2 and paragraphs (g) and (h) of subsection 3 must have expertise and demonstrated ability in the field of economics, taxation, demography or urban planning or another field that is necessary for economic planning and forecasting.

5. The members who are appointed pursuant to subsection 2 shall select from among themselves a person to serve as chairman of the task force.

6. Each member of the task force who is appointed pursuant to subsection 2 is entitled to receive a salary of \$80 for each day or portion of a day during which he attends a meeting of the task force.

7. Each member of the task force is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the task force or is otherwise engaged in the business of the task force.

8. The compensation, per diem allowances and travel expenses of the members of the task force must be paid from the legislative fund.

9. The office of financial analysis and planning created pursuant to section 1 of this act shall provide technical expertise and administrative support to the task force.

**Sec. 3.** 1. The task force for financial analysis and planning shall develop a process for the preparation and periodic update of long-term forecasts of and recommendations concerning future state revenues for use in planning and budgeting state programs. The long-term forecasts must include periods of 6 years and 10 years. The process developed by the task force must provide for, without limitation, the compilation and periodic update of reports that include:

(a) Economic and demographic trends and forecasts at the national, regional, state and local levels;

(b) The sources of revenue in this state, including, without limitation, an analysis of the elements of this state's revenue structure that may be vulnerable or unreliable in the long-term;

(c) Forecasts and projections of the needs of state and local agencies that provide human services and services relating to public education, criminal justice and infrastructure;

(d) An analysis of revenues and expenditures to determine whether long-term growth in revenue may reasonably be expected to meet the demands of expenditures; and

(e) An analysis of the feasibility and desirability of using alternative procedures for the review and approval of budgets and expenditures of departments, institutions and agencies of the state government, including, without limitation, the feasibility and desirability of adopting a system of performance-based budgets.

2. In carrying out its duties, the task force shall:

(a) Use estimates and forecasts prepared by the demographer who is employed pursuant to NRS 360.283;

(b) Use reports, projections of economic indicators and estimates of future state revenues made by the economic forum;

(c) Use any other official forecasts, estimates and publications prepared by agencies of this state or political subdivisions of this state and institutions of higher education; and

(d) Solicit recommendations and information from the budget division of the department of administration, agencies and officers of this state, local governments, other states, national organizations, private organizations and the general public.

3. In carrying out its duties, the task force may:

(a) Consider any other information, including, without limitation, information prepared by the office of financial analysis and planning created pursuant to section 1 of this act.

(b) Request information from an agency of this state. The task force may direct the office of financial analysis and planning to make the request on its behalf. An agency that receives a reasonable request for information shall comply with the request as soon as is reasonably practicable after receipt of the request.

**Sec. 4.** On or before September 15, 2000, the task force for financial analysis and planning shall submit a written report to the director of the legislative counsel bureau for immediate transmission to the members of the 70th regular session of the legislature. The report must include:

1. A summary of the progress of the task force in developing a process for the preparation and periodic update of long-term forecasts and recommendations in accordance with subsection 1 of section 3 of this act.

2. Recommendations for legislation concerning the appropriate composition and duties of a permanent committee to prepare long-term forecasts of future state revenues and otherwise continue the preliminary work done by the task force. The recommendations must specifically address the appropriate number, qualifications and terms of the members of the permanent committee.

3. Recommendations for legislation concerning the composition and prescription of duties for the office of financial analysis and planning in relation to the continuing work on these issues.

4. Any other recommendations for related legislation.

**Sec. 5.** On or before September 1, 1999, the speaker of the assembly, the majority leader of the senate and the governor shall make appointments to the task force for financial analysis and planning in accordance with subsection 2 of section 2 of this act. Members appointed to the task force remain eligible for appointment to a permanent committee to prepare long-term forecasts of future state revenues.

**Sec. 6.** 1. This act becomes effective on July 1, 1999.

2. Sections 2, 3 and 4 of this act expire by limitation on June 30, 2001.



## ABSTRACT

### **TASK FORCE FOR LONG-TERM FINANCIAL ANALYSIS AND PLANNING (A.B. 525)**

The 70th Session of the Nevada Legislature adopted Assembly Bill 525 (A.B. 525), which created the Task Force for Long-Term Financial Analysis and Planning (Task Force). A.B. 525 directed the Task Force to develop a process for the preparation and periodic update of long-term forecasts of state revenues and expenditures for use in planning and budgeting state programs. The Task Force consisted of thirteen members; five members were appointed (three by the Governor, one by the Senate Majority Leader, and one by the Speaker of the Assembly), and the remaining members were specifically designated in A.B. 525. These eight remaining members were representatives from selected executive state agencies, university research centers, and county and city government.

The Task Force met seven times, with the first meeting occurring November 2, 1999, and the final meeting on September 6, 2000. The Task Force reviewed information on the state's revenue and expenditure structure as well as the Governor's budget development and the Legislative appropriation process. The Task Force carefully considered the structure and function of the Economic Forum and its role in the state's budget and appropriation system. The Governor's Office provided information on the Governor's Fundamental Review of State Government program and the Fiscal Forum conducted May 4 and 5, 2000, in Las Vegas. The Task Force also reviewed the structure and function of long-term forecast processes used by other states.

The Task Force created two subcommittees to more effectively and efficiently accomplish the goals of this task force. One subcommittee was responsible for developing a structural framework regarding the organization and composition of a process responsible for the preparation of long-term forecasts of state revenues and expenditures encompassing a 10-year horizon. The other subcommittee was responsible for developing recommendations on how the long-term forecasts of revenues and expenditures will be used in the state's planning and budgeting system. Each subcommittee established a list of those components or elements of the long-term forecast process they were responsible for developing recommendations. The recommendations from each of the subcommittees were submitted to the full Task Force for discussion and approval.

The Task Force adopted thirty-three recommendations considered necessary to create a permanent non-partisan structure to produce long-term (10 year) forecasts and the use of these long-term forecasts in the state's budget, planning, and appropriation process. The Task Force asked for two bill requests (BDR's) through the Interim Finance Committee as the Task Force did not have statutory authority to request a BDR. At its June 14, 2000, meeting, the Interim Finance Committee approved the item requesting two BDR's to be drafted regarding the Task Force's recommendations for legislation: one for the Task Force's recommendations to create

the proposed long-term forecast process and one for the Task Force's recommendation to amend the state's current fiscal note statutes.

The highlights of the recommendations regarding the organization, composition and use of the proposed long-term forecast process are:

- A single body called the Forecast Council, consisting of seven members, shall be responsible for reviewing and approving long-term revenue and expenditure forecasts by March 1 of every even-numbered year. These long-range projections will cover a forecast horizon of ten years. The Forecast Council shall consist of: the Senate Majority Leader or his/her designee, the Speaker of the Assembly or his/her designee, the Governor or his/her designee, a member designated by the Governor for his/her executive administration, and three members appointed by the Governor from the private sector.
- A Revenue Technical Advisory Committee, consisting of nine members, shall be responsible for producing the long-term forecasts of revenues to be presented to the Forecast Council for review and approval. The members of this committee shall consist of six members designated by statute representing legislative, executive, and university personnel and three representatives from the private sector appointed by the Governor.
- An Expenditure Technical Advisory Committee, consisting of eleven members, shall be responsible for producing the long-term forecasts of expenditures to be presented to the Forecast Council for review and approval. The members of this committee shall consist of nine members designated by statute representing legislative, executive, and university personnel, a representative from local government appointed by the Governor, and a representative from the private sector appointed by the Governor.
- The Forecast Council shall submit a written report that includes all forecasts of revenues and expenditures to the Director of the Legislative Counsel Bureau for distribution to all legislators, Legislative Counsel Bureau staff, and the Governor's Office for distribution to the Department of Administration and appropriate state agencies. This long-term report will be formally presented to the Senate Finance Committee and the Assembly Ways and Means Committee at the beginning of each legislative session.
- The long-term forecasts presented in the Forecast Council's report shall be considered "the official state long-term forecasts" to be used for all state planning and budgeting purposes. Any difference between the published long-term forecasts and any long-term outlooks presented in an agency's budget request or the Governor's Executive Budget must be identified and explained.
- A long-term estimate of the fiscal impact of a proposal introduced by the Governor in the Executive Budget or by a legislator during the session shall be prepared by the appropriate technical advisory committee if the proposal modifies an existing or creates a new revenue source or expenditure program satisfying the 2 percent criterion. To trigger the

preparation of a long-term fiscal impact report, the proposal must have a projected fiscal impact in its first year of full implementation amounting to 2 percent or greater of second year of the biennial general fund revenue projections reported in the Economic Forum's December 1 forecast.

- The Governor and the Legislature shall have the ability to request that an estimate of the long-term effect of a budget proposal or legislative measure be prepared even though the proposal does not meet the requirements of the 2 percent criterion for consideration. The Governor shall be granted two requests and the Speaker of the Assembly and the Senate Majority Leader one each during each legislative session.

After reviewing the state's current fiscal note process, the Task Force decided the fiscal note statutes should be amended to specifically require an agency to prepare estimates of the fiscal impact beyond the current biennium being considered by the Legislature. The Task Force determined the state's budget and planning process would benefit from having fiscal impacts produced for the next two biennia. Requiring estimates to be prepared for the next two biennia will allow the full impact of a proposal to be examined, especially for those measures that become effective late in the second year of the biennium being budgeted.

As specified in A.B. 525, the Task Force submitted its final report to the Director of the Legislative Counsel Bureau on September 15, 2000. This report contains the discussion and recommendations of the Task Force regarding proposed legislation to create a permanent non-partisan structure to produce long-term (10 year) forecasts. The report also provides the recommendations and intentions of the Task Force regarding the use of these long-term forecasts in the state's budget, planning, and appropriation process. The report includes the BDR incorporating the Task Force's recommendations to create a long-term forecast process as an appendix. The report will be distributed to members of the Nevada Legislature for consideration during the 2001 Legislative Session. The BDR to amend the state's fiscal note process will be drafted through the Legal Division's usual pre-session BDR drafting process.



## SUMMARY OF RECOMMENDATIONS

### **TASK FORCE FOR LONG-TERM FINANCIAL ANALYSIS AND PLANNING (A.B. 525)**

This summary represents the recommendations reached by the Task Force for Long-Term Financial Analysis and Planning created by Assembly Bill 525 (1999) to develop a process for the preparation and periodic update of long-term forecasts of future state revenues and expenditures for use in planning and budgeting state programs. The Task Force for Long-Term Financial Analysis and Planning recommends:

#### RECOMMENDATIONS RELATED TO THE ORGANIZATION AND COMPOSITION OF THE PROPOSED LONG-TERM FORECAST PROCESS

1. The Economic Forum will continue to be responsible for producing the state's official short-term general fund revenue forecasts. The composition and duties of the Economic Forum and the Technical Advisory Committee supporting the Economic Forum will remain as currently specified in statute (NRS 353.226 – 353.229).
2. A single body called the Forecast Council, consisting of seven members, will be responsible for reviewing and approving the long-term revenue and expenditure forecasts. The Forecast Council will consist of:
  - 1) the Senate Majority Leader or his/her designee from the Senate,
  - 2) the Speaker of the Assembly or his/her designee from the Assembly,
  - 3) the Governor or a designee from his/her executive administration,
  - 4) a member designated by the Governor from his/her executive administration,
  - 5) three members from the private sector appointed by the Governor.
3. Each private sector appointee to the Forecast Council must be an expert with demonstrated ability in the field of economics, taxation, demography, urban planning, accounting, finance, or other discipline necessary to economic planning and forecasting and be able to bring knowledge and professional judgment to the deliberations of the Forecast Council.
4. The private sector appointees to the Forecast Council will serve a four-year term and are eligible to be appointed to additional terms.
5. The members of the Forecast Council must select a Chairman from amongst the private sector appointees. The Vice-chairman will be selected from amongst the members of the Forecast Council.

6. A Revenue Technical Advisory Committee, consisting of nine members, will be responsible for producing the long-term forecasts of revenues presented to the Forecast Council for review and approval. The members of the Revenue Technical Advisory Committee are:
  - 1) Senate Fiscal Analyst or his/her designee from the Fiscal Division of the Legislative Counsel Bureau,
  - 2) Assembly Fiscal Analyst or his/her designee from the Fiscal Division of the Legislative Counsel Bureau,
  - 3) Director of the Department of Administration or his/her designee from the Budget Division of the Department of Administration,
  - 4) Chief of the Bureau of Research and Analysis in the Department of Employment, Training, and Rehabilitation or his/her designee from the Bureau of Research and Analysis in the Department of Employment, Training, and Rehabilitation,
  - 5) State Demographer,
  - 6) The Vice Chancellor for Finance of the University and Community College System of Nevada (UCCSN) or a person designated by the Vice Chancellor of Finance from UCCSN,
  - 7) Three representatives from the private sector appointed by the Governor.
7. Each private sector appointee to the Revenue Technical Advisory Committee must be an expert with demonstrated ability in the field of economics, taxation, demography, urban planning, accounting, finance, or other discipline necessary to economic planning and forecasting and be able to bring knowledge and professional judgment to the deliberations of the Revenue Technical Advisory Committee.
8. The members of the Revenue Technical Advisory Committee must select a Chairman from amongst the private sector appointees. The Vice-chairman will be selected from amongst the members of the Revenue Technical Advisory Committee.
9. The private sector appointees to the Revenue Technical Advisory Committee will serve a four-year term and are eligible to be appointed to additional terms.

10. An Expenditure Technical Advisory Committee, consisting of eleven members, will be responsible for producing the long-term forecasts of expenditures presented to the Forecast Council for review and approval. The members of the Expenditure Technical Advisory Committee are:
  - 1) Senate Fiscal Analyst or his/her designee from the Fiscal Division of the Legislative Counsel Bureau,
  - 2) Assembly Fiscal Analyst or his/her designee from the Fiscal Division of the Legislative Counsel Bureau,
  - 3) Director of the Department of Administration or his/her designee from the Budget Division of the Department of Administration,
  - 4) Chief of the Bureau of Research and Analysis in the Department of Employment, Training, and Rehabilitation or his/her designee from the Bureau of Research and Analysis in the Department of Employment, Training, and Rehabilitation,
  - 5) State Demographer,
  - 6) The Vice Chancellor for Finance of the University and Community College System of Nevada (UCCSN) or a person designated by the Vice Chancellor of Finance from UCCSN,
  - 7) The Director of the Department of Prisons or his/her designee with a background or expertise in the department's budget and expenditure programs,
  - 8) The Superintendent of Public Instruction or his/her designee with a background or expertise in the department's budget and expenditure programs,
  - 9) The Director of the Department of Human Resources or his/her designee with a background or expertise in the department's budget and expenditure programs,
  - 10) A representative from local government appointed by the Governor,
  - 11) A representative from the private sector appointed by the Governor.
11. The private sector appointee to the Expenditure Technical Advisory Committee must be an expert with demonstrated ability in the field of economics, taxation, demography, urban planning, accounting, finance, or other discipline necessary to economic planning and forecasting and be able to bring knowledge and professional judgment to the deliberations of the Revenue Technical Advisory Committee.
12. The private sector appointee will serve as Chairman of the Expenditure Technical Advisory Committee. The Vice-chairman will be selected from amongst the members of the Expenditure Technical Advisory Committee.

13. The local government appointee and the private sector appointee to the Expenditure Technical Advisory Committee will serve a four-year term and are eligible to be appointed to additional terms.
14. The Office of Financial Analysis and Planning within the Fiscal Division of the Legislative Counsel Bureau will be responsible for providing general and technical support to the Forecast Council, the Revenue Technical Advisory Committee, and the Expenditure Technical Advisory Committee. The Office of Financial Analysis and Planning shall assist the legislature in long-term financial analysis and planning, including, without limitation, long-term economic planning and forecasting of future state revenues and expenditures.

RECOMMENDATIONS RELATED TO THE POWERS AND DUTIES OF THE PROPOSED LONG-TERM FORECAST PROCESS

15. The long-term forecasts will cover a 10-year horizon.
16. The Forecast Council shall approve all long-term forecasts by March 1 of every even-numbered year.
17. The Forecast Council shall submit a written report that includes all forecasts of revenues and expenditures to the Director of the Legislative Counsel Bureau for distribution to all legislators, Legislative Counsel Bureau staff, and the Governor's Office for distribution to the Department of Administration – Budget Division and appropriate state agencies.
18. The forecast report must include the short-term forecasts as well as the long-term forecasts of all revenue and expenditure categories approved by the Forecast Council.
19. Each forecast report, except the one prepared for the initial forecast, must include a discussion of changes from the previous long-term forecast and separately identify changes caused by legislative actions approved during the previous legislative session.
20. Each forecast report, except the one prepared for the initial forecast, must include a comparison of the previous long-term forecasts to the actual performance of each revenue and expenditure category forecast by the Forecast Council.
21. The long-term forecasts will be presented to the Senate Finance Committee and the Assembly Ways and Means Committee at the beginning of each legislative session.
22. The long-term forecasts approved by the Forecast Council are “the official state long-term forecasts” to be used for all state planning and budgeting purposes. Any

differences between the published long-term forecasts and any long-term outlooks presented in an agency's budget request or the Governor's Executive Budget must be identified and explained.

23. The Chairman of the Forecast Council has the authority to call for a review of the long-term forecasts at any time, if necessary.
24. The appropriate revenue or expenditure technical advisory committee shall produce estimates of budgetary changes proposed in the Governor's Executive Budget or by the Legislature during the session that will have a significant long-term impact on the state's financial outlook.
25. The Office of Financial Analysis and Planning shall request from the appropriate technical advisory committee an estimate of the long-term effect of a budget proposal or legislative measure if the Office of Financial Analysis and Planning determines an analysis is required according to the 2 percent criterion specified in Recommendations 26-29.
26. A long-term estimate of the fiscal impact of a proposal introduced by the Governor in the Executive Budget must be prepared if the proposal modifies an existing or creates a new revenue source or expenditure program that produces a projected fiscal impact in its first year of full implementation that amounts to 2 percent or greater of the second year of the biennial general fund revenue projections reported in the Economic Forum's December 1 forecast.
27. The estimate presented in the Governor's Executive Budget of the proposal's fiscal impact in its first year of full implementation will be used to determine if projections of the long-term fiscal impact are required.
28. A long-term estimate of the fiscal impact of a proposal introduced by the Legislature during the session must be prepared if the proposal modifies an existing or creates a new revenue measure or expenditure program that produces a projected fiscal impact in its first year of full implementation that amounts to 2 percent or greater of the second year of the biennial general fund revenue projections reported in the Economic Forum's December 1 forecast.
29. The estimate prepared by the Fiscal Division of the Legislative Counsel Bureau of the proposal's fiscal impact in its first year of full implementation will be used to determine if projections of the long-term fiscal impact are required of any proposal introduced by the Legislature during the session.
30. The Governor and the Legislature shall have the ability to request, through the Office of Financial Analysis and Planning, that an estimate of the long-term effect of a budget proposal or legislative measure be prepared by the appropriate technical

advisory committee, even though the proposal or measure does not meet the requirements of the 2 percent criterion for consideration. The Governor shall be granted two requests and the Speaker of the Assembly and the Senate Majority Leader one each during each legislative session.

31. The technical advisory committees must produce estimates of the long-term impacts of proposals contained in the Governor's Executive Budget that satisfy the 2 percent criterion by March 1 of odd-numbered years.
32. The technical advisory committees must produce estimates of the long-term impacts of legislative proposals that satisfy the 2 percent criterion or have been specially requested 30 days before the mandated end of the legislative session.
33. The fiscal note statutes should be amended to require estimates of reduced revenues or increased expenditures be produced for the next two biennia.

BULLETIN 01-11

**COMMISSION ON SCHOOL SAFETY  
AND JUVENILE VIOLENCE**

A.B. 686—1999 Session

**Members**

Senator Valerie Wiener, Chairman  
Michael Johnson, Vice Chairman and Parent Representative  
Assemblywoman Bonnie L. Parnell  
Marcia R. Bandera, Superintendent, Elko County School District  
Barbara Baxter, Teacher, Sparks High School  
Tom Burns, Law Enforcement Representative  
Pamela Hawkins, Principal, Western High School  
M. Kim Radich, Teacher, O'Callaghan Middle School  
Annie Rees, Parent Representative  
Keith Savage, Principal, Yerington High School  
Vince Swinney, Law Enforcement Representative

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Assembly Bill No. 686–Committee on Education

CHAPTER 607

AN ACT relating to public schools; creating the Commission on School Safety and Juvenile Violence; providing for its membership and duties; making an appropriation; and providing other matters properly relating thereto.

[Approved June 9, 1999]

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

**Section 1.** 1. The Commission on School Safety and Juvenile Violence, consisting of 11 members, is hereby created.

2. The Majority Leader of the Senate shall appoint three members to the Commission as follows:

- (a) One Senator;
- (b) One representative of law enforcement; and
- (c) One principal of a public school in this state that is located in an urban area.

3. The Speaker of the Assembly shall appoint three members to the Commission as follows:

- (a) One Assemblyman;
- (b) One representative of law enforcement; and
- (c) One principal of a public school in this state that is located in a rural county.

4. The Governor shall appoint five members to the Commission as follows:

- (a) One teacher who currently provides instruction in a high school;
- (b) One teacher who currently provides instruction in a middle school or junior high school;

- (c) One superintendent of schools of a school district;

- (d) One parent of a pupil who is enrolled in a public school that is located in an urban area of this state; and

- (e) One parent of a pupil who is enrolled in a public school that is located in a rural county.

5. The Commission shall elect a chairman from among its members.

6. A vacancy in the membership of the Commission must be filled in the same manner as the original appointment.

7. For each day or portion of a day during which a member of the Commission who is a Legislator attends a meeting of the Commission or is otherwise engaged in the work of the Commission, except during a regular or special session of the Legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

8. A member of the Commission who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Commission or is otherwise engaged in the business of the Commission.

9. The Legislative Counsel Bureau shall provide administrative support to the Commission.

**Sec. 2.** 1. The Commission shall:

(a) Hold at least three meetings to hear public testimony regarding violence in the public schools, acts of violence committed by juveniles and methods to address violence in the public schools. The Commission shall hold at least one such meeting in:

(1) Clark County.

(2) Washoe County.

(3) A rural county.

(b) Develop and adopt a statewide plan of emergency response to incidents of school violence in accordance with section 3 of this act.

(c) Consider recommendations made by the Legislative Commission's interim study of the system of juvenile justice in the State of Nevada created pursuant to Assembly Concurrent Resolution No. 57 of the 69th session of the Nevada Legislature.

(d) Make recommendations concerning programs that are designed to:

(1) Reduce the incidence of violence in the public schools;

(2) Reduce the activities of gangs on school property and in local communities;

(3) Restrict the accessibility of firearms to juveniles; and

(4) Reduce the incidence of violence committed by juveniles in communities.

(e) Submit a report to the Director of the Legislative Counsel Bureau on or before November 1, 2000, for transmittal to the 71st session of the Nevada Legislature. The report must include:

(1) The findings of the Commission;

(2) Any programs recommended by the Commission pursuant to paragraph (d) of subsection 1;

(3) A summary of each local plan of emergency response to incidents of school violence adopted by the board of trustees of each school district pursuant to section 4 of this act; and

(4) Any recommendations for legislation.

2. The Commission may request the preparation of not more than three legislative measures to carry out the recommendations of the Commission. One legislative measure must include a proposal to codify the statewide plan of emergency response to incidents of school violence adopted by the Commission pursuant to section 3 of this act.

**Sec. 3.** Not later than January 1, 2000, the Commission shall develop and adopt a statewide plan of emergency response to incidents of school violence. The plan must include:

1. A description of the action that will be taken in response to an incident of school violence that warrants emergency action, including, without limitation, a designation of the persons and state agencies that are primarily responsible for each action;

2. A method for determining the amount of money that is necessary to respond appropriately to an incident of school violence;

3. A mechanism for approving requests for money and a limit on the amount of money that may be granted;

4. A strategy for state officers and employees to coordinate with the appropriate city, county and federal authorities;

5. The type and duration of support services for pupils, teachers, parents and communities;

6. The type and duration of support for law enforcement agencies; and

7. Other factors that the Commission determines necessary to respond to an incident of school violence that warrants emergency action.

**Sec. 4.** 1. Upon adoption of the statewide plan of emergency response to incidents of school violence by the Commission, the Chairman of the Commission shall provide a copy of the plan to the Department of Education for dissemination to the board of trustees of each school district in this state.

2. On or before July 1, 2000, the board of trustees of each school district shall develop and maintain a local plan of emergency response to incidents of school violence that is consistent with the statewide plan.

**Sec. 5.** 1. There is hereby appropriated from the state general fund to the legislative fund the sum of \$20,000 for the payment of the compensation, per diem allowances and travel expenses of the members of the Commission pursuant to subsections 7 and 8 of section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

**Sec. 6.** On or before July 1, 1999, the Majority Leader of the Senate, the Speaker of the Assembly and the Governor shall make appointments to the Commission on School Safety and Juvenile Violence in accordance with section 1 of this act.

**Sec. 7.** 1. This section and sections 5 and 6 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval for the purpose of appointing members to the Commission on School Safety and Juvenile Violence and on July 1, 1999, for all other purposes.

3. Sections 2, 3 and 4 of this act become effective on July 1, 1999.

4. This act expires by limitation on June 30, 2001.

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## ABSTRACT

### LEGISLATIVE COMMISSION ON SCHOOL SAFETY AND JUVENILE VIOLENCE (A.B. 686)

The 70th Session of the Nevada Legislature adopted Assembly Bill 686 (Chapter 607, *Statutes of Nevada 1999*), which established a Legislative Commission on School Safety and Juvenile Violence. The 11-member commission, appointed by the Governor and legislative leadership, was composed of legislators, law enforcement representatives, school administrators, teachers, and parents.

The commission was charged with two major responsibilities: (1) developing a statewide plan of emergency response to incidents of school violence; and (2) recommending prevention and intervention programs to reduce and treat youth violence.

During the course of the study, the commission held seven meetings, including a work session. As mandated by the bill, meetings were held throughout the state, including three in Carson City, two in Las Vegas, one in Pahrump, and one in Reno. The meetings in Carson City and Las Vegas were conducted through simultaneous videoconferences between meeting rooms at the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas.

The commission received extensive expert and public testimony regarding school safety and juvenile violence. This included representatives from the National Conference of State Legislatures, the Center for the Study and Prevention of Violence at the University of Colorado, Boulder, and the Crisis Management Institute in Salem, Oregon. The commission also heard from concerned citizens, parents, law enforcement representatives, students, school administrators, teachers, nonprofit organizations, and members of the business community.

Additionally, the commission reviewed nationally and locally recognized school emergency response plans to assist in developing one for Nevada. The commission also examined exemplary prevention and intervention programs, both nationally and locally, and considered the results of research. Further, related laws and policies from other states were reviewed.

At its final meeting and work session, the commission adopted three recommendations for consideration by the 2001 Legislature. The recommendations address the following major topics:

- Codification of the statewide emergency response plan to incidents of school violence (as mandated by A.B. 686);

- Resolution regarding prevention and intervention strategies to reduce the incidents of juvenile and school violence; and
- Mandated reporting by campus police or school officials of certain specified violent or sexual crimes to the appropriate local law enforcement agency.

## SUMMARY OF RECOMMENDATIONS

### COMMISSION ON SCHOOL SAFETY AND JUVENILE VIOLENCE (A.B. 686)

This summary presents the recommendations approved by the Legislative Commission on School Safety and Juvenile Violence (Assembly Bill 686, Chapter 607, *Statutes of Nevada 1999*). The commission submits these proposals to the 71st Session of the Nevada Legislature.

#### EMERGENCY RESPONSE PLAN TO INCIDENTS OF SCHOOL VIOLENCE

1. Draft legislation to codify the emergency response plan to incidents of school violence in *Nevada Revised Statutes* (as mandated by A.B. 686). In summary, the plan requires each school district to adopt a model crisis response plan, which must be used by each school in the district, with exception in special circumstances. Each school district's plan must be developed by a district wide committee, and in turn, each school will arrange for a site-based team to implement the plan. Additionally, the State Board of Education is to develop necessary regulations for school districts, and the Division of Emergency Management will assist by coordinating the resources of federal, county, and city authorities.

#### RECOMMENDATIONS REGARDING PREVENTION AND INTERVENTION PROGRAMS

2. Draft a concurrent resolution urging specified private and public entities to implement or expand upon prevention and intervention programs and services to reduce the incidence of school and juvenile violence, addressing: after-school activities; alternative classrooms; anti-bullying; asset building; child abuse; community-based efforts; firearms; gangs; mentoring; parental involvement; peer mediation; research and evaluation; and school staffing patterns.

#### RECOMMENDATIONS REGARDING REPORTING OF CRIMINAL ACTIVITY ON SCHOOL CAMPUSES

3. Amend *Nevada Revised Statutes* to mandate that campus police or school officials report certain violent or sexual criminal acts (based upon the crimes outlined in the Sherrice Iverson Act of 1999), to the appropriate local law enforcement authority.



BULLETIN 01-12

**THE PENSION PLAN  
FOR CERTAIN JUSTICES AND JUDGES**

A.B. 698—1999 Session

**Members**

Assemblyman Lynn Hettrick, Chairman  
Senator Joseph M. Neal, Jr.  
Senator Bill R. O'Donnell  
Assemblyman Bob Price

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CHAPTER 644

AN ACT relating to retirement; requiring the Legislative Commission to conduct an interim study of the pension plan for certain justices and judges; authorizing an expenditure by the Public Employees' Retirement System to assist in carrying out the study; 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 appoint a subcommittee of four legislators selected as follows:

(a) Two members of the Assembly, one of whom must be appointed as the chairman of the subcommittee; and

(b) Two members of the Senate, to conduct an interim study of the pension plan for justices of the supreme court and judges of the district courts of this state.

2. The study must include an analysis of:

(a) The actuarial soundness of the current method of funding the pension plan;

(b) An alternative to the current method of funding the pension plan modeled on the method of funding the Public Employees' Retirement System, and the actuarial soundness of such an alternative; and

(c) Any other alternatives to the current method of funding the pension plan that the subcommittee determines to be actuarially sound. If the subcommittee considers the addition of justices of the peace or judges of the municipal courts to the current pension plan, the study must include an additional, similar analysis relating to that inclusion.

3. The Public Employees' Retirement System shall provide such advice and assistance to the subcommittee as may be requested by the subcommittee to carry out the provisions of this act.

4. Any recommended legislation proposed by the subcommittee must be approved by an affirmative vote of not less than three members of the subcommittee. The subcommittee shall deliver a report of its findings and any recommended legislation to the Legislative Commission.

**Sec. 2.** The Public Employees' Retirement System may expend not more than \$30,000 from the public employees' retirement fund to provide the advice and assistance requested by the subcommittee pursuant to subsection 3 of section 1 of this act.

**Sec. 3.** This act becomes effective upon passage and approval.



## ABSTRACT

### **THE PENSION PLAN FOR CERTAIN JUSTICES AND JUDGES (A. B. 698)**

The 70th Session of the Nevada Legislature adopted Assembly Bill 698 (Chapter 644, *Statutes of Nevada 1999*, page 3616), which directed the Legislative Commission to appoint a subcommittee to study the actuarial soundness of the pension plan for Supreme Court Justices and District Court Judges. The existing Judicial Retirement System consists of a Pay-As-You-Go plan, with retirement benefits for current retired justices and judges financed biennially by the Legislature without funds invested to finance benefits for retirees in future years. Four legislators (two from the Assembly and two from the Senate) were appointed to carry out the provisions of the legislation.

The Subcommittee held four meetings, including one work session, during the course of the study. The meetings were held in Las Vegas, and the public hearings were conducted through simultaneous videoconferences between meeting rooms at the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas.

During the course of the interim study, the subcommittee directed the Executive Officer of the Public Employees' Retirement System (PERS) and the PERS Actuary (the Segal Company) to develop cash flow scenarios for their consideration based on the PERS funding and investment model. The Subcommittee reviewed the calculations and the costs of four scenarios proposed to actuarially fund the judicial retirement system. Additionally, the Subcommittee reviewed schedules comparing the eligibility criteria, formulas, maximum benefits, disability retirement adjustments, and "purchase of service" options contained in PERS, the existing Judicial Retirement System, and judicial retirement options submitted by the District Court Judges' Association.

At the final meeting and work session, the Subcommittee adopted four (4) recommendations, including a bill draft request (BDR) for consideration by the 71st Legislature (2001 Legislative Session). The Subcommittee's recommendations addressed the following major topics:

- Financing the unfunded accrued liability and the ongoing costs of the plan;
- Implementation date for the new Judicial Retirement System;
- Administration of the new Judicial Retirement System;
- Eligibility criteria;
- Maintaining benefits provided to retirees under the Pay-As-You-Go plan;

- Transfer capability for justices and judges enrolled in PERS; and
- Provision of services to assist justices and judges with decisions about the new system.

## SUMMARY OF RECOMMENDATIONS

### THE PENSION PLAN FOR CERTAIN JUSTICES AND JUDGES (A.B. 698)

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Study a Pension Plan for Certain Justices and Judges (A.B. 698). The Subcommittee will submit these proposals to the 71st Session of the Nevada Legislature.

#### RECOMMENDATION REQUIRING LEGISLATIVE ACTION

##### *Financing the Unfunded Accrued Liability*

1. Draft and enact legislation to appropriate \$13.5 million on July 1, 2001, to pre-fund the unfunded accrued liability for active members of the Judicial Retirement System. The remaining unfunded accrued liability is recommended for amortization over a 34-year period. **(BDR—208).**

##### *Formation of a New Judicial Retirement System*

2. Draft and enact legislation for the state to implement the new, separate Judicial Retirement System on January 1, 2003, allowing all benefits and expenses to be paid from the trust fund. The new system is recommended to mirror the statutory language governing the Public Employees Retirement System (PERS), and PERS is recommended to implement and administer the new system. The proposal is designed to maintain the benefits provided to retirees under the current Pay-As-You-Go plan. All new justices and judges are recommended to automatically enroll in the new system. Justices of the Supreme Court and District Court Judges are recommended to have the ability to transfer to the new system within 90 days of their election or appointment. Annual contributions to support the new system (comprised of amortization costs, administrative expenses, and normal costs) are recommended to commence in FY 2003, and will be based on a percent of total covered payroll. One hundred percent of these ongoing costs are recommended to be paid by the state; however, the Subcommittee encourages the Legislature to continue to review other available financing options. **(BDR—208).**

**RECOMMENDATIONS CONCERNING THE IMPLEMENTATION  
OF THE NEW JUDICIAL RETIREMENT SYSTEM**

*System Administration*

3. Include a statement in the final report encouraging the Legislature to establish a Judicial Retirement System Advisory Board. The new Board will report to the PERS Board through the Interim Retirement and Benefits Committee on matters concerning the administration of the new Judicial Retirement System. Additionally, the Subcommittee recommends an enhancement module for the PERS budget to finance the one-time computerization costs for automating the new system (totaling approximately \$60,000).

*Services to Assist Justices and Judges*

4. Include a statement in the final report encouraging PERS develop informational and support services to assist the justices and judges with decisions about the new system.

BULLETIN 01-13

**STUDY OF THE SYSTEM OF JUVENILE JUSTICE IN NEVADA**

A.C.R. 13—1999 Session

**Members**

Senator Valerie Wiener, Chairman  
Senator Lawrence E. Jacobsen  
Senator Joseph M. Neal, Jr.  
Senator Maurice E. Washington  
Assemblyman Bernie Anderson  
Assemblyman Morse Arberry, Jr.  
Assemblyman John C. Carpenter  
Assemblywoman Jan Evans  
Assemblywoman Sheila Leslie

**Nonvoting Advisory Members**

David F. Bash III, Executive Director, Juvenile Justice Advocates of Nevada  
The Honorable Robert E. Gaston, Juvenile Division, Eighth Judicial District Court  
Robert S. Hadfield, Executive Director, Nevada Association of Counties

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FILE NUMBER 139

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to continue the study of the system of juvenile justice in Nevada.

Whereas, The Legislative Commission was directed by Assembly Concurrent Resolution No. 57 of the 69th session of the Nevada Legislature to study specific issues relating to the system of juvenile justice in this state; and

Whereas, The study was conducted during the 1997-98 legislative interim and it facilitated a wide-ranging discussion by national, state and local experts that resulted in the development of a comprehensive long-range plan to improve the system of juvenile justice in this state; and

Whereas, The study concluded that a second phase of discussion, oversight and consideration of this issue was necessary to ensure a comprehensive approach that will result in meaningful improvements in the system of juvenile justice in Nevada; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate Concurring, That the Legislative Commission is hereby directed to appoint a subcommittee, consisting of four members of the Assembly and four members of the Senate, to continue the study of the system of juvenile justice in the State of Nevada; and be it further

Resolved, That the subcommittee may appoint an advisory committee, consisting of persons who are knowledgeable in the areas of the study, to consult with and to assist in conducting the study; and be it further

Resolved, That the study may include, but is not limited to:

1. A review and evaluation of the recent efforts made by state and local juvenile authorities to adopt and use uniform criteria, methodology and instruments when detaining a juvenile, placing a juvenile in a correctional facility or placing a juvenile on probation or otherwise in the community;
2. A review and evaluation of the system of intermediate sanctions and corresponding interventions for delinquent youth;
3. A review of the results of an updated report on the assessment of the need for juvenile correctional facilities and related programs in this state that was originally completed in August 1992;
4. A review of the evaluation of the Standardized Juvenile Justice Data Collection System of the Division of Child and Family Services of the Department of Human Resources;
5. A review of the use in the juvenile justice system of this state of programs intended to prevent and treat substance abuse, including, without limitation, educational programs and aftercare efforts;
6. An assessment of the desirability of restructuring the relationship between state and local juvenile justice agencies, including the potential to produce a seamless continuum of care;
7. An assessment of gang activity and a review of prevention and intervention efforts;
8. An assessment of school violence in this state;

9. A review of the survey of the availability of nontraditional alternative education programs;

10. An assessment of the uniformity of standards of operation for juvenile detention and juvenile correctional facilities;

11. An evaluation of the results of an assessment of the need for mental health services for the juvenile justice population at the state and local level;

12. A review and evaluation of a proposed integrated data system to track the various interactions that individual youths have with the various state and local service agencies;

13. A review and evaluation of the programs and efforts to reduce truancy in public schools; and

14. A discussion of the desirability of implementing restorative justice programs in this state, including programs involving interaction between the delinquent juvenile and the victim; and be it further

Resolved, That no action may be taken by the subcommittee on recommended legislation unless it receives a majority vote of the Senators on the subcommittee and a majority vote of the Assemblymen on the subcommittee; and be it further

Resolved, That the Legislative Commission submit a report of the study and any recommendations for legislation to the 71st session of the Nevada Legislature.

