

SUMMARY BULLETIN
OF
REPORTS OF THE LEGISLATIVE COMMISSION
TO THE 62ND SESSION OF THE
NEVADA LEGISLATURE



Bulletin No. 83-14

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

May 1983

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INTRODUCTION

This bulletin summarizes 14 legislative study reports which were submitted in late 1982 or early 1983.

The 1981 session of the Nevada legislature directed that six studies be undertaken by the legislative commission. The legislature authorized four additional studies by creating or continuing legislative study committees. Another study was mandated under existing state law, and one other was authorized by the legislative commission.

The 1983 legislature directed that two studies be undertaken and completed during its session.

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

The resolution which authorized each study and the legislative personnel who worked on the study are cited for each bulletin. The personnel listing is designed to assist legislators or other interested parties to contact people qualified to explain reports and provide additional information. The summary bulletin also contains an abstract and a summary of recommendations for each of the separate bulletins.

LEGISLATIVE COMMISSION

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BULLETIN 83-1

STUDY OF THE PROBLEMS AND TREATMENT OF MENTALLY RETARDED ADULTS

S.C.R. 75 - 1981 Session

Interim Subcommittee

Assemblyman David D. Nicholas, Chairman
Assemblyman Marion D. Bennett, Vice Chairman
Senator Eugene V. Echols
Senator Joe Neal
Assemblyman Paul V. Prengaman
Assemblyman Danny L. Thompson
Assemblyman John M. Vergiels

Senate Concurrent Resolution No. 75—Committee on Legislative Affairs

FILE NUMBER 200....

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the problems and treatment of mentally retarded persons over 18 years old.

WHEREAS, In previous sessions, this legislature has directed that studies be conducted of the programs in this state for mentally retarded persons; and

WHEREAS, Those studies were mainly focused upon the problems of organization and administration, in an effort to improve the efficiency of the programs; and

WHEREAS, This legislature believes that an additional benefit would be obtained by a study particularly directed toward the problems and treatment of mentally retarded adults in this state; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to conduct a study of the special problems and the treatment of mentally retarded persons who are over 18 years of age; and be it further

Resolved, That the legislative commission report the results of its study and any recommended legislation to the 62d session of the Nevada legislature.

ABSTRACT

STUDY OF THE PROBLEMS AND TREATMENT OF MENTALLY RETARDED ADULTS

The 1981 Nevada legislature adopted Senate Concurrent Resolution No. 75 which directs the legislative commission to study the problems and treatment of mentally retarded persons over 18 years old. Recent legislative interim studies of mental health and mental retardation focused on the administration of programs for the mentally ill and mentally retarded and the organizational structure of the mental hygiene and mental retardation (MH/MR) division. Testimony during the 1981 legislative session indicated a need for studying the problems of mentally retarded adults in Nevada and the current methods of treatment available to them.

Another legislative consideration was the cost of providing care to mentally retarded persons in state facilities. Currently, the average cost to care for a mentally retarded person in a state facility is approximately \$94 per day. The cost of caring for one person over a 10-year period at this rate, without accounting for inflation, is \$343,100. Through S.C.R. 75, the legislature felt that alternatives to expensive state facilities could be developed without jeopardizing the care of mentally retarded persons in Nevada.

The subcommittee, following the mandate of S.C.R. 75, limited the focus of the study to mentally retarded persons over 18 years old. In addition to taking testimony, the subcommittee toured several public and private facilities that offer services to mentally retarded adults, including: Desert Development Center, Sierra Developmental Center, Washoe Association for Retarded Citizens Center, Elko County Association for Retarded Citizens Center, an Elko group home, Opportunity Village, Alpha Productions, and High Sierra (the latter three are community training centers).

Some of the primary goals of the subcommittee were to examine current community residential care facilities and to develop methods of maintaining the current facilities and encouraging the development of new ones.

The subcommittee held an initial meeting in Las Vegas on October 27, 1981, public hearings in Elko on December 15, 1981, in Tonopah on December 16, 1981, and in Sparks on February 19, 1982. A work session was held in Carson City on March 26, 1982.

The report includes an overview of mental retardