

SUMMARY BULLETIN
OF
REPORTS OF THE LEGISLATIVE COMMISSION
TO THE 66TH SESSION OF THE
NEVADA LEGISLATURE



Bulletin No. 91-21

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

JANUARY 1991

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SUMMARY BULLETIN 1991

INTRODUCTION

This bulletin summarizes 19 legislative study reports which were completed in 1990. Legislative Counsel Bureau Bulletin No. 91-19, Nevada's 1991 Legislative Manual, is a regular biennial publication of the Legislature and is not summarized in this document.

The 1989 session of the Nevada Legislature directed that 17 studies be undertaken by the Legislative Commission or by committees appointed by the commission. Interim studies may be mandated in at least three ways: (1) by a concurrent resolution adopted by both Houses of the Legislature, (2) by a law appearing in the Nevada Revised Statutes (NRS), or (3) by a special act of the Legislature.

Of the 19 study reports included in this document, 14 were ordered by concurrent resolutions approved during the 1989 legislative session. The reports of the Committees on High-Level Radioactive Waste, Public Lands, Health Care, and Reapportionment were authorized by laws appearing in NRS. The Study of Taxation in Nevada was initiated by a special act of the Legislature. Reports of the studies were completed and are available as numbered bulletins through the Legislative Counsel Bureau.

The purpose of this Summary Bulletin is two-fold. First, it provides a brief summary of the contents of all of the separate documents in one place, so that each legislator may become thoroughly familiar with the studies and the recommendations contained in them. Its second purpose is to provide a reference tool to facilitate and encourage the use and understanding of each bulletin.

The resolution or statutory provision which mandated each study and the legislative personnel who were involved are cited for each bulletin. The personnel listing is designed to assist legislators and other interested parties in identifying and communicating with people able to explain

reports and provide additional information. The Summary Bulletin also contains an abstract of the study and a summary of the recommendations for each bulletin.

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BULLETIN 91-1

AVAILABILITY OF AFFORDABLE

CHILD CARE IN NEVADA

A.C.R. 47 - 1991 Session

Interim Study

Assemblywoman Vivian L. Freeman, Chairman
Senator Thomas J. Hickey, Vice Chairman
Senator Randolph J. Townsend
Assemblywoman Vonne Chowning
Assemblyman John B. DuBois

Principal Staff

Pepper Sturm, Senior Research Analyst
(687-6825)

Assembly Concurrent Resolution No. 47—Assemblymen Freeman, Brookman, Evans, Myrna Williams, Lambert, Adler, Swain, Price, Nevin, McGinness, Chowning, Wendell Williams, Wisdom, Fay, Diamond, Spriggs, Arberry, Humke, Triggs, Gibbons, DuBois, Kerns, Bergevin, McGaughey, Sader, Thompson, Garner, Sedway, Kissam, Porter, Gaston, Regan, Callister, Bogaert, Schofield, Spinello, Sheerin, Jeffrey, Dini and Carpenter

FILE NUMBER...178

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to study the availability of affordable child care in this state.

WHEREAS, In an increasing number of families in this country both parents must work to support their family; and

WHEREAS, The number of single-parent families in this country has increased dramatically in the last decade; and

WHEREAS, Many parents who are the sole support of their families require affordable child care if they are to continue to work to support their families; and

WHEREAS, The lack of affordable child care creates an economic hardship for many families; and

WHEREAS, The lack of affordable child care exacerbates a growing labor shortage; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct a comprehensive study of the availability of affordable child care in this state; and be it further

RESOLVED, That the study include:

1. An examination of the methods used in other states to ensure the availability of affordable child care;
 2. An examination and evaluation of the programs for child care which are funded or operated by local and state governments;
 3. An examination and evaluation of the programs for child care which are funded or operated by private employers and employee organizations; and
 4. An evaluation of the projected need for child care in this state;
- and be it further

RESOLVED, That the Legislative Commission report the results of its study and any recommended legislation to the 66th session of the Legislature.

ABSTRACT

STUDY OF THE AVAILABILITY OF AFFORDABLE CHILD CARE IN NEVADA

The 65th session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 47 of the 1989 legislative session (File No. 178, Statutes of Nevada 1989, pages 2356-2357), which directed the Legislative Commission to study the availability of affordable child care in Nevada. To fulfill this mandate, the Legislative Commission appointed a subcommittee to conduct the study and report its recommendations.

The subcommittee met four times between October 1989 and June 1990. One meeting was held in Carson City, one in Las Vegas, and two meetings were held in Reno, Nevada. Extensive testimony was taken from educators, interested members of the public, local government, operators of child care facilities, parents, school district representatives, social service agencies, state agencies and various business and labor groups.

The subcommittee adopted a total of 17 recommendations addressing a broad range of child care issues. The initial set of recommendations establishes a statewide program to assist certain low-income parents with child care expenses. The proposal includes expansion of responsibilities and staffing for the Bureau of Services for Child Care in the Youth Services Division of Nevada's Department of Human Resources and contains a statewide planning component for child care issues.

As part of a comprehensive strategy, the subcommittee also proposes several recommendations concerning Nevada's Head Start programs, including a state contribution to local Head Start facilities to reduce existing waiting lists. For school-age children, the members recommend a state appropriation of matching funds for school-based "latch-key" programs throughout Nevada.

The remaining recommendations address operational issues related to the major proposals and a number of specialized matters. Significant topics include a proposed human services planning document; increased education for child care workers and for certain "high-risk" parents; employer-sponsored child care activities and support for existing and proposed programs to increase the availability of child care.

SUMMARY OF RECOMMENDATIONS

STUDY OF THE AVAILABILITY OF AFFORDABLE CHILD CARE IN NEVADA

Following is a summary of the recommendations approved by the Legislative Commission's Subcommittee to Study the Availability of Affordable Child Care.

RCOMMENDATIONS CONCERNING A STATEWIDE CHILD CARE PROGRAM

1. Establish, by statute, a sliding scale subsidy program, utilizing certificates of reimbursement, that would assist in paying the child care expenses of certain working parents. Guidelines for assistance shall be established in priority order, by level of need. Reimbursement will be made to licensed providers only. State funding in the amount of \$5 million per year is proposed for the first 2 years of the program.

The system shall include a statewide toll-free telephone number for inquiries, as well as grants for community child care reference and referral services. The program shall be administered through Nevada's Office of Community Services in the Governor's Office and operated by local government social service agencies. (BDR 38-278)

2. Expand, by statute, the functions of the Bureau of Services for Child Care in the Youth Services Division of Nevada's Department of Human Resources (DHR). State funding in the amount of \$150,000 for each year of the biennium is proposed to allow the agency to accomplish the following:
 - a. Employ a recruiter/trainer to provide educational and technical assistance to licensed facilities, especially in rural areas of the state;

- b. Expand existing clerical and reference and referral services for both state offices; and
- c. Increase educational outreach activities in rural areas, requiring additional funds for instructional media and travel.

In addition, the subcommittee proposes adding the title "State Coordinator for Child Care" to the duties of Chief of the Bureau of Services for Child Care.
(BDR 38-277)

- 3. Encourage the establishment of a statewide task force, appointed by the Governor, to formulate a 5-year plan for child care issues. Membership shall consist of:
 - a. Three employers, one each from a small, medium and large business;
 - b. Two child care licensees;
 - c. Two consumers of child care services;
 - d. Two representatives of local social service agencies;
 - e. One representative from the Welfare Division of DHR; and
 - f. One representative from the Bureau of Services for Child Care.

The task force shall be chaired by the Chief of the Bureau of Services for Child Care. The members of the group shall serve without compensation. The task force shall also gather information concerning projected need for additional child care slots.

- 4. Support and emphasize the importance of the family unit; encourage child care by family members, church-based care and neighborhood care; and encourage private sector solutions to child care problems.

RECOMMENDATIONS CONCERNING NEVADA
HEAD START PROGRAMS

5. Establish, by statute, a grant program that would provide state matching funds for an expansion of federal Head Start programs operating in Nevada. The expansion will include all children from existing waiting lists to the current half-day program.

Funding shall be administered by the Office of Community Services. The proposed appropriation for Nevada's share of the match is \$2.7 million for the biennium. (BDR 38-276)

6. Require, by statute, that DHR establish a human services master plan. Such a document will be similar in scope to the state health plan and will help to establish priorities for various human services needs. The master plan will assist communication efforts with federal agencies and Nevada's congressional delegation concerning distribution formulas and significant demographic trends.

The document shall be updated biennially and submitted to the Governor and each regular session of the Nevada Legislature. (BDR 18-248)

7. Adopt a resolution directed to the United States Congress requesting Nevada's fair share of the federal Region IX Head Start allotment. (BDR R-249)

RECOMMENDATIONS CONCERNING BEFORE- AND
AFTER-SCHOOL PROGRAMS

8. Establish, by statute, a grant program that will provide state matching funds for "scholarships" for children from low-income families wishing to participate in school-based latch-key programs. Each community will be responsible for startup costs of such programs, and matching funds would be derived from federal funds or private donations. The matching

formula provides that parents shall pay half of the cost; the state shall pay one-quarter, based upon a matching quarter from community and other sources. The program would be administered by the Division of Youth Services.

To accomplish this recommendation, an appropriation of \$200,000 is proposed for the 1991-1992 fiscal year; and \$400,000 for fiscal year 1992-1993. (BDR 38-250)

RECOMMENDATIONS CONCERNING EMPLOYER-SPONSORED
CHILD CARE

9. Encourage the development of two demonstration project sites in Carson City and Las Vegas, Nevada, to provide near-site or on-site child care for the children of state employees.
10. Adopt a resolution directed to various Nevada employer associations encouraging the following strategies for dealing with employee child care needs:
 - a. Adopting model programs to assist employees by paying a portion of their child care costs;
 - b. Establishing cafeteria benefits (an Internal Revenue Service Code, Section 125 Plan) for employees;
 - c. Establishing personnel policies (such as family sick leave, flex time, and so on) that will help ease employee child care concerns; and
 - d. Implementing model programs to assist employees in locating child care providers. (BDR R-251)

RECOMMENDATIONS CONCERNING CHILD CARE
TRAINING AND EDUCATION

11. Encourage the Board of Regents of the University of Nevada System (UNS) to offer courses in parenting skills at little or no cost to the following groups:
 - a. Parents of children enrolled in federal Head Start programs; and
 - b. Teenage parents.

The subcommittee supports increased funding for associated costs.

12. Urge the State Board of Education to encourage each school district to establish specific outreach programs for teenage parents to provide near-site or on-site child care for students completing their high school diploma.
13. Encourage Nevada's Board for Child Care to increase continuing education requirements for caregivers from the present 3 hours per year to 15 hours per year. Such training shall include basic health and hygiene concerns, first aid, and instruction in cardiopulmonary resuscitation.
14. Encourage the Board of Regents of the UNS to continue to use the system's telecommunications network to provide additional training opportunities for child care workers. The development of specific programs for this purpose should also be encouraged.

RECOMMENDATIONS CONCERNING INCREASING
THE AVAILABILITY OF CHILD CARE

15. Support a proposed demonstration project concerning an intergenerational concept for child care centers. Among other things, the centers would:

- a. Develop a support network for in-home family day care in association with the centers; and
 - b. Employ and train low- and middle-income, retired senior citizens as child development aides.
16. Encourage expansion of the federal Foster Grandparent Program to increase the number of participants. The use of available grant funds to assist the program with fingerprinting, police checks, and so on, shall be encouraged.
17. Encourage state child care associations and health care associations to urge members to establish appropriate programs for the sick child, including facilities specializing in sick children, and babysitting services specializing in in-home care for the sick child. The availability of 24-hour care for communities with large numbers of shift workers should also be encouraged.

BULLETIN 91-2

BICYCLE SAFETY AND BICYCLE TRAILS IN NEVADA

S.C.R. 47 - 1991 Session

Interim Study

Senator Nicholas J. Horn, Chairman
Assemblyman Bruce R. Bogaert, Vice Chairman
Assemblyman Matthew Q. Callister

Principal Staff

Caren Jenkins, Senior Research Analyst
(687-6825)

Senate Concurrent Resolution No. 47—Committee on Legislative Affairs
and Operations

FILE NUMBER.....196

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct
an interim study of bicycle safety and bicycle trails in this state.

WHEREAS, Nevada is one of the fastest growing states in the nation; and
WHEREAS, Riding bicycles is an inexpensive way to get exercise and stay
in shape; and

WHEREAS, Bicycle riding is good for the rider's cardiovascular system and
health; and

WHEREAS, The quality of life in our state is improved by providing safe
routes for bicycle riders; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CON-
CURRING, That the Legislative Commission is hereby directed to appoint a
subcommittee to conduct an interim study on the use of bicycles in this state;
and be it further

RESOLVED, That the study include an evaluation of:

1. The current status of bicycle safety;
 2. The feasibility of mandatory licensing of bicycles and the use of fees
for licensing, established and collected at the local level, to support programs
of bicycle safety;
 3. The desirability of establishing a statewide master plan of bicycle trails,
to be established and carried out by the department of transportation; and
 4. The cost of carrying out such a plan;
- and be it further

RESOLVED, That the subcommittee be comprised of three members of both
houses of the Legislature; and be it further

RESOLVED, That the results of the study and any recommended legislation
be reported to the 66th session of the Legislature.

ABSTRACT

STUDY OF BICYCLE SAFETY AND BICYCLE TRAILS IN NEVADA

The 65th session of the Nevada Legislature adopted Senate Concurrent Resolution No. 47 (File No. 196, Statutes of Nevada 1989, pages 2373-2374) which directed the Legislative Commission to conduct a study on the use of bicycles in Nevada. The resolution directed that the study include an evaluation of: (1) the current status of bicycle safety; (2) the feasibility of mandatory licensing of bicycles; and (3) the desirability and cost of establishing a statewide master plan of bicycle trails.

The subcommittee which conducted the study held a total of three meetings in Carson City, Las Vegas, and Reno, Nevada. Public testimony was plentiful and numerous ideas were presented at the subcommittee's public hearings. Information regarding bicycle programs in Oregon and Arizona - two Western states with comprehensive bicycle programs - was carefully considered.

The proposal to establish mandatory licensing of bicycles, implemented and collected at the local level, was dismissed by the subcommittee. It was determined that this type of system would be difficult and expensive to administer and enforce. Any revenue collected would be expended in administering the licensing process.

The subcommittee reviewed bicycle programs developed and implemented in Arizona and Oregon, and based its discussion on the premise that a statewide master plan of bicycle facilities would be desirable. Some potential results of such a plan may include the development of: uniform bicycle roadway design standards, a tourism-related map of suggested bicycle routes in the state, a bicycle program resource guide for counties and cities, among others.

Twenty-five recommendations were agreed upon in three general categories: bicycle facilities and planning, bicycle safety and education, and revisions of current statutes. Detailed descriptions of these recommendations may be found in the subcommittee's final report.

SUMMARY OF RECOMMENDATIONS

STUDY OF BICYCLE SAFETY AND BICYCLE TRAILS IN NEVADA

The Legislative Commission's Subcommittee to Study Bicycle Safety and Bicycle Trails in Nevada recommends that the 66th session of the Nevada Legislature:

A. BICYCLE FACILITIES AND PLANNING

1. Adopt legislation creating the "Nevada Bicycle Task Force," totaling 14 members composed of:

A. Seven residents, appointed by the Governor to serve staggered 2-year terms, representing various geographic regions of the state and a diversity of bicycling interests and skills, as follows:

- A person under 21 years of age at the time of his or her appointment;
- A representative of a Nevada organization involved in environmental issues;
- A representative of a Nevada organization involved in promoting bicycling;
- A representative of a widely recognized organization involved in bicycle safety training programs;
- An owner or manager of a shop which sells and/or repairs bicycles; and
- Two members at large. The members at large may include a bicycle racer, bicycling commuter, corporate wellness representative, or mountain bicyclist, among others.

B. One representative of each of the following seven state agencies:

- State Department of Education;
- Division of Environmental Protection, State Department of Conservation and Natural Resources (SDC&NR);
- Division of State Parks, SDC&NR;
- Health Division, Department of Human Resources;
- Planning and Program Development Division, Nevada's Department of Transportation (NDOT);
- Department of Motor Vehicles and Public Safety (DMV&PS); and
- Commission on Tourism.

The purpose of the "Nevada Bicycle Task Force" would be to coordinate and promote bicycle safety and facilities in Nevada, and to integrate such programs into the operations and policies of any and all related state agencies. The task force would meet at least quarterly and also review the activities of the Motor Vehicle Recovery/Bicycle Safety/Transportation Planner and receive quarterly reports from that office. The task force would annually elect a chairman from its members. (BDR 43-359)

2. Adopt legislation adding 50 cents to each new and renewed driver's license and appropriating 65 percent of the revenue generated from this increase to NDOT for the establishment of a permanent, full-time Motor Vehicle Recovery/Bicycle Safety/Transportation Planner position, and fund the operations of a statewide motor vehicle recovery and bicycle program. Thirty-five percent of the funds generated will be dedicated to the DMV&PS for a Drivers' Education Officer position to

facilitate safety education among motor vehicles, bicycles and pedestrians. (BDR 43-360)

3. Adopt a resolution directing NDOT, through the Motor Vehicle Recovery/Bicycle Safety/Transportation Planner, among other things, to:
 - a. Develop a maintenance plan for statewide motor vehicle recovery and bicycle routes;
 - b. Develop and distribute statewide motor vehicle recovery and bicycle route information, safety manuals and maps;
 - c. Develop design standards for motor vehicle recovery/bicycle lanes, bicycle paths, and routes;
 - d. Establish and coordinate placement of standardized bicycle lane and route signage and markings on state highways;
 - e. Evaluate, establish and produce a statewide plan of motor vehicle recovery/bicycle lanes, paths and routes, and update the plan annually;
 - f. Identify and prioritize motor vehicle recovery and bicycle-related projects;
 - g. Investigate and solicit funding from any available sources to promote motor vehicle recovery and bicycle facilities and programs throughout Nevada;
 - h. Provide assistance to DMV&PS in coordinating motor vehicle and bicycle safety-related activities in communities;
 - i. Serve as staff to, and meet at least quarterly with, the Nevada Bicycle Task Force;
 - j. Inquire about and participate in, to the extent feasible, programs of the Rails to Trails Conservancy; and

- k. Identify the tourism potential of bicycle programs.
(BDR 43-360)
4. Adopt legislation requiring NDOT's Motor Vehicle Recovery/Bicycle Safety/Transportation Planner to plan for the construction of, and NDOT to provide, no less than 3 feet of motor vehicle recovery/bicycle lane in the new construction and major repair of all state highways based on appropriate design standards, and authorizing NDOT to adopt the regulations necessary to implement this policy. The NDOT will be directed to integrate the consideration of bicycle routes, facilities and signage, according to bicycle route design standards, into all planning, design, construction and maintenance activities. (BDR 43-360)
5. Adopt legislation mandating the construction of at least 3 feet of motor vehicle recovery/bicycle lane according to bicycle route design standards on roads built by private developers as directed by the county or city planning commission. Every county or city with a population of 25,000 or more shall include at least one designated bicycle right-of-way in each major compass direction in its master plan, and that the designated roadways shall be constructed according to bicycle route design standards and clearly identified as such. (BDR 22-362)
6. Adopt legislation mandating the installation of secure bicycle racks for employee and public use at all buildings constructed or occupied by the State of Nevada after July 1, 1992. The minimum capacity of the bicycle racks would be one space for each 25 employees, with a minimum of five spaces for each building.
(BDR 28-363)
7. Adopt a resolution encouraging business owners and employers to provide secure bicycle racks for employee and customer use. (BDR R-367)

B. BICYCLE SAFETY

8. Adopt legislation requiring DMV&PS to promote the development of bicycle safety and education programs, aimed at all ages and developed by individuals trained in bicycle safety techniques, to improve bicycle skills, observance of traffic laws and overall safety. (BDR 43-386)
9. Adopt legislation to preclude any person operating a bicycle from having a passenger who is 5 years of age or younger on a bicycle, or in a bicycle trailer, unless that passenger is wearing a helmet meeting the standards of the American National Standards Institute or of the Snell Memorial Foundation's "Standards for Protective Headgear for Use in Bicycling." The first violation by any person may be dismissed by the court if the person charged produces proof that a helmet meeting the standards prescribed has been purchased for use by the passenger 5 years of age or younger. Any violation would be punishable by a fine not to exceed \$50. The term "wearing a helmet" means having a helmet of good fit fastened securely upon the head with the helmet straps. (BDR 43-364)
10. Adopt a resolution encouraging DMV&PS to include at least one question in each written examination for a driver's license regarding the interaction between bicycles and motor vehicles. (BDR R-368)
11. Adopt a resolution encouraging the Drivers' Education Officer to coordinate with the State Department of Education to adopt regulations which require elementary schools to offer bicycle safety examinations and issue certificates to students who successfully complete the examinations. (BDR R-369)
12. Adopt a resolution encouraging the State Department of Education to adopt regulations which require each school district to develop and enforce a policy asking all students who bicycle to school to obtain a

certificate from the principal after demonstrating that they have access to and wear protective headgear. The schools would notify the Drivers' Education Officer when they are in compliance. (BDR R-370)

13. Adopt a resolution encouraging the Drivers' Education Officer to coordinate with the State Board of Education in adopting regulations to include bicycle awareness, rider respect and bicycle rights-of-way in the driver's education curriculum. (BDR R-371)
14. Adopt a resolution encouraging the Drivers' Education Officer to coordinate with the State Board of Education in adopting regulations to include bicycle safety education in the basic living skills or health curriculum in all elementary schools. (BDR R-369)

C. STATUTORY REVISIONS

15. Adopt legislation amending subsection 1 of Nevada Revised Statutes (NRS) 484.313, "Restrictions on use of controlled-access highway; penalty," to allow NDOT and local authorities to prohibit or require a permit for the use of a controlled-access highway by pedestrians, bicycles or other nonmotorized traffic or by a person operating a power cycle only if the highway is determined by the NDOT and local authorities, in cooperation with the Nevada Bicycle Task Force, to be unsafe for use by nonmotorized traffic or a power cycle. (BDR 43-359)
16. Adopt legislation amending subsection 1 of NRS 484.509, "Riding on roadway or path for bicycles," which requires a person riding a bicycle on a roadway to ride as near to the right side of the road as practicable, to add:

- (a) Except when traveling at the speed of the traffic;

(b) Except when doing so would be unsafe for the person riding the bicycle or another person; and

(c) Except when the person riding a bicycle is making a turn.

(BDR 43-359)

17. Adopt legislation deleting subsection 3 of NRS 484.509, "Riding on a roadway or path for bicycles," which requires a bicycle rider to use a bicycle path when one has been provided adjacent to a roadway. (BDR 43-359)
18. Adopt legislation amending NRS 484.513, "Lamp, reflector and other equipment on bicycle," to delete the requirement that a bicycle be equipped with a bell or similar device. (BDR 43-359)
19. Adopt legislation to include bicycle facilities in subsection 2, of NRS 278.250, "Zoning districts and regulations," which specifies that zoning regulations shall be designed:

* * * (f) to develop a timely, orderly and efficient arrangement of transportation and public facilities and services. * * * (BDR 43-359)
20. Adopt legislation to include bikeways in subsection 1, paragraph (b) of NRS 408.233, "Responsibilities and duties; operation of railroad or airport prohibited," which outlines the responsibilities of the Planning and Program Development Division of NDOT regarding coordinating local plans for balanced transportation facilities and services. (BDR 43-359)
21. Adopt legislation amending Chapter 484 of NRS, "Traffic Laws," to require a person who is operating a vehicle to yield to a bicycle on a bicycle lane or path. A violation of this provision would be a misdemeanor, a written traffic citation may be issued and demerit points may be assessed upon conviction. (BDR 43-359)

22. Adopt legislation amending Chapter 484 of NRS to prohibit a person from operating a vehicle on a bicycle lane or path unless the person is:

- a. Entering or leaving an alley or private drive;
- b. Involved in or renders aid in an emergency;
- c. Making a turn;
- d. Required to perform official duties which involve operating a vehicle on a bicycle lane or path; or
- e. Operating or parking a disabled motor vehicle.

A person shall be prohibited from stopping or parking a vehicle on a bicycle lane or path unless the person is:

- a. Involved in or renders aid in an emergency; or
- b. Required to perform official duties which involve stopping or parking a vehicle on a bicycle lane or path.

A violation of these provisions would be a misdemeanor, a written traffic citation may be issued and demerit points would be assessed upon conviction. (BDR 43-359)

23. Adopt legislation amending Chapter 484 of NRS to prohibit a person from using a vehicle to intentionally interfere with the lawful movement of a bicycle. A violation of this provision would be a misdemeanor. (BDR 43-359)

24. Adopt legislation amending Chapter 484 of NRS to prohibit a person driving a vehicle from passing a bicycle unless the vehicle is able to pass safely without endangering the person riding the bicycle. A violation of this provision would be a misdemeanor, a written traffic citation may be issued and demerit points will be assessed upon conviction. (BDR 43-359)

25. Adopt legislation amending NRS 205.2741, "Throwing substance at or willfully damaging motor vehicle" to include bicycles in the types of vehicles listed.
(BDR 43-359)

BULLETIN 91-3

TRAUMATIC HEAD INJURIES

S.C.R. 41 - 1991 Session

Interim Study

Senator Mike Malone, Chairman
Assemblyman Bob L. Kerns, Vice Chairman
Senator Dean A. Rhoads
Assemblywoman Vivian L. Freeman

Principal Staff

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(687-6825)

Senate Concurrent Resolution No. 41—Committee on Finance

FILE NUMBER..193

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of traumatic head injuries.

WHEREAS, There are people in the state who have suffered traumatic head injuries and who do not receive support from any source; and

WHEREAS, There would be a significant cost to the establishment of a program for the treatment of traumatic head injuries; and

WHEREAS, The coordination of services and available resources is necessary to ensure the success of a program for the treatment of traumatic head injuries; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study of the treatment of traumatic head injuries; and be it further

RESOLVED, That the Legislative Commission report the results of the study and any recommended legislation to the 66th session of the Nevada Legislature.

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ABSTRACT

STUDY OF TRAUMATIC HEAD INJURIES

The 65th session of the Nevada Legislature adopted Senate Concurrent Resolution No. 41 (File No. 193, Statutes of Nevada 1989, page 2371) which directed the Legislative Commission to study the treatment of traumatic head injuries.

The subcommittee which conducted the study held a total of two meetings in Las Vegas, and Reno, Nevada.

The subcommittee adopted a total of 13 recommendations addressing specific issues associated with victims of traumatic head injuries, commonly called traumatic brain injury (TBI). The initial comprehensive recommendation establishes a TBI program within the Rehabilitation Division of the Department of Human Resources (DHR). The Division for Review of Health Resources and Costs, DHR, is to maintain a central registry for TBI. The subcommittee proposes funding the program by coordinating existing federal and state sources, plus an appropriation from the state general fund of approximately \$1,847,691 for the biennium. A separate recommendation to increase the tax on beer is included, but is not tied directly to any proposal.

The subcommittee also approved the formation of an advisory committee to assist the formulation of regulations and programs for TBI patients and their families.

The remaining recommendations address operational concerns for agencies and groups affected by the comprehensive proposals. Major areas include educational activities for families and health professionals, preventative programs, reimbursement matters, and standards of care.

SUMMARY OF RECOMMENDATIONS

STUDY OF TRAUMATIC HEAD INJURIES

The Legislative Commission's Subcommittee to Study Traumatic Head Injuries recommends that the 66th session of the Nevada Legislature:

1. Provide, by statute, that the Rehabilitation Division of the Department of Human Resources (DHR) establish a specific program designed to address the specialized requirements of traumatic brain injury (TBI) patients and their families. Subject to the availability of funds, the program shall include:
 - a. Direct services such as attendant care, case management, day treatment, independent living skills training, supported employment for survivors of TBI and transitional residential care;
 - b. A preventative/educational component;
 - c. A substance abuse intervention and treatment component; and
 - d. Support services, such as respite care, for families of TBI victims.

The division shall monitor the incidence of head injuries in Nevada and evaluate the effectiveness of programs established within the state. The agency shall report the results of these evaluations at each regular session of the Legislature. (BDR 38-163)

2. Define, within statute, TBI as a distinct disability to be served by specific state programs such as those for alcohol and drug abuse, Medicaid, and vocational rehabilitation, among others. These services would be subject to eligibility and budget constraints existing under current federal and state law. (BDR 38-163)

3. Urge, by resolution, substance abuse self-help support groups, such as Alcoholics Anonymous, to address the special needs of TBI patients. (BDR R-374)
4. Require, by statute, that the Rehabilitation Division establish standards of care for TBI patients based upon the criteria established by the national Commission on Accreditation of Rehabilitation Facilities. (BDR 38-165)
5. Encourage mental health therapy programs for TBI patients to use a behavioral component to ameliorate the psychological symptoms often associated with this injury.
6. Establish that funding for state-administered programs for TBI patients and their families shall be accomplished with funds from Nevada's State Industrial Insurance System; existing federal and state programs, such as Medicaid, Supplemental Security Income and Title I; and the state general fund through revenues developed by increasing certain alcohol taxes. It is estimated that an appropriation of \$919,467 is needed for fiscal year (FY) 1991-1992; and \$928,224 is required for FY 1992-1993. (BDR S-168)
7. Encourage Nevada's Medicaid program to include coverage for psychological services rendered in acute-care hospitals.
8. Increase the state tax on beer by 4 cents per gallon and recommend that the Legislature consider adequately funding the TBI program. (BDR 32-166)
9. Encourage the Insurance Commissioner in Nevada's Department of Commerce to support adequate disclosure, under current statutes (Assembly Bill 114 of the 1989 legislative session [Chapter 586, Statutes of Nevada 1989, pages 1248-1255]), to consumers or health care beneficiaries of the extent and types of coverage for TBI, including policy provisions for catastrophic and long-term care.

10. Provide, by statute, that the state maintain a central registry for TBI. Such a registry shall be administered by the Division for Review of Health Resources and Costs in DHR in cooperation with the Rehabilitation Division. The Division for Review of Health Resources and Costs shall make a statistical report concerning TBI to the Legislature on an annual basis. (BDR 38-167)
11. Establish, by statute, a head-injury advisory committee. The committee shall be appointed by the Administrator of the Rehabilitation Division to study issues related to TBI and will advise the division concerning operation of any TBI program. The committee shall study and recommend to the administrator any necessary action concerning existing and potential programs for TBI patients and their families. Members shall consist of representatives from family support groups, appropriate state agencies, and other interested parties and will serve without compensation. An annual report shall be made by the committee to the Administrator of the Rehabilitation Division, the Nevada Legislature's Committee on Health Care (Nevada Revised Statutes 439B.200), and the Legislative Commission. (BDR 38-164)
12. Encourage the Rehabilitation Division to provide training opportunities for the special needs of TBI patients to parents of TBI victims and providers of acute-care and rehabilitative services.
13. Continue support of existing educational programs designed to prevent disabling injuries.

BULLETIN SUMMARY 91-4

HEALTH INSURANCE BENEFITS

S.C.R. 58 - 1991 Session

Interim Study

Senator Randolph J. Townsend, Chairman
Assemblyman Gene T. Porter, Vice Chairman
Senator William R. O'Donnell
Senator John M. Vergiels
Assemblyman John B. DuBois
Assemblyman Leonard V. Nevin

Principal Staff

Paul T. Mouritsen, Senior Research Analyst
(687-6825)

Senate Concurrent Resolution No. 58—Committee on Commerce
and Labor

FILE NUMBER...198

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of health insurance benefits required by law and self-insured employers.

WHEREAS, Nevada law currently requires policies of health insurance to provide coverage for home health care, the treatment of alcohol and drug abuse, medical care rendered in hospices, surgical mastectomies, complications of pregnancy and medical care for newly born children; and

WHEREAS, Legislation has been introduced during this session that would require policies of health insurance to provide coverage for the treatment of infertility, care rendered by homeopathic physicians, chiropractors and physical therapists, measures for the prevention of breast cancer, routine child care and measures to prevent fetal defects; and

WHEREAS, Self-insured employers do not always provide such benefits, though their employees may wish to have such benefits; and

WHEREAS, It appears that such benefits will continue to be mandated because of the demand for high-quality health care and the rising cost of such care; and

WHEREAS, The unregulated billing practices of certain providers of health care may also be contributing to the increase in the cost of health care; and

WHEREAS, Mandated benefits increase the cost of health insurance and may also contribute to increases in the cost of health care; now, therefore, be it

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

1. Health insurance benefits required by law;
 2. The effects of currently required and any proposed future health insurance benefits on the cost of health care and health insurance;
 3. Laws governing employers who are self-insured;
 4. Any problems concerning health insurance experienced by the employees of employers who are self-insured; and
 5. The effects of current billing practices of providers of health care, other than hospitals, on the cost of health care;
- and be it further

RESOLVED, That this study be conducted by a subcommittee appointed by the Legislative Commission, to be composed of:

1. The Chairman of the Senate Standing Committee on Commerce and Labor, who shall serve as chairman of the subcommittee;
 2. Two Senators who are members of the Senate Standing Committee on Commerce and Labor; and
 3. Three Assemblymen who are members of the Assembly Standing Committee on Commerce;
- and be it further

RESOLVED, That the Legislative Commission report the results of the study and any recommended legislation to the 66th session of the Nevada Legislature.

ABSTRACT

STUDY OF HEALTH INSURANCE BENEFITS

During recent sessions, the Legislature has faced a growing number of proposals to mandate that health insurance policies sold in Nevada be required to provide certain specified benefits. In response to concerns about the effect which these mandated benefits might have on the cost of health insurance, the 1989 Legislature adopted Senate Concurrent Resolution No. 58 (File No. 198, Statutes of Nevada 1989, pages 2375-2376). This resolution directed the Legislative Commission to conduct a study of health insurance benefits required by law and their effect on the cost of health care and health insurance. The resolution also directed the commission to study laws governing self-insured employers and problems experienced by their employees, and the effects of current billing practices of health care providers, other than hospitals, on the cost of health care. The Legislative Commission appointed a subcommittee to conduct the study and recommend actions which the Legislature might take in 1991.

The subcommittee held several hearings and collected extensive information regarding current health insurance mandates in Nevada and their effect on insurance premiums. It also studied the trend toward self-insurance and the extent to which mandated benefits contribute to this trend.

The subcommittee made recommendations regarding:

- (1) reviewing current and proposed mandated benefits,
- (2) exempting small business from certain mandates,
- (3) allowing certain nonprofit organizations to participate in the state insurance system, and
- (4) regulating independent medical evaluations of health insurance claims.

SUMMARY OF RECOMMENDATIONS

STUDY OF HEALTH INSURANCE BENEFITS

The Legislative Commission's Subcommittee to Study Health Insurance Benefits recommends that the 66th session of the Nevada Legislature:

1. Enact legislation requiring that insurers be prohibited from stopping the payment of health insurance benefits until an independent medical evaluation of a case is completed. Require that insurers inform claimants when an evaluation has been requested. Require that the evaluation include a personal medical examination by a physician of the claimant's choice, if the claimant desires, and that the insurer pay for the evaluation. (BDR 57-268)
2. Enact legislation allowing nonprofit organizations which receive 25 percent or more of their revenues from federal or state funds to participate in the state group insurance system. (BDR 23-269)
3. Exempt businesses with 25 or fewer employees from all mandated health insurance benefits if they offer coverage for at least the following medical services:
 - a. Thirty days of hospitalization annually;
 - b. Prenatal care;
 - c. Obstetrical care;
 - d. Well-baby and well-child checkups at the following age intervals--birth, 2 months, 4 months, 6 months, 9 months, 12 months, 15 months, 18 months, 2 years, 3 years, 4 years, 5 years, and 6 years; and
 - e. Two office visits per year. (BDR 57-270)

4. Pass a concurrent resolution requiring that the chairman of the Senate Committee on Commerce and Labor and the Assembly Committee on Commerce analyze health insurance benefit mandates which may be proposed in the future in a fiscal and social context, using the following criteria as guidelines:
 - a. The extent to which the service is generally utilized by a significant portion of the population;
 - b. The extent to which insurance coverage is already generally available;
 - c. The extent to which the lack of coverage results in unreasonable financial hardship;
 - d. The level of public demand for the treatment or service;
 - e. The level of public demand for insurance coverage of the treatment or service;
 - f. The level of interest of collective bargaining agents in negotiating privately for insurance coverage of the treatment or service;
 - g. The extent to which insurance coverage will increase or decrease the cost of the treatment or service;
 - h. The extent to which insurance coverage will increase the appropriate use of the treatment or service;
 - i. The extent to which insurance coverage will increase or decrease the administrative expenses of insurance companies and the premium and administrative expenses of policy holders;
 - j. The effect which insurance coverage will have on the total expense of health care;

- k. The likelihood of fulfilling the objective of meeting a consumer need as evidenced by the experience of other states;
- l. Relevant findings of the state health agency relating to the social impact of the mandated benefit;
- m. Alternative ways of meeting the identified need;
- n. The impact of any social stigma attached to the benefit upon the market;
- o. The impact of this benefit upon the availability of other benefits currently being offered;
- p. The impact of the benefit on the decision of employers to shift to self-insured plans;
- q. The methods which will be instituted to manage the utilization and costs of the proposed mandate;
- r. The extent to which insurance coverage may affect the number and types of providers of the mandated service over the next 5 years;
- s. The effects of the proposed mandate on the costs of health care borne by employers and employees, including the financial effect on small, medium-sized and large employers;
- t. The medical efficacy of the treatment or service;
- u. The extent to which the need for coverage outweighs the costs of mandating the benefit for all policy holders;
- v. The extent to which the problem of coverage may be solved by mandating the availability of the coverage as an option for policyholders; and

w. The effect of the benefit or service on existing mandates. (BDR R-267)

5. Require that the chairman of the Senate Committee on Commerce and Labor and the Assembly Committee on Commerce review at least five existing health insurance benefit mandates each legislative session for the next three sessions using, as guidelines, the criteria listed in 4(a) through 4(w) above. Require that all reviews be completed by July 1, 1997, and that the Senate Majority Leader and the Speaker of the Assembly submit a report to the Legislature regarding such reviews. (BDR R-271)

BULLETIN 91-5

PROBLEMS OF OWNERS OF MOBILE HOMES
WHO RENT SPACE IN MOBILE HOME PARKS

A.C.R. 57 - 1991 Session

Interim Study

Assemblyman Joan A. Lambert, Chairman
Senator Raymond C. Shaffer, Vice Chairman
Senator Bob Coffin
Assemblyman Robert W. Fay
Assemblyman Gene T. Porter

Principal Staff

Paul T. Mouritsen, Senior Research Analyst
(687-6825)

Assembly Concurrent Resolution No. 57—Assemblymen Myrna Williams, Brookman, Jeffrey, Spinello, Dini, Lambert, McGaughey, Sedway, Regan, Gibbons, Gaston, Thompson, Swain, Spriggs, Garner, Triggs, Wendell Williams and Adler

FILE NUMBER...181

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the problems of owners of mobile homes who rent space in mobile home parks.

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

WHEREAS, This scarcity primarily affects young families and senior citizens who generally cannot afford other housing; and

WHEREAS, The Legislature believes that a study of the particular problems of owners of mobile homes who rent space in mobile home parks is needed; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study on the problems of owners of mobile homes who rent space in mobile home parks; and be it further

RESOLVED, That the study include evaluation of such issues as:

1. Providing incentives for owners of mobile home parks to accept older mobile homes in their parks;
 2. Developing solutions to the problems encountered by owners of mobile homes with tenancy in mobile home parks who are evicted from mobile home parks and cannot comply with current codes when they attempt to move into other parks because they own older mobile homes;
 3. The feasibility and desirability of developing state-owned, low-income parks for those who cannot afford other housing; and
 4. Creating incentives for local governments and private industries to develop mobile home parks that provide spaces at reasonable rents;
- and be it further

RESOLVED, That the Legislative Commission submit a report of its findings and any recommendations for appropriate legislation to the 66th session of the Legislature.

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ABSTRACT

STUDY OF THE PROBLEMS OF OWNERS OF MOBILE HOMES WHO RENT SPACE IN MOBILE HOME PARKS

During the 1989 session, the Nevada Legislature adopted Assembly Concurrent Resolution No. 57 (File No. 181, Statutes of Nevada 1989, page 2359). This resolution directed the Legislative Commission to conduct a study of the problems of owners of mobile homes who rent space in mobile home parks. The study was to give particular attention to the problems faced by owners of older mobile homes who are evicted by park closures and are unable to place their homes in other parks because they do not comply with current codes, and to the feasibility of developing parks for low-income mobile home owners.

The Legislative Commission appointed a subcommittee to conduct the study. The subcommittee met four times, twice in Las Vegas, once in Reno, and once in Carson City. At these hearings, testimony was taken from owners of mobile homes, owners and managers of mobile home parks, local government officials, and representatives of nonprofit organizations involved in housing issues.