## ABSTRACT

### **STUDY OF THE SYSTEM OF JUVENILE JUSTICE IN NEVADA (A.C.R. 13)**

The 70th Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 13 (File 139, *Statutes of Nevada 1999*, page 4047), which directed the Legislative Commission to continue the interim study of juvenile justice issues initially conducted by the A.C.R. 57 Subcommittee during the 1997-1998 legislative interim. A major conclusion and recommendation of that subcommittee was that a second phase of discussion, oversight and consideration of juvenile justice issues was necessary to continue the development of a comprehensive approach designed to result in meaningful improvements to the juvenile justice system.

The Legislative Commission appointed a Subcommittee of eight legislators (four members of the Senate and four members of the Assembly) to carry out the provisions of A.C.R. 13. Additionally, the resolution allowed the Subcommittee to appoint three nonvoting advisory members to consult with and assist in conducting the study.

The Subcommittee held five meetings, including a work session, during the term of the study. All five of the meetings were public hearings, with four of the meetings, including the work session, held at the Legislative building in Carson City and one meeting held in Las Vegas. All meetings were simultaneously video conferenced between the Legislative Building and the Grant Sawyer State Office Building in Las Vegas.

During the course of the study, the Subcommittee received extensive expert and public testimony and correspondence regarding the juvenile justice system. Participants included a prominent juvenile justice consultant, concerned citizens, county juvenile probation officers, substance abuse prevention and treatment program professionals, representatives from Clark County Juvenile Court and the Clark County District Attorney's Office and representatives from state juvenile justice and mental health agencies. State and local juvenile justice practitioners contributed information and suggestions throughout the study.

The primary mission of the A.C.R. 13 Subcommittee was to review and evaluate the progress made on the recommendations approved by the A.C.R. 57 Subcommittee during the 1997-1998 interim. In fulfilling this mission, the A.C.R. 13 Subcommittee focused on various requirements and reports produced in response to the recommendations approved by the A.C.R. 57 Subcommittee. In broad terms, those requirements and reports included progress made on: the development of placement instruments; additional intermediate sanctions and corresponding interventions for juveniles; various needs assessments; an evaluation of juvenile gang activity in Nevada; a review of school violence; and the potential to restructure the current state-county relationship in juvenile corrections.

At its final meeting and work session, the Subcommittee adopted a total of 16 recommendations. Included in the final recommendations are four bill draft requests (BDRs) for presentation to the 2001 Nevada Legislature. The adopted recommendations address the following major topical areas:

- Assessment instruments, intermediate sanctions and interventions;
- Substance abuse issues and assessment of treatment programs;
- Division of Child and Family Services' Summit View Youth Correctional Center;
- Longitudinal study of juvenile offender programs;
- Youth gang problems, profiles and interventions;
- Alternative education programs for juvenile offenders;
- Statutory legislative committee on juvenile justice;
- Performance-based standards for juvenile correction and detention facilities;
- Governor's Juvenile Justice Commission;
- Certification of juvenile offenders to adult status;
- National Center for Juvenile Justice study results;
- Minority overrepresentation in the juvenile justice system; and
- Statutory amendments proposed by the Nevada Association of Juvenile Justice Administrators.

In most cases, each recommendation requires an "action letter" from the Subcommittee to the affected entities, requesting their assistance and cooperation in completing the task(s) identified in each recommendation.

## SUMMARY OF RECOMMENDATIONS

### STUDY OF THE SYSTEM OF JUVENILE JUSTICE IN THE STATE OF NEVADA (A.C.R. 13)

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Study the System of Juvenile Justice in Nevada. The Subcommittee submits these proposals to the 71st Session of the Nevada Legislature.

#### ASSESSMENT INSTRUMENTS, INTERMEDIATE SANCTIONS, AND INTERVENTIONS

##### 1. Need to Continue Refinement of Placement Instruments

**Short-term** – The Subcommittee recommends that the Nevada Juvenile Justice Commission and the Nevada Association of Juvenile Justice Administrators be jointly responsible for the continuing refinement and implementation of the various risk and needs assessment instruments initially recommended by the A.C.R. 57 Subcommittee on Juvenile Justice during the 1997-1998 interim. The instruments include: a detention placement instrument; a probation community placement instrument; and a corrections placement instrument. Also, it was recommended that the National Council on Crime and Delinquency (NCCD) be enlisted for technical assistance to expedite completion and implementation of the instruments. If available, Juvenile Accountability Incentive Block Grant funds could be used for this purpose.

The Subcommittee also recommends that the Juvenile Justice Commission and the Nevada Association of Juvenile Justice Administrators immediately engage the National Juvenile Detention Association to assess causes of the overcrowding in detention and corrections facilities. This could be done in cooperation with the Office of Juvenile Justice and Delinquency Prevention (OJJDP), resulting in a review of the draft placement instruments that have been developed thus far and steps that should immediately be taken. If available, Juvenile Accountability Incentive Block Grant funds could be used for this purpose.

**Long-term** – The Subcommittee recommends that the Juvenile Justice Commission and the Nevada Association of Juvenile Justice Administrators consider contracting with the National Council on Crime and Delinquency (as funds are available) to validate the probation risk assessment instrument. Juvenile Accountability Block Grant funds could be used for this purpose.

##### 2. Need to Continue Creation of Additional Intermediate Sanctions and Interventions

The Subcommittee recommends that the Juvenile Justice Commission and the Nevada Association of Juvenile Justice Administrators continue leading the effort initiated by the A.C.R. 57 Interim Subcommittee on the creation of additional intermediate sanctions and

interventions. Specifically, the Subcommittee recommends that consideration be given to implementing: the Reclaim Ohio Program; the Orange County 8% Early Intervention Program; and the Multi-Systemic Therapy Program. However, the Subcommittee also agreed that flexibility should be given to the judicial districts in selecting from various blueprint programs (list available from OJJDP) that have been validated and proven to be effective. While Juvenile Accountability Block Grant funds and Community Corrections Partnership Block Grant funds could be used for these purposes, the Subcommittee agreed that the pursuit of the new programs would be based on the availability of funding.

### **SUBSTANCE ABUSE ISSUES AND ASSESSMENT OF TREATMENT PROGRAMS**

#### **3. Continue Assessment of Substance Abuse Treatment Programs**

The Subcommittee recommends acceptance of the Bureau of Alcohol and Drug Abuse's (BADA) pledge to: (a) incorporate the short- and long-term suggestions considered by the Subcommittee in the Bureau's strategic plan, and (b) report back to the 2001 Legislative Session. **Short-term** – continue the assessment of drug treatment programs, which would be incorporated into the evaluation strategy being developed by BADA. **Long-term** – consider implementing the “Developmental Model of Substance Abuse Treatment for Adolescents,” which would be addressed by BADA in their “Special Populations Adolescent Plan” currently in development. The respective reports are anticipated to be completed by February 2001. Copies should be provided to the 2001 Legislature at that time.

### **DIVISION OF CHILD AND FAMILY SERVICES' SUMMIT VIEW YOUTH CORRECTIONAL CENTER**

#### **4. Progress on Implementation and Evaluation of Placement Instrument and Performance Based Standards**

The Subcommittee recommends that the Division of Child and Family Services (DCFS), Youth Corrections Component, provide an update to the 2001 Legislature, by February 2001, on the progress of the implementation and evaluation of: a) the Corrections Placement Instrument for the new Summit View Youth Correctional Center; and b) the OJJDP Performance-Based Standards for Juvenile Correction and Detention Facilities (based on available funding).

## LONGITUDINAL STUDY OF JUVENILE OFFENDER PROGRAMS

### 5. Longitudinal Study of Diversion, Intervention and Aftercare Programs

The Subcommittee recommends that the Division of Child and Family Services (DCFS) request funding in the Executive Budget process for a longitudinal study of the success and effectiveness of diversion, intervention and aftercare programs for juvenile offenders. A letter will be prepared and sent to the Governor and DCFS conveying this recommendation for their consideration. The funding request may require a new position to perform the recommended study.

## YOUTH GANG PROBLEMS, PROFILES AND INTERVENTIONS

### 6. Continue the Evaluation of Youth Gang Problems and Youth Gang Involvement

The Subcommittee recommends that, in the **short-term**, the Division of Child and Family Services (DCFS) and the Silver State Juvenile Detention Association (SSJDA) continue the evaluation of current efforts in identifying youth gang problems and youth gang involvement. The DCFS will oversee this effort for state-operated juvenile correctional facilities, while the SSJDA will do the same for the county-operated detention centers. Specifically, the efforts will include: a) a review of the type of training provided to staff in supervision, classification and investigative techniques; b) ensuring that risk and needs assessments address gang involvement; and c) a review of the Gang Alternatives Partnership information for recommendations that could be considered for statewide and local implementation. Progress reports regarding these recommendations are to be submitted to the 2001 Legislature by February 2001.

In the **long-term**, the Subcommittee recommends that the Nevada Association of Sheriffs and Chiefs be asked to assist in developing a statewide profile of youth gang problems by using the National Youth Gang Survey instrument to survey law enforcement agencies not already surveyed by the National Youth Gang Center. Additionally, that the Nevada Association of Juvenile Justice Administrators should consider implementing the OJJDP Comprehensive Community-Wide Gang Prevention, Suppression and Intervention Program in Nevada communities. And the DCFS and the SSJDA should consider implementing the Aggression Replacement Training program to help reduce gang conflicts in correctional and detention facilities. The recommendations are contingent on available funding.

## **ALTERNATIVE EDUCATION PROGRAMS FOR JUVENILE OFFENDERS**

### **7. Analyze Availability of Alternative Education Programs**

The Subcommittee recommends that several items concerning alternative education programs be referred to the statutory Legislative Committee on Education. Specifically: a) request that the Legislative Committee on Education analyze the correlation between alternative education programs that are currently available and suspended and expelled students to determine if they are clients of those alternative education programs; b) request that Chapter 392 of the *Nevada Revised Statutes* be reviewed to ensure that elementary school students would not be removed from school without appropriate alternative education support. These referrals would require a letter to the statutory Legislative Committee on Education signed by the Chairman.

### **8. Create Statutory Legislative Committee on Juvenile Justice**

The Subcommittee recommends a bill draft request that would create a Statutory Legislative Committee on Juvenile Justice with a sunset provision to expire after two legislative sessions. **(BDR 572)**

### **9. Issues to be Studied by Proposed Statutory Legislative Committee on Juvenile Justice**

The Subcommittee recommends that the proposed Statutory Legislative Committee on Juvenile Justice study the following issues: a) filling gaps in the alternative education system by building a continuum of care for suspended and expelled students; b) the need to fill gaps in the continuum of juvenile justice program options with only cost-effective program models proven to be effective by OJJDP review; c) the need to expand aftercare programs, including the types of programs that are needed and the results that will be expected from those programs; d) the need to develop more gender-specific programs (the National Council of Juvenile and Family Court Judges recommends several types of female specific programs); e) the recommendations submitted by the Nevada Juvenile Justice Commission including: the restructuring of state/county juvenile justice; the development and maintenance of community-based programs to divert youth from the juvenile justice system; the development of relationships between the disciplines of juvenile justice, mental health, education and substance abuse; the integration of juvenile and adult justice systems; the formation of a standing legislative committee to address the needs of Nevada's youth; the development of alternative education programs for expelled and suspended youth; and the development of statutory changes to better facilitate the administration of juvenile justice; and f) the Nevada Association of Juvenile Justice Administrators' recommendation that would mandate that school districts provide teachers in detention homes.

## **PERFORMANCE-BASED STANDARDS FOR JUVENILE CORRECTION AND DETENTION FACILITIES**

### **10. Implement Performance-Based Standards**

The Subcommittee recommends that the Silver State Juvenile Detention Association implement the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Performance-Based Standards for Juvenile Correction and Detention Facilities and contact the Council of Juvenile Corrections Administrators (Boston, Massachusetts) for assistance and for potential OJJDP funding assistance.

## **GOVERNOR'S JUVENILE JUSTICE COMMISSION**

### **11. Expand Governor's Juvenile Justice Commission**

The Subcommittee recommends that the Governor consider expanding the Juvenile Justice Commission with one representative from the mental health field and one representative from the substance abuse field. Also, that the commission, as they continue to formulate juvenile justice policy for the State of Nevada, evaluate the mental health needs of the juvenile offender population and that the Governor consider developing specialized services in the juvenile justice system for youths who are mentally ill, mentally retarded, and disabled.

## **CERTIFICATION OF JUVENILE OFFENDERS TO ADULT STATUS**

### **12. Review of Transfer Statutes Regarding Certification of Juvenile Offenders to Adult Status**

The Subcommittee recommends that a letter be directed to the respective chairmen of the Senate and Assembly Standing Committees on Judiciary during the 2001 Legislative Session requesting that the committees review all applicable transfer statutes related to the certification of juvenile offenders to adult status. This would include the blended sentencing concept.

## **NATIONAL CENTER FOR JUVENILE JUSTICE STUDY RESULTS**

### **13. Reporting of National Center for Juvenile Justice Study Results**

The Subcommittee recommends that the DCFS, Youth Corrections Component, report to the Subcommittee on the current agreement between DCFS and the National Center for Juvenile Justice (NCJJ) itemizing what components of Nevada's Juvenile Justice System are being

studied by NCJJ. Also that DCFS provide copies of the final reports from NCJJ to the Legislative Counsel Bureau, Fiscal Analysis Division as they are completed.

### **MINORITY OVERREPRESENTATION IN THE JUVENILE JUSTICE SYSTEM**

#### **14. Study of Minority Overrepresentation in the Juvenile Justice System**

The Subcommittee recommends a bill draft request that would require juvenile courts, juvenile probation offices and law enforcement agencies (city, county and state) in each judicial district within Nevada to jointly assess if children of color are over-represented in Nevada's Juvenile Justice System. Once the assessment is complete, recommendations should be formulated on how to remedy the disparities. **(BDR 573)**

### **STATUTORY AMENDMENTS PROPOSED BY THE NEVADA ASSOCIATION OF JUVENILE JUSTICE ADMINISTRATORS**

#### **15. Amend the Nevada Revised Statutes per Recommendations from the Nevada Association of Juvenile Justice Administrators**

The Subcommittee recommends that NRS 62.180 be amended to allow a detention home to be built on the same grounds or share common facilities or grounds with an adult jail if the detention home has a separate management, security and direct care staff. **(BDR 574)**

#### **16. Amend the Nevada Revised Statutes per Recommendations from the Nevada Association of Juvenile Justice Administrators**

The Subcommittee recommends that NRS 62.271 be amended to give the courts the power to place **parole** violators in detention (if under 18 years of age) or in a county jail or state prison (if 18 years or older and under age 21). The current statute only addresses **probation** violators and not parole violators. **(BDR 575)**

BULLETIN 01-14

**LIMITATIONS ON DAMAGES  
THAT MAY BE AWARDED AGAINST THE STATE  
AND ITS POLITICAL SUBDIVISIONS**

A.C.R. 46—1999 Session

**Members**

Assemblyman Bernie Anderson, Chairman  
Senator Maurice E. Washington, Vice Chairman  
Senator Mike McGinness  
Senator Dean A. Rhoads  
Senator Michael A. Schneider  
Assemblyman John C. Carpenter  
Assemblyman Jerry D. Claborn  
Assemblywoman Genie Ohrenschall

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FILE NUMBER 140

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study concerning the statutory limitation on damages that may be awarded to a person in a tort action against the State of Nevada, its political subdivisions or certain other persons.

WHEREAS, The State of Nevada, by waiving its sovereign immunity, allows monetary damages to be awarded to a person in a tort action against the State of Nevada or any of its political subdivisions, or a present or former officer or employee of the State of Nevada or any political subdivision, or an immune contractor or state legislator arising out of an act or omission within the scope of his public duties or employment; and

WHEREAS, The current statutory limit on the amount of damages that may be awarded to a plaintiff in such a tort action has not been increased since 1979; and

WHEREAS, Persons injured in this state may not be adequately compensated for injuries caused to them by the State of Nevada or its political subdivisions because of the current limitation on damages; and

WHEREAS, Before changing the statutory limit on the amount of damages that may be awarded in such cases, it is also necessary to consider the fiscal impact on the State of Nevada and its political subdivisions; 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 concerning the statutory limitation on damages that may be awarded to a person in a tort action against the State of Nevada or any of its political subdivisions, or a present or former officer or employee of this state or any political subdivision, or an immune contractor or state legislator arising out of an act or omission within the scope of his public duties or employment; and be it further

RESOLVED, That the Legislative Commission shall appoint a subcommittee, consisting of:

1. Four members of the Assembly, two of whom must have served on the Assembly Standing Committee on Judiciary during the immediately preceding session of the legislature; and

2. Four members of the Senate, two of whom must have served on the Senate Standing Committee on Judiciary during the immediately preceding session of the legislature, to conduct the study; and be it further

RESOLVED, That, in addition to legislators, the Legislative Commission shall appoint an advisory committee to assist the subcommittee, including, without limitation:

1. One representative from the Office of the Attorney General;
2. Two representatives from the Nevada League of Cities;
3. Two representatives from the Nevada Association of Counties;
4. Two representatives from the Nevada Trial Lawyers' Association; and
5. One representative from the Nevada Association of School Boards; and be it further

RESOLVED, That the study must include, without limitation, an analysis of whether it is appropriate to change the current statutory limitation on damages set forth in NRS 41.035 with consideration to the potential effects of changing the limitation, including, without limitation, the potential fiscal impact of any such change and the potential effect that such a change would have on injured plaintiffs; and be it further

RESOLVED, That any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 71<sup>st</sup> session of the Nevada Legislature.