The subcommittee's final report includes 16 recommendations for legislative action, most of which deal with the revision of the mobile home park landlord-tenant law. The report also provides the background for each of these recommendations.

SUMMARY OF RECOMMENDATIONS

STUDY OF THE PROBLEMS OF OWNERS OF MOBILE HOMES WHO RENT SPACE IN MOBILE HOME PARKS

The Legislative Commission's Subcommittee to Study the Problems of Owners of Mobile Homes Who Rent Space in Mobile Home Parks recommends that the 66th session of the Nevada Legislature:

1. Adopt a resolution urging local governments to revise zoning restrictions and building codes to encourage the development of affordable mobile home parks for persons of low income. (BDR R-100)
2. Adopt a resolution urging Congress to restore the commercial category for tax-exempt small-issue industrial development bonds to encourage the development of mobile home parks. (BDR R-101)
3. Enact legislation increasing from 20 to 50 miles the maximum distance for which a landlord must pay the cost of moving a mobile home from a park which is to be closed, sold as individual lots or converted to another use. (BDR 10-90)
4. Enact legislation requiring a tenant of a mobile home park to secure the approval of his landlord before beginning construction of any improvement or addition to his mobile home which requires a building permit to be issued by a local government. (BDR 10-90)
5. Enact legislation allowing tenants of a mobile home park to purchase the park under certain circumstances. (BDR 10-102)
6. Enact legislation requiring managers and assistant managers of mobile home parks with 25 or more lots to complete an annual program of continuing education. (BDR 10-91)

7. Enact legislation requiring landlords to provide each tenant with a copy of any provisions of Chapter 118B of Nevada Revised Statutes which are added, amended or repealed within 90 days after the date on which the change becomes effective. (BDR 10-90)
8. Enact legislation authorizing the administrator of the Manufactured Housing Division in the Department of Commerce to impose fines for violations of laws concerning mobile home parks. (BDR 10-117)
9. Enact legislation requiring that mobile home park owners pay a \$3 annual fee on each lot within their parks rather than on each occupied lot. (BDR 10-90)
10. Enact legislation requiring the Administrator of the Division of Manufactured Housing or his representatives to furnish identification upon request during an investigation. (BDR 10-90)
11. Amend the provisions of Chapter 118B of the Nevada Revised Statutes regarding the restriction of mobile homes to tenants of certain ages to conform with amendments to the Fair Housing Act enacted by the United States Congress in 1988. (BDR 10-90)
12. Amend Chapter 118B of Nevada Revised Statutes to provide that all rent increases must apply in a uniform manner to all homes of the same size or to all lots of the same size. (BDR 10-90)
13. Enact legislation stating that a security deposit may not be held for more than 5 years and must bear interest at a rate of 5 percent per year. (BDR 10-90)
14. Enact legislation providing that if a landlord approves the placement of a mobile home on a lot in a park, and it is determined after the home is placed on the lot that the placement of the home does not conform to the terms of local ordinances relating to that placement, the landlord shall pay the cost to ensure compliance with those requirements. (BDR 10-90)

15. Enact legislation defining the circumstances under which a mobile home may be deemed to be abandoned.
(BDR 10-90)
16. Enact legislation requiring that a rental agreement for a mobile home lot include the dimensions of the lot.
(BDR 10-90)

BULLETIN 91-6

TEENAGE PREGNANCY IN NEVADA

A.C.R. 32 - 1991 Session

Interim Study

Assemblywoman Jan Evans, Chairman
Senator Virgil M. Getto, Vice Chairman
Senator Margaret E. O'Neill
Senator Dina Titus
Assemblywoman Renee L. Diamond

Principal Staff

Donald O. Williams, Principal Research Analyst
(687-6825)

Assembly Concurrent Resolution No. 32—Assemblymen Evans, Sedway, Marvel, Price, Humke, DuBois, Swain, Kerns, Arberry, Myrna Williams, Callister, Spinello, Porter, Wendell Williams, Jeffrey, Nevin, Freeman, Bogaert, Brookman, Lambert, Adler, Dini, Sheerin, Garner, Chowning, Diamond, Regan, Wisdom, McGinness and Gibbons

FILE NUMBER. 177.

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study on teenage pregnancy in this state.

WHEREAS, Teenage pregnancy rates in Nevada have been found to be among the highest in the country according to a variety of surveys conducted by governmental agencies and private foundations; and

WHEREAS, Because it is estimated that in Nevada, 144 of every 1,000 teenage girls become pregnant, the economic implications directly affect every taxpayer in the state through the Aid to Families with Dependent Children payments that are necessary to support a majority of these young women; and

WHEREAS, Along with the short-term growth in welfare payments that the teenage pregnancy problem causes, the inability of teenage mothers to complete high school and find adequate paying jobs often encourages long-term welfare dependency; and

WHEREAS, Teenage fathers are also affected by premature parenthood which often casts them into the labor force before they are adequately prepared; and

WHEREAS, In order to combat the epidemic proportions of the teenage pregnancy problem, our state must look to a variety of programs, including educational, medical, institutional and legislative approaches that will impede the dramatic rise in the teenage pregnancy rate; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study to determine methods to reduce the number of unwanted teenage pregnancies in this state; and be it further

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

1. Determining the adequacy of the educational and social services available to teenagers at risk;
 2. Recommending programs which would discourage unwanted teenage pregnancies; and
 3. Identifying potential sources of revenue which could be used to finance any recommended programs,
- and be it further

RESOLVED, That the Legislative Commission is directed to submit a report of its findings, with any recommended policies, programs and proposed legislation, to the 66th session of the Nevada Legislature.

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ABSTRACT

STUDY ON TEENAGE PREGNANCY IN NEVADA

The 1989 Nevada Legislature adopted Assembly Concurrent Resolution No. 32 (File No. 177, Statutes of Nevada 1989, pages 2355-2356) which directed the Legislative Commission to conduct an interim study on teenage pregnancy in Nevada. The Legislative Commission appointed a subcommittee composed of five legislators to carry out the study and make recommendations to the 66th session of the Legislature when it convenes in 1991.

The subcommittee held five meetings, including a work session, to obtain expert and public testimony. Two of the meetings were in Carson City, another two were in Las Vegas, and one was in Reno.

The A.C.R. 32 study focused on determining methods to reduce the number of unwanted teenage pregnancies in Nevada. The subcommittee's goal was to present the 1991 Legislature with a report of findings and proposed legislation with solutions to lower Nevada's high adolescent pregnancy rate and to assist those most affected-pregnant and parenting teenagers and their children.

The subcommittee adopted recommendations in 25 subject areas including, among other things, community coalitions on adolescent health and teenage pregnancy, educational programs, male responsibility, state coordination and expansion of adolescent health services, and welfare and support services. Some of the proposals call for legislative appropriations. The Legislative Commission's report to the 66th Nevada Legislature includes proposed legislation for implementing 12 of the recommendations from the study on teenage pregnancy.

SUMMARY OF RECOMMENDATIONS

STUDY ON TEENAGE PREGNANCY IN NEVADA

The subcommittee recommends:

COALITIONS ON ADOLESCENT HEALTH AND TEENAGE PREGNANCY

1. Community Coalitions or Task Forces: That the Legislature support the creation of community coalitions or task forces on adolescent health and teenage pregnancy in each county and/or city in the state. School personnel, service agencies and communities, as a whole, need to take a more aggressive role in addressing the problems of prevention and teen pregnancy. Coalitions on a local level need to be established involving churches, schools and private and public social service agencies. The coalitions should assess the health care needs of adolescents in their communities, particularly pregnant and parenting teens and those who are at high risk of becoming a teen parent, and develop action plans to meet the needs. These groups should develop and implement a comprehensive and multidisciplinary program of identifying and serving the health care needs of the adolescents in their communities.

STATE COORDINATION

2. Maternal and Child Health Advisory Board: That the Legislature establish, by statute, and provide appropriations for, the Maternal and Child Health Advisory Board to the Health Division of Nevada's Department of Human Resources (DHR). The advisory board shall consist of 11 members, nine of which are to be appointed by the Governor from a list of individuals suggested by the Administrator of the Health Division. The other two members must be Nevada legislators, one from the Senate and one from the Assembly, appointed by the Legislative Commission.

The purpose of the advisory board is to make decisions about the future of public maternal and child health services in Nevada, to ensure Nevadans access to quality health care at an affordable cost and to develop regionalized care systems. The duties of the board are to include developing a 10-year plan for maternal and child health care services in Nevada; evaluating policies and programs; and making policy and funding recommendations to the State Board of Health and the Administrator of the Health Division. (BDR 40-401)

3. Adolescent Health Coordinator: That the Legislature approve the necessary funding to establish, in fiscal year 1991-1992, and continuing in subsequent years, the position of Adolescent Health Coordinator in the Health Division and to provide staff and operating expenses to support the position.

One duty of the Adolescent Health Coordinator is to assist in the establishment of local community coalitions or task forces on adolescent health and teenage pregnancy. Another duty of the Adolescent Health Coordinator is to establish a statewide coalition similar to the Healthy Mothers/Healthy Babies or Maternal/Child Coalitions to address issues of reducing unintended pregnancies and improve pregnancy outcomes in Nevada. Members of the statewide coalition should include agencies, groups, and individuals from the areas of business, church, education, government, medicine and media who are concerned with the program mission. A steering committee will represent the state with community coalitions or task forces operating at the local levels. The coalition should provide informational pamphlets and posters in public areas, and train and coordinate speakers to address church, community, parent, school and other groups.

The Adolescent Health Coordinator should be responsible for providing technical assistance to state and local coalitions or task forces on adolescent health and

teenage pregnancy and coordinating statewide efforts to increase and improve adolescent health services in Nevada.

The Adolescent Health Coordinator should develop and implement a long-term, high-quality, statewide, media campaign that will focus on the priority and value of early and regular prenatal care; prevention of unintended pregnancy through abstinence or effective contraception; sexually transmitted disease (STD) and human immunodeficiency virus (HIV) prevention; male responsibility; avoidance of risk behaviors; and promotion of an information and referral hotline.

The coordinator also should be responsible for publishing and annually updating a resource directory describing adolescent, infant and pregnancy health care services. The directory should be distributed to all agencies working with the adolescent population, and the coordinator should ensure that services can easily be found listed under several headings in the state's telephone directories.

Furthermore, the Adolescent Health Coordinator should be responsible for the operation and staffing 24 hours a day of a statewide, toll-free "hotline" providing information and referral for family planning, prenatal and infant care and other adolescent health concerns.

In addition, the coordinator should develop and/or purchase educational materials (brochures, videos and posters) targeted at the adolescent population. The information should be distributed to private and public organizations throughout Nevada. (BDR 40-400)

HEALTH SERVICES

4. Community-Based Adolescent Health Clinics: That the Legislature direct, by resolution, the Health Division to work with local communities to determine potential demonstration sites for community-based adolescent health clinics and make recommendations to the Nevada

Legislature's Interim Finance Committee in fiscal year 1992-1993. (BDR R-399)

5. Community Health Nurses: That the Legislature approve funding to expand the Health Division's Community Health Nursing staff to increase services by doing outreach to the adolescent population. Additional nursing staff should be provided to increase services in Carson City, Churchill, Elko, Humboldt and Lander counties. The Community Health Nurses should expand services to include, among other things, family planning, well child care examinations, prenatal and post-partum care. Prenatal and postnatal home visits and early parenting programs would be provided. The Community Health Nurses would serve as resource staff for school nurses and family life and sexuality teachers in their respective school districts.
6. Adolescent Nurse Specialist: That the Legislature approve funding to establish the position of Adolescent Nurse Specialist at the Health Division. This position would provide technical assistance and training to Community Health Nurses, school nurses, staff of community-based adolescent health clinics and other health care providers on prevention/intervention techniques appropriate for adolescents, including contraceptive counseling and prenatal care.
7. Perinatal Care System: That the Legislature provide adequate support for a perinatal care (preconception through the first year of the infant's life) system in Nevada, and for a maternal and child surveillance system for ongoing data collection and analysis to identify the high-risk population, and to plan prevention strategies. The State Board of Health should be urged to approve standards for perinatal care facilities.

The Health Division should develop guidelines/standards for perinatal care which are at least on a par with national standards. In addition, the division should plan and implement regionalized perinatal care systems.

It also should develop and distribute uniform risk screening tools, patient record forms, and care content checklists for perinatal care. Furthermore, the division should ensure availability of risk screening tools to all personnel who may have contact with teens at risk for unintended pregnancy.

8. Women, Infants and Children (WIC) Program: That the Legislature approve \$300,000 per year in state funds to increase the number of pregnant teenagers and other pregnant women who can receive WIC benefits related to nutrition and other programs. The funds should be targeted to the areas of the state with the greatest need. Fifty-one percent of all potentially eligible persons in Nevada are not served by WIC. The Nevada WIC Program is funded through a grant to the state from the United States Department of Agriculture, Food and Nutrition Service. No state funds are currently used in the program. The services provided by WIC should be accessible and coordinated with other services to pregnant and parenting teens. Outreach to the teen population should be increased, and education should be offered even if food supplement funding is unavailable. (BDR S-397)

That the Legislature urge, by resolution, the Congress of the United States to increase federal funding to the WIC program. (BDR R-398)

EDUCATION

9. Family Life and Sexuality Education: That the Legislature urge, by resolution, the State Board of Education to continue providing family life and sexuality education suggested courses of study for public school grades kindergarten through 12 (K-12), and that the board move toward incorporating sexuality education and related topics under the broader subject of family life education.

Family life education may be defined as instruction to develop an understanding of the physical, mental,

emotional, social, economic, and psychological aspects of interpersonal relationships; the psychological and cultural foundations of human development, sexuality, and reproduction, at various stages of growth; the opportunity for pupils to acquire knowledge which will support the development of responsible personal behavior, strengthen their own family life now, and aid in establishing strong family life for themselves in the future, thereby contributing to the enrichment of the community.

That the Legislature declare its intent that family life and sexuality education should be provided to all pupils enrolled in each grade (K-12) in Nevada public schools, and that these subjects may be taught only by teachers or other school personnel who are specially trained in family life and sexuality education.

Each school district should have in place age appropriate curricula that includes modules on abstinence; male responsibility; pregnancy, childbirth, and parenting; pregnancy prevention; safe sex; self-esteem, decisionmaking and communication relevant to family life and sexuality; sexually transmitted diseases and human immunodeficiency virus; and substance use/abuse.

The State Department of Education and the school districts are directed to report to the 1993 Legislature on the current family life and sexuality education programs in place in each school district and each district's plans to fully implement comprehensive programs within 10 years. In addition, the report to the 1993 Legislature should include information on proposed guidelines for the necessary training and instructional materials for the teachers and other school personnel who teach these subjects. (BDR R-396)

The Legislature should consider providing funding to assist the State Department of Education and the local school districts in curriculum development, personnel and operational costs, particularly at the local level.

If necessary, additional funding should be provided to allow each district to provide family life and sexuality education to English as a Second Language (ESL) classes, adult education classes, alternative classes and special education classes.

The school districts should report to the 1991 Legislature on their cost estimates to provide family life and sexuality education to the aforementioned special pupil populations and all pupils.

10. Parenting Education: That the Legislature direct the State Department of Education to work with other state agencies, educational professions, social service agencies and community organizations to encourage and provide parenting education, particularly programs that teach parents and adolescents how to communicate about sexuality, pregnancy and contraception. The department should study the feasibility of developing a program that provides economic/monetary rewards to parents who participate in parenting classes. (BDR R-395)

11. School Nurses: That the Legislature declare that its goal is to make certain that school nursing hours and services are adequately increased in each grade (K-12) in all public schools. The school nurse should be recognized and appropriately supported as the first line health care provider for pupils.

That the Legislature direct the State Department of Education to develop and submit a plan to the 1991 Legislature on state and local priorities and related criteria to increase school nursing services in Nevada's public schools.

12. School Services for Pregnant and Parenting Teens: That the Legislature direct the State Board of Education and the local school districts to examine their current policies and programs that serve to prevent pregnant and parenting teenagers from dropping out of school and that attempt to attract such pupils back to school to finish their education. The board and the districts

should report to the 1993 Legislature on their current policies and programs, and plans to implement or expand such programs within 10 years.

The board and the school districts should be encouraged to develop, implement and expand alternative programs such as those offered for pregnant and parenting teens at Sunset High School in Las Vegas and at Washoe High School's Cyesis Program in Reno. The schools and their Parent Teacher Associations (PTA's) should work with local community organizations in providing these pupils with health care and adequate support services, such as child care, family counseling, transportation and employment counseling, training and placement. The State Department of Education should work to increase federal funding for occupational education programs to expand opportunities for early work experience, career planning and enhancing life options. (BDR R-394)

13. Office of Comprehensive Health Education: That the Legislature make provision for the continuance of the Office of Comprehensive Health Education in the State Department of Education. The office is currently funded only with federal funds from the Center for Disease Control, but these funds may not be available after 1991.
14. Adoption and Child Support Education: That the Legislature urge the State Board of Education and the local school districts to provide pupils with information on adoption as an alternative to parenting, adoption services available in Nevada, financial responsibilities of raising a child (including a father's responsibility), and the services offered by the Child Support Enforcement Program of Nevada's Welfare Division. The State Department of Education and/or the districts should provide teachers with information and training on these topics. (BDR R-393)
15. Preschool Programs: That the Legislature urge the State Board of Education and the local school districts to work with state and local social service agencies in

implementing or expanding preschool programs such as the Early Prevention of School Failure (EPSF) Program, Arkansas' Home Instruction Program for Preschool Youngsters (HIPPY) and Missouri's Parents as Teachers Program. The Legislature recognizes the need to reach at-risk children with early prevention and education programs that focus on parental involvement and responsibility in the educational process.

WELFARE AND SUPPORT SERVICES

16. Welfare Division's Health Services:

a. That the Legislature consider expanding the Nevada Medicaid Program by providing that:

- (1) Medicaid track teen pregnancy outcomes by the month the prenatal care started, number of prenatal visits, maternal risk factor identified at time of delivery, and child's Apgar score (assessment of a newborn infant's health).
- (2) Medicaid explore reimbursing for health education, nutritional counseling and case management service as they relate to the Maternal Obstetrical Management Services (MOMS) program.
- (3) Medicaid reimburse transportation costs to non-Medicaid covered medically necessary services; that is, Women, Infant and Children (WIC) and outpatient drug counseling appointments.
- (4) Medicaid expand obstetric care providers by monitoring reimbursement rates and keeping the rates competitive. (BDR R-392)
- (5) The MOMS program be expanded to additional areas in the state to serve teens and improve pregnancy outcomes. Identification of

medical, social, educational and/or other services as appropriate should be arranged and coordinated.

(6) Medicaid prepay obstetric providers at time of initial service, preventing a break in prenatal or postnatal care should a pregnant mother lose Medicaid eligibility prior to birth. This ensures that mother and child receive proper medical care throughout the pregnancy.

(7) Medicaid develop and provide multimedia outreach programs designed to inform the public of Medicaid benefits.

b. The Legislature should establish a 100 percent, state-funded, pregnancy health care program for adolescents. The State Welfare Board shall establish income guidelines and eligibility criteria to assist financially needy, pregnant adolescents deemed ineligible for Medicaid services and unable to receive proper prenatal care.

The Legislature should provide state appropriations for this program, not to exceed \$100,000 per year. The Welfare Division is directed to include this program in its biennial budget. (BDR 38-402)

c. In addition, the Legislature should consider providing additional funding to expand the Child Health Assurance Program (CHAP) to 185 percent of poverty from the current level of 133 percent of poverty.

d. Furthermore, the Legislature should consider:

(1) Implementing an expedited eligibility program for pregnant women; and

(2) Expanding eligibility to include a medically needy program which would assist pregnant

women who have income beyond Aid to Dependent Children (ADC) limits with prenatal and postnatal care expenses.

17. Welfare Division's Social Services (Support Services): That the Legislature direct the Welfare Division's Social Services Program to work with other agencies to provide programs for pregnant and/or parenting teens who are in the welfare system and to provide transportation to medical sites or other necessary services. Federal Title XX money should be used as a funding source for day care services to help students complete high school and for emancipation homes.

The Welfare Division's Social Services Program should work with the Department of Human Resources' Committee for the Protection of Children to encourage the committee to award money from the Children's Trust Account to fund more programs dealing with adolescent pregnancy and teen parenting.