## ABSTRACT

### **LIMITATIONS ON DAMAGES THAT MAY BE AWARDED AGAINST THE STATE AND ITS POLITICAL SUBDIVISIONS (A.C.R. 46)**

The 70th Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 46 (File No. 140, *Statutes of Nevada 1999*, pages 4048 and 4049), which directed the Legislative Commission to conduct an interim study of the adequacy of compensation available in tort actions to people injured by public entities as well as the fiscal impact on governmental bodies if the statutory limits on such damages were changed. The commission appointed a Subcommittee of eight legislators to carry out the provisions of the resolution. Additionally, the Legislative Commission appointed an eight-member Advisory Committee pursuant to the provision of A.C.R. 46.

The Subcommittee held five meetings during the course of the study. Three of the meetings were held in Carson City and two in Las Vegas. The Advisory Committee held two meetings. All meetings were videoconferenced between meeting rooms in Carson City and Las Vegas. (All place-names are within Nevada unless otherwise noted.)

During the course of the study, the Subcommittee heard extensive testimony from Advisory Committee members and the public regarding the impact of limited tort damages on people who have been injured by governmental entities. Additionally, the Subcommittee studied information regarding the cost to governmental bodies of tort claims and the potential fiscal consequences of raising the present statutory limits on damages.

At its final meeting, the Subcommittee adopted a recommendation, including a bill draft request (BDR), for consideration by the 2001 Legislature. The recommendation calls for increasing the statutory limit on tort damages with certain restrictions and the creation of a special fund to provide additional reimbursement to specified categories of seriously injured people.



## SUMMARY OF RECOMMENDATIONS

### LIMITATIONS ON DAMAGES THAT MAY BE AWARDED AGAINST THE STATE AND ITS POLITICAL SUBDIVISIONS

(A.C.R.46)

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Study the Statutory Limitation on Damages that may be Awarded to a Person in a Tort Action Against the State of Nevada, its Political Subdivisions or Certain Other Persons (A.C.R. 46). The subcommittee submits this proposal to the 71st Session of the Nevada Legislature.

#### RECOMMENDATIONS REQUIRING LEGISLATIVE ACTION

In the course of the study, all of the required elements of A.C.R. 46 were considered. The Subcommittee heard from many witnesses on behalf of both governmental entities and representatives of injured persons. At its final meeting, the Subcommittee adopted a single recommendation, including a bill draft request (BDR), for consideration by the 2001 Legislature. The recommendation calls for increasing the statutory limit on tort damages with certain restrictions and the creation of a special fund to provide additional reimbursement to specified categories of seriously injured people. Because certain aspects of the recommendation, such as a funding source for the state's contribution to the special fund, could not be specified in sufficient detail for drafting purposes at the time, the Subcommittee directed that the recommendation be prepared as a skeleton bill.

Although the recommendation was adopted on a unanimous vote, several Subcommittee members indicated they believed the proposal did not go far enough to ensure adequate compensation for injured people. Some of these members said they voted for the recommendation because they wanted the full Legislature to have another opportunity to examine the underlying issues but reserved the right to oppose the bill draft itself.

Therefore, the Subcommittee recommends that that 2001 Legislature:

**Enact legislation to amend NRS 41.035, "Limitation on award for damages in tort actions," to increase the cap on damages and to create a Special Fund for persons injured by public agencies as follows:**

**A. Increase Tort Cap and Create Special Fund for Certain Cases.**

- I. Increase the cap set forth in NRS 41.035 and limit the amount of damages in tort actions: For any accident or occurrence on or after October 1, 2001, except as provided in A.II, an award for tort**

damages against a present or former officer or an employee of the state or any political subdivision, immune contractor or state legislator arising out of an act or omission within the scope of his public duties or employment may not exceed \$75,000, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant, subject to a total limit of \$150,000 in the aggregate for all separate, distinct, and independent causes of action or number of state actors involved for any one person arising out of said accident or occurrence. An award may not include any amount for prejudgment interest or as exemplary or punitive damages.

II. Certain persons may apply for money from special fund: For any accident or occurrence on or after October 1, 2001, a person injured in any occurrence involving a public agency, including the state or any political subdivision of the state, which results in paraplegia, quadriplegia, a persistive vegetative state, permanent total physical incapacitation from any gainful employment or death, may apply to the Special Fund for Persons Injured by Public Agencies for payment up to \$250,000 for medical expenses and loss of earnings damages combined that exceed the amount resulting from the application of the limitation on damages pursuant to NRS 41.035 concluded by settlement or judgment.

B. **Eligibility for Payment from Special Fund.**

I. Determination of damages: Eligibility to make application to the Special Fund for medical expenses and loss of earnings damages must be certified in writing to the Board of Trustees by the public agency in the settlement agreement or be adjudicated by the court. In the event the parties to a settlement cannot agree as to the amount of such damages, the parties may agree to petition the court for a determination of the amount of damages incurred, which determination shall be binding upon the parties. In the alternative, either party may request a jury trial to determine both liability and damages, if any. "Medical expenses and loss of earnings damages" means damages that are specifically claimed and proven and shown to have been sustained in the circumstances of the particular wrong and may include future loss of earnings and medical expenses.

II. Application process: The Board of Trustees of the Special Fund shall review the application and approve or disapprove reimbursement of all or part of the unpaid medical expenses or loss of earnings damages. Applications must be filed with the Board within 30 days after a final determination of damages has been made. If

reimbursement or partial reimbursement is approved, payment of such damages to the person injured must be made from the fund, to the extent money is available in the fund for this purpose. Within 30 days after the close of a fiscal year, the Board shall determine the amount of money on hand as of the close of the fiscal year. If claims against the fund in any given year exceed the amount of money available at the close of the fiscal year, the available money shall be distributed on a pro rata basis among all recipients eligible in that year. The method of determining the prorated division of money in the Special Fund shall be fixed by regulations adopted by the Board. An applicant is eligible to receive payment from the Special Fund for an accident or occurrence only once. The determination by the Board of Trustees as to the amount of money available for reimbursement or partial reimbursement of medical expenses and loss of earnings damages is made in the sole discretion of the board and is final and binding on the applicant.

III. The application to the Board must be in such form and contain such information as the Board requires by regulation. No application will be processed without a certification of medical expenses and loss of earnings damages by the public agency.

C. **Creation and Powers of Board of Trustees.**

The Board of Trustees shall consist of five members of which one member shall be from each county with a population of 100,000 or greater, two shall be from counties with a population of less than 100,000, and one shall be a representative from the State Board of Examiners. The Board shall have the same powers as the Board of Trustees for the Fund for Hospital Care to Indigent Persons as set forth in NRS 428.205.

D. **Reimbursement of Medical Expenses or Loss of Earnings; Board Subrogated to Right of Applicant.**

Upon payment of medical expenses or loss of earnings to the applicant, the Board of Trustees is subrogated to the right of the applicant to recover the unpaid charges from any responsible party other than the certifying public agency or the applicant to the extent of the reimbursement or partial reimbursement paid, and may maintain an independent action therefore in a manner similar to that employed by the Board of Trustees for the Fund for Hospital Care to Indigent Persons pursuant to NRS 428.245.

**E. Funding for Special Fund**

**From the taxes levied pursuant to NRS 428.185 and any tax levied pursuant to NRS 450.425, the board of county commissioners of each county shall set aside money from the ad valorem tax at a rate of 0.25 cents (one-quarter of a cent).**

**If a permanent source of money is identified in the legislation to match the money contributed to the Special Fund by the earmarking of the 0.25 cents from the ad valorem tax, then the bill will be drafted so that a person injured by an employee of the state may apply for money under the Special Fund. This permanent source of money could include dedicating a portion of an existing state tax or creating a new tax for this purpose. (BDR 3-192)**

BULLETIN 01-15

**INTEGRATION OF STATE AND LOCAL  
CHILD WELFARE SYSTEMS**

A.C.R. 53—1999 Session

**Members**

Assemblywoman Barbara E. Buckley, Chairman  
Senator Maggie A. Carlton  
Senator Bob Coffin  
Senator Jon C. Porter, Sr.  
Senator Raymond D. Rawson.  
Senator Maurice E. Washington  
Assemblyman Bernie Anderson  
Assemblyman John C. Carpenter  
Assemblyman Joseph E. Dini, Jr.  
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Assembly Concurrent Resolution No. 53 – Committee  
On Judiciary

FILE NUMBER 141

ASSEMBLY CONCURRENT RESOLUTION - Directing the Legislative Commission to conduct an interim study of the integration of state and local child welfare systems in this state.

WHEREAS, During 1998, more than 13,000 reports of child abuse or neglect were submitted in the State of Nevada and more than 700 abused or neglected children in this state were placed in protective custody; and

WHEREAS, Currently, a child who is placed in protective custody is initially under the supervision of the child protective services agency of a county for 6 months during which time he is assigned to a case manager and may be placed in a foster home and treated by a therapist; and

WHEREAS, If a child remains in protective custody for more than 6 months, the child is then removed from the supervision of the child protective services agency and is placed under the supervision of the Division of Child and Family Services of the Department of Human Resources and is typically assigned to a different case manager, placed in a different foster home and treated by a different therapist; and

WHEREAS, Under this bifurcated system, a permanent plan for the care and treatment of a child is delayed for at least 6 months and causes the child to remain in the system for a longer period of time; and

WHEREAS, The State of Nevada is the only state that has such a bifurcated child welfare system; and

WHEREAS, It is necessary to develop a more efficient system that will provide more stability and continuity for the children of this state who are in need of protection; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a subcommittee, consisting of four members of the Assembly and four members of the Senate, to conduct an interim study of the integration of state and local child welfare systems in this state; and be it further

RESOLVED, That the study must include, without limitation, a comprehensive evaluation of:

1. The appropriate manner in which to integrate the current state and local child welfare systems;
2. Whether the responsibility for managing the integrated child welfare system should be assumed entirely by the State of Nevada or by the counties and how such a system will be funded;
3. The child welfare systems of other states;
4. The manner in which the current employees of the child protective services agencies of the counties and the Division of Child and Family Services of the

Department of Human Resources will be affected by creating an integrated service agency; and

5. Any other issues necessary to determine the most appropriate manner in which to create an integrated child welfare system in this state; and be it further

RESOLVED, That the subcommittee shall consult with private citizens and persons representative of governmental agencies involved in or affected by the child welfare system, including, without limitation, representatives of:

1. The Division of Child and Family Services of the Department of Human Resources;

2. The child protective services agencies of the counties in this state;

3. The juvenile and family courts;

4. Court Appointed Special Advocates;

5. Foster parents;

6. Guardians of children who are placed in protective custody;

7. The State of Nevada Employees Association; and

8. Organizations that represent employees of local government; and be it further

RESOLVED, That any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 71st session of the Nevada Legislature.

## ABSTRACT

### INTEGRATION OF STATE AND LOCAL CHILD WELFARE SYSTEMS (A.C.R. 53)

The 70th Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 53 (File No. 141, *Statutes of Nevada 1999*, page 4050), which directed the Legislative Commission to conduct an interim study of the current separation of child welfare functions between Nevada's urban counties (Clark and Washoe Counties) and the Division of Child and Family Services (DCFS) of Nevada's Department of Human Resources, and to determine the most appropriate manner in which to integrate the State's child welfare system. The Commission appointed a Subcommittee of ten legislators (five Senators and five Assembly members) to carry out the provisions of the resolution.

During the course of the interim study, the Subcommittee received extensive testimony regarding the history of Nevada's child welfare system and its current operation from an expert at the School of Social Work at the University of Nevada, Las Vegas, and from representatives of the State's DCFS and the child welfare agencies in Clark and Washoe Counties. Local judges, children within the system, and foster families provided additional testimony. The Subcommittee also received testimony regarding systems in other states from national experts, including the Child Welfare Policy and Practice Group, the National Child Welfare Leadership Center, and the Child Welfare League of America

The Subcommittee held seven meetings, including a work session, during the course of the study. All of the meetings were in Las Vegas with simultaneous videoconferencing between meeting rooms at the Grant Sawyer State Office Building in Las Vegas, and the Legislative Building in Carson City. At its fifth meeting in June 2000, the Subcommittee held a work session and adopted seven recommendations, including three bill draft requests (BDRs), for the consideration of the 2001 Legislature. During two subsequent meetings, these recommendations were further refined based upon a review of financial and policy information that was requested during the work session.

The adopted recommendations eliminate the present bifurcated system by transferring certain child welfare functions from the State to Clark and Washoe Counties. No transfer of responsibilities is recommended in Nevada's other counties. The model for ending this bifurcation was developed primarily by Dr. Thom Reilly and is entitled "Nevada's Integrated Child Welfare System: The Next Step." Under the model, case management functions for foster care and adoptions, emergency shelter care, family foster care, and other related child welfare programs are transferred to counties with populations of more than 100,000 from the Division of Child and Family Services of Nevada's Department of Human Resources.



## SUMMARY OF RECOMMENDATIONS

### INTEGRATION OF STATE AND LOCAL CHILD WELFARE SYSTEMS (A.C.R. 53)

At its Work Session on June 15, 2000, the A.C.R. 53 Subcommittee approved seven recommendations. The Subcommittee refined these recommendations during its final meeting on November 28, 2000. Following is a summary of the final recommendations.

#### INTEGRATION OF CHILD WELFARE IN NEVADA

##### *Adoption of Model to Transfer Responsibilities in Largest Counties*

1. Draft legislation to implement the proposed model that transfers foster care and adoption services (as well as other related child welfare programs) to Clark and Washoe Counties and to continue and expand the operation of pilot programs for two more years. **(BDR 325)**

As adopted, the recommendation includes the following major components:

- A. Model for Integration: The model was developed primarily by Dr. Thom Reilly and is entitled "Nevada's Integrated Child Welfare System: The Next Step." Under the model, case management functions for foster care and adoptions, emergency shelter care, family foster care, and other related child welfare programs are transferred to counties with populations of more than 100,000 from Nevada's Division of Child and Family Services (DCFS), Nevada's Department of Human Resources.
- B. Responsibility for Licensure and Eligibility: Under the adopted model for integration, transfer certain licensure and eligibility functions from DCFS to Clark and Washoe Counties.
- C. "One-Shot" Appropriations: Include the cost of "one-shot" appropriations that are necessary to implement the adopted model in a separate bill draft. (At its final meeting, the Subcommittee voted to separately identify the cost of one-time expenses, including office equipment, cars, an appropriation for foster care recruitment and retention efforts, and information technology needs in Clark County to achieve compliance with the federal requirement for a Statewide Automated Child Welfare Information System [SACWIS], which is designated as UNITY in Nevada.)
- D. Effective Date of Legislation Necessary to Implement the Model: September 1, 2002.

E. Preamble Language: Include a preamble in the legislation that sets forth the Subcommittee's intentions with regard to the model. The following concepts were discussed:

1. The present bifurcated system does not meet the needs of the children it services;
2. Individuals entering the child welfare system are not immune to the potential for never overcoming significant disadvantages. The Subcommittee believes in an equal opportunity for all, and it is with that intent that the Subcommittee recommends changing the system;
3. Criteria for caseload standards should be established either through regulation or funding formulas;
4. Uniform rates for foster care reimbursement should be established;
5. Future maintenance of state funding efforts;
6. Fairness for employees during the transition must be a priority; and
7. Guiding principles for the transfer of the child welfare function should also be established and monitored.

F. Pilot Programs: Indicate in the report that the Subcommittee originally included language in the bill draft to continue and expand pilot programs authorized in 1999 (Senate Bill 288, Chapter 508, *Statutes of Nevada*) to provide continuity of care for children who receive protective services.

At its final meeting, the Subcommittee reviewed detailed transition plans for implementing the adopted models that were presented by Clark County, Washoe County, and Nevada's Division of Child and Family Services. At this time, the Subcommittee determined that the pilot programs would not facilitate the implementation of the model under the transition plans. As a result, the Subcommittee voted to remove the pilot programs from the bill draft, but to indicate in its report that the pilot programs may be reconsidered depending upon decisions made by the Legislature and the Governor's Office during the 2001 Session.

Prior to the development of transition plans, the Subcommittee recommended that legislation regarding the pilot programs include the following:

1. Extension of enabling legislation: Extend the expiration date of the 1999 legislation that authorizes the creation of pilot programs in counties whose populations' are 100,000 or more, to September 1, 2002.
2. Expansion of programs: Expand the provisions governing pilot programs to include the following items:
  - a. Termination of parental rights;
  - b. Adoptions; and
  - c. Authorization for the county to hire employees from DCFS in accordance with the agreement between the county and the State.

***Funding for Additional Improvements***

2. Recommend that the Legislature also consider improving the following components of the child welfare system to adequate levels, as outlined below, if sufficient funds are available:
  - A. Lower the caseloads in Clark County for foster care and adoption case management under the proposed model to match the caseloads in Washoe County;
  - B. Increase access to mental health services. At its final meeting, the Subcommittee stated that its recommendation to the Legislature was to provide the increased access to mental health services as soon as feasible, and not to delay implementation based solely upon concerns for the cost; and
  - C. "Match-up" services provided in rural Nevada by DCFS.

***Statement Regarding Cost of the Integration***

3. Include a statement in the report recognizing that the Subcommittee's support is subject to the Subcommittee's future determination that: (1) the additional cost required to end the current bifurcation of the child welfare system is reasonable; and that (2) non-State funding sources are available to ensure that the cost is not prohibitive and that the recommendations can be reasonably implemented.

***Timeline for Completing Work of the Interim Study***

4. Establish a general timeline for finalizing the cost estimates of the proposed model and presenting the additional information to the A.C.R. 53 Subcommittee in August 2000.

### *Formation of a Children, Youth, and Families Subcommittee*

5. Draft legislation to create a statutory legislative subcommittee on children, youth, and families that will sunset in four years (July 1, 2001, through June 30, 2005). The A.C.R. 53 Subcommittee expressed a desire that the initial membership of the new statutory subcommittee include the present members of the A.C.R. 53 Subcommittee. **(BDR 325)**

The statutory legislative subcommittee will be authorized generally to review issues involving child welfare in Nevada. Its operation will be similar to existing statutory interim committees examining issues such as health care, education, and public lands. In conjunction with the recommended model (Recommendation No. 1), additional responsibilities of the statutory subcommittee will include:

- A. Monitor the progress of the implementation of the proposed model;
- B. Receive reports from the multiagency consortium;
- C. Monitor the fiscal impact of the proposed model as it is implemented; and
- D. Study the needs of abused and neglected children to access necessary mental health programs.

### **ADDITIONAL RECOMMENDATION RELATING TO CHILD WELFARE AND PROTECTIVE SERVICES IN NEVADA**

The following two recommendations address the need for assistance for children who have “aged out” of foster care.

6. Urge by resolution Nevada’s Department of Human Resources to review the Foster Care Independence Act of 1999 and the feasibility of amending the State Medicaid Plan to create a new Medicaid Eligibility Group for children who have “aged out” of foster care. **(BDR R-323)**

The Foster Care Independence Act of 1999 establishes a new optional Medicaid eligibility group for children who are in foster care under the responsibility of the State on their 18th birthdays and doubles the federal funding for the Title IV-E Independent Living Program from \$70 million to \$140 million. The options include the flexibility to provide eligibility for these children until they reach age 19, 20, or 21. Testimony during the course of the study indicated that children in foster care often face tremendous financial problems when they complete high school or reach 18 years of age.

7. Draft legislation to expand the definition of a child under NRS 432.010 (“less than 18 years of age, or if in school, until graduation from high school”) to permit a youth to stay in foster care until the age of 21 years under certain circumstances. **(BDR 38-324)**

BULLETIN 01-16

**LEGISLATIVE COMMITTEE ON EDUCATION**

NRS 218.5352

**Members**

Assemblyman Wendell P. Williams, Chairman  
Senator William J. Raggio, Vice Chairman  
Senator Bernice Mathews  
Senator Raymond D. Rawson  
Senator Maurice E. Washington  
Assemblywoman Barbara K. Cegavske  
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**NEVADA REVISED STATUTES**

**LEGISLATIVE COMMITTEE ON EDUCATION**

**NRS 218.5352 Legislative Committee on Education: Creation; membership; chairman and vice chairman; vacancies.**

1. The Legislative Committee on Education, consisting of eight legislative members, is hereby created. The membership of the committee consists of:

(a) Four members appointed by the majority leader of the senate, at least one of whom must be a member of the minority political party.

(b) Four members appointed by the speaker of the assembly, at least one of whom must be a member of the minority political party.

2. After the initial selection, the Legislative Commission shall select the chairman and vice chairman of the committee from among the members of the committee. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. The chairmanship of the committee must alternate each biennium between the houses of the legislature. If a vacancy occurs in the chairmanship or vice chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

3. A 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 regular session of the Legislature.

4. A vacancy on the committee must be filled in the same manner as the original appointment.

(Added to NRS by 1997, 1775)



## ABSTRACT

### LEGISLATIVE COMMITTEE ON EDUCATION (NRS 218.5352)

The 1997 Legislature enacted Senate Bill 482 (Chapter 473, *Statutes of Nevada*), creating a new statutory committee – the Legislative Committee on Education. The bill, known as the Nevada Education Reform Act (NERA), establishes a permanent eight-member Legislative Committee on Education to provide for legislative review of the reform process. The Committee is charged with reviewing statewide programs in accountability, the automated student record (SMART) program, class size reduction, and any other fiscal or policy concerns associated with public education in the state. The 1999 Legislature fine-tuned NERA, adding Regional Professional Development Programs in four host districts to train teachers to teach to the higher academic standards.

The Committee held a total of 15 meetings; 3 in 1999, 11 in 2000, and 1 in January of 2001. Members received a series of policy briefings concerning national and state education reform activities, including the Indiana teacher licensing system; funding school improvement initiatives; and methods of reallocating Federal Title I funds. Committee members led a panel discussion of educators that conducted a comprehensive review of education reform. The members also reviewed Nevada's current accountability and school improvement programs; the impact of remediation funds on at-risk schools; test equity matters; special education; career ladder programs for paraprofessionals; the governor's Millennium Scholarship Program; the findings of the Nevada Mathematics Advisory Task Force; the state's Class Size Reduction Program; and Elko's pilot program, as well as the automated SMART program. As required by statute, the Committee adopted a list of recommended remedial education programs that have proven to be successful in increasing the academic achievement of pupils and forwarded that list to the State Board of Education.

The Committee on Education also received regular progress reports from two other entities created by NERA: (1) the Council to Establish Academic Standards in Public Education; and (2) the Commission on Educational Technology. In addition, the Committee approved various consultant contracts for both the standards council and the technology commission to facilitate the work of those bodies. Regular reports from the Regional Professional Development Programs also were reviewed.

Members of the Committee reviewed a number of proposals with regard to public education in Nevada, including issues involving training and recruitment incentives for Nevada teachers, adult and alternative education, academic standards, accountability, teacher quality, charter schools, distance education, and testing and test security. Major recommendations adopted include proposals to: (1) continue funding for regional teacher professional development programs linked to the new student academic standards and expand the role of these programs; (2) appropriate funds to continue to provide remedial programs for students in low-performing schools; (3) encourage teachers to become certified by the National Board for Professional Teaching Standards; (4) revise teacher

licensing provisions and changes to the makeup of the teacher licensing board; (5) encourage recruitment and licensing of teachers in certain subject areas; (6) promote Nevada's academic standards and link them to district planning, professional development, and technology efforts; (7) strengthen test security and encourage the reporting and investigation of irregularities for the proficiency testing program; (8) revise the content of panel reports for schools placed on academic probation; (9) revise certain charter school statutes; (10) establish an approved method to provide distance education services to students; and (11) address various school district concerns with habitual discipline problem pupils, students taking the General Equivalency Diploma (GED) test, and the adult and alternative education program.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON EDUCATION (NRS 218.5352)

The following is a summary of the recommendations for bill draft requests (BDRs) adopted by the Legislative Committee on Education for transmittal to the 71st Session of the Nevada Legislature.

1. Appropriate funding in the amount of **\$5,180,505** for Fiscal Year (FY) 2001-2002, and **\$6,046,972** for FY 2002-2003 to the Nevada Department of Education for the operation of the four Regional Professional Development Programs. Further, include a statement in the final report of the Committee expressing the Committee's intent that the Regional Professional Development Programs work with the Department with regard to meeting statewide professional development requirements of any state or federal grant. Further, include a statement supporting at least two meetings per year between the Regional Professional Development Program coordinators, representatives of the Council to Establish Academic Standards, and the Commission on Educational Technology. **(BDR 34-219)**
2. Require by statute that the State Board of Education adopt a statewide policy regarding school sale of soft drinks and candy consistent with those standards. Further, appropriate an additional \$1.7 million to the Regional Professional Development Programs to provide training in health, physical education, and wellness training for school personnel to reinforce the state health and physical education standards. **(BDR 34-835)**
3. Include a statement in the Committee's final report encouraging the Regional Professional Development Centers to review the extent of the need by high school teachers for training in reading instruction to help high school students acquire the necessary reading ability, and to ensure students have the reading related testing skills needed to master the High School Proficiency Examination.
4. Include a statement in the Committee's final report encouraging the Regional Professional Development Centers to review the extent of the need by high schools for a mathematics trainer to evaluate teacher performance and act as a teacher resource.
5. Appropriate \$150,000 for the biennium to the Nevada Department of Education for the purpose of reimbursing up to \$2,000 of related costs incurred by a teacher in gaining national certification by the National Board for Professional Teaching Standards. Teachers wishing to obtain such reimbursement must file a statement of intent with the school district at least one year prior to anticipated certification; upon completion and certification, the school district shall notice the Department to reimburse the teacher up to \$2,000 of the costs directly related to applying for

and receiving National Board for Professional Teaching Standards certification. **(BDR 34-219)**

6. Amend statutes (primarily at *Nevada Revised Statutes* [NRS] 391.160) to change the notification requirement for teachers to submit evidence that they have received certification by the National Board for Professional Teaching Standards for the purpose of acquiring the existing 5 percent salary benefit. Current law requires this be completed by September 15 of each year; instead require that teachers submit this evidence by January 31 and provide that the additional 5 percent be paid retroactively to the beginning of the contract for that school year. **(BDR 34-219)**
7. Include a statement in the Committee's final report supporting a reasonable pay increase for teachers and sign-on bonuses as incentives to attract qualified teachers to Nevada. Further, support revision of current retirement rules to allow retired teachers to return to teach under-served subject specialties (such as special education, math, and science), if fully qualified, and return at their previous rates of pay without reducing their retirement benefits. The Nevada Department of Education would certify the specific shortage subjects, and the district would need to demonstrate that it had recruited but failed to hire sufficient teachers.
8. Transmit a letter of support from the Legislature directing the State Board of Education to work with an organization representing classified school employees, the Commission on Professional Standards in Education, Nevada institutions of higher education, and other interested parties to establish a statewide career ladder program for nonlicensed educational personnel, based upon components within the California model.
9. Appropriate \$14.8 million over the next biennium for one additional day of required professional development, to be added to the master schedules of each school district and funded through the Distributive School Account. Additionally, increase by one the number of days of a school year to address the increased instructional demands for the new academic standards. **(BDR 34-219)**
10. Revise current statutory requirements that limit teacher licensure to United States citizens, by specifying that the State Superintendent of Public Instruction may issue a license to teachers identified by a school district who hold temporary visas and who have academic qualifications that would otherwise qualify them for a license in a subject area that has been declared by the school district to be a high-need shortage subject area. **(BDR 34-219)**
11. Amend statutes to authorize the State Superintendent of Public Instruction to declare that an emergency condition exists in the hiring and assignment of licensed personnel in specific licensure subject areas within a school district. The State Superintendent of Public Instruction may then authorize the district (for a period not to exceed two years) to hire and assign personnel who do not meet the

specific licensure requirements set forth in regulation in the identified licensure subject area. During such period of time, the Commission on Professional Standards in Education will consider changes to licensure requirements that would address the emergency condition. **(BDR 34-219)**

12. Amend statutes (primarily at NRS 391.011) to increase from 9 to 11 the number of members of the Commission on Professional Standards in Education (the teacher licensure board). The additional two members (part of subsection 3 of NRS 391.011), would be appointed by the Governor (as are all current members), and would be individuals employed by school districts in roles involving the recruitment, selection, and placement of licensed personnel. **(BDR 34-837)**
13. Appropriate through funding an allocation from the Distributive School Account in the amount of \$1 million for each of the Fiscal Years for the 2001-2003 biennium, for continued state support of approved remedial education or tutoring programs outside the school day for pupils at any grade level who need additional instructional time in order to pass or to reach a level considered proficient. Districts must submit a report to the Interim Finance Committee and the Nevada Department of Education concerning the number of pupils, the curriculum utilized, program success, and total expenditures. **(BDR S-216)**
14. Appropriate through funding an allocation from the Distributive School Account to the Nevada Department Education in the amount of \$3.5 million for each of the Fiscal Years in the 2001-2003 biennium for remedial education programs approved by the Department as being effective in improving pupil achievement in low achieving schools. **(BDR S-216)**
15. Appropriate \$8,965,424 to the Nevada Department of Education in additional remediation funding to extend eligibility of schools that had previously been classified as needing improvement and had received state remediation funds in the past. Schools must have low scores in at least one of the four subjects tested, must meet certain eligibility criteria, and after three years of funding, such schools would need to use matching funds. **(BDR S-216)**
16. Require by statute, that panel reports be submitted to the district board of trustees in advance of public release. Further, require a specific written response from the board of trustees (similar to an audit response) be contained within the panel report concerning how the district plans to implement changes, resources to be used, and other responses by statute, that panel reports be submitted to the district board of trustees in advance of public release. Further, require that the board of trustees of a school district with schools having such panel reports review the reports at a meeting of the board. Further, the school district also must report actions taken by the board and the district to implement recommendations contained within the report. **(BDR 34-218)**

17. Amend the panel report sections of statute to require the following additional information in panel reports: detailed information about the school's current plan for improvement and any proposed revisions; additional school statistics; linking findings or recommendations to increasing student academic achievement; and prioritizing recommendations, ensuring they are measurable, indicating who is responsible for implementing the recommendations, and providing timelines for implementation. Further require that plans for improvement prepared by the Nevada Department of Education for schools designated as needing improvement shall be comprehensive and unique to the needs and goals of each school, should address the recommendations of the panel reports, and should contain measurable goals and objectives. **(BDR 34-218)**
18. Appropriate the sum of \$276,217 from the State General Fund to the Interim Finance Committee to continue the contractual services for the financial analysis model program (In\$ite) implemented in each school district and each charter school to track individual expenditures by individual schools and to provide for uniformity in financial reporting among school districts and charter schools. **(BDR S-838)**
19. Include a statement in the Committee's final report encouraging the Regional Professional Development Programs to review recommendations by George Hill, Associate Professor, Educational Leadership Department, University of Nevada, Reno, in his evaluation of Nevada's accountability system, concerning the need by the small school districts for training or assistance in interpreting test data.
20. Amend statutes to make various changes to charter school provisions, including: (a) providing that charter schools may operate an independent study program, subject to the independent study statutes and regulations, as designated within their application and charter; (b) that a charter school may only serve students residing outside its district in a facility located within its home district; (c) clarifying that statutes concerning reassignment of charter school employees within a school district if the charter is revoked, apply only to employees that had been employed by the school district at the time they transferred to the charter school; (d) specifying that a charter school include in the application and written charter a mechanism for the removal of a member of the school's governing body for cause; and (e) appropriating \$10,000 for case study evaluations of Nevada charter schools. Additionally, the Committee supports appropriations for additional discretionary special education program units and inclusion of an allowance for charter schools to apply directly for discretionary units. Further, the Committee urges Nevada Department of Education participation in the Federal Public Charter School Program, supports inclusion of charter school in funding for Nevada's program of automated student record management (SMART), and recommends funding in the Department's budget for a full-time position of charter school consultant. **(BDR 34-833)**

21. Provide, in statute, for the delivery of instruction through distance education programs by school districts, charter schools, and consortia. Distance education students would remain subject to state requirements for proficiency testing, curriculum, and other statutory requirements. Distance education courses or programs may be developed by commercial vendors, charter schools, school districts, higher education institutions, or the Nevada Department of Education. Such courses or programs would require the approval of the Department in accordance with regulations adopted by the State Board of Education. The regulations will ensure that distance education programs meet all state requirements, including the academic standards. For students enrolling in distance education programs out of their resident school district, funding would follow the student, provided the resident school district approved. Funding for full-time distance education students would be based on actual costs, not to exceed the basic support guarantee of the resident district. **(BDR 34-834)**
22. Amend statutes to make certain program changes to Nevada’s system of adult and alternative education needed to increase retention and completion rates. Specific changes include deleting reference to “part time” when describing students in adult high school diploma programs and removing requirements for reporting “average daily attendance” of pupils in the adult high school diploma program. **(BDR 34-218)**
23. Amend statutes to provide that a student who is no longer enrolled in high school and who is between 16 and 18 years of age must submit written permission signed by a parent or guardian to his local board of trustees in order to take the General Educational Development test. Currently, the law provides that this written permission is to be submitted to the State Board of Education. Further specify that the school board may set forth reasonable conditions prior to giving consent and provide a specific exemption from the compulsory attendance law for these pupils. **(BDR 34-218)**
24. Include a letter of support for certain funding and service changes, including requiring districts to average enrollments or allow funds to follow students as they enter and leave programs; providing for adequate services for English as Second Language (ESL) students in order to accommodate growth in this category; and allowing up to 1.5 percent of these funds to be used for state level administration of the Adult High School Diploma Program, Alternative Education, and General Educational Development testing.
25. Provide, by statute, the same whistle-blower protections that are currently provided to state employees for school district employees for disclosing test security or testing irregularities. Such provisions include a declaration of public policy encouraging disclosures and protecting the rights of the employee; prohibiting employees from influencing or interfering with the disclosure; providing for a hearing process to be conducted by the State Board of Education concerning appeals filed alleging reprisal or retaliation occurring within two years of

- a disclosure; prohibiting the use of the disclosure statutes to harass another employee; providing that disciplinary action against an employee for untruthful information about an alleged improper governmental action is **not** prohibited; providing each employee, annually, with a summary of the disclosure law; and defining the effect upon criminal law. Further, provide that school districts and the Department may compel witnesses to provide information while investigating such matters. **(BDR 34-836)**
26. Require by statute, that school district boards of trustees establish and enforce a plan containing test security procedures to be followed for all statewide and district wide student achievement tests. Such procedures should include procedures for reporting possible security irregularities; procedures to ensure the security of test materials; and, for secondary schools, the method by which the school district verifies the identity of students taking statewide proficiency examinations. Copies of these plans and procedures shall be submitted to the State Board of Education and the Legislative Committee on Education annually. **(BDR 34-836)**
  27. Provide that a letter be sent by the Committee directing the Nevada Department of Education to “cost out” options to improve security for statewide high-stakes tests, and provide a report to the Legislative Committee on Education, the Senate Committee on Finance, and the Assembly Committee on Ways and Means prior to the start of the 2001 Legislative Session.
  28. Amend statutes (primarily at NRS 389.017[5]) to revise state proficiency reporting requirements. Current law requires districts and charter schools to report statewide results to the Nevada Department of Education before November 1, and for the Department to report this information by December 1. Due to district testing practices and contractual “turn-around” times from test vendors, the dates need to be changed to November 15 and December 15, respectively. **(BDR 34-218)**
  29. Include a statement in the final report of the Committee encouraging the Nevada Department of Education and the school district test directors to work together to resolve problems involving statewide proficiency tests, including: receipt of materials in a time frame that allows for test administration planning, test scheduling, and the reduction of turnaround time for test results and reporting scores. The High School Proficiency Exam is a particular source of anxiety for students and parents. The earlier results are shared, the sooner student remediation within specific areas of skill can be addressed.
  30. Further require, by statute, that the Nevada Department of Education enforce any pertinent penalties and sanctions set forth in contracts for late delivery of test results to school districts by national test vendors administering statewide proficiency tests. **(BDR 34-836)**

31. Incorporate within the Committee's final report the recommendations submitted to the Committee by the Nevada Mathematics Advisory Task Force in their report of Nevada's High School Proficiency Examination (HSPE) in Mathematics. The report includes recommendations concerning student test reports; the inclusion of constructed response questions, such as essays; public awareness efforts concerning the high stakes nature of the test; district use of state remediation funds; district public awareness efforts; and district efforts to ensure that the local curriculum and instructional programs adequately prepare students for the examination, revising those programs to meet the 1998-1999 content and performance standards in mathematics.
32. Appropriate \$212,500 to the Nevada Department of Education to conduct statewide public engagement/public relations with parents of school age children with regard to the new academic standards. The activities for this project include communicating through people, through research, and through print and electronic media. **(BDR S-838)**
33. Revise statutes to delete the one-year requirement for courses of study in American history and American government. Further, provide that the instruction in these subjects may be part of a course in social studies. **(BDR 34-218)**
34. Include a statement within the Committee's final report encouraging each school district to establish a comprehensive plan for the implementation of Nevada's academic standards within the district curriculum and the associated testing within the district's testing schedule. The plan also must specify how the district will address students, parents, and teachers involved with programs for Limited English Proficient students and special education students, including a description of special teaching methods, special assistance models, and comprehensive curriculum and outreach programs. The plan shall be transmitted to the Nevada Department of Education, the Legislative Committee on Education, and the Council to Establish Academic Standards.
35. Include a statement in the Committee's final report emphasizing the importance of coordinating funds for professional development (at the state, district, and Regional Professional Development Program levels) to ensure teachers have the information necessary to improve pupil achievement. Further, urge that the Regional Professional Development Program and the Council to Establish Academic Standards consult with regard to this and other issues of mutual interest. Further, emphasize the importance of coordinating all sources of remedial funding to assist students in achieving the new standards. Encourage the school districts to utilize remedial funds to assist special populations, including English Language Learners and Special Education students, who are experiencing difficulties in achieving the standards, and support additional funding from the Legislature for these students. Further, urge the Nevada Department of Education to complete a survey of school districts for the Council to ensure standards are in place statewide, are part of the curriculum being taught, and that all students have the classroom

experiences necessary to have received instruction in all areas being tested. Further, provide a statement of support for the Department's budget request to adequately fund test development and administration costs for all statewide tests associated with the new academic standards. Finally, provide a statement of support for the development and funding of an 8th grade criterion referenced test based upon the academic standards.