OTHER CONCERNS

18. Child Care: That the Legislature support private and public programs to provide school-based or near-school child care programs as part of school dropout reduction efforts for pregnant teenagers. Furthermore, school districts should be required to establish specific outreach programs to provide on-site or near-site child care for children of pupils completing their high school education.
19. Homes/Shelters for Teens: That the Legislature encourage state and local agencies to establish shelters for pregnant and parenting teenagers.
20. Male Responsibility: That the Legislature urge community organizations, schools, social service agencies, and community coalitions or task forces on adolescent health and teenage pregnancy to create programs that are specifically aimed at adolescent males and teenage fathers. Furthermore, all private

and public programs dealing with adolescent health or teenage pregnancy should include a component on male responsibility. (BDR R-403)

21. Media Campaigns: That the Legislature support statewide and local multimedia programs concerning teenage pregnancy prevention. The programs should be aimed at both adolescents and their parents. The programs should emphasize the prevention of unintended pregnancy through abstinence or effective contraception; sexually transmitted disease and human immunodeficiency virus prevention; male responsibility; and avoidance of risk behaviors.
22. Peer Counseling: That the Legislature urge community organizations, schools, social service agencies and community coalitions or task forces on adolescent health and teenage pregnancy to encourage the use of other teenagers as peers to provide information and counseling in adolescent health and teenage pregnancy programs, particularly in family life and sexuality education.
23. Program Evaluation: That the Legislature encourage all private and public agencies providing adolescent health care or teenage pregnancy services to develop program evaluations to determine the success of their programs. The evaluations should provide information on program effectiveness, accomplishment of objectives, problems and solutions, cost and implications for future activities. The results of the evaluations should be available to the public and should be distributed to statewide and community coalitions or task forces on adolescent health and teenage pregnancy.
24. School Social Workers: That the Legislature urge school districts to employ school social workers to provide casework or coordination of educational, health and social services to pregnant and parenting teenagers and other pupils who have, or are at high risk of, adolescent health problems. The school social workers should provide services to all levels of education in

grades K-12, particularly in schools with a high percentage of pupils from low socioeconomic families.

25. Volunteerism: That the Legislature urge all Nevadans to volunteer to provide mentor or peer counseling, tutoring, transportation and support for established private and public programs that assist pregnant and parenting teenagers. The community coalitions or task forces on adolescent health and teenage pregnancy should work with local groups, such as the Junior League and the Parent Teachers Association, in recruiting volunteers to participate in providing services to needy adolescents.

BULLETIN 91-7

REVIEW OF CERTAIN LAWS AND REGULATIONS RELATING
TO TRANSPORTATION, INCLUDING A REVIEW OF THE
REGULATION OF MOTOR CARRIERS

A.C.R. 91 - Session 1991

Interim Study

Assemblyman Val Z. Garner, Chairman
Senator Thomas J. Hickey, Vice Chairman
Senator Dean A. Rhoads
Assemblyman John C. Carpenter
Assemblyman Leonard V. Nevin

Principal Staff

Caren Jenkins, Senior Research Analyst
(687-6825)

Assembly Concurrent Resolution No. 91—Committee on Transportation

FILE NUMBER 184

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to study and review certain laws and regulations relating to transportation.

WHEREAS, The regulation of motor carriers is essential to the economy of Nevada and the welfare of its residents; and

WHEREAS, Many of our residents have expressed their concern and dissatisfaction, at public hearings conducted by various committees of the 65th session of the Nevada Legislature, with the manner and efficacy of the regulation of motor carriers by the Public Service Commission of Nevada; and

WHEREAS, In partial response to this public concern and dissatisfaction, the Nevada Legislature has amended the authority of the Public Service Commission of Nevada to regulate motor carriers through the enactment of chapter 202, Statutes of Nevada 1989; and

WHEREAS, A study and review of the manner in which the Public Service Commission of Nevada regulates motor carriers in this state, and the efficacy of that regulation, would provide the Nevada Legislature with invaluable assistance in its determination of whether further statutory amendment is necessary to protect adequately the economy of this state and the welfare of its residents; and

WHEREAS, Recent litigation resulted in an extensive revision of the method of taxing and registering motor carriers in the State of Nevada; and

WHEREAS, The passage of Assembly Bill No. 943 of this session made several related statutory changes; and

WHEREAS, It would be prudent to monitor the effect of these changes on the generation and collection of revenue and the enforcement of the related laws; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct a comprehensive study of the laws relating to transportation, including without limitation, the effect of the changes made by Assembly Bill No. 943 and any related matters, including, the feasibility of establishing designated ports of entry and a review of the manner and efficacy of the regulation of motor carriers by the Public Service Commission of Nevada; and be it further

RESOLVED, That the results of the study and review and any recommended legislation be submitted to the 66th session of the Nevada Legislature.

ABSTRACT

STUDY AND REVIEW OF CERTAIN LAWS AND REGULATIONS RELATING TO TRANSPORTATION, INCLUDING A REVIEW OF THE REGULATION OF MOTOR CARRIERS

The 65th session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 91 (File No. 184, Statutes of Nevada 1989, pages 2362-2363) which directed the Legislative Commission to conduct a comprehensive study of Nevada's laws relating to transportation. The resolution specified a review of: (1) the effect of changes made by Assembly Bill 943 of the 1989 legislative session (Chapter 622, Statutes of Nevada 1989, pages 1410-1425); (2) the feasibility of establishing designated ports of entry; and (3) the manner and efficacy of motor carrier regulation by the Public Service Commission of Nevada.

The subcommittee which conducted the study held a total of five meetings in Carson City, Elko, Las Vegas, and Reno, Nevada. Members of the subcommittee also participated in a factfinding tour of Woodburn, Oregon, to investigate the manner in which that state is managing its ports of entry and motor carrier regulation. The subcommittee solicited and encouraged public input at all of its meetings.

During the course of the study, the subcommittee:

- Recognized the complex interaction of many divisions of state government regarding transportation issues, and analyzed the process by which motor carriers must interact with related state agencies.
- Discussed ways to: (1) facilitate motor carrier compliance with federal and state laws and regulations; (2) improve the state's "customer service" approach; and (3) reduce motor carrier evasion of registration, safety inspections, special permits and taxes.
- Developed a total of seven recommendations to address the issues specified in A.C.R. 91.

SUMMARY OF RECOMMENDATIONS

STUDY AND REVIEW OF CERTAIN LAWS AND REGULATIONS RELATING TO TRANSPORTATION, INCLUDING A REVIEW OF THE REGULATION OF MOTOR CARRIERS

Following is a list of the recommendations to the 66th session

of the Nevada Legislature by the Legislative Commission's Sub-committee to Study and Review Certain Laws and Regulations Relating to Transportation, Including a Review of the Regulation of Motor Carriers.

1. Urge the Senate and Assembly Committees on Transportation to review data regarding motor carrier registration fees collected since the implementation of Assembly Bill 943 (Chapter 622, Statutes of Nevada 1989, pages 1410-1425) in April 1991, and, if the data shows it to be appropriate, to adopt legislation to correct any inequality between the fees levied against interstate and intrastate motor carriers.
2. Direct, by resolution, Nevada's Department of Transportation, and/or other appropriate agencies, to provide to the Senate and Assembly Committees on Transportation, during the 66th session of the Nevada Legislature, the results of a cost/benefit analysis and other justifications for ports of entry prior to the construction of these facilities in the State of Nevada. (BDR R-178)
3. Encourage, by resolution, Nevada's Department of Motor Vehicles and Public Safety to evaluate the cost-effectiveness of performing in-state and out-of-state audits of the records of motor carriers and, if found to be appropriate, to increase the number of these reviews. (BDR R-179)
4. Direct, by resolution, the Nevada Highway Patrol Division of Nevada's Department of Motor Vehicles and Public Safety (DMV&PS) to promote the availability of

vehicle safety inspections by appointment, at the motor carriers' convenience, as scheduling permits. Further, encourage the division to consider expanding its use of civilian inspectors to complement sworn officers for vehicle safety inspections on private property. The civilian inspectors should be required to meet certain criteria (e.g., ability, knowledge and skills) established by the DMV&PS. (BDR R-180)

5. Direct, by resolution, Nevada's Department of Motor Vehicles and Public Safety to evaluate the adequacy of existing penalties against motor carriers found to be operating unlawfully in Nevada and to report the results to the Senate and Assembly Committees on Transportation during the 66th session of the Nevada Legislature. (BDR R-181)
6. Direct, by resolution, the Public Service Commission of Nevada to address the concerns which have been expressed by the subcommittee members and the public during this study and report its activities to the Senate and Assembly Committees on Transportation at the beginning of the 66th session of the Nevada Legislature. (BDR R-182)
7. Urge representatives of Nevada's Department of Motor Vehicles and Public Safety and motor carrier industry to: (1) review the current fee structure for permits to transport hazardous materials in the state; (2) examine the possibility of other entities assisting in the funding of the hazardous materials program; and (3) report their findings to the Senate and Assembly Committees on Transportation during the 1991 legislative session.

BULLETIN 91-8

WATER AND WASTE WATER RESOURCES

IN NEVADA

S.C.R. 24 - 1991 Session

Interim Study

Assemblyman Joseph E. Dini, Jr., Chairman

Southern (Clark County)

Assemblyman Danny L. Thompson, Vice Chairman
Senator Raymond C. Shaffer
Senator R. Hal Smith
Assemblyman Jim Schofield

Northern (Washoe County)

Senator Erik Beyer, Vice Chairman
Senator Virgil M. Getto
Assemblyman James Gibbons

Rural

Assemblyman John W. Marvel, Vice Chairman
Assemblyman Ernest E. Adler
Assemblyman Joseph E. Dini, Jr.

Principal Staff

Fred Welden, Chief Deputy Research Director
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Senate Concurrent Resolution No. 24—Senators Smith, Getto, Rawson, O'Connell, Beyer, Coffin, Hickey, Horn, Jacobsen, Joerg, Malone, Mello, Neal, O'Donnell, Raggio, Rhoads, Shaffer, Titus, Townsend, Vergiels and Wagner

FILE NUMBER. 192.

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the laws, regulations and policies relating to water and waste water resources of this state.

WHEREAS, The effective use of the water and waste water resources in this state are essential for the state's continued growth and prosperity; and

WHEREAS, The demand for water in this state continues to grow each year; and

WHEREAS, Many parts of the state have experienced severe drought conditions for several years; and

WHEREAS, The neighboring state of California has experienced similar growth in population and depletion of its water resources; and

WHEREAS, The State of Nevada and the State of California should develop long-term comprehensive plans for the use and conservation of water; and

WHEREAS, The laws and regulations concerning the state's water and waste water resources have been revised for many years without a comprehensive review of the policies concerning those revisions; and

WHEREAS, The need for a comprehensive study of the laws, regulations and policies concerning water and waste water resources becomes more important as the state continues to grow; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to conduct a comprehensive study of the laws, regulations and policies relating to water and waste water resources of this state; and be it further

RESOLVED, That the legislative commission is hereby directed to appoint three advisory committees with members from both the public and private sectors to provide information and make recommendations on issues concerning water which affect Clark County, Washoe County and the other areas of the state; and be it further

RESOLVED, That the legislative commission is hereby directed to appoint the members of the study and designate one member as chairman and three members to serve as vice chairmen, each of whom must be assigned to chair one of the advisory committees appointed by the commission pursuant to this resolution; and be it further

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

1. An assessment of the water resources of this state, including a determination of the per capita consumption of water resources in the various areas of the state;

2. An evaluation of the policies of this state concerning water, including an assessment of the state and local programs for the conservation of water and waste water resources in this state;

3. The feasibility of interbasin and interregional transfer or exchange of water and waste water resources within this state and between this state and other states;

4. An evaluation of the intergovernmental cooperation concerning the treatment, delivery and allocation of water and waste water resources of this state;

5. An analysis of the available methods used by the state, local governments and private suppliers to balance the supply and demand for water in this state;

6. The planning and development of water resources and an analysis of the available methods for balancing the supply and demand for water in this state; and

7. Proposals for the storage of water;
and be it further

RESOLVED, That the Legislative Commission report the results of its study and any recommended legislation to the 66th session of the Nevada Legislature.

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ABSTRACT

WATER AND WASTE WATER RESOURCES IN NEVADA

The 1989 Nevada Legislature adopted Senate Concurrent Resolution No. 24 (File No. 192, Statutes of Nevada 1989, pages 2369-2371) which directed the Legislative Commission to conduct a comprehensive study of the laws, regulations and policies relating to water and waste water resources in Nevada.

The Legislative Commission appointed a subcommittee consisting of 10 legislators to compile the study. Three technical advisory committees with members from the public and private sectors were also appointed to provide information and recommendations on issues which affect Clark County, Washoe County and the rural portions of the state, respectively.

A total of 14 hearings were held in association with the study. Each technical advisory committee participated in four hearings within its local area, and the legislative subcommittee met twice. The subcommittee adopted 45 recommendations addressing issues in the following topical areas:

1. Management of interstate ground water basins (one recommendation);
2. Additional sources of water/balance of supply and demand (nine recommendations);
3. Water quality and waste water management generally (five recommendations);
4. Regulation of individual domestic wells and septic tanks (three recommendations);
5. Implementation of the federal Safe Drinking Water Act (fourteen recommendations);

6. Cumulative impacts of proposed actions on the Truckee River System (three recommendations);
7. Ditches in the Truckee Meadows (one recommendation);
8. Regional efforts to improve water and waste water services (one recommendation);
9. Wetlands designations (one recommendation);
10. Role of the State's Division of Water Planning (four recommendations); and
11. Review of state water laws and programs generally (three recommendations).

The final report of the subcommittee contains short histories of Western and Nevada water law, a summary of current Nevada water laws and procedures, and discussions of each recommendation individually.

SUMMARY OF RECOMMENDATIONS

WATER AND WASTE WATER RESOURCES IN NEVADA

The following recommendations have been approved by the Subcommittee to Study Water and Waste Water Resources in Nevada for submittal to the Legislative Commission:

I. MANAGEMENT OF INTERSTATE GROUND WATER BASINS

1. Authorize the Director of the State Department of Conservation and Natural Resources and the State Engineer to enter into agreements with neighboring states or their political subdivisions concerning cooperative management of ground water basins shared between the states. Include a policy statement indicating that it is the policy of the State of Nevada to encourage and support interstate cooperation in the management of shared ground water basins if the adjoining state has an entity that is capable of managing the water resource adequately. (BDR 48-325)

II. ADDITIONAL SOURCES OF WATER/BALANCE OF SUPPLY AND DEMAND

A. Deep Carbonate Aquifers

2. Include in the final report a statement expressing support for the field testing (stressing) of the carbonate aquifers through development and pumping of wells in order to gather specific information concerning the carbonate aquifers' hydrologic dynamics and the effects of pumping on the alluvial and volcanic aquifers. (The regional systems are comprised of the carbonate, alluvial and volcanic aquifers.)
3. Include in the final report a statement acknowledging the values associated with and

expressing support for additional research to determine the extent and hydrologic characteristics of the regional carbonate aquifers. (The original study was designed as a three-phase project. Only the first phase covering southern Nevada was completed.)

B. Transfers of Water - Interstate Transfers

4. Include in the final report a statement encouraging the State of Nevada (through its various agencies) to be proactive in seeking additional water for interstate transport into the state to meet the needs of its citizens.
5. Include in the final report a statement encouraging the Colorado River Commission to continue to be proactive in seeking amendments to the "Law of the River" which could benefit the State of Nevada.

C. Transfers of Water - Relevant Additional Studies

6. Appropriate \$200,000 to the State Department of Conservation and Natural Resources to finance thorough examinations of the water resource potentials of undeveloped and partially developed basins in the state. (BDR S-326)

D. Conservation

7. Direct each county, city, district which supplies water, and private water company regulated by the Public Service Commission of Nevada (PSCN) to adopt a water conservation plan by July 1, 1992, based on its respective climate and living conditions. (BDR 58-327)
8. Include in the final report a request that the State's Division of Water Planning review the existing statutory requirements relative to water conservation, as well as applicable standards which are generally accepted nationally, and provide this

information and any relevant recommendations to the 1991 session of the Legislature.

9. Direct the PSCN to consider, in addition to the "least-cost" option, the public values associated with possible savings of water in making decisions about the types of construction or expansion of power generation plants to be approved. (BDR 58-327)
10. Direct, by resolution, the Director of the State Department of Conservation and Natural Resources to study and develop a program whereby "credit" for water saved through conservation efforts may be granted to the water right holders associated with the efforts. (BDR R-328)

III. WATER QUALITY AND WASTE WATER MANAGEMENT GENERALLY

A. Administrative Responsibilities and Coordination

11. Direct, by resolution, the state's Health Division and Division of Environmental Protection to take such steps as are necessary, including entering into interagency agreements, to avoid duplication of effort and review regarding water quality and waste water management. (BDR R-329)

B. Water Quality Monitoring

12. Express support, by resolution, for additional staff positions and an increase in operating budget in the Division of Environmental Protection for statewide water quality monitoring activities, and urge the State Environmental Commission to increase the related permit processing and annual service fees in order to finance the additional staff and operating budget. (BDR R-330)
13. Express support, by resolution, for establishment of a joint office of the Division of Environmental

Protection and the Division of Water Resources in Clark County, and urge the divisions to provide funds for the commensurate increases in staff positions and operating expenses through increases in fees and assessments. (BDR R-331)

C. Appropriation of Effluent and Artificial Recharge

14. Provide, by statute, that the State Engineer has sole authority for permitting:

- a. Effluent appropriations; and
- b. Injection of Colorado River waters that ultimately mix with natural ground waters and are subject to appropriation under the recharge recovery permit process. (BDR 48-332)

D. Reuse of Effluent

15. Adopt, by statute, a policy statement which expresses support for and promotes the use and reuse of effluent, where appropriate. (BDR 48-332)

IV. REGULATION OF INDIVIDUAL DOMESTIC WELLS
AND SEPTIC TANKS

16. Amend Nevada Revised Statutes (NRS) 278.462 relative to requirements which may be imposed upon parcel maps by local governments by authorizing the local governments to require water quality, water supply and sewerage provisions as are reasonably necessary. (Transfer these items from Subsection 2 to Subsection 1 of NRS 278.462). (BDR 22-334)

17. Require approval of the state's Health Division (or a local agency acting on its behalf), the Division of Environmental Protection, and the Division of Water Resources (as currently required for subdivisions pursuant to NRS 278.377) for parcel maps not within the service area of a water system created as a general improvement district, owned or

created by a county or city, or regulated by the PSCN. (BDR 22-335)

18. Direct the Division of Water Resources to adopt regulations by July 1, 1992, establishing the water right credit to which a public water system (as defined in NRS 445.376) is entitled when a customer is added to the system and thereby ceases to use a domestic well which pumped water from the same basin which supplies water to the system. Provide that the State Engineer may require "plugging" of the domestic wells in these situations. (BDR 48-333)

V. IMPLEMENTATION OF THE FEDERAL
SAFE DRINKING WATER ACT

A. Maintaining "Primacy" at the State Level and
Administration of the Program

19. Enact legislation containing the following elements:

a. "Whereas clauses" which:

- Refer to enactment of the federal Safe Drinking Water Act.
- Highlight the ability of the state to retain primary enforcement authority (primacy) for the Public Water System Supervision Program which is authorized under the federal act.
- Explain that retaining primacy allows the state to act with a degree of discretion in establishing water quality monitoring schedules, approving variances and exemptions, and conducting other activities allowed under the federal act.
- Point out the need for the state to provide technical assistance to water suppliers and

laboratory facilities for use within the state.

- Acknowledge the need for continuing support of the state program.
 - State that safe drinking water is important to the health of all Nevada citizens and the visitors to the state.
- b. A policy statement expressing the Legislature's conclusion that primacy for the Public Water System Supervision Program should remain at the state level and that Nevada's program should include provisions for technical assistance to water suppliers and laboratory facilities for use within the state. (BDR R-336)
20. Include in the final report a statement expressing support for:
- a. An appropriation of \$263,500 to Nevada's Health Division for fiscal year 1992-1993 for partial payment of staffing and operational expenses. (The remainder of the costs are to be paid through fees.)
 - b. A one-time appropriation of \$460,000 for laboratory equipment for fiscal year 1991-1992.
 - c. A one-time appropriation for facility expansion at the Nevada State Health Laboratory. (Expansion of the facility has been recommended to the State Public Works Board for inclusion in its 1991-1993 biennial budget.)
21. Send a letter to the Nevada Legislature's Interim Finance Committee expressing support for the Health Division's proposal to:
- a. Increase fees to generate approximately \$300,000 for fiscal year 1990-1991 to finance

maintenance of primacy for the safe drinking water program at the state level and administer the program; and

- b. Increase the staff in Nevada's Health Division and local health districts by six positions for the same purpose.

B. Financial Assistance for Small Water Systems

22. Urge, by resolution, the United States Congress and the President:

- a. To enact legislation which provides financial support for small water systems in meeting the requirements of the federal Safe Drinking Water Act; and
- b. To provide additional funds through existing programs such as Community Development Block Grants and Section 501 of Title V of the Federal Disaster Assistance Act of 1989.

Refer to the various legislative proposals being considered by Congress relative to this topic. (BDR R-337)

23. Establish a matching grant program administered by the State Board to Finance Water Projects to provide, at the board's discretion, financial assistance for capital improvements required of noninvestor-owned community and nontransient public water systems which are in existence at the time of passage and approval of the legislative act.

- a. Direct the board to give preference to small water companies in distributing funds through the program.
- b. Direct the board to adopt regulations establishing a sliding scale from 75 percent to 15 percent matching requirements based upon

average household income, demonstration of economic hardship, imminent risk to public health, and other relevant factors.

- c. Provide that grants may include costs associated with consolidation or regionalization of systems, and may include costs associated with the transfer and connection of an investor-owned system to a noninvestor-owned system.
 - d. Authorize issuance of \$25 million in state general obligation bonds to furnish funds for the program, and provide that the bonds are to be repaid through property taxes. (BDR S-338)
24. Establish, if constitutional, a revolving loan fund administered by the State Board to Finance Water Projects to provide, at the board's discretion, low-interest loans for capital improvements required of community water systems.
- a. Direct the board to give preference to small water companies in approving loans through the fund.
 - b. Specify that the money obtained through such a loan cannot be used as the local matching portion in order to obtain a grant through the state grant program.
 - c. Authorize the State Board to Finance Water Projects to administer any federal funds which are made available for this type of program.
 - d. Authorize issuance of \$100 million in state general obligation bonds to furnish funds for the program, and provide that the bonds are to be repaid as appropriate for the program.

- e. Amend Section 9 of Article 8 of the Constitution of the State of Nevada to provide that:

Sec: 9. The State shall not donate or loan money, or its credit, subscribe to or be, interested in the Stock of any company, association, or corporation, except for a public purpose or to corporations formed for educational or charitable purposes. (BDR S-339 and BDR C-340)

- 25. Appoint the Administrator of Nevada's Health Division, or his/her designee, as a nonvoting advisory member of the State Board to Finance Water Projects; and direct the board to request the comments and recommendations of the Health Division when reviewing applications relating to drinking water. (BDR 30-341)

C. Other Related Recommendations

- 26. Require that the operators of community water systems which are designated surface water systems or community water systems serving 100 or more persons must be certified through a program administered by Nevada's Health Division.
 - a. Define "operator" as the person in charge, on a day-to-day basis, of the operation of the water system.
 - b. Specify that a certified operator does not necessarily have to be on site at the water system.
 - c. Specify that a certified operator may operate more than one system.
 - d. Establish an advisory board appointed by the Governor and consisting of one member who has at least three years of experience as an

operator of a public water system, one member who is an operator of a public water system certified at the highest level, one member who represents a municipality which employs an operator, and one member who represents an area with a population of less than 5,000 people which is served by a public water system. Specify that the duty of the board is to advise the Health Division concerning the procedures used in the certification process, but it does not have any responsibilities relative to the certification of specific operators.
(BDR 40-342)

27. Modify the provisions of NRS 445.2521 through NRS 445.2529 concerning package sewer treatment plants to be applicable to approval of new water systems other than public utilities and systems owned by public utilities. (BDR 40-343)
28. Urge, by resolution, counties and cities to establish "well-head protection zones" to protect the quality of community drinking water sources through their planning and zoning powers as provided in NRS 278.020, NRS 278.150, NRS 278.160, and NRS 278.250.
 - a. Refer to the federal Safe Drinking Water Act which requires monitoring of the quality of drinking water sources.
 - b. Highlight that the Safe Drinking Water Act also allows the designated state agency (Nevada's Division of Environmental Protection) to modify the frequency of required monitoring based upon assessments of the sources' vulnerability to pollution.
 - c. State that establishment of "well-head protection zones" may be considered in determining the vulnerability of water sources to pollution and thus may be considered as

factors in determining the frequency of required monitoring activities. (BDR R-344)

29. Add willful violation of a regulation adopted by the State Board of Health pursuant to NRS 445.381 to the list of violations for which a water supplier is subject to a civil penalty of not more than \$5,000 per day as provided in NRS 445.397; and authorize the State Board of Health to impose an additional administrative fine of not more than \$5,000 per day for the willful violations listed in NRS 445.397. (BDR 40-345)
30. Include in the final report an expression of the subcommittee's support for the concept of appropriating money to Nevada's Health Division to prepare an inventory of the quality of Nevada's 440 community public water systems (a cooperative project with the United States Geological Survey).
31. Make a one-time appropriation of \$300,000 to Nevada's Health Division to prepare an inventory of the quality of Nevada's 440 community public water systems (a cooperative project with the United States Geological Survey), including an assessment of the projected needs of the systems to comply with the requirements of the federal Safe Drinking Water Act. (BDR S-346)
32. Specify that no supplier of water or sewer services which is subject to regulation by the PSCN may dispose of or encumber any of its property which is necessary or useful in the performance of its duties to the public without first securing from the PSCN an order authorizing it to do so; and declare that any such action made other than in accordance with the order is void. (BDR 58-347)

VI. CUMULATIVE IMPACTS OF PROPOSED ACTIONS ON THE
TRUCKEE RIVER SYSTEM

33. Express, by resolution, the Legislative Subcommittee's support for a negotiated settlement of issues associated with the Truckee and Carson River systems. (BDR R-348)
34. Include in the report a statement expressing support for the objectives, efforts and achievements associated with legislation being considered by the U.S. Congress relative to a negotiated settlement of the issues associated with the Truckee and Carson River systems, but also highlighting the following points recommended for inclusion in the bill:
 - a. Specify that any proposals to change the point-of-diversion or point-of-use of water in the Truckee River System (regardless of the ownership of the water rights) are subject to approval or denial by Nevada's State Engineer as provided in state law.
 - b. Include guarantees of mitigation and compensation for any degradation of ground water aquifers resulting from the transfer of water from irrigation or changes in the operation of the river system.
 - c. Provide mechanisms for resolution of all of the relevant litigation associated with the Truckee River system.
 - d. Include language to ensure preservation and enhancement of the recreational investments in the Lahontan Reservoir.
35. Include a statement in the report expressing the subcommittee's understanding that any quantity of effluent whose final application is shifted from the Truckee River to land/wetland must be replaced

by an equivalent amount of water being returned to the river.

VII. DITCHES IN THE TRUCKEE MEADOWS

36. Direct, by resolution, the Regional Water Planning and Advisory Board of Washoe County, or its successor, to work with the ditch companies in developing agreements between these entities and the relevant local governments concerning the future of the ditches in the Truckee Meadows.

Specify that the agreements must include:

- a. Provisions addressing the benefits and financial responsibilities associated with:
 - Ditch maintenance.
 - Liability insurance.
 - Use of ditches for storm drainage.
 - Other factors as agreed by the parties.
- b. Provisions that protect the existing property rights of the ditch companies and allow the ditch companies to continue to operate the ditches.
- c. Consideration of alternative uses, consolidation, and/or retirement of ditches.
(BDR R-349)

VIII. REGIONAL EFFORTS TO IMPROVE WATER AND WASTE WATER SERVICES

37. Include in the final report a statement expressing support for regional efforts to improve water and waste water services in accordance with an adopted regional plan. Acknowledge that legislative action may be necessary to enable implementation of

regional approaches, and recommend that the Legislature give positive consideration to these types of proposals.

IX. WETLANDS DESIGNATIONS

38. Adopt a resolution urging Congress, the President and the relevant Federal Government agencies to support:

a. A definition of "wetlands" which means a naturally occurring area of predominantly hydric soils that presently supports hydrophytic vegetation not common to cultivated land or farming practices and incorporates the following further definitions:

- "Hydric soils" are soils which are consistently wet enough to maintain an anaerobic condition that supports primarily hydrophytic vegetation.
- "Hydrophytic vegetation" means plants which grow in water or in soils made deficient of oxygen due to excessive water content and generally considered to be a swamp or bog.

b. A definition of "wetlands" which specifically exempts:

- Land previously converted to farming.
- Small acreages below a specified limit.
- Areas which meet the definition of "wetlands" but were created artificially by irrigation and which would no longer meet the definition if the irrigation practices ceased, unless these wetlands were created specifically in order to replace other wetlands which were taken out of this category.

c. A "wetlands" program which:

- Protects private property rights as defined in federal Executive Order No. 12630, including water rights.
- Does not consider farming practices such as common land leveling and laser leveling as being in the category of "dredge and fill."

d. Recognition of unique conditions prevalent nationwide, and provision of flexibility when implementing the national "no net loss" wetlands policy. (BDR R-350)

X. ROLE OF THE STATE'S DIVISION OF WATER PLANNING

39. Add a provision within the legislative declaration of state policy concerning water planning, as outlined in NRS 540.011, stating that the Legislature recognizes the relationship between water quantity and water quality and the necessity for planning to consider both factors simultaneously; and add a provision to the duties of the Division of Water Planning (NRS 540.051) directing that the division include factors associated with water quality and water quantity in its planning. Highlight, however, that the State Environmental Commission and the Division of Environmental Protection retain full responsibility for water quality management duties. (BDR 48-351)
40. Direct, by resolution, the State's Division of Water Planning to update and reevaluate the "Alternative Plans for Water Resource Use" prepared for the six river basin areas within the state as part of previous state water planning efforts, and compile "water resource management plans" for each of the areas.

- a. Include a policy statement acknowledging the values of areawide water resource management planning and highlighting intensified competition for the use of water resources.
- b. Specify that the division is to seek local input through means including, but not limited to, public hearings and working directly with the local political jurisdictions.

(BDR R-352)

- 41. Direct, by resolution, the Division of Water Planning to emphasize the provision of technical assistance to local governmental entities in their local planning efforts. (BDR R-353)
- 42. Include within the duties of the Division of Water Planning (NRS 540.051) the analysis of potential sites for development of upstream storage facilities in the state. (BDR 48-351)

XI. REVIEW OF STATE WATER LAWS AND
PROGRAMS GENERALLY

- 43. Amend NRS 533.375 so that it also authorizes the State Engineer, in the case of multiple applications whose cumulative diversions for a single project total more than 10 cubic feet per second of water, to require the statement of facts concerning the identity and financial capability of the applicant that is currently authorized in the section. (BDR 48-355)
- 44. Include in the final report a statement reaffirming the state's position that all applications for water permits and changes of water rights are subject to the jurisdiction of the State Engineer, whether the applicants are governmental entities (federal, state, or local) or private parties.

45. Include in the final report a statement expressing support for continuation of weather modification programs designed to augment water supplies in the Western United States.

BULLETIN 91-9

NEVADA LEGISLATURE'S COMMITTEE ON
HEALTH CARE

N.R.S. 439B.200 - 1991 Session

Interim Committee

Senator Raymond D. Rawson, Chairman
Assemblyman Marvin M. Sedway, Vice Chairman*
Assemblyman Morse Arberry, Jr., Vice Chairman**
Senator Bob Coffin
Senator Randolph J. Townsend
Assemblyman David E. Humke
Assemblywoman Vivian L. Freeman**

*Deceased, July 1990.

**Ratified September 18, 1990 by Legislative Commission

Principal Staff

Dana R. Bennett, Senior Research Analyst
(687-6825)

Assembly Bill No. 194—Committee on Health and Welfare

CHAPTER.769.

AN ACT relating to the legislative committee on health care; revising the manner in which the members, chairman and vice chairman of the legislative committee on health care are selected; requiring the committee to make annual reports to the legislative commission; and providing other matters properly relating thereto.

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

Section 1. NRS 439B.200 is hereby amended to read as follows:

439B.200 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. [The members must be appointed as follows:

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

2. No member of the committee may:

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

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

3. The [majority leader of the senate shall select the chairman of the committee and the speaker of the assembly shall select the vice chairman of the committee.] *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. [If a vacancy occurs in the chairmanship or vice chairmanship, the majority leader of the senate or the speaker of the assembly, as appropriate, shall appoint a replacement for the remainder of the unexpired term.]

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

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

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6. *The committee shall report annually to the legislative commission concerning its activities and any recommendations.*

Sec. 2. This act becomes effective on July 1, 1989.

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ABSTRACT

NEVADA LEGISLATURE'S COMMITTEE ON HEALTH CARE

Assembly Bill 289 (Chapter 377, Statutes of Nevada 1987, pages 862-891) established the Nevada Legislature's Committee on Health Care, and directed the committee to provide legislative oversight of the effects of the bill on the health care industry and monitor health care activities in Nevada. The Legislative Commission appoints the members of the committee.

The committee held eight regular meetings from October 1989 through December 1990. Two additional subcommittee meetings were called by the chairman to consider action regarding rural health care issues and Section 55 of Assembly Bill 289 (1987).

The committee considered over 100 proposed recommendations and approved a total of 45 of them. These approved proposals are categorized into the following sections:

- Assembly Bill 289 (1987)
- Division for the Review of Health Resources and Costs
- Health Care Professionals
- Health Insurance
- Health Planning
- Medicaid, Welfare and State Social Services
- Rural Hospital Regulations

The committee's final report contains a review of the major health care topics considered by the committee, and a discussion of each recommendation. The report also contains material which may be used to supplement Legislative Counsel Bureau Bulletin No. 87-6, Study of Restraining Costs of Medical Care, December 1986, and Legislative Counsel Bureau Bulletin No. 89-8, Report of the Nevada Legislature's Committee on Health Care, January 1989. These earlier reports should be consulted for a review of the history of health care, industry trends and the background information surrounding major issue areas.

SUMMARY OF RECOMMENDATIONS

NEVADA LEGISLATURE'S COMMITTEE ON HEALTH CARE

This summary contains the recommendations to the 66th session of the Nevada Legislature by its Committee on Health Care.

I. ASSEMBLY BILL 289 (1987)

A. Amendments to Health Care Cost Containment Provisions

The committee recommends that the following amendments be made to certain sections of Assembly Bill 289 of the 1987 legislative session (Chapter 377, Statutes of Nevada 1987, pages 862-891), a measure relating to restraining the costs of health care.

1. Amend Section 4 to expand and personalize the definition of "Billed charge." (BDR)
2. Amend Section 27 to allow private hospitals to pay within the first quarter of the year the amount of assessed uncompensated care in lieu of the indigency case by case determination process. At any time during the year, the hospital could pursue fund return through the normal case by case application process. (BDR)
3. Amend Section 29 to give the Department of Human Resources the authority to include in the counting of a hospital's indigent care credits the care provided to a person denied indigent status for lack of additional information. (BDR)
4. Amend Section 30 to include physicians in the prohibitions against improper inducements. (BDR)
5. Amend Section 33 to require the Legislature's Committee on Health Care to review regulations related to the provisions of health care cost

containment legislation before submission to the Legislative Commission. (BDR)

6. Amend Section 54 to allow the regulation of holding companies for health maintenance organizations. (BDR)
7. Amend Section 55 to continue the limitations on increases in hospital billed charges for inpatient services by restricting such increases to 60 percent of the Consumer Price Index (all items).

Exempt hospitals whose profit margins are less than two percent. Require hospitals to bill patients covered by negotiated contracts an average negotiated rate. Freeze hospital billed charges for outpatient services at current rates for 2 years. (BDR)

B. Additional Provision

8. Allow receivership of hospitals with certain licensure violations and other problems. (BDR)

II. DIVISION FOR THE REVIEW OF HEALTH RESOURCES AND COSTS
DEPARTMENT OF HUMAN RESOURCES

A. Data Collection

9. Conduct a study to design a good survey vehicle to include the monitoring of the costs of outpatient services. (BDR)
10. Require the Division to obtain a breakdown of each hospital's billed charges to determine how much supports patient services, how much goes to hospitals' debt burdens and how much is profit. (BDR)
11. Provide funding for the collection of appropriate information, particularly on outpatient services,

epidemiology, the health status of Nevadans and the factors driving health care costs in Nevada. (BDR)

12. Authorize the Division to keep certain information confidential. (BDR)
13. Require the Division to examine the case mix and severity of illness information in other states' hospital data to compare with Nevada hospital data. Provide the needed additional funding and staff to complete this project. (BDR)

B. Data Dissemination

14. Require the Division to publish a two-page summary of Personal Health Choices. (BDR)
15. Require the Division to provide the Committee on Health Care with the hospital compliance reports prior to the meeting at which they are scheduled to be presented. Restrict the Division from publicly releasing the reports until they have been presented to the committee. (BDR)

III. HEALTH CARE PROFESSIONALS

A. Educational Programs

16. Clarify the definition of the nursing assistant training program administration. (BDR)
17. Urge the University of Nevada System (UNS) to develop a high school honors program as a means of recruiting nursing and allied health students. Encourage health care as a career at the high school level through vocational and educational programs which begin in the senior year and interface with UNS. (BDR)
18. Support the current UNS budget proposals to increase faculty and programs to graduate more health care professionals from existing programs.

19. Fund program development and faculty recruitment to provide programs for advanced practitioners of nursing, certified registered nurse anesthetists and clinical nurse specialists. (BDR)
20. Expand training programs at the community colleges to allow for the cross-training of health care technicians. (BDR)
21. Create and fund a loan program for health care students who agree to work in rural or under-served areas. (BDR)

B. Nurses

22. Urge Nevada public school districts to progress toward a goal of 1,000 school children per nurse within 5 years. (BDR)
23. Allow nurses in Nevada communities of less than 30,000 population and within 25 miles of the state's border to take orders from physicians in neighboring states. (BDR)

C. Physicians

24. Subsidize malpractice insurance premiums for the obstetrical practices of rural physicians who agree to certain conditions regarding the provision of care. (BDR)
25. Extend the Good Samaritan Act to prenatal care and drop-in deliveries. (BDR)
26. Develop no-fault liability coverage for certain conditions in newborn babies. (BDR)
27. Provide funding to add a cytogeneticist and a medical geneticist to the University of Nevada School of Medicine Genetics Program.

IV. HEALTH INSURANCE

A. Assistance for the Uninsured

28. Require a study to be conducted by UNS to determine the number of uninsured in Nevada, their ages, employment status, income levels and so on. (BDR)
29. Create a risk pool for the medically uninsurable. Set premiums at 25 to 50 percent over the market average with flexible deductibles. Include reciprocity. (BDR)
30. Develop a program to provide health care insurance coverage for the working uninsured. (BDR)

B. Benefits

31. Support the recommendations submitted by the Legislative Commission's Subcommittee to Study Health Insurance Benefits (S.C.R. 58 of the 1989 legislative session).

C. Insurance Companies

32. Allow the Commissioner of Insurance to contract for experts to investigate alleged violations of antitrust restrictions on insurance companies. (BDR)

D. Utilization Review

33. Require the State Board of Health (in the Health Division of DHR) to license and regulate utilization review organizations operating in Nevada. (BDR)

V. HEALTH PLANNING

A. Studies

34. Fund a comprehensive study of Nevada's health planning system and the organization of the state's health regulatory agencies. (BDR)
35. Establish a task force to develop a feasibility plan for trauma and perinatal networks, including transportation and facility improvements. (BDR)

VI. MEDICAID, WELFARE AND OTHER STATE SOCIAL SERVICES

A. Eligibility

36. Implement a process for presumptive eligibility for pregnant women who may be eligible for the Aid to Dependent Children or Child Health Assurance programs. (BDR)
37. Support the plan presented by the Nevada Association of Counties to transfer the funds for the allowable federal match of long-term care to Nevada Medicaid from the county welfare systems.