36. Revise statutes (primarily at NRS 387.1233[2]) to provide that school districts have an extra year (two years total) in the "hold harmless" clause of the Nevada Plan for school finance to adjust for negative student growth. **(BDR 34-218)**
37. Amend statutes to allow the board of trustees of a school district the authority to allow exceptions, on a case-by-case basis, to the requirement that a student classified as a habitual discipline problem be prohibited from enrolling in an alternative education program (programs for at-risk students or juvenile detention facilities/programs). **(BDR 34-217)**
38. Include a statement in the final report of the Committee in support of continued funding for current computer technology in classrooms, especially with regard to funding for the technical support needed to maintain this equipment.

BULLETIN 01-17

**LEGISLATIVE COMMITTEE ON  
PUBLIC LANDS**

NRS 218.5363

**Members**

Senator Dean A. Rhoads, Chairman  
Assemblyman John W. Marvel, Vice Chairman  
Senator Terry Care  
Senator Mark A. James  
Assemblyman Jerry D. Claborn  
Assemblyman P. M. "Roy" Neighbors  
Buster Dufurrena, Humboldt County Commissioner

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## NEVADA REVISED STATUTES

### LEGISLATIVE COMMITTEE ON PUBLIC LANDS

#### **NRS 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)



## ABSTRACT

### LEGISLATIVE COMMITTEE ON PUBLIC LANDS (NRS 218.5363)

Nevada's Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 218 of the *Nevada Revised Statutes*. Created in 1983, this body is responsible for reviewing and commenting on proposed and existing laws and regulations that affect the 61 million acres of federally managed lands in Nevada. The committee also provides a forum for the discussion of public lands matters with federal, state, and local officials; representatives of special interest organizations; and other interested individuals.

A report of the committee's activities during the 1999-2000 interim period has been prepared. This document reviews public lands legislation passed during the 1999 Nevada Legislative Session and summarizes the topics considered and acted upon by the committee during the 1999-2000 legislative interim. The Legislative Committee on Public Lands held a total of eight regular meetings and three field excursions throughout Nevada, as well as two informational tours in Washington, D.C., to converse with various elected officials, congressional staff, and federal agency officials involved in public lands policy matters.

The committee considered or discussed over 55 public lands-related issues during its meetings and tours. Topics of particular interest during this interim period included: Bureau of Land Management activities; county and city public land issues; elk management issues, the Endangered Species Act; federal legislation regarding public lands and natural resources; United States Environmental Protection Agency regulations (Total Maximum Daily Load, Toxics Release Inventory, and standards for arsenic in drinking water); U.S. Forest Service Activities; grazing; the Humboldt River Basin; invasive species and noxious weed abatement; military issues; mining; Nevada's Seedbank Program; public/private land exchanges; Sage Grouse habitat; the Southern Nevada Public Lands Management Act of 1998; vehicle access and right-of-way issues on public lands; Walker River/Walker Lake issues; water issues; rangeland rehabilitation efforts following fires; wild horses and burros; and wilderness issues.

In addition, at the first meeting of Nevada's Legislative Committee on Public Lands during the 1999-2000 legislative interim, the chairman appointed a subcommittee to address a \$250,000 appropriation to the Committee on Public Lands in Section 6 of Senate Bill 560 (Chapter 544, *Statutes of Nevada 1999*). The appropriation permits the committee to expend the money through grants to applicants. As a result, the Subcommittee to Review Grant Requests and Proposals for Money Appropriated in Senate Bill 560 met on four occasions to review the 34 proposals and grant requests for studies, surveys, and other projects that were submitted. The subcommittee received and considered over \$1 million in grant requests and made recommendations to the full committee. To date, the full committee has awarded a total of \$234,500 to 15 applicants. A summary list of these awards is shown below:

- Appeal of *Public Lands Council v. Babbitt* .....\$10,000
- Creating Preferred Grazing Alternative in Forest Plan Amendments ..... 10,000
- Development of Alternative Grazing Fee Structures ..... 21,000
- Development of a Sage Grouse Habitat Conservation Plan ..... 16,000
- Harvest of Piñon Juniper ..... 10,000
- Humboldt River Basin Assessment ..... 40,000
- Las Vegas Springs Preserve ..... 18,500
- Las Vegas Wash/Wetlands ..... 18,500
- Nevada Land Use Summit 2000 .....8,000
- Nevada Land Use Summit 2001 .....8,000
- Publication of Public Lands Handbook .....7,000
- Study of Nevada Mining Industry’s Economic Impact on Businesses  
in Other States ..... 10,000
- Study Regarding Federalism – Impacts of Federal Rule Making in Nevada ..... 17,000
- Update of Statewide Policy Plan as Part of Senate Bill 40 ..... 10,500
- U.S. Highway 95/Bonanza Trail Development ..... 20,000

**Total Amount Awarded ..... \$234,500**

Attendance at the subcommittee and full committee hearings was high, and the committee was presented with numerous recommendations during the course of these meetings. The members voted to request the drafting of seven bills and resolutions for consideration by the 2001 Nevada Legislature. The subjects of these requests concern: 1) appropriation of funds to the committee for the purpose of awarding grants (similar to S.B. 560); 2) designation of “Orovada Soil” as the official State Soil for Nevada; 3) appropriation of funds for “regional strike teams” to assist in fire suppression; 4) establishment of a full-time Seedbank Coordinator; 5) the Antiquities Act of 1906; and 6) authorization of two interim studies. Finally, the committee voted to send several letters and committee statements to various elected officials, organizations, and federal, state, and local government representatives and agency personnel regarding a wide range of public lands and natural resources matters.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON PUBLIC LANDS (NRS 218.5363)

This summary presents the recommendations approved by Nevada's Legislative Committee on Public Lands during the 1999-2000 legislative interim and at its final meeting on October 6, 2000, in Yerington. The corresponding bill draft request (BDR) number follows each recommendation for legislation.

#### RECOMMENDATIONS FOR LEGISLATION

1. Enact legislation making an appropriation in the amount of \$250,000 to Nevada's Legislative Committee on Public Lands for the purpose of awarding grants to applicants for public lands and natural resource projects. This measure shall contain language similar to that found in Section 6 of Senate Bill 560 of the 1999 Legislative Session. **(BDR S-721)**
2. Enact legislation amending Chapter 235 of the NRS designating "Orovada Soil" as the official State Soil for Nevada. **(BDR 19-722)**
3. Express, by resolution, discouragement of the use of the Antiquities Act of 1906, by the President of the United States to declare National Monuments in Nevada and other states without the consent and approval of the impacted states. This resolution may be similar to one approved in the State of Arizona in June 2000, which urges Congress to prevent further designation of national monuments in Arizona without concurrence at the local, state, and Congressional level. In addition, the resolution shall highlight the potential threat to local economies that may be associated with all types of nonconsensual federal land designations. **(BDR R-723)**
4. Enact legislation making a \$250,000 appropriation to Nevada's Division of Forestry (NDF), State Department of Conservation and Natural Resources (SNCDR), to fund "regional strike teams" to assist in fire suppression efforts in northern and central Nevada. **(BDR S-724)**
5. Enact legislation establishing the position of a full-time Seedbank Coordinator within the NDF to meet the increasing demands for services at Nevada's State Seedbank. The legislation shall state that the duties of the Seedbank Coordinator include: 1) identifying suitable seed and coordinating the collection of that seed on private and public lands in Nevada; 2) overseeing the permitting process for seed collection and the ordering of seed products; and 3) coordinating with federal, state, and local agencies to facilitate reseeded efforts. **(BDR 47-725)**

6. Request, by resolution, the authorization of an interim study to examine the issue of wilderness and wilderness study areas (WSAs) in Nevada. The study shall, in part, make formal recommendations to the Nevada Legislature, members of Nevada's Congressional Delegation, and others regarding suitable areas for formal wilderness designation by Congress. The study may also examine current policies regarding WSAs (management, qualification, selection, et cetera) and seek input from various governmental agencies, organizations, and individuals regarding wilderness topics. **(BDR R-727)**
7. Request, by resolution, the authorization of an interim study to address historically used roads over private and public lands. The study may include an examination of the meaning and impacts of RS 2477 roads, state and county impacts associated with the use of historic roads, liability issues, and the construction of new roads in both urban and rural areas. **(BDR R-728)**

### **RECOMMENDATIONS FOR COMMITTEE ACTION**

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters to:

8. The Bureau of Land Management (BLM), United States Department of the Interior (DOI), expressing support for the Western Governors' Association position concerning changes to the BLM's Surface Management Regulations (43 *Code of Federal Regulations* 3809) for Locatable Mineral Operations;
9. United States Senator Harry Reid, expressing support for a four-year BLM national strategy to bring all wild horse management areas to their appropriate management levels within four years and requesting his assistance in ensuring that BLM's \$9 million budget request for Fiscal Year 2001 to fund the strategy is approved by Congress;
10. Nevada's Department of Transportation (NDOT), urging the department to construct a fence along a 20-mile portion of U.S. Highway 319 between Panaca and the Nevada-Utah border;
11. Nevada's Board of Wildlife Commissioners, SDCNR, requesting that the commission revisit the regulations regarding the Elk Depredation Program. Specifically, the letter requests that the regulations be amended to require that the Elk Depredation Program reimburse for losses of privately owned water (water rights) caused by elk. The letter specifies that, if privately owned water is used by elk, compensation to the owner should be provided for that use;

12. Nevada Governor Kenny C. Guinn, the members of Nevada's Congressional Delegation, and various federal and state agency officials, expressing concern regarding the potential listing of the Sage Grouse as an endangered or threatened species;
13. The State Department of Agriculture (SDA) and NDOT urging both departments to study and explore the possibility of reestablishing "ports of entry" at Nevada's state lines (on major highways) to help prevent the spread of fire ants and other invasive species and noxious weeds. The letter encourages the SDA and NDOT to cooperatively evaluate the benefits of ports of entry and examine the ports of entry requirements in other states;
14. The members of Nevada's Congressional Delegation proposing an amendment to the Southern Nevada Public Land Management Act of 1998 (SNPLMA) and/or the Federal Land Transaction Facilitation Act of 2000 (S. 1892 of the 106<sup>th</sup> Congress, approved on July 25, 2000). The proposed amendment provides that a portion of the proceeds from land sales under either act be used for the improvement of the lands and issues addressed in the Great Basin Restoration Initiative and to assist in the high costs of land exchanges. The letter also encourages both Senator Reid and U.S. Representative Jim Gibbons to continue their efforts to pass a measure during the 107<sup>th</sup> Congress similar to SNPLMA that is specific to the rest of Nevada and urges them to incorporate in the measure the proposed amendment referenced above;
15. Governor Guinn, the members of Nevada's Congressional Delegation, the Chairmen of the Committee on Energy and Natural Resources of the U.S. Senate and the Committee on Resources of the U.S. House of Representatives, the Secretary of the Department of the Interior, and the Director of the BLM expressing support for BLM's Great Basin Restoration Initiative. Additionally, the letter encourages sufficient funding of the program;
16. The President and President-elect of the United States, the Secretary of the DOI, select Congressional representatives, and others requesting that Nevada's BLM operations receive funding which is at least equal to or greater than other states;
17. United States Senator Richard H. Bryan expressing support for S. 1941, the Firefighter Investment and Response Enhancement (FIRE) Act;
18. The Secretaries of the United States Departments of Agriculture and Interior requesting the conduct of a pilot project for evaluating claims to rights-of-way under RS 2477;

19. The Secretary of the DOI and the Director of the BLM requesting, as a follow-up to Senate Joint Resolution No. 1 (File No. 130, *Statutes of Nevada*) of the 1999 Nevada Legislative Session regarding “land in lieu of PILT,” that Lincoln County be used as a “pilot project” for any efforts to reimburse local governments in the form of land for payments in lieu of taxes (PILT) that are not appropriated or made;
20. Nevada’s Division of Wildlife, SDCNR, Pershing County Water Conservation District, the United States Bureau of Reclamation, Governor Guinn, and others involved in the Argenta Marshes/Community Pasture land purchase and exchange, urging these parties to cooperatively convene and negotiate a conclusion to the issue that will result in the introduction of federal legislation on the matter;
21. The Administrator of the U.S. Environmental Protection Agency (EPA) and the head of the EPA’s toxics release inventory (TRI) program, expressing support for a petition filed by the National Mining Association to more broadly define (in the TRI rules) the term “over burden” to include waste rock;
22. The Administrator of the EPA and other EPA officials, opposing the agency’s proposal to reduce arsenic levels in drinking water from 50 parts per billion to 5 parts per billion. The letter stipulates that a large number of well communities in Nevada will be impacted by this rule and associated costs to Nevada’s local communities to build treatment facilities to meet these standards will be exorbitant;
23. United States Representatives Shelley Berkley and Jim Gibbons regarding S. 2273, the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NCA) Act of 2000. The letter requests that the Representatives carefully consider and readdress, before taking action on S. 2273, the concerns expressed by many Nevadans regarding the economic impacts to Nevada and the effects on land-based industries (grazing, mining, recreation, et cetera) if an NCA is authorized for the Black Rock Desert/High Rock Canyon area;
24. The SDA, the Nevada Weed Action Committee, the BLM, and other pertinent agencies and individuals expressing appreciation and support for their ongoing efforts to rid Nevada of noxious weeds and invasive species;
25. The Secretary of the DOI, the Director of the BLM, the Nevada State Director of the BLM, and other officials, expressing satisfaction with the implementation of the SNPLMA;
26. Robert V. Abbey, State Director, Nevada BLM, and Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, U.S. Forest Service (USFS), U.S. Department of Agriculture, expressing appreciation for their willingness to appear before Nevada’s Legislative Committee on Public Lands and for the regular attendance at the committee’s meetings by their respective agencies;

27. Senator Reid, the other members of Nevada's Congressional Delegation, the BLM, and the USFS, encouraging any efforts to obtain federal funding for facilities development, resource inventory, planning, and compliance activities for the selective harvest of Piñon Juniper in Lincoln County and eastern Nevada;
28. Nevada's Congressional Delegation, the Director of the BLM, and select Congressional Representatives, requesting that the PILT program (to benefit counties having a high percentage of federally-owned land) receive full funding by Congress; and
29. Nevada's counties and other local governments in Nevada encouraging them to actively participate in noxious weed reduction programs and work to eliminate invasive species that threaten public lands, destroy agricultural areas, and increase fuel for wild fires.



BULLETIN 01-18

**DOMESTIC AND  
MUNICIPAL WATER WELLS**

A.B. 408—1999 Session

**Subcommittee Members**

Senator Dean A. Rhoads, Chairman  
Senator Maggie Carlton  
Senator Jon C. Porter, Sr.  
Assemblyman Douglas A. Bache  
Assemblywoman Kathy A. Von Tobel

**Technical Advisory Committee Members**

Roland Westergard, Carson City, Chairman  
Jay Bingham, Las Vegas  
Kay Brothers, Las Vegas  
Paula Brown, North Las Vegas  
Don Dickson, Las Vegas  
Tim Hafen, Pahrump  
Bruce Hamilton, Las Vegas  
John Hiatt, Las Vegas  
Ferron Konakis, Elko  
Bjorn Selinder, Fallon  
R. Michael Turnipseed, Carson City  
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CHAPTER 636

AN ACT relating to water; establishing the circumstances under which certain temporary permits for the appropriation of ground water may be revoked; restricting the authority of the state engineer to limit the depth of or prohibit the repair of certain wells; requiring the state engineer to file certain notices with the county recorder; revising the method for calculating the fee charged to a user of water for the beautification of the City of North Las Vegas; requiring the legislative committee on public lands to conduct a study of water wells; and providing other matters properly relating thereto.

[Approved June 11, 1999]

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

**Section 1.** Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

*If the state engineer issues a temporary permit pursuant to NRS 534.120 or if a well for domestic use is drilled in an area in which he has issued such a temporary permit, he shall file a notice with the county recorder of the county in which the permit is issued or the well is drilled. The notice must include a statement indicating that, if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area:*

- 1. A temporary permit may be revoked;*
- 2. The owner of a domestic well may be prohibited from deepening or repairing the well; and*
- 3. The owner of the property served by the well may be required to connect to this water source at his own expense.*

**Sec. 2.** NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the state engineer, as provided for in this chapter where, in his judgment, the ground water basin is being depleted, the state engineer in his administrative capacity is herewith empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the state engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by him and from which the ground water is being depleted, and in acting on applications to appropriate ground water he may designate such preferred uses in different categories with respect to the particular areas involved within the following limits: Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses and

any uses for which a county, city, town, public water district or public water company furnishes the water.

3. **[The] Except as otherwise provided in subsection 5, the** state engineer may:

(a) Issue temporary permits to appropriate ground water which can be limited as to time and which may , **except as limited by subsection 4,** be revoked if and when water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(b) Deny applications to appropriate ground water for any **[purpose] use** in areas served by such an entity.

(c) Limit **the** depth of domestic wells.

(d) Prohibit the drilling of wells for domestic use, as defined in NRS **534.013 and 534.0175 , [and 534.180,]** in areas where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

4. **The state engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom ground water was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:**

**(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet;**

**(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well-drilling rig; and**

**(c) The holder of the permit will be offered financial assistance to pay not more than 85 percent, as determined by the entity providing the financial assistance, of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water. In a basin that has a water authority that has a ground water management program, the state engineer shall not revoke the temporary permit unless the water authority abandons and plugs the well and pays the costs related thereto. If there is not a water authority in the basin that has a ground water management program, the person shall abandon and plug his well in accordance with the rules of the state engineer.**

5. **The state engineer may, in an area in which he has issued temporary permits pursuant to subsection 3, limit the depth of a domestic well pursuant to paragraph (c) of subsection 3 or prohibit repairs from being made to a well, and may require the person proposing to deepen or repair the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:**

*(a) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet;*

*(b) The deepening or repair of the well would require the use of a well-drilling rig; and*

*(c) The person proposing to deepen or repair the well will be offered financial assistance to pay not more than 85 percent, as determined by the entity providing the financial assistance, of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water. In a basin that has a water authority that has a ground water management program, the state engineer shall not prohibit the deepening or repair of a well unless the water authority abandons and plugs the well and pays the costs related thereto. If there is not a water authority in the basin that has a ground water management program, the person shall abandon and plug his well in accordance with the rules of the state engineer.*

6. For good and sufficient reasons the state engineer may exempt the provisions of this section with respect to public housing authorities.