B. Medicaid Buy-Out

38. Allow the state to pay an employee's contribution towards the premium for group coverage when Medicaid eligibles are working or returning to work for employers with group health insurance coverage. (BDR)

C. Reimbursement

39. Support increased reimbursements to long-term care facilities for Medicaid patients.

D. State Social Services

40. Create a 24-hour statewide hotline that would be answered by a person who would connect or direct a caller to the correct social service agency for assistance with a particular problem. (BDR)

E. Welfare Division

41. Amend NRS 233B.039, "Applicability," to require the Welfare Division to adhere to the provisions of the Nevada Administrative Procedure Act. (BDR)

VII. RURAL HOSPITAL REGULATIONS

A. Recommendations from the Nevada Rural Hospital Study

42. Urge the State Board of Health to eliminate duplicative surveys and licenses by implementing a policy which allows one license to cover all aspects of a health care operation, which are governed by the same board and located in the same county. (BDR)
43. Mandate the Welfare Division, the Bureau of Regulatory Health Facilities and the State Board of Pharmacy and all future surveying agencies to combine licensure and certification surveys. (BDR)
44. Require all agencies and boards to do cost/benefit analyses and impact statements for all proposed health care regulation. Include a requirement that the feasibility of waivers for rural facilities be evaluated. Cost/benefit analysis would include all costs associated with regulation to the state and to the provider (and, therefore, the patient) on an ongoing basis. Include a requirement that conflicts (in terms of regulation) be resolved by agencies and boards before regulations are adopted. (BDR)

45. Require that the Bureau of Regulatory Health Facilities annually present a seminar designed to provide a comprehensive review of current licensure regulations and current interpretations of regulations and Medicare Conditions of Participation being used by surveyors. Reasonable registration fees may be charged to cover the cost of the seminar. Appropriate \$60,000 to fund a position in the bureau to coordinate educational programs on health facility regulations. Also, allocate \$75,000 to establish a grant pool for technical administrative assistance to rural hospitals. Allow the Department of Human Resources to grant waivers from regulation requirements to rural hospitals where appropriate. (BDR)

BULLETIN 91-10

NEVADA LEGISLATURE'S COMMITTEE ON
HIGH-LEVEL RADIOACTIVE WASTE

N.R.S. 459.0085 - 1991 Session

Interim Committee

Senator Thomas J. Hickey, Chairman
Assemblyman Jim Schofield, Vice Chairman
Senator Virgil M. Getto
Senator Raymond D. Rawson
Assemblyman Matthew Q. Callister
Assemblyman John E. Jeffrey
Assemblyman Gaylyn J. Spriggs

Principal Staff

Donald M. Bayer, Senior Research Analyst
(687-6825)

Assembly Bill No. 417—Assemblymen Dini, Myrna Williams
and Bergevin

CHAPTER..573

AN ACT relating to travel expenses; revising the provisions governing the reimbursement of legislators for travel expenses; and providing other matters properly relating thereto.

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

Sec. 10. NRS 459.0085 is hereby amended to read as follows:

459.0085 1. There is hereby created a committee on high-level radioactive waste. It is a committee of the legislature composed of:

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

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

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

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

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

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

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

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

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

6. The director of the legislative counsel bureau shall provide a secretary for the committee on high-level radioactive waste. Except during a regular or special session of the legislature, each member of the committee is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a committee meeting or is otherwise engaged in the work of the committee plus the per diem allowance [and travel expenses] provided for state officers and employees generally [.] *and the travel expenses provided pursuant to section 1 of this act.* Per diem allowances, salary and travel expenses of members of the committee must be paid from the legislative fund.

ABSTRACT

NEVADA LEGISLATURE'S COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

The 1985 Legislature passed Senate Bill 55 (Chapter 211, Statutes of Nevada 1985, page 685) which established the Legislature's Committee on High-Level Radioactive Waste. The Legislature directed the committee to study and evaluate all matters pertaining to the possible siting in Nevada of a facility for the disposal of high-level radioactive waste and spent nuclear fuel.

The committee members were appointed by the leadership of both the Senate and the Assembly. Staff was assigned to the Committee from the Legislative Counsel Bureau's Research Division.

The committee's oversight activities during the 1990 interim included attendance at a number of meetings relative to major elements of the United States Department of Energy's high-level radioactive waste repository siting program.

The committee expects to continue to meet during the 1991 legislative session to continue its oversight efforts. Areas of specific review concerning the repository program involve the following:

1. Emergency management and preparedness;
2. Environment and public health impacts;
3. Proposals for transportation of the waste material; and
4. Risk assessment.

The committee will prepare an addendum to its previous study reports for presentation to the Legislature in the spring of 1991.

BULLETIN 91-11

NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS

N.R.S. 218.536 et seq. - 1991 Session

Interim Committee

Senator Dean A. Rhoads, Chairman
Assemblyman Matthew Q. Callister, Vice Chairman
Senator Virgil M. Getto
Senator John M. Vergiels
Assemblyman James Gibbons
Assemblyman John W. Marvel
Karen W. Hayes, Clark County Commissioner

Laughlin Subcommittee:

Senator R. Hal Smith
Assemblyman John E. Jeffrey

"Takings" Subcommittee:

Senator Dean A. Rhoads, Chairman
Assemblyman Matthew Q. Callister
Assemblyman John W. Marvel
Karen W. Hayes, Clark County Commissioner

Principal Staff

Dana R. Bennett, Senior Research Analyst
(687-6825)

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

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

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

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

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

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

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

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

218.5363 Establishment; membership; chairman; vacancies.

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

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

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

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

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

218.5365 Meetings; regulations; compensation of members.

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

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

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

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

218.5367 Powers of committee.

1. The committee may:

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

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

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

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

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

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

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

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

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

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

218.5368 Duties of committee. The committee shall:

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

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

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

(Added to NRS by 1983, 208)

218.5369 Oaths; depositions; subpoenas.

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

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

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

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

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

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

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

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

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

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

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

(Added to NRS by 1979, 6)

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

(Added to NRS by 1979, 6)

ABSTRACT

NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS

The Committee on Public Lands is a permanent, statutory committee of the Nevada Legislature (Nevada Revised Statutes 218.536, et seq.). The committee was created in 1983 to review and comment on proposals and practices affecting lands controlled by the Federal Government in this state and to provide a forum for the discussion of public lands matters. The committee has prepared a report to the members of the legislature on its activities during the 1989-1990 interim period.

This report includes a review of public lands legislation from the 1989 session of the Nevada Legislature and a summary of public lands issues heard by the committee during the interim. The committee held six regular meetings throughout Nevada and twice visited Washington, D.C., to meet with United States senators, representatives and executive branch officials involved in public lands matters. The report contains an overview of these meetings and activities.

The committee also created a Subcommittee to Study Takings to evaluate the need for possible legislation requiring Nevada agencies to consider takings implications whenever they are involved in actions affecting private property rights. The word "takings" is shorthand for the legal issues originating from a clause in the fifth amendment of the U. S. Constitution that says that government shall not take private property without just compensation. The subcommittee conducted a major survey of state agencies, attended educational forums and held five public meetings in various Nevada locations.

The committee was active and involved in a wide variety of public lands issues during this interim period, including proposed land exchanges, the designation of endangered species, and the gradual acquisition of federal land for the expansion of Nevada communities. The committee's report

highlights these issues and includes background information on selected major issues. The report also contains material which may be used to supplement Legislative Counsel Bureau Bulletin No. 89-9, Report of the Nevada Legislature's Committee on Public Lands, January 1989.

The committee adopted four recommendations for action and legislation in the areas of takings, endangered species, and the gradual land acquisition process. A separate background paper on the takings issue has been prepared.

SUMMARY OF RECOMMENDATIONS

NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS

This summary presents the recommendations to the 66th session of the Nevada Legislature by its Committee on Public Lands.

The committee recommends:

1. That the Legislature require the executive branch of state government to prepare an assessment of takings implications on private property for certain governmental actions. (BDR 18-260)
2. That the Legislature urge the Secretary of the Interior to remove the Lahontan cutthroat trout and the Cui-ui fish from the list of endangered and threatened species. (BDR R-1168)
3. That the Legislature require the Nevada Commission for the Preservation of Wild Horses to establish habitats for wild horses in Nevada. (BDR 45-1200)
4. That the Legislature support and approve, through the budget process, the addition to Nevada's Division of State Lands of a planner who would assist the counties, on an ongoing basis, in identifying federal lands needed for community expansion.

BULLETIN 91-12

REAPPORTIONMENT

A.C.R. 15 - 1991 Session

Interim Study

Assemblywoman Jan Evans, Chairman
Senator Ann O'Connell, Vice Chairman
Senator Dean A. Rhoads
Senator Dina Titus
Senator Sue Wagner
Assemblywoman Renee L. Diamond
Assemblyman Joan A. Lambert
Assemblyman Gary A. Sheerin

Principal Staff

Brian L. Davie, Principal Research Analyst
(687-6825)

Assembly Concurrent Resolution No. 15--Committee on Elections

FILE NUMBER.176

ASSEMBLY CONCURRENT RESOLUTION--Directing the Legislative Commission to study the requirements for reapportionment in Nevada before the legislature convenes in 1991.

WHEREAS, The 66th session of the Nevada Legislature will be required to reapportion the election districts for the members of the legislature, Nevada's members in the United States House of Representatives, 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 1990 to the states not later than April 1, 1991, when the Nevada Legislature already will be in session; and

WHEREAS, The Bureau of the Census will number the entire nation by blocks for the census in 1990 and the number of blocks in this state will increase from 8,965 in 1980 to an estimated 51,700 blocks in 1990; and

WHEREAS, This increase in the amount of data from the census in 1990 and the necessity to accomplish reapportionment in an expeditious manner during the 1991 session will require additional computer software and extensive preparation and testing to allow for the generation and analysis of proposals concerning reapportionment; and

WHEREAS, The reapportionment and the statistical analysis of the data must comply with current case law and the legal requirements for redistricting; and

WHEREAS, The Nevada Legislature since 1985 has been working with the Bureau of the Census on the Block Boundary Suggestion Program and other programs in preparation for the census in 1990 and the redistricting process; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is directed to study the requirements for reapportionment in this state in conjunction with the data from the decennial census of 1990; and be it further

RESOLVED, That the study include:

1. A continuing examination and monitoring of any redistricting systems established or recommended by the 65th session of the Nevada Legislature to be established to accomplish reapportionment, including the requirements for computer equipment and computer software and the training of personnel;

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

3. A review of the programs concerning planning for reapportionment 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 1990; and be it further

RESOLVED, That the Legislative Commission may enter into contracts or other necessary agreements to establish and test redistricting programs and

computer equipment to provide for the timely and efficient commencement of data processing for reapportionment before the legislature convenes in 1991; and be it further

RESOLVED, That the Legislative Commission report to the 66th session of the Nevada Legislature the results of the study, any action taken in preparation for reapportionment and any recommendations concerning redistricting.

ABSTRACT

STUDY OF REAPPORTIONMENT

The 1989 Legislature adopted Assembly Concurrent Resolution No. 15 (File No. 176, Statutes of Nevada 1989, pages 2354-2355) which directed the Legislative Commission to study the requirements for reapportionment in this state in conjunction with the data from the decennial census of 1990. The resolution directed that the study include monitoring of the development of the Legislature's computer redistricting system, a review of the legal requirements for redistricting, a review of the planning programs for reapportionment in other states, and the continuation of the state's participation in programs of the United States Bureau of the Census relating to the 1990 census.

The Legislative Commission appointed a joint interim subcommittee consisting of eight members to conduct the study. The subcommittee held four meetings in 1990 which took place in Carson City, Reno and twice in Las Vegas.

The Subcommittee on Reapportionment was active in promotion and monitoring of the 1990 census, the census adjustment issue, promotion of the postcensus local review program, legal and technical issues relating to redistricting, and staff and contractor activities in the development of the Nevada Legislature's Geographic Information System for the redistricting application. In addition, the subcommittee sponsored publication of Reapportionment Newsletter to help inform and educate legislators and the public about the census and redistricting issues.

The final report of the subcommittee is designed to serve as a primer on reapportionment. It includes detailed information on the legal and technical issues relating to redistricting, along with an overview of the activities and recommendations of the Subcommittee. The subcommittee adopted six recommendations for the 1991 Legislature--four pertaining directly to redistricting and two aimed toward the continuing development of geographic information systems

in the Legislature and the state. The redistricting recommendations deal with proposed rules, the aggregate number of legislators for redistricting in 1991, and the redistricting timetable as it relates to the census adjustment issue.

SUMMARY OF RECOMMENDATIONS

STUDY OF REAPPORTIONMENT

This summary presents the recommendations to the Sixty-Sixth Session of the Nevada Legislature by the Legislative Commission's Subcommittee on Reapportionment.

The subcommittee recommends:

1. That, early in the 1991 session, the Senate Committee on Government Affairs and the Assembly Committee on Legislative Functions and Elections adopt redistricting rules in accordance with the document entitled "Proposed Rules for Redistricting by the Nevada Legislature."
2. That, as soon as practicable in the 1991 session, the Senate Committee on Government Affairs and the Assembly Committee on Legislative Functions and Elections agree and make a decision on the aggregate number of members of the Nevada Legislature for redistricting.
3. That the Nevada Legislature remain under its current 63-member configuration for redistricting in 1991.
4. That the Nevada Legislature accomplish redistricting during the 1991 session with the Public Law 94-171 data. If a decision is made after adjournment of the 1991 session to adjust the 1990 census, the Legislature should direct staff to evaluate the changes in the census data and monitor any resulting litigation to provide an analysis of the adjustment decision and its effects on Nevada's redistricting plans. This analysis should be provided to legislative leadership and the Governor to assist in determining the need for and length of a special session to make any necessary modifications.
5. That the Legislative Commission provide oversight and staff guidance on future development and applications of the Nevada Legislature's Geographic Information System

after completion of the 1991 session and the redistricting process.

6. That the appropriate standing committees of the 1991 Legislature provide due and careful consideration to any proposals to amend the laws pertaining to access to public information as they relate to the development of geographic information system technology in Nevada's government sector.

BULLETIN 91-13

STATE BUDGET PROCESS

S.C.R. 44 - 1991 Session

Interim Study

Senator Dean A. Rhoads, Chairman
Assemblyman Marvin M. Sedway, Vice Chairman*
Senator Nicholas J. Horn
Senator William J. Raggio
Assemblyman Joseph E. Dini, Jr.
Assemblyman John W. Marvel
Daniel G. Miles, Senate Fiscal Analyst
Judy Matteucci, Department of Administration

*Deceased, July 1990.

Principal Staff

Daniel G. Miles, Fiscal Analyst
(687-6821)

Senate Concurrent Resolution No. 44—Senators Rhoads, Raggio,
Rawson, Jacobsen, Mello, Hickey and Beyer

FILE NUMBER.194.

SENATE CONCURRENT RESOLUTION—Requiring an interim study of the state budget process.

WHEREAS, The State of Nevada has grown from 488,000 residents in 1969 to over 1,000,000 residents today; and

WHEREAS, The biennial budget, which is reviewed by the Legislature for the State of Nevada, has grown from \$397 million in 1969 to over \$3.9 billion in 1989; and

WHEREAS, The diversity and complexity of the services provided by the state to its residents has grown proportionately to the growth in the budget and the population; and

WHEREAS, The executive budget has grown from 230 budgets in 1969 to 445 budgets in 1989 and from 551 pages in 1969 to 1,498 pages in 1989; and

WHEREAS, The format of the current budget document has not changed since 1969 even though the size and complexity of the state's programs have changed; and

WHEREAS, The current budget process starts in June of every even-numbered year and ends when the Legislature adjourns sine die in odd-numbered years; and

WHEREAS, Budget approval is the process whereby the Legislature exercises its constitutional obligation to reflect the needs and wishes of the residents of this state in the allocation of its financial resources; and

WHEREAS, Today's legislator, with the help of modern technology and professional services of a staff, is well-equipped to provide timely and relevant input into the budget process; and

WHEREAS, There is currently no opportunity for the Legislature to review budget proposals of the Governor before the beginning of the Legislative session and the length of the session is often determined by the length of the budget-review process; and

WHEREAS, The budget process should not focus on narrow year-to-year policy decisions, but should evaluate efforts in the past and formulate budgets giving consideration to the long-term effect; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the committee to study the state budget process is hereby created and directed to conduct a comprehensive study of the state budget process; and be it further

RESOLVED, That the study include an examination, review and evaluation of:

1. The current budget process including the documents used and the chronology of the process;
2. The format of the executive budget;
3. The method for the Governor to recommend any new programs or revenues;
4. The budget review process and the documents used in selected other states;

5. The proper role of the Legislature in the budget process and its influence on the outcome of the approved biennial budget and how that role can be enhanced;

6. Long-range planning techniques currently used or which need to be used;

7. The capital budget process;

8. The establishment of measurable indicators of program performance by the various state agencies;

9. The establishment of agency and program goals; and

10. The appropriate role of the Governor and the Legislature in the budget process;

and be it further

RESOLVED, That the committee to study the state budget process consists of eight members including:

1. Six voting members, three Assemblymen appointed by the Speaker of the Assembly and three Senators appointed by the Majority Leader of the Senate; and

2. Two nonvoting members, one who is employed by the Fiscal Analysis Division of the Legislative Counsel Bureau and one who is appointed by the Director of the Budget Division of the Department of Administration and is employed by the Budget Division;

and be it further

RESOLVED, That the committee to study the state budget process report its findings and any recommendations to the 66th session of the Nevada Legislature.

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ABSTRACT

STUDY OF THE STATE BUDGET PROCESS

The 1989 session of the Nevada Legislature adopted Senate Concurrent Resolution No. 44 (File No. 194, Statutes of Nevada 1989, pages 2371-2373) which created a committee to study the budget process of the State of Nevada. The committee consisted of six voting members, including three assemblymen appointed by the Speaker of the Assembly and three senators appointed by the Majority Leader of the Senate, and two nonvoting members representing the Fiscal Analysis Division of the Legislative Counsel Bureau and the Budget Division of the Department of Administration.

Over the last 20 years, the size and complexity of state government has increased enormously, and the state's budget has grown correspondingly, yet the fundamental methods and procedures for building, examining and approving the budget have not changed. The 1989 legislative session lasted 167 days, breaking all previous records for length, and ran into the next fiscal year. The length of a legislative session, many believe, is controlled by the length of the budget review process. The 1989 Legislature recognized these problems and that there is a continuing need to modernize the legislative effort and to create a more effective and efficient legislature.

The committee appointed to conduct the study held four public hearings taking testimony and reviewing other states' budget procedures. The committee sought and reviewed information from 14 selected states on budget procedures, committee organization and document formats, examining the process in two of those states in great depth. The committee made 14 recommendations, eight of which will require legislative action.

SUMMARY OF RECOMMENDATIONS

STUDY OF THE STATE BUDGET PROCESS

This summary represents the major conclusions reached by the Committee to Study the State Budget Process. The conclusions are based on: (1) suggestions made to the committee at public hearings by those familiar with the subject; (2) the processes and experiences of selected other states; (3) the experience and knowledge of the members of the committee; and (4) other studies and materials made available to the committee.

The committee recommends:

1. Limiting the 1991 legislative session by Joint Rule to adjourn no later than May 31, 1991, in order to provide incentive to control the length of the session and complete the work of the Legislature in an expeditious manner. (BDR R-375)
2. Recessing the Legislature for 2 weeks (recess the fourth and fifth weeks) to allow the Senate Finance Committee and the Assembly Ways and Means Committee the opportunity to hold day-long hearings on major agency budgets in order to speed the budget review process. (BDR R-375)

The committee also recommends:

- A. The two committees meet jointly as much as practicable while maintaining dual majorities;
- B. All morning standing committees of both houses continue to work on matters before them meeting jointly when appropriate;
- C. That afternoon standing committees would not function normally but could work on certain tasks, as membership becomes available;

- D. The Senate Finance Committee and the Assembly Ways and Means Committee organize as many joint subcommittees as practicable during and after the recess period; and
 - E. Amending NRS 218 to allow legislators to collect daily salary for work on committees for that period of time when the Legislature is in recess.
(BDR 17-376).
3. That the Fiscal Analysis Division provide a briefing or a report in advance of the legislative session to members of the Senate Finance and Assembly Ways and Means Committees detailing estimated annual general fund revenues, levels of agency-requested expenditures, major budget issues and historical data. For the 1991 legislative session, such a report can be made if the Budget Director provides the budget information to the Fiscal Analysis Division and allows its release. The committee recommends making such a report permanent by amending NRS 353 to require the Budget Director to submit the required information and NRS 218.625 to allow disclosure to members of the Legislature.
(BDR 31-377)
4. That certain target dates for budget review be established by Joint Rule for the 1991 legislative session. (BDR R-375).

The recommended target dates are:

April 22, 1991 - First joint conference meeting between Finance and Ways and Means to resolve differences;

May 17, 1991 - Last joint conference meeting between Finance and Ways and Means to resolve differences; and

May 24, 1991 - All general appropriation and authorization bills would be processed.

5. That use of joint subcommittees of the Senate Finance Committee and the Assembly Ways and Means Committee be

encouraged, especially for major agencies and issues, as a means to speed the process, reduce time and travel of those testifying and to ensure the same information is presented to both houses. Joint subcommittees would retain dual majority and both standing committees would receive reports and recommendations from its own subcommittees.