**Sec. 3. Section 2.280 of the charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 565, Statutes of Nevada 1997, at page 2758, is hereby amended to read as follows:**

**Sec. 2.280** Powers of city council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.285, the city council may:

(a) Provide, by contract, franchise and public enterprise, for any utility to be furnished to the city for residents located [either] within or without the city.

(b) Provide for the construction and maintenance of any facilities necessary for the provision of all such utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking. Notwithstanding any provision of this charter to the contrary or in conflict herewith, no rates, fees, tolls or charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking may be prescribed, revised, amended or altered, increased or decreased, without this procedure first being followed:

(1) There must be filed with the city clerk schedules of rates, fees, tolls or charges which must be open to public inspection, showing all rates, fees, tolls or charges which the city has established and which are in force at the time for any service performed or product furnished in connection therewith by any utility controlled and operated by the city.

(2) No changes may be made in any schedule so filed with the city clerk except upon 30 days' notice to the inhabitants of the city and a public hearing

held thereon. Notice of the proposed change or changes must be given by at least two publications in a newspaper published in the city during the 30-day period before the hearing thereon.

(3) At the time set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(4) Every utility operated by the city shall furnish reasonably adequate service and facilities, and the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

(d) Provide, by ordinance, for an additional charge to each *business* customer *and for each housing unit* within the city to which water is provided by a utility of up to 25 cents per month. If such a charge is provided for, the city council shall, by ordinance, provide for the expenditure of that money for any purpose relating to the beautification of the city.

2. Any charges due for services, facilities or commodities furnished by the city or by any utility operated by the city pursuant to this section is a lien upon the property to which the service is rendered and must be perfected by filing with the county recorder of Clark County of a statement by the city clerk stating the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(a) Be coequal with the latest lien thereon to secure the payment of general taxes.

(b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(c) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

3. The city council:

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell telecommunications service to the general public.

6. As used in this section:

(a) *“Housing unit” means a:*

(1) *Single-family dwelling;*

(2) *Townhouse, condominium or cooperative apartment;*

(3) *Unit in a multiple-family dwelling or apartment complex; or*

(4) *Mobile home.*

(b) “Telecommunications” has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on July 16, 1997.

~~(b)~~ (c) “Telecommunications service” has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on July 16, 1997.

**Sec. 4.** The legislative committee on public lands shall conduct a study of issues related to residential, municipal and quasi-municipal water wells in the State of Nevada and report its findings and recommendations to the 71st session of the Nevada legislature. The legislative commission shall appoint two additional senators and two additional assemblymen to the legislative committee on public lands for the purposes of this study. The chairman of the legislative committee on public lands shall appoint a technical advisory committee to assist in conducting the study with representation from urban and rural areas, well owners, suppliers of municipal water, holders of water rights, and ratepayers.

**Sec. 5.** 1. This section and sections 2 and 4 of this act become effective on July 1, 1999.

2. Sections 1 and 3 of this act become effective on October 1, 1999.

3. Section 2 of this act expires by limitation on July 1, 2005.



## ABSTRACT

### DOMESTIC AND MUNICIPAL WATER WELLS (A.B. 408)

The 1999 Nevada Legislature adopted Assembly Bill 408 (Chapter 636, *Statutes of Nevada 1999*) which charged the Legislative Committee on Public Lands to conduct a study of issues related to residential, municipal, and quasi-municipal water wells in Nevada, and to report its findings to the 71st Session of the Nevada Legislature. A Subcommittee was appointed to oversee this study. Assembly Bill 408 also authorized appointment of a Technical Advisory Committee (TAC) to assist the Subcommittee, with representation from urban and rural areas, well owners, suppliers of municipal water, holders of water rights, and ratepayers.

The Subcommittee held three meetings, all in Las Vegas. At its initial meeting, its chairman, Senator Dean A. Rhoads, appointed members to the TAC and identified four specific goals. The TAC was directed to: (a) review recent legislation concerning domestic water wells with suggestions for new language or legislation; (b) develop credible statistics on the number of domestic wells in Nevada and the number of temporary permits in Clark County; (c) identify issues relating to wells in order to identify current and future problems; and (d) make recommendations to address issues and problems.

The Subcommittee met a second time to review the advisory committee's issues and to evaluate its progress. At this time, it further directed the TAC to expand its issues as appropriate to other areas of the state and not focus only on issues relevant to Las Vegas. At the final Subcommittee meeting, the advisory committee presented its report and recommendations. Ultimately, the Subcommittee adopted all of the TAC's recommendations.

The TAC held six monthly meetings in Las Vegas. Following public comment and deliberation on each of 31 issues raised for consideration, it combined some and eliminated others for a variety of reasons. In the end, 12 issues were retained for further discussion and possible action. Five resulted in recommendations – three for new legislation and two for other action by the Subcommittee. Major recommendations include:

- Enacting legislation to extend “protectible interest” to all domestic well owners in Nevada, and to authorize the State's Health Division to confirm the existence of adequate water rights before a public water system is expanded.
- Authorizing an interim study to evaluate and make appropriate recommendations about water quality and water quantity.
- Transmitting letters to: (a) the State's Real Estate Division, urging them to educate prospective buyers of property served by wells for domestic use about the implications of temporary permits; and (b) the State's 17 county commissions urging them to disseminate educational information to their domestic well owners.



## SUMMARY OF RECOMMENDATIONS

### DOMESTIC AND MUNICIPAL WATER WELLS (A.B. 408)

This summary presents the recommendations approved by the Subcommittee to Study Domestic and Municipal Water Wells during the 1999-2000 legislative interim and at its final meeting on July 14, 2000, in Las Vegas, Nevada. The study was undertaken by a subcommittee of Nevada's Legislative Committee on Public Lands, through a Technical Advisory Committee appointed by Chairman Dean A. Rhoads (as authorized by Section 4 of A.B. 408). The corresponding bill draft request (BDR) number follows each recommendation for legislation.

#### Recommendations for Legislation

1. Enact legislation to extend the "protectible interest" provisions of *Nevada Revised Statutes* (NRS) 533.024 to all domestic well owners in Nevada (**BDR 48-309**) by:
  - a. Removing the population limit from NRS 533.024, which restricts "protectible interest" to domestic well owners only in counties with populations less than 400,000 (thereby excluding domestic well owners in Clark County);
  - b. Eliminating the requirement that an applicant for a municipal, quasi-municipal, or industrial well, whose rate of diversion is one-half cubic foot per second or more, must notify domestic well owners within 2,500 feet (including the stipulation that six such owners must be notified); and
  - c. Requiring the State Engineer to consider the "protectible interest" of domestic wells in reviewing applications for municipal, quasi-municipal, or industrial wells.
2. Authorize an interim study and report its findings to the 72nd Session of the Nevada Legislature, evaluating the statutes and regulations affecting water quality and water quantity (**BDR -310**) by:
  - a. Determining if there are sufficient controls in place to protect groundwater quality, specifically with respect to individual wastewater disposal systems;
  - b. Evaluating the availability and adequacies of groundwater quality data; and
  - c. Examining the manner in which land division laws under Chapter 278 of *Nevada Revised Statutes* affect groundwater quality and quantity.

3. Enact legislation authorizing the State's Health Division, Department of Human Resources, to confirm with the State Engineer of the Division of Water Resources, State Department of Conservation and Natural Resources, that sufficient water rights exist before a public water system is expanded (**BDR 40-308**).

**Recommendations for Subcommittee Action**

4. Transmit a letter to the State's Real Estate Division, Department of Business and Industry, urging it, in consultation with the State Engineer, to ensure that information is provided to potential buyers of property served by domestic, community, and quasi-municipal wells, including consideration of appropriate disclosure procedures.
5. Transmit a letter to each of Nevada's 17 county commissions, requesting that they disseminate domestic well information as typically provided through the Cooperative Extension Service to their domestic well owners. The letter should include a bibliography of available information as compiled by the study's Technical Advisory Committee.

BULLETIN 01-19

**LEGISLATIVE COMMITTEE ON  
WORKERS' COMPENSATION**

NRS 218.5375

**Members**

Assemblyman David R. Parks, Chairman  
Senator Margaret A. Carlton, Vice Chairwoman  
Senator Ann O'Connell  
Senator Dean A. Rhoads  
Senator Randolph J. Townsend  
Assemblyman David E. Goldwater  
Assemblyman Lynn C. Hettrick  
Assemblywoman Gene Wines Segerblom

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## NEVADA REVISED STATUTES

### LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION

#### **218.5375 Creation; membership; chairman and vice chairman; vacancies.**

1. There is hereby created a legislative committee on workers' compensation. The committee consists of:

(a) Four members appointed by the majority leader of the senate, in consultation with the minority leader of the senate, from the membership of the senate standing committee which had jurisdiction of issues relating to workers' compensation during the immediately preceding session of the legislature.

(b) Four members appointed by the speaker of the assembly from the membership of the assembly standing committee which had jurisdiction of issues relating to workers' compensation during the immediately preceding session of the legislature. The members must represent each political party represented in the assembly in the approximate proportion that they are represented in that house, but at least one member must be chosen from each political party.

2. The members of the committee shall elect a chairman and vice chairman from among their members. The chairman must be elected from one house of the legislature and the vice chairman from the other house. After the initial election of a chairman and vice chairman, each of those officers holds 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 elect 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 1995, 2162; A 1999, 2201)



## ABSTRACT

### LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION (NRS 218.5375)

The 68th Session of the Nevada Legislature created a Legislative Committee on Workers' Compensation with the enactment of Senate Bill 458 (Sections 119 through 123 of Chapter 587, *Statutes of Nevada 1995*, at pages 2162-2164). This legislation, as amended by Assembly Bill 609 (Section 61 of Chapter 410, *Statutes of Nevada 1997*, at page 1449) and Senate Bill 37 (Section 84 of Chapter 388, *Statutes of Nevada 1999*, at pages 1805-1806) provides that the Committee:

1. May review issues related to workers' compensation;
2. May study the desirability of establishing a preferred employee program which provides exemptions from the payment of premiums and other financial incentives for employers who provide suitable employment for injured employees and any other program for returning injured employees to work;
3. May review the manner used by the Division of Industrial Relations (DIR), Nevada's Department of Business and Industry, to rate physical impairments of injured employees;
4. May conduct investigations and hold hearings in connection with carrying out its duties pursuant to this section; and
5. May direct the Legislative Counsel Bureau to assist in its research, investigations, hearings, and reviews.

Eight legislators were appointed as members of the Committee. Four members were appointed by the Senate Majority Floor Leader in consultation with the Minority Floor Leader of the Senate from members of the Senate Committee on Commerce and Labor. Four members were appointed by the Speaker of the Assembly from the Assembly Committee on Commerce and Labor. The Committee selected the chairman and vice chairwoman from among its members. This statutory committee is required to meet at least quarterly.

During the 1999-2000 interim, representatives of the Division of Insurance (DOI), DIR, the Hearings Division, the Governor's Office for Consumer Health Assistance, the insurance industry, business, self-insured employers, and associations of self-insured public and private employers testified before the Committee and focused on the regulation and administration of the state's workers' compensation system, subsequent injury funds, and other miscellaneous issues related to industrial insurance and workplace safety.

The Committee held six public hearings between October 1999 and October 2000. The Committee adopted 21 specific recommendations. The recommendations approved by the Committee addressed issues in the following primary areas:

1. Administration and regulation of the workers' compensation system;
2. Benefits/claims/employees;
3. Subsequent injury funds;
4. Proof of coverage;
5. Hearings and appeals process; and
6. Coverage and policy requirements.

Detailed descriptions of these actions and related testimony may be found in the Committee's final report.

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION (NRS 218.5375)

This summary presents the recommendations approved by the Legislative Committee on Workers' Compensation. The Committee submits these proposals to the 71st Session of the Nevada Legislature.

#### ADMINISTRATION AND REGULATION OF THE WORKERS' COMPENSATION SYSTEM

##### *In-State Claims Handling*

1. Amend *Nevada Revised Statutes* (NRS) to allow insurers to keep information pertaining to claims at a location outside of this state; further, allow that the file required to be accessible at an in-state office, pursuant to current state law, may be an electronic, digital, or micro-photographic version of all of its records relating to any claim filed in this state. Require that such information on an open claim be available within 24 hours of request. Information on closed claims must be available within 30 calendar days. The Administrator of DIR may adopt regulations concerning the maintenance and preservation of files. **(BDR 53-772)**

##### *Workers' Compensation Assessment*

2. Amend the provisions of NRS related to the assessment for the Workers' Compensation and Safety Fund, the Uninsured Employers' Claim Fund, and the various subsequent injury funds **(BDR 53-877)**:
  - (a) Require that the formula used to determine the equitable distribution among insurers of certain costs associated with the workers' compensation program must be based on: (1) expected annual premiums for private carriers, self-insured employers, and associations of self-insured public and private employers; and (2) expected annual expenses for "ex-med" employers.
  - (b) Define expected annual premiums for self-insured employers and associations of self-insured public and private employers to mean 105 percent of the average claims costs for the preceding three years or the lowest of three quotes from a commercial carrier until such time as a three-year average claims cost can be calculated.
  - (c) Delete the provision that currently authorizes the formula to "utilize actual expenditures for claims."

### *Audit of Insurers*

3. Amend the provisions of NRS related to the audit of an insurer **(BDR 53-772)**:
  - (a) Extend from at least every three years to at least every five years the time period in which the Administrator of DIR must audit all insurers.
  - (b) Allow DIR to conduct an “abbreviated” audit at any time of insurers that have no history of prior violations of Chapters 616A to 616D, and Chapter 617 of NRS. The Administrator must establish procedures for “abbreviated” audits.
  - (c) Allow DIR, with the consultation of the Commissioner of Insurance, to perform its audit of an insurer in conjunction with an audit conducted by the DOI.

### *Investment of Associations of Self-Insured Public Employers*

4. Amend NRS 616B.368 to clarify that associations of self-insured public employers may invest the money of the association not needed to pay the obligations of the association pursuant to Chapter 682A of NRS (“Investments”) even though individual members of the association, who are public employers, are limited in their investments by Chapter 355 of NRS (“Public Investments”). **(BDR 53-772)**

### *Payment to Health Care Providers*

5. Amend NRS to provide that if an insurer denies payment of a medical bill, the insurer must provide notification of the denial to the employee. The notification must include the amount of the medical bill, the reason for the determination, and the forms necessary to appeal the determination pursuant to NRS 616C.315. An employee who elects not to appeal the determination is responsible for payment of the medical bill. Also, the employee who elects to appeal, but does not prevail upon appeal, is responsible for payment of the medical bill. **(BDR 53-772)**

## **BENEFITS/CLAIMS/EMPLOYEES**

### *Medical Fee Schedule*

6. Amend NRS 616C.260 concerning the maintenance of the medical fee schedule **(BDR 53-773)**:
  - (a) Require the Administrator of DIR to consider the amounts being charged and paid in the state for accident benefits when revising the medical fee schedule for accident benefits.

- (b) Allow the Administrator to utilize Nevada data from a national medical fee data warehouse vendor when adjusting the medical fee schedule for accident benefits.
- (c) Require the Administrator to adjust annually the medical fee schedule by an amount equivalent to the corresponding annual change in the Consumer Price Index, Medical Care Component.
- (d) Require that any revisions to the medical fee schedule for accident benefits be completed in sufficient time to be considered by Nevada's advisory organization in its annual rate filing.

### ***Reduction and Enhancement of Compensation***

- 7. Amend NRS 616D.280 to provide that if an industrial injury occurs due to the absence of a safeguard or protection, the compensation of the injured employee must be reduced 25 percent. In addition, compensation of the injured employee must be increased 25 percent if the absence or removal of a safeguard or protection is done at the direction of the employer or superintendent or foreman of the employer. The provisions of NRS 616D.280 pertaining to the reduction of an employee's worker's compensation due to the absence or removal of a safeguard or protection must be posted in an open and conspicuous area at the employer's place of business for employees to view. The posting of this information must be in English and Spanish. **(BDR 53-773)**

### ***Reopening a Claim for Compensation***

- 8. Amend NRS so that a request to reopen a claim that is made more than one year after the date on which the claim was closed must not be granted unless the claimant received an award for permanent partial disability and was off work for at least 5 consecutive days, or 5 cumulative days within a 20-day period, in addition to meeting the criteria under subsection 1 of NRS 616C.390. **(BDR 53-773)**

### ***Contagious Disease Testing***

- 9. Amend the provisions of NRS related to the report of exposure of a police officer or firefighter to a contagious disease **(BDR 53-773)**:
  - (a) Clarify NRS 616C.052 to provide that when testing a police officer or firefighter for tuberculosis, as currently required by state law in certain situations, a "skin test," not a blood test, must be administered.
  - (b) Prohibit chiropractors from administering the tests to screen for contagious disease as required in NRS 616C.052.

## **SUBSEQUENT INJURY FUNDS**

10. Retain Nevada's existing subsequent injury funds and continue to administer as currently provided in state law. (This recommendation does not require draft legislation.)
11. Require the DIR to create, maintain, and make publicly available an informational brochure on Nevada's subsequent injury funds. **(BDR 53-770)**

## **PROOF OF COVERAGE**

### *Certificate of Insurance*

12. Amend NRS to provide that a policy of industrial insurance, including the declaration page for privately insured employers, and a certificate of qualification for self-insured employers or associations of self-insured public and private employers, must be open to inspection by the Administrator of DIR or his auditor or agent. An employer who fails to provide such access to this information is guilty of a misdemeanor. In addition, delete subsection 1(a) of NRS 616A.495 that requires the posting of a certificate of insurance at the employer's place of business and subsection 1(b) of NRS 616A.495 that requires the posting of a certificate of qualification for a self-insured employer. Repeal NRS 616B.026 that requires an insurer to provide each employer for whom the insurer provides industrial insurance, a certificate of insurance indicating the employer has obtained a workers' compensation policy. **(BDR 53-769)**

### *Notice of Cancellation of Coverage*

13. Clarify the "proof of coverage" reporting requirements in NRS **(BDR 53-769)**:
  - (a) Amend NRS 616B.033 to provide that an employer must give notice of the actual cancellation of its industrial insurance policy to the Administrator of DIR only. The employer is not required to give such notice to the Administrator, if the employer's subsequent insurer has provided notice to the Administrator that a policy has been secured.
  - (b) Repeal NRS 616B.460(2) that allows an employer to change carriers for the purpose of securing workers' compensation insurance if he notifies the Administrator of the change and provides proof that subsequent coverage has been secured.
  - (c) Amend NRS to require private carriers to notify the Administrator in cases of the issuance of a new policy, the reinstatement of a policy, and the renewal or cancellation of an existing policy.

- (d) Enact legislation to provide that if an error occurs when reporting the information specified in paragraph (c) above to the Administrator of DIR, the insurer must investigate the error and submit corrected information or substantiate the prior submitted information within 30 calendar days, during which time the insurer is not subject to fines. If the discrepancy is due to incorrect information being submitted to the Administrator by the state's advisory organization, no fine or corrective action may be imposed against the insurer.