6. Encouraging leadership in both houses, when making committee assignments, to consider the exceptional workload on money committee members so that the work of each house is evenly distributed among its members. This may be accomplished by limiting the number of other major committee assignments for members of the money committees.
7. That NRS 353 be amended to require that mission statements and program measurement data be included in The Executive Budget presentation for all agencies and programs. (BDR 31-377)
8. That, for the 1991 legislative session, a pilot project be conducted using an alternative program budget format. The alternative format should include mission statements, program measurement data and the elimination of individual line-items of expenditure and position lists. Revenues would be summarized by type, and expenditures would be summarized by category of expense. The recommendation also includes:
 - A. Any additional data processing costs for development or operations related to the pilot project should be requested as an allocation from the Contingency Fund of the Interim Finance Committee.
 - B. The agencies selected for the pilot project are:
 1. Rehabilitation Division;
 2. Department of Data Processing;
 3. Department of Taxation;
 4. Gaming Control Board;

5. Fire Marshal; and
 6. Department of Prisons (Ely Prison only).
-
9. That the Legislature require that the entire Executive Budget be presented in a format at the 1993 legislative session, building on the format used in the 1991 session pilot project by:
 - A. Segregating each budget account into a base budget - either the current year's budget or a current services budget;
 - B. Including separate decision units for each proposed enhancement to the level of service currently provided; and
 - C. Including the cost of modifying the budget data processing system as a requested appropriation.
(BDR 31-378)
 10. That NRS 353.246 be amended to require that the Legislative Branch, Judicial Branch and the Public Employees Retirement System, and their agencies, submit their budget requests in the same format as required of all Executive Branch agencies unless otherwise directed by the Legislative Commission. (BDR 31-377)
 11. That the State Public Works Board should prepare, for its own use and for the Legislature, a central inventory of the state's capital stock including, its age, an up-to-date assessment of its condition and a long-range capital plan that shows the infrastructure needs of the state over the next 5 to 10 years and how the current biennial program fits that plan.
 12. That the Executive Branch should request, and the Legislature should commit to, appropriating monies needed for ongoing maintenance of the state's facilities based on a maintenance schedule that takes into account age, condition, expected life, continued need for, and availability of, less expensive alternatives to existing capital stock.

13. That the state should seriously examine the feasibility and desirability of contracting with the private sector for the construction, operation, servicing and/or maintenance of capital projects and the programs they house or operate as a part of the budget review process.
14. That the 1991 Legislature create another budget process study committee, similar to that created in S.C.R. 44, to oversee the development of the proposed new budget format and document and to act as an advisory board to that effort. (BDR R-405)

BULLETIN 91-14

MENTAL HYGIENE AND MENTAL RETARDATION DIVISION

A.C.R. 52 - 1991 Session

Interim Study

Assemblyman James J. Spinello, Chairman
Senator William R. O'Donnell, Vice Chairman
Assemblyman Bob E. Gaston
Assemblyman James W. McGaughey
Assemblyman Vincent L. Triggs

Principal Staff

Robert A. Guernsey, Deputy Fiscal Analyst
(687-6821)

Assembly Concurrent Resolution No. 52—Assemblymen Spinello
and Myrna Williams

FILE NUMBER...179

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

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

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

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

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct a comprehensive study of the Mental Hygiene and Mental Retardation Division of the Department of Human Resources, its management and its treatment of clients, with particular emphasis on outpatient services and community-based services; and be it further

RESOLVED, That the results of the study and any recommended legislation be submitted to the 66th session of the Legislature.

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ABSTRACT

STUDY OF THE MENTAL HYGIENE AND MENTAL RETARDATION DIVISION

The 1989 session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 52 (File No. 179, Statutes of Nevada 1989, page 2357) which directed the Legislative Commission to study the Mental Hygiene and Mental Retardation Division (MH/MR) of the Department of Human Resources. The resolution called for the study to emphasize outpatient services and community-based services.

The 1987 legislative session, through Assembly Concurrent Resolution No. 59 (File No. 155, Statutes of Nevada 1987, page 2467), also called for a comprehensive study of MH/MR; however, due to the size and complexity of the programs and problems of the division, that study focused primarily on residential programs.

In response to the 1989 mandate, the Legislative Commission appointed a five-member subcommittee to conduct the study. The subcommittee held five meetings, and participated in two additional meeting days when members toured community-based mental health and mental retardation programs in Las Vegas and Reno, Nevada. The subcommittee received considerable testimony from employees of the division, concerned parents and relatives of clients, former and current clients, other government and public officials, and concerned citizens.

The subcommittee made a total of 21 recommendations based upon: (1) suggestions from the public and private sector familiar with the strengths and weaknesses of the operation of MH/MR, (2) the experience and knowledge of the members of the subcommittee, and (3) correspondence to members and staff of the subcommittee.

SUMMARY OF RECOMMENDATIONS

STUDY OF THE MENTAL HYGIENE AND MENTAL RETARDATION DIVISION

The Legislative Commission's Subcommittee to Study the Mental Hygiene and Mental Retardation Division (MH/MR) of the Department of Human Resources recommends that the 66th Nevada Legislature:

1. Support, through the budget process, a completed Mental Health/Mental Retardation Child and Adolescent Service System which would contain the following:
 - A. Crisis intervention for children and their families (emotionally disturbed and mentally retarded).
 - B. Family outreach services to bring professional support to families in crisis.
 - C. Adequate day treatment services, including special classrooms when necessary.
 - D. Community-based residential services of a temporary nature until a disturbed/retarded child can return home, if possible.
 - E. Adequate acute hospital beds for severely disturbed/retarded adolescents who require 24-hour awake professional care.
2. Support the construction of a sexual offender program (facility; minimum 12 beds) to be located in Clark County.
3. Support the construction of a facility to house mentally disturbed adolescent offenders, possibly 40 to 50 beds, located in Clark County.

4. Require MH/MR to submit, as part of its budget request to the 1991 legislative session, a plan to eliminate all waiting lists.
5. Require all services provided by MH/MR, or services contracted by MH/MR, to meet appropriate licensing standards. The Bureau of Health Facilities or Nevada's Welfare Division or other appropriate regulatory agency should develop appropriate licensing standards for those facilities of MH/MR that currently do not have licensure standards.
6. Develop a policy containing standards for those contractors with whom MH/MR contracts for services. The contractor should also be required to complete background checks on all employees.
7. Increase the number of school counselors in primary schools. This increase should begin with a ratio of 600:1 and phase in over 6 years to improve the ratio to 350:1. Each school district, regardless of size, should add at least one new counselor per district. Some districts currently do not provide counselor services to primary schools.
8. Require MH/MR to provide for the improvement of vocational and supported employment programs for the mentally ill. This may include establishing community training center (CTC) programs for the mentally ill similar to those operated for the mentally retarded. (The subcommittee feels that involvement of and coordination between MH/MR and the Rehabilitation Division will provide a greater variety of services to Mental Health/Mental Retardation clients.)
9. Expand the Advanced Information Management System (AIMS) to rural and northern Nevada.
10. Direct MH/MR to adopt active caseload standards based upon the needs of the clients and the types of review required. The subcommittee determined that an average caseload division-wide of one case manager to 35

clients was reasonable; however, some types of services may require a higher ratio (inpatient) or lower ratio (clients living independently in the community). The MH/MR should report the ratio of case managers to clients by type of service to each session of the Legislature. (Provide current ratio, the number of additional case managers required, if any, and the cost of bringing the ratio back up to the standard.)

11. Improve the coordination of drug/alcohol services for MH/MR clients. One position should be allocated to the two major Mental Health/Mental Retardation campuses (one in Reno, one in Las Vegas) to help coordinate these services.
12. Direct MH/MR and the Rehabilitation Division to work with other private and public agencies to facilitate the development of medical detoxification programs in southern and northern Nevada.
13. Direct MH/MR to work with the CTC's, group homes and developmental homes to develop a payment formula which will more adequately reflect reasonable costs (i.e., funding for all days in which services are provided). The payment level should be based upon levels of care provided. The MH/MR should present its recommendations in this area to the Budget Division in the Department of Administration and the Legislature.
14. Change the Office of Protection and Advocacy from reporting to the Director of the Department of Commerce to reporting directly to the Governor.
15. Allow MH/MR to hire and retain both board-eligible and board-certified psychiatrists. (Same as the rest of state government, including the Department of Prisons.)
16. Expand funding for respite care for Mental Health/Mental Retardation clients by one additional week.

17. Direct the Bureau of Health Facilities to develop separate licensing standards for Intermediate Care Facilities-Mental Retardation Small (ICF-MR).
18. Support the continued development of specialized foster care for extremely disturbed children as a joint effort between MH/MR and the Welfare Division.
19. Require MH/MR to complete a needs assessment and report findings and recommendations to the 1993 Legislature. (Include appropriation to assist with study.) The MH/MR should have the necessary staff and programs to deal with the needs of the increased aged population in this state.
20. Support required training for employees of facilities to whom MH/MR contracts for services.
21. Encourage MH/MR and private care providers to work closely together to ensure a smooth transition for clients from private to state facilities, whenever possible. Discharge planning from private facilities should involve state staff when appropriate.

BULLETIN 91-15

UNIVERSITY SYSTEM MERIT PAY

S.C.R. 61 - 1991 Session

Interim Study

Senator William J. Raggio, Chairman
Assemblyman Marvin M. Sedway, Vice Chairman*
Senator Erik Beyer
Senator Joe Neal
Senator Raymond D. Rawson
Senator Dean A. Rhoads
Assemblyman Ernest E. Adler
Assemblyman John W. Marvel
Assemblyman Mike McGinness
Assemblywoman Myrna T. Williams

*Deceased, July 1990

Principal Staff

Mark Stevens, Assembly Fiscal Analyst
(687-6821)

Senate Concurrent Resolution No. 61—Committee on Finance

FILE NUMBER...199

SENATE CONCURRENT RESOLUTION—Requiring an interim study of the merit pay program of the University of Nevada System.

WHEREAS, The merit pay program of the University of Nevada System was intended to recognize and reward certain personnel of the University of Nevada System for their outstanding achievements; and

WHEREAS, For the past several years the purpose and implementation of the program have been subjects of diverse interpretations and controversy; and

WHEREAS, The continuing controversy concerning the program may undermine the legislature's commitment to improving the quality of higher education in this state; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the committee to study the merit pay program of the University of Nevada System is hereby created; and be it further

RESOLVED, The committee consists of:

1. The chairman of the Interim Finance Committee who shall serve as chairman of the committee;
 2. The vice chairman of the Interim Finance Committee who shall serve as vice chairman of the committee;
 3. Two members of the Senate Committee on Finance appointed by the Majority Leader of the Senate;
 4. Two members of the Senate Committee on Human Resources and Facilities appointed by the Majority Leader of the Senate;
 5. Two members of the Assembly Committee on Ways and Means appointed by the Speaker of the Assembly; and
 6. Two members of the Assembly Committee on Education appointed by the Speaker of the Assembly;
- and be it further

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

1. An examination of the creation and implementation of the existing merit pay program of the University of Nevada System;
 2. An examination of the criteria used for determining the amount and recipients of the merit pay increases;
 3. An examination of the method of applying the program within the community colleges;
 4. An examination of the feasibility of using salary increases, longevity pay or other adjustments to supplement or replace the program;
 5. An examination to determine whether the program should be limited to teaching personnel or whether it should continue to include the administrators of the University of Nevada System; and
 6. An examination of the merit pay or other salary enhancement programs at other colleges and universities;
- and be it further

RESOLVED, That the Director of the Legislative Counsel Bureau is hereby directed to provide the committee with such staff as is necessary to carry out the duties of the committee; and be it further

RESOLVED, That the members of the committee are entitled to receive the salary provided for a majority of the members of the legislature during the first 60 days of the preceding session and the per diem allowance and travel expenses provided for state officers and employees generally for each day's attendance at a meeting of the committee; and be it further

RESOLVED, That the salaries, per diem allowances and travel expenses must be paid from the legislative fund; and be it further

RESOLVED, That the committee report the results of its study and any recommended legislation to the Interim Finance Committee not later than September 1, 1990.

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ABSTRACT

STUDY OF UNIVERSITY SYSTEM MERIT PAY

The 1989 session of the Nevada Legislature adopted Senate Concurrent Resolution No. 61 (File No. 199, Statutes of Nevada 1989, pages 2376-2377) which created a 10-member committee to study the current method of awarding merit pay to professional employees of the University of Nevada System.

Due to controversy that was generated during the 1987 and 1989 legislative sessions concerning implementation of merit pay by the University of Nevada System, it was determined additional review of the merit pay plan was needed. The committee was charged with reviewing the current merit pay plan and developing recommendations for the 1991 Legislature if modifications to the current merit pay plan were warranted.

The committee appointed to conduct the study held five meetings and received input from the University of Nevada System, national experts and the public concerning merit pay plans utilized by institutions of higher education. Universities and community colleges in other states were contacted to determine how merit pay or other forms of salary compensation were implemented by similar institutions. A number of recommendations were made to improve the current merit pay plan. However, for the most part, the committee recommended continuation of the current system of providing merit pay to professional employees of the University of Nevada System.

The committee, for the most part, recommended continuation of the current system of providing non-cost-of-living salary increases to professional employees of the University of Nevada System. Currently, equal increases of 2 percent of an individual's salary are provided to all professional positions at the community colleges whose performance is rated satisfactory or better. At the University of Nevada-Reno and University of Nevada-Las Vegas, as well as all

other University System budgets, merit increases are awarded in varying amounts based on meritorious performance. All professional employees of the University System also receive legislatively approved cost-of-living salary increases.

SUMMARY OF RECOMMENDATIONS

STUDY OF UNIVERSITY SYSTEM MERIT PAY

This summary represents the major recommendations made by the committee. These recommendations were based on information provided to the committee by the University of Nevada System and selected speakers, as well as data gathered from institutions of higher education in other states.

The committee's specific recommendations for the community colleges and other budgets within the University of Nevada System are outlined below:

Community College Professional Employees

1. A pool equal to 2.5 percent of professional salaries, less positions at or above the dean's level, is recommended to fund a step salary system for professionals employed by the community colleges.
2. Funds within the merit pool should be distributed based upon a step system in which all professional employees whose job performance is rated as satisfactory or better receive an equal percentage of their base salary.
3. Salary adjustments in the form of steps will increase an individual's base salary.
4. The University of Nevada System shall design a step system for community college professional employees based on the funding recommended by the committee and submit the pay plan for review by the 1991 Legislature.
5. The community college should continue to explore methods to utilize a portion of the funding recommended to fund step increases to reward employees whose job performance is rated as meritorious or outstanding.

University Campus/System Professional Employees

1. A pool equal to 2.5 percent of professional salaries, less positions at or above the dean's level, is recommended to fund a merit pay plan for professional employees.
2. Professional employees are eligible to earn annual salary increases (in addition to legislatively approved cost-of-living increases) in the form of merit awards based on job performance rated meritorious or outstanding.
3. In accordance with information provided by the University System, merit increases should be based on four levels of awards and a given level of performance should be comparable across each institution.
4. Professional employees will be evaluated annually based on their performance in the areas of teaching, research, and public service.
5. Merit awards will increase an individual's base salary.

BULLETIN 91-16

CLASSIFICATION OF PEACE OFFICERS

S.C.R. 5 - 1991 Session

Interim Study

Eldon Anderson, President,
Nevada Conference of Police and Sheriffs
Eric S. Cooper, Undersheriff,
Las Vegas Metropolitan Police Department
Vic Freeman, Undersheriff,
Carson City Sheriff's Office
David Quandt, Chief Investigator,
Office of the Attorney General
Bernie Romero, Sheriff,
White Pine County Sheriff's Office
Todd Shipley, President
Peace Officer's Research Association of Nevada
Jerry Zohner, Chief of Police,
City of North Las Vegas

Principal Staff

Steven J. Watson, Chief Deputy Director
Administrative Division
(687-6800)

Senate Concurrent Resolution No. 5—Senators Malone, Raggio, Jacobsen, Getto, Rawson, O'Donnell and O'Connell

FILE NUMBER...191

SENATE CONCURRENT RESOLUTION—Directing the Legislative Counsel Bureau to conduct an interim study of the classification of peace officers.

WHEREAS, The population of the State of Nevada has increased rapidly, the rate of crime has also increased, and there has been a corresponding increase in the number and types of law enforcement officers to combat the growth of crime; and

WHEREAS, More than 30 classifications of officers and employees of state and local governments must be certified by the peace officers' standards and training committee, pursuant to NRS 481.054; and

WHEREAS, Many regulatory agencies within the state have petitioned the Legislature to redefine their status as peace officers as it relates to their limited authority as peace officers; and

WHEREAS, Each session the Legislature receives additional requests for expanded status and authority for peace officers; and

WHEREAS, During the 65th session, members of the Nevada Legislature have expressed concerns about the proliferation of police powers by governmental and private entities and a desire to curtail this proliferation; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Director of the Legislative Counsel Bureau is instructed to direct a study of the classification of peace officers in conjunction with the Nevada Sheriffs' and Chiefs' Association, The Nevada Conference of Police and Sheriffs, The Peace Officers Research Association of Nevada and the office of the Attorney General; and be it further

RESOLVED, That the Director of the Legislative Counsel Bureau report the findings and any recommendations to the 66th session of the Nevada Legislature.

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ABSTRACT

STUDY OF THE CLASSIFICATION OF PEACE OFFICERS

The 1989 Legislature adopted Senate Concurrent Resolution No. 5 (File No. 191, Statutes of Nevada 1989, page 2369) directing the Legislative Counsel Bureau to study the classification of peace officers in conjunction with the Nevada Sheriffs' and Chiefs' Association, The Nevada Conference of Police and Sheriffs, The Peace Officers Research Association of Nevada and the Office of the Attorney General.

The subcommittee met five times, commencing in September of 1989, with the final meeting on July 24, 1990. It examined the proliferation of the term "peace officer." Members were assigned and completed research tasks including a summary of peace officer classifications in the Nevada Revised Statutes (NRS). National trends for classifications of peace officers, classifications used by the Peace Officers Standards and Training Academy (POST) for training purposes and federal trends for peace officer classifications were studied by the subcommittee.

In addition, the subcommittee developed and conducted a survey of agencies employing peace officers in Nevada to enable categorization of the various groups. Approximately 491 surveys were mailed. A total of 284 surveys were returned to the subcommittee. Of those, 139 surveys were received with a statement that the agency did not employ peace officers. One hundred forty five surveys were returned by agencies employing peace officers, with 56 completed by state agencies. There were 57 surveys completed by county agencies and 29 by city entities. Three surveys were completed by private sector employers.

A categorical system, including five levels of classifications, resulted from the survey results and discussions of various options presented by countless witness testimony. The final report of the subcommittee

includes an explanation, definition and a detailed listing of each classification.

The subcommittee recommended a bill draft to be presented to the 1991 Legislature making various changes in the classifications of peace officers. It provides for classification according to the nature of the job, jurisdictional provisions and definition of powers and authority. In some cases, that authority has been limited or removed.

SUMMARY OF RECOMMENDATIONS

STUDY OF THE CLASSIFICATIONN OF PEACE OFFICERS

The subcommittee created by Senate Concurrent Resolution No. 5 of the 1989 Nevada Legislature regarding concerns about the proliferation of police powers by governmental and private entities within the state approved the following recommendation:

1. Enact legislation relating to peace officers; providing for the classification of such officers according to the nature and territorial scope of their powers and limiting or removing the authority of certain persons to exercise the powers of peace officers. (BDR 23-454)

BULLETIN 91-17

ALTERNATIVE METHODS OF RESOLVING DISPUTES

S.C.R. 46 - 1991 Session

Interim Study

Senator Sue Wagner, Chairman
Assemblyman Matthew Q. Callister, Vice Chairman
Senator Joseph M. Neal
Senator Charles W. Joerg
Assemblyman Mike McGinness
Assemblyman Gary A. Sheerin

Principal Staff

Kimberly A. Morgan, Assembly Bill Drafting Adviser
(687-6830)

Senate Concurrent Resolution No. 46—Senators Wagner,
Smith, Joerg, Horn, Neal and Titus

FILE NUMBER.....195

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct
an interim study of alternative methods of resolving disputes.

WHEREAS, The calendar of the courts of this state have become burdened
with a voluminous caseload; and

WHEREAS, Many persons desire alternatives to litigation in the traditional
setting of a courtroom, such as mediation, arbitration and expedited court
procedures, because of the rising costs of litigation and the growing delay in
the time before litigation is resolved; and

WHEREAS, Mitigation serves as an alternative to litigation which may result
in the saving of time and money in the resolution of various problems
encountered by the residents of this state and would thereby serve the inter-
ests of justice; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CON-
CURRING, That the Legislative Commission is hereby directed to conduct an
interim study of alternative methods of resolving disputes; and be it further

RESOLVED, That the Legislative Commission report the results of the study
and any recommended legislation to the 66th session of the Nevada
Legislature.

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ABSTRACT

STUDY OF ALTERNATIVE METHODS OF RESOLVING DISPUTES

The 1989 Legislature adopted Senate Concurrent Resolution No. 46 (File No. 195, Statutes of Nevada, 1989, page 2373) which directed the Legislative Commission to study alternative methods of resolving disputes (ADR) without formal adjudication. The need for the study resulted from the public's concern about the rising costs of litigation, the growing congestion in the court system, the resulting delay in the time before litigation is resolved, the need to enhance the public's access to justice, and the need to strengthen the capacity of communities and neighborhoods to resolve conflicts before they reach the courts.

The Legislative Commission appointed a subcommittee of six legislators to conduct the study. The subcommittee held its first meeting in Carson City, its second and third meetings in Las Vegas, and its final workshop in Reno. The staff assigned to the subcommittee helped the members become well versed in the myriad of federal and state statutes which have been enacted on ADR and the many ADR programs in use around the country. The subcommittee received presentations from nationally recognized experts on dispute resolution, including: the Chief Justice of the Nevada Supreme Court; Nevada district judges and justices of the peace; representatives of the State Bar of Nevada; representatives of the Nevada Trial Lawyers Association; professional arbitrators and mediators; members of the Supreme Court's Task Force on Gender Bias in the Courts; and many other interested persons. In addition, the subcommittee viewed several videotapes produced by the National Institute for Dispute Resolution which illustrated several of the different methods in use around the Nation to resolve disputes without formal adjudication.

The subcommittee adopted 10 recommendations for submission to the 1991 Nevada Legislature. The subcommittee determined that a successful legislative approach to ADR requires coordination with the judiciary and was pleased with the cooperation evidenced by the Nevada judiciary.

SUMMARY OF RECOMMENDATIONS

STUDY OF ALTERNATIVE METHODS OF RESOLVING DISPUTES

The Legislative Commission's Subcommittee to Study Alternative Methods of Resolving Disputes approved the inclusion in its report of the following recommendations:

1. Require mandatory, nonbinding arbitration of all civil actions of \$25,000 or less, incorporating disincentives to appeal, and authorize court-ordered, nonbinding arbitration in cases over \$25,000. (BDR 3-264)
2. Create a system of voluntary, binding arbitration at any level of case. (BDR 3-264)
3. Require the State Bar of Nevada to establish a pool of attorneys who will act as arbitrators without compensation, allowing the court to set fees and charge for arbitration in cases of over \$25,000, allowing the court to appoint other qualified persons to act as arbitrators. Additionally, direct the State Bar to offer training for the arbitrators, both attorneys and nonattorneys, administer the program and charge an administrative fee of not more than \$25 a year to all persons who apply to be arbitrators, and require that rules of law be used during arbitration. (BDR 3-264)
4. Create a pilot program in Washoe County for mandatory mediation of divorce cases involving children. The mediation will involve only issues of custody and visitation. The program will be supported by an increase in filing fees assessed against both parties. The Supreme Court will assist the district courts in setting specific guidelines for the training of mediators. Mediators' reports to the court will be limited to whether the mediation was successful or not; no other facts may be disclosed. Allow smaller counties to increase their filing fees in order to institute a similar mediation program. (BDR 1-265)

5. Urge the Supreme Court of Nevada to expand Supreme Court Rule No. 171 to require attorneys to discuss ADR options thoroughly with each client, e.g., advise his or her client of the methods to resolve the dispute which are available as an alternative to litigation and explain the advantages, including the possible savings of time and money, and other practical considerations regarding those alternative methods. (BDR R-263)
6. Urge, by resolution, the State Bar to inform the public about ADR programs. (BDR R-262)
7. Establish a pilot program in Clark County for a neighborhood justice center to be funded by an increase in filing fees assessed against both parties. The center will be based on the American Bar Association's program establishing "multi-door courthouses" to provide a forum for local, small-scale disputes, such as landlord/tenant problems, neighborhood disagreements and family disputes. It will also provide an information and referral network linking the justices of the peace, municipal courts, lawyer referral systems, legal aid services, district attorneys, city attorneys, district courts, ADR programs, mental health services and other governmental and private service agencies. (BDR 1-265)
8. In Clark and Washoe counties, increase the filing fees in the district and justice courts by \$5 for both the plaintiff and the respondent, and require that the increase be used, respectively, in Clark County for a neighborhood justice center and in Washoe County for a mediation center for child custody and visitation. Allow any other county to increase its fees to support the establishment of a similar program of mediation in domestic relations cases. (BDR 1-265)
9. Urge, by resolution, the Supreme Court and Judicial College to work together to establish a specialized training program in alternative dispute resolution for Nevada judges. (BDR R-261)

10. Urge, by resolution, the Supreme Court to encourage each multi-judge judicial district to utilize its judges as settlement judges whenever possible.
(BDR R-266)

BULLETIN 91-18

YOUTH SERVICES DIVISION AND THE

JUVENILE JUSTICE SYSTEM

IN NEVADA

S.C.R. 52 - 1991 Session

Interim Study

Senator John M. Vergiels, Chairman
Assemblyman David E. Humke, Vice Chairman
Senator Margaret E. O'Neill
Assemblywoman Eileen B. Brookman
Assemblyman Gaylyn J. Spriggs
Assemblyman Wendell P. Williams

Principal Staff

Larry L. Peri, Program Analyst
(687-6821)

Senate Concurrent Resolution No. 52—Committee on Finance

FILE NUMBER...197

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the Youth Services Division and the juvenile justice system in Nevada.

WHEREAS, The State of Nevada is experiencing a rapid rate of growth in its population and a corresponding increase in the number of children entering its system of juvenile justice; and

WHEREAS, This increase in the demand upon our system of juvenile justice is being further enhanced by expanding activities of gangs and the abuse of drugs by young persons; and

WHEREAS, This unprecedented burden upon our system of juvenile justice is obstructing the desirable goal of placing youthful offenders in the least restrictive environment appropriate to the offense committed and has instead necessitated the placement of youthful offenders in any facility available, sometimes requiring the placement of male and female offenders at the same location; and

WHEREAS, Increases in costs for the placement and rehabilitation of youthful offenders, together with the expanding need for and the unavailability of sufficient programs and facilities, has created a crisis for state and local government; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study of the Youth Services Division of the Department of Human Resources and the system of juvenile justice in Nevada, including the detention, probation, parole and education of youthful offenders; and be it further

RESOLVED, That the study include an evaluation of:

1. The estimated number of youthful offenders to be served in the future, the expected severity of their offenses and the projected costs for placement and rehabilitation;
 2. The demand created by youthful offenders upon the judicial system of this state, and the ability of the state to provide adequate facilities, services and funding for placement and rehabilitation;
 3. The operation of the Youth Services Division of the Department of Human Resources, the types of youthful offenders it serves and its ability to manage the caseload;
 4. Existing state and county facilities and services for the placement and rehabilitation of youthful offenders, including the respective methods of management, costs of operation and sources of funding;
 5. Current alternatives for the placement and rehabilitation of youthful offenders in the community, including the cost and availability of those alternatives; and
 6. Possible alternatives for the future placement and rehabilitation of youthful offenders, considering the expected cost of and demand for adequate facilities and services;
- and be it further

RESOLVED, That the results of the study and any recommended legislation be reported to the 66th session of the Nevada Legislature.

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ABSTRACT

STUDY OF THE YOUTH SERVICES DIVISION AND THE JUVENILE JUSTICE SYSTEM IN NEVADA

The 1989 Legislature adopted Senate Concurrent Resolution No. 52 (File No. 197, Statutes of Nevada 1989, pages 2374-2375) which directed the Legislative Commission to study the Youth Services Division of the Department of Human Resources and the juvenile justice system in Nevada. The impetus for the resolution was a concern expressed by the "money committees" during the 1989 legislative session regarding overcrowding, primarily at the Nevada Youth Training Center in Elko, and the emergence of a new, more sophisticated, youthful offender labeled the serious, violent, chronic offender. In response to the resolution, the Legislative Commission appointed a subcommittee to conduct the study and recommend actions to the 1991 session of the Nevada Legislature.

The subcommittee held five public meetings including a work session to develop the study's final recommendations. It received testimony, both written and oral, from employees of the Youth Services Division, Department of Human Resources, district court judges, county chief juvenile probation officers, concerned parents, and a representative from the National Center for Juvenile Justice. Additionally, the subcommittee members and staff reviewed a large number of publications, studies and reports regarding juvenile justice issues.

The subcommittee found that continuation funding for providing care to serious, chronic, violent, juvenile offenders was necessary. It stressed that the care should be provided within the State of Nevada versus out-of-state facilities. A number of recommendations were made to reduce the number of youth who could escalate to delinquent status and reduce the recidivism rates of youthful offenders paroled from the youth correctional system by expanding and enriching the levels of care for youthful offenders. These recommendations included the endorsement of a subsidy

program to increase services at local levels and the endorsement of a youth parole halfway house or program of similar concept. Further, the subcommittee made several recommendations regarding the enhancement of the collection of child support payments for youth committed to the Youth Services Division.

SUMMARY OF RECOMMENDATIONS

STUDY OF THE YOUTH SERVICES DIVISION AND THE JUVENILE JUSTICE SYSTEM IN NEVADA

This summary represents the major conclusions reached by the subcommittee. The conclusions are based upon:

- (1) testimony provided to the subcommittee by representatives of the Youth Services Division of the Department of Human Resources, the juvenile justice system in Nevada, and the National Center for Juvenile Justice, all of whom are familiar with the operations of the Youth Services Division, juvenile courts and county juvenile justice systems;
- (2) the experience and knowledge of the members of the subcommittee;
- (3) research completed by the members and staff of the subcommittee; and
- (4) other correspondence to the members and staff of the subcommittee.

The subcommittee recommends:

1. That continuation funding be provided to the Youth Services Division for the contract care of serious, chronic, violent juvenile offenders, based upon a professionally completed needs assessment with the resultant recommended funding amounts to be submitted to the 1991 Legislature through the Executive Budget process.
2. That the Youth Services Division, through its Youth Parole Bureau, increase "aftercare" services including the establishment and the operation of a halfway house or program of similar concept.

3. That the Youth Services Division create a subsidy program to provide services for Children in Need of Supervision (CHINS) based upon a statewide needs assessment to determine the projected need for services including out-of-home placement and foster care services. All 17 counties must participate with funding to consist of two-thirds county share and one-third state share. (BDR 5-296)
4. That the "collection process" of child support payments for youth committed to the Youth Services Division, and as currently provided for in NRS, be revised to make child support payments mandatory by responsible relatives for youth committed to state-operated training centers. The payment shall be determined based upon a uniform statewide sliding fee scale (for use by all Department of Human Resources agencies) to be developed by the Department of Administration. The subcommittee also recommends that the collection amounts from child support payments be estimated and included through the Executive Budget process in the affected budget accounts within the Youth Services Division. (BDR 5-295)
5. That the Youth Services Division pursue the addition of a new accounting/clerical position to be primarily responsible for the billing and collection process of child support payments for youth in the care of the Youth Services Division. Additionally, that the Youth Services Division pursue the implementation of an automated billing and collection system for child support payments through the acquisition of a personal computer and software. (BDR 5-295)
6. That the appropriate NRS be amended to allow the Youth Services Division to transfer committed youth between institutional placement facilities without obtaining the committing court's specific approval. An advisory notice to the court and parents or responsible relatives of the youth must be processed by the Youth Services Division. (BDR 5-297)

7. That the Youth Services Division request funding on an "as needed" basis for the provision of services to committed youth between 8 and 12 years of age.
8. That an endorsement be given, in concept, to the proposed creation of the Division of Youth and Family Services with the objective of consolidating and improving service delivery to children in the State of Nevada from various agencies within the Department of Human Resources.

BULLETIN 91-20

TAXATION IN NEVADA

A.B. 801 - 1991 Session

Interim Study

Assemblyman Bob Price, Chairman
Senator Charles W. Joerg, Vice Chairman
Senator Erik Beyer
Senator Raymond C. Shaffer
Senator R. Hal Smith
Assemblyman Louis W. Bergevin
Assemblyman John "Jack" Regan
Assemblywoman Myrna T. Williams

Principal Staff

Kevin D. Welsh, Deputy Fiscal Analyst
(687-6821)

Assembly Bill No. 801—Committee on Taxation

CHAPTER 861.

AN ACT relating to local governmental finances; revising the provisions governing the maximum amount of revenue a local government is allowed to receive from certain taxes; revising the limitations on the amount of certain service charges and fees charged by local governments; revising the provisions governing the distribution of the revenue from the supplemental city-county relief tax; increasing the maximum amount of revenue the town of Laughlin is allowed to receive from certain taxes; requiring the legislative commission to conduct an interim study of taxation in Nevada; and providing other matters properly relating thereto.

WHEREAS, In 1981, the Nevada Legislature substantially revised the laws governing the financial structure of the local governments in this state; and

WHEREAS, As part of that revision the supplemental city-county relief tax was imposed at the rate of 1.75 percent of taxable sales and a formula was enacted which allocated the revenue from that tax among the local governments; and

WHEREAS, Each local government's property tax rate was reduced by an amount equal to the amount of revenue from the supplemental city-county relief tax that was allocated to that local government; and

WHEREAS, Various other controls were also instituted that limited the amount of revenue which could be received by a local government; and

WHEREAS, Eight years have elapsed since the enactment of these laws and the Nevada Legislature finds that the experience of these years has indicated that it is necessary to make certain changes in the distribution of the revenue from the supplemental city-county relief tax to achieve equity and fairness among the local governments of this state; and

WHEREAS, The Nevada Legislature finds that adjustments such as these are necessary to recognize economic changes that have taken place in the various counties, cities and towns over the years, to recognize the need in some local governments for additional funding for basic services and to provide resources to accommodate expenditures in certain local governments related to community growth; and

WHEREAS, The legislature finds and declares that a general law cannot be made applicable to the situation because of the economic diversity of the local governments of this state, the unusual growth patterns in certain of those local governments and the special conditions experienced in certain counties related to the need to provide basic services; now, therefore,

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

Sec. 31. 1. The legislative commission is hereby directed to conduct a comprehensive study of taxation in Nevada, with primary emphasis on, but without limitation, the equity, distribution and adequacy of all existing taxes and secondarily on the feasibility and functionality of future revenue sources of all governmental units in the state.

2. As soon as practicable after July 1, 1989, the legislative commission shall appoint four assemblymen and four senators, from among the members of the standing committees on taxation of this session, to conduct the study.

3. The legislative commission shall designate the chairman and vice chairman of the subcommittee.

4. The chairman of the subcommittee may appoint subsubcommittees, which may include members of the public and private sectors for technical advice, to carry out specifically assigned tasks or study specified subjects.

5. Each member of the subcommittee appointed by the legislative commission is entitled to receive a salary of \$130 for each day on which he attends a meeting of the subcommittee or a subsubcommittee of the subcommittee and the per diem allowance and travel expenses provided for state officers and employees generally from the legislative fund. The expenses of a member of the public or private sector who is appointed to a subsubcommittee pursuant to the provisions of subsection 4 must be paid by the entity he represents, if any, or by the member.

6. The study must be completed not less than 45 days before the first day of the 66th session of the legislature.

7. The legislative commission shall report the results of its study and any recommended legislation to the 66th session of the legislature.

Sec. 31.5. There is hereby appropriated from the state general fund to the legislative fund the sum of \$50,000 to pay the costs of the study required by section 31 of this act.

Sec. 31.7. On and after July 1, 1989, unless the context otherwise requires, a reference in any legislative measure enacted this session to the "reserve fund for the supplemental city-county relief tax" shall be deemed to refer to the "emergency fund of the supplemental city-county relief tax."

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ABSTRACT

STUDY OF TAXATION IN NEVADA

The 1989 Legislature adopted Assembly Bill 801 which, in section 31, directed the Legislative Commission to conduct a comprehensive study of taxation in Nevada with primary emphasis on, but without limitation to, the equity, distribution and adequacy of all existing taxes and the feasibility and functionality of future revenue sources of all governmental units in the state. The bill further provided that the study must be completed not less than 45 days before the first day of the 66th Session of the Legislature.

To accomplish this mandate, the Legislative Commission appointed a subcommittee to study taxation in Nevada. Primary staff support for the study subcommittee was provided by the Fiscal Analysis Division and secondary support by the Legal Division of the Legislative Counsel Bureau.

The study committee met in Carson City on September 28, 1989 and formed five subcommittees of its membership. Subcommittee No. 1 was assigned to study the collection and distribution of supplemental city county relief tax. Subcommittee No. 2 was assigned to study potential new revenue for local governments. Subcommittee No. 3 was assigned to study potential new revenue for state government. Subcommittee No. 4 was assigned to study sales and property taxation in Nevada. Subcommittee No. 5 was assigned to study tax policy in Nevada.

The subcommittees held 15 public hearings and reported back to the committee as a whole periodically at one or more of its six public hearings. The public hearings were held in urban centers including Reno, Carson City, Las Vegas, and North Las Vegas and in rural areas including Tonopah, Ely and Elko.

The committee as a whole and its five subcommittees met in Las Vegas on November 19th and 20th, 1990 and adopted 14 recommendations for the Legislative Commission to forward to the 66th Session of the Nevada Legislature.

SUMMARY OF RECOMMENDATIONS

STUDY OF TAXATION IN NEVADA

1. The 1991 session of the Nevada Legislature should consider legislation making changes relating to the distribution of the Supplemental City County Relief Tax (SCCRT) as follows:
 - A. Use population in place of "new property" as factor for adjusting distribution to reflect growth.
 - B. Distribute revenue from out-of-state sales based on population.
 - C. Eliminate obsolete language in paragraph (a) of subsection 1 of NRS 377.057.

(BDR 32-1071)
2. The 1991 session of the Nevada Legislature should consider legislation to increase the SCCRT distribution factor of Elko County and adjust Eureka County's factor to offset approximately one-half of the increase.

(BDR S-1072)
3. The 1991 session of the Nevada Legislature should consider legislation to limit assessors to a range of 32 to 36 percent the ratio of assessed value to taxable value for compliance with the ratio study and for the median land factor. (BDR 32-1074)
4. The 1991 session of the Nevada Legislature should consider legislation that would consolidate Elko and Eureka Counties. (BDR 20-1073)
5. The 1991 session of the Nevada Legislature should consider legislation proposing to amend the Nevada Constitution to provide for legislative approval of administrative regulations. (BDR C-1078)

6. The 1991 session of the Nevada Legislature should consider legislation that would authorize local governments to establish toll roads and bridges. (BDR 35-1076)
7. The 1991 session of the Nevada Legislature should consider legislation allowing certain businesses to pay the sales and use tax directly to the state. (BDR 32-406)
8. The 1991 session of the Nevada Legislature should consider legislation to eliminate caps on property tax imposed by local governments except for the statutory ceiling of \$3.64. (BDR 32-1079)
9. The 1991 session of the Nevada Legislature should consider legislation that would require the Department of Taxation to establish uniform assessment standards and practices and require training for county assessors. (BDR 32-1075)
10. The 1991 session of the Nevada Legislature should consider legislation that would create an interim committee on taxation by authorizing the Legislative Commission to appoint four members from each standing committee on taxation, rotating the chairmanship between the houses and establishing the interim committee's authority to review and recommend changes in tax policy to the full legislature. (BDR 32-1077)
11. The Legal Division of the Legislative Counsel Bureau shall prepare an opinion on the applicability of the Webster case (which found certain assessment practices to be in violation of the equal protection clause of the U.S. Constitution) to Nevada's assessment practices for presentation to the 1991 Legislature.
12. The Fiscal Analysis Division of the Legislative Counsel Bureau shall prepare an analysis of the potential for a "revenue neutral" return to the assessment of

improvements at market value for presentation to the 1991 Legislature.

13. The 1991 session of the Nevada Legislature should request an analysis of property tax exemptions from the Department of Taxation.
14. The 1991 session of the Nevada Legislature should direct the Legal Division to include "widower" in the property tax exemption for widows and orphans when drafting the reviser's bill.