## HEARINGS AND APPEALS PROCESS

### *Appeal to DIR Administrator*

14. Amend the provisions of NRS 616B.215 and any other sections of NRS that allow an employer aggrieved by a determination regarding vocational rehabilitation of an injured employee to provide that such grievances must be appealed to the Hearings Division of the Department of Administration and not to the Administrator of DIR, as currently provided in state law. Also, amend NRS 616C.170 to provide that matters concerning disputes between insurers, if an injured employee claims benefits against more than one insurer, must be appealed to the Hearings Division. **(BDR 53-767)**

### *Conduct of Appeals Officers*

15. Enact legislation to require the Chief of the Hearings Division to adopt regulations governing the conduct of appeals officers. The regulations must include procedures for the filing of complaints against an appeals officer who is believed to be in violation of the regulations governing conduct, rules of practice for hearing such complaints, and applicable penalties. **(BDR 53-767)**

## COVERAGE AND POLICY REQUIREMENTS

### *Policy of Coverage and Owner-Controlled Insurance Program (OCIP) Participants*

16. Amend NRS to provide that an insurer is not required to provide an industrial insurance policy covering each employee of an insured employer if certain employees are covered under the industrial insurance policy of a contractor or subcontractor participating in a consolidated insurance program and are working exclusively at the site of the construction project covered by the consolidated insurance program. **(BDR 53-768)**

### *Reporting of Tip Income*

17. Amend NRS 616B.227 to allow employers to utilize computerized payroll records that summarize allocated tips, to meet the existing provisions of state law which require an employer to copy each form its employees must file with the United States Internal Revenue Service concerning tip income and forward each copy to its insurer. **(BDR 53-768)**

### *Interest Due on Unpaid Premiums*

18. Repeal NRS 616B.236 that requires the accrual of interest at a rate of 1 percent per month on industrial insurance premiums unpaid by an employer. **(BDR 53-768)**

### *“Policy Year” Language*

19. Amend NRS 616B.624(1) and NRS 617.207(1) to change the phrase “year the policy of industrial insurance for the employer is effective” to “policy year.” **(BDR 53-768)**

### *Physical Examination of a Sole Proprietor*

20. Amend NRS 616B.659(2) and NRS 617.225(2) to provide that an insurer may request rather than require that a sole proprietor who elects industrial insurance coverage, submit to a physical examination before coverage commences. **(BDR 53-768)**

## MISCELLANEOUS

### *Reemployment Rights of Employees of Employers Insurance Company of Nevada*

21. Enact legislation to clarify that the provisions of Section 132 of Senate Bill 37 (Chapter 388, *Statutes of Nevada 1999*), which provide to an employee of the Employers Insurance Company of Nevada on January 1, 2000, the right to priority placement on an appropriate reemployment list (even without being laid off) and eliminate any probationary period, are applicable to all employees of Employers Insurance Company of Nevada, rather than only to classified employees. If enacted, this provision is to be effective on passage and approval. **(BDR S-771)**

BULLETIN 01-20

**CONTINUED REVIEW OF THE  
MARLETTE LAKE WATER SYSTEM**

NRS 331.165

**Members**

Senator Lawrence E. Jacobsen, Chairman  
Assemblyman Joseph E. Dini, Jr., Vice Chairman  
Senator Mark E. Amodei  
Robert E. Erickson, Research Director, LCB (nonvoting member)  
Gene Weller, Chief of Fisheries, Division of Wildlife, State Department of Conservation and  
Natural Resources (SDCNR)  
Mike Meizel, Chief, Buildings and Grounds Division, Department of Administration  
Wayne R. Perock, Administrator, Division of State Parks, SDCNR  
Roy W. Trenoweth, State Forester Firewarden, Division of Forestry, SDCNR

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NEVADA REVISED STATUTES

**MARLETTE LAKE WATER SYSTEM ADVISORY COMMITTEE**

**NRS 331.165 Advisory committee: Creation; composition; officers; recommendations.**

1. The Marlette Lake water system advisory committee is hereby created to be composed of:

One member appointed by the administrator of the division of wildlife of the state department of conservation and natural resources.

- (a) One member appointed by the administrator of the division of state parks.
  - (b) Three members from the state legislature, including at least one member of the senate and one member of the assembly, appointed by the legislative commission.
  - (c) One member from the staff of the legislative counsel bureau appointed by the legislative commission. The member so appointed shall serve as a nonvoting member of the advisory committee.
  - (d) One member appointed by the state forester firewarden.
  - (e) One member appointed by the department of administration.
2. The voting members of the advisory committee shall select one of the legislative members of the advisory committee as chairman and one as vice chairman. After the initial selection of a chairman and vice chairman, each such officer serves a term of 2 years beginning on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the person appointed to succeed that officer shall serve for the remainder of the unexpired term.
  3. The director of the legislative counsel bureau shall provide a secretary for the advisory committee.
  4. Members of the advisory committee serve at the pleasure of their respective appointing authorities.
  5. The advisory committee may make recommendations to the legislative commission, the interim finance committee, the department of administration, the state department of conservation and natural resources and the governor concerning any matters relating to the Marlette Lake water system or any part thereof.

(Added to NRS by 1971, 834; A 1973, 1380; 1975, 1815; 1979, 907; 1985, 415; 1991, 1918; 1993, 1563)



## ABSTRACT

### **CONTINUED REVIEW OF THE MARLETTE LAKE WATER SYSTEM (NRS 331.165)**

The Nevada Legislature's Marlette Lake Water System Advisory Committee is a permanent committee authorized by *Nevada Revised Statutes* 331.165. For the 1999-2000 interim, the Legislative Commission appointed three legislators (two Senators and one Assemblyman) and one nonvoting representative of the Legislative Counsel Bureau. Pursuant to statute, the other four members represent the Division of Wildlife, Division of State Parks, Division of Forestry, and Department of Administration.

The committee held one public hearing and conducted three informational tours during the interim period. The public hearing was held in Carson City on October 15, 1999, and subsequent tours were taken of the Marlette Lake/Hobart Reservoir, water facilities at Virginia City and pipeline from Lakeview, and trout spawning/egg harvesting at Marlette Lake.

The basic function of this committee has been oversight of matters relating to the Marlette Lake Water System. The advisory committee may make recommendations to the Legislative Commission, the Interim Finance Committee, the Department of Administration, the State Department of Conservation of Natural Resources, and the Governor concerning any matters relating to the Marlette Lake Water System. The committee has no recommendations for consideration at this time, but a final meeting of the committee is scheduled for January 17, 2001.



BULLETIN 01-21

**LEGISLATIVE COMMITTEE ON  
HEALTH CARE**

NRS 439B.200

**Members**

Assemblywoman Ellen M. Koivisto, Chairman  
Senator Raymond D. Rawson, Vice Chairman  
Senator Bernice Matthews  
Senator Maurice E. Washington  
Assemblywoman Merle A. Berman  
Assemblywoman Vivian L. Freeman

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## LEGISLATIVE COMMITTEE ON HEALTH CARE

**NRS 439B.200 Creation; appointment of and restrictions on members; officers; terms of members; vacancies; annual reports.**

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

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.

3. The provisions of subsection 2 do not:

(a) 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.

(b) Prohibit a member of the legislature from serving as a member of the committee if:

(1) The financial interest, membership on the board of directors or trustees, position held with the health facility or salary or other compensation received would not materially affect the independence of judgment of a reasonable person; and

(2) Serving on the committee would not materially affect any financial interest he has in a health facility in a manner greater than that accruing to any other person who has a similar interest.

4. The legislative commission shall select the chairman and vice chairman of the committee from among the members of the committee. Each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. The chairmanship of the committee must alternate each biennium between the houses of the legislature.

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

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

7. The committee shall report annually to the legislative commission concerning its activities and any recommendations.

(Added to NRS by 1987, 863; A 1989, 1841; 1991, 2333; 1993, 2590)

**REVISER'S NOTE.**

Ch. 620, Stats. 1993, the source of paragraph (b) of subsection 3 of this section, contains the following preamble and provisions not included in NRS:

"WHEREAS, The legislative committee on health care provides continuous oversight of matters relating to health care; and

WHEREAS, It is important to encourage participation on the legislative committee on health care of persons with the appropriate experience and knowledge of matters relating to health care; and

WHEREAS, The cost for medical care coverage for Medicaid-eligible patients is increasing at a rapid and unpredictable rate; and

WHEREAS, The number of Medicaid-eligible patients is also increasing at a rapid and unpredictable rate; and

WHEREAS, The need for health care reform is a national concern and the State of Nevada desires to be on the forefront of such reform; and

WHEREAS, The University of Nevada School of Medicine has 10 years of important and successful experience in a coordinated care program that currently serves 25 percent of the state's recipients of Aid to Families with Dependent Children; now, therefore,"

"1. The legislative committee on health care shall conduct a study to evaluate and develop a mandatory coordinated care medical system for all persons covered by the State of Nevada's Medicaid program. The study must include:

(a) An evaluation of the systems available to provide medical care to recipients of Medicaid;

(b) A review of the sources of available funding for a coordinated care system and the various methods of compensating providers of health care;

(c) An evaluation of the methods of containing the costs of providing medical care to recipients of Medicaid;

(d) The impact that a coordinated care medical system may have on the revenue received from the tax on hospitals imposed pursuant to NRS 422.383 and an analysis of the methods that may be used to replace lost revenues, if any; and

(e) The committee's recommendations for establishing a mandatory coordinated care program by July 1, 1995, to serve persons participating in the state's Medicaid program.

2. The legislative committee on health care shall:

(a) Report its recommendations to the governor and the department of human resources on or before July 1, 1994; and

(b) Submit quarterly reports to the interim finance committee concerning the progress of its study, its recommendations for establishing a coordinated care program and the implementation of the demonstration project and coordinated care program established pursuant to subsection 3.

3. The department of human resources shall, with the consent of the interim finance committee:

(a) Seek all necessary approvals and waivers and establish and conduct a demonstration project pursuant to section 1115 of the Social Security Act, 42 U.S.C. § 1315, in compliance with those recommendations of the legislative committee on health care that are approved by the governor. The purposes of the demonstration project must be to:

(1) Reduce the rate of growth in the overall costs of medical care over the long term;

(2) Improve access to primary and preventative health care for the Medicaid population;

(3) Institute health education programs for the Medicaid population; and

(4) Mainstream the Medicaid population into a coordinated care program with a balance of public and private members;

(b) Establish a mandatory coordinated care program not later than July 1, 1995; and

(c) Enroll all recipients of Aid to Families with Dependent Children upon the commencement of the program, with phased-in enrollment of the Aged, Blind and Disabled populations by the end of the second year of the program.

4. The coordinated care program established pursuant to subsection 3 must include participation by the University of Nevada School of Medicine in the development and implementation of the program, as well as in the delivery of services. The department of human resources shall cooperate with the University of Nevada School of Medicine to assist in the provision of an adequate and diverse patient population on which the school can base educational programs, including programs that support the education of generalist physicians. The University of Nevada School of Medicine may establish a nonprofit organization to assist in the research necessary for the program, receive and accept gifts, grants and donations to support the program and assist in establishing educational services for patients.

5. The director of the department of human resources shall report to the interim finance committee and the legislative committee on health care quarterly concerning the demonstration project and the coordinated care program established pursuant to this section.

6. As used in this section, "Medicaid" means the program established pursuant to Title XIX of the Social Security Act (42 U.S.C. §§ 1396 et seq.) to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons."

#### WEST PUBLISHING CO.

Health and Environment ⇔ 3.

Officers and Public Employees ⇔ 30.3.

WESTLAW Topic Nos. 199, 283.

C.J.S. Health and Environment §§ 9, 10.

C.J.S. Officers and Public Employees § 29.

#### NRS 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

## ABSTRACT

### **LEGISLATIVE COMMITTEE ON HEALTH CARE (NRS 439B.200)**

The Legislative Committee on Health Care, in compliance with *Nevada Revised Statutes* 439B.200 through 439B.240, oversees a broad spectrum of issues related to the quality, access, and cost of health care for all Nevadans. The committee was established in 1987 to provide continuous oversight of matters relating to health care.

The committee met seven times with meeting sites alternating between Carson City and Las Vegas, Nevada. All public hearings were conducted through simultaneous videoconferences.

At the sixth meeting, members conducted a work session at which they adopted eight recommendations, all of which are bill draft requests. The recommendations address the following topics: additional services and eligibility categories for the Medicaid program; assessing certain health related factors relevant to children; autism services; and medical errors reporting. In addition, a number of recommendations for resolutions were presented to the committee. Although members did not recommend that these proposals be drafted as legislative measures, they are referenced in the report of the committee. These proposals address issues such as eliminating waiting lists for existing Medicaid waiver programs, enhancing the delivery of personal care assistant services for persons who are disabled, increasing marketing efforts in respect to the Nevada Check-Up Program, and ensuring that a person who is disabled is not institutionalized if his physician specifies that his condition does not require institutional placement.



## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON HEALTH CARE (NRS 439B.200)

#### *Diabetes Care and Funding*

1. Require the University of Nevada School of Medicine (UNSOM) to establish the Pediatric Diabetes and Endocrinology Center (PDEC), and require the Division of Health Care Financing and Policy, Department of Human Resources (DHR), to provide podiatry services in Medicaid and insulin pump therapy for persons who are eligible for this diabetes treatment. Appropriate \$284,625 for each year of the biennium to the UNSOM for the PDEC, and appropriate \$412,857 to the Division to provide podiatry services and insulin pump therapy. **(BDR 38-222)**

Also, send a letter to the Board of Regents and the Governor indicating that the PDEC should be part of the base budget of the University System's medical school.

#### *Medicaid and Nevada Check-Up Enhancements*

2. Require the Division of Health Care Financing and Policy, DHR, to implement presumptive eligibility determinations in the Medicaid Program for women and children and for the Nevada Check-Up Program. Appropriate \$31,837,730 for each year of the biennium to the Division to implement presumptive eligibility (\$1,650,000 for pregnant women in Medicaid; \$29,500,000 for children in Medicaid; and \$681,730 for children in Nevada Check-Up). **(BDR 38-221)**
3. Require the Division of Health Care Financing and Policy, DHR, to allow disabled persons who are eligible for Medicaid to receive income from employment and still retain their Medicaid eligibility. Appropriate (*amount not yet available*) for each year of the biennium to implement this provision. **(BDR 38-227)**
4. Require the Division of Health Care Financing and Policy, DHR, to pay rural hospitals at their cost for providing long-term care services to Medicaid patients. Appropriate \$700,000 to the Division for each year of the biennium to implement this provision. **(BDR 28-223)**
5. Require the Welfare Division, DHR, to eliminate the assets test as a requirement for eligibility for pregnant women and children in the Medicaid Program. Appropriate \$3,530,387 for each year of the biennium to the Division

of Health Care Financing and Policy, DHR, to implement this provision. **(BDR 38-224)**

*Data Analysis and Assessment of Children's Services*

6. Require the Center for Business and Economic Research (CBER), University of Nevada, Las Vegas, to compile primary data concerning the number of children in Nevada who do not have health insurance coverage, to prepare an analysis of the number of children who are unable to access services from government sponsored programs, and to publish the Kids Count Databook. Appropriate \$150,000 to the CBER for each year of the biennium to conduct the research and publish the book. **(BDR S-228)**

Also, the committee agreed to send a letter to the Board of Regents and the Governor to include this concept in the CBER's base budget.

*Autism Services*

7. Create the Commission on Autism within the Division of Mental Health and Developmental Services, DHR, and require the Commission to establish two Autism Centers for Excellence. Appropriate \$700,000 to the Division for the establishment of the Commission and the two centers. **(BDR 38-225)**

*Health Care Errors Reporting System*

Require the Legislative Committee on Health Care to appoint a subcommittee to develop a mandatory health care errors reporting system. **(BDR R-226)**

BULLETIN 01-22

**COMMITTEE ON  
HIGH-LEVEL RADIOACTIVE WASTE**

NRS 459.0085

**Members**

Senator Lawrence E. Jacobsen, Chairman  
Assemblyman Harry Mortenson, Vice Chairman  
Senator Mike McGinness  
Senator Bill R. O'Donnell  
Senator Raymond C. Shaffer  
Assemblyman John J. Lee  
Assemblyman Bob Price  
Assemblywoman Sandra J. Tiffany

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NEVADA REVISED STATUTES

COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

**NRS 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) Four 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 provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. 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; 1989, 1221; 1995, 1454)



## ABSTRACT

### COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE (NRS 459.0085)

Nevada's Legislative Committee on High-Level Radioactive Waste is a permanent committee, which is authorized by *Nevada Revised Statutes* 459.0085. Created in 1985, the committee is responsible for performing legislative oversight responsibilities to the study and evaluation of:

1. Information and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;
2. Any potential adverse effects from the construction and operation of a facility and the ways of mitigating those effects;
3. Any other policies relating to the disposal of high-level radioactive waste; and
4. Appropriate legislation to be recommended to the Legislative Commission and the Legislature.

The eight-member committee held three meetings in Nevada during the 1999-2000 interim period. Committee members also participated in the High-Level Radioactive Waste Working Group of the National Conference of State Legislatures that included site visits to: (1) the Waste Isolation Pilot Project in New Mexico (the only operating nuclear waste repository in the United States); (2) the Savannah River Nuclear Site, South Carolina; and (3) two meetings in Washington, D.C., with key elected representatives and government officials. In addition, members monitored meetings of: (1) the Nuclear Waste Technical Review Board; (2) the Advisory Committee on Nuclear Waste of the Nuclear Regulatory Commission (NRC); (3) the United States Department of Energy (DOE) concerning technical exchange and management; and (4) Nevada's Commission on Nuclear Projects.

As well as performing its mandated oversight functions, the committee has been closely following: (1) the legal issues involving the nuclear power industry and DOE's failure to begin taking spent nuclear fuel from the civilian power plants by January 1998; (2) the attempts by the U.S. Congress to amend the federal *Nuclear Waste Policy Act of 1982* (NWPA) as amended, which would allow for early shipments of spent nuclear fuel to the Nevada Test Site and modify radiation health standards; (3) public hearings on the Yucca Mountain Draft Environmental Impact Statement; and (4) proposed changes to the design and operating regulations of the proposed repository at Yucca Mountain.

**No recommended legislation is being proposed at this time.** However, the committee will continue to monitor: (1) the legal issues and court decisions concerning DOE's failure to accept spent nuclear fuel from the commercial nuclear power plants; (2) legislative changes to the

NWPA, which may be considered by the 107th Session of Congress; (3) the site characterization program at Yucca Mountain; (4) the anticipated Site Recommendation Report to the U.S. Secretary of Energy, the President, and Congress; and (5) other activities, including transportation issues pertaining to the nation's high-level radioactive waste program. If appropriate and essential, the committee will recommend action to the Nevada Legislature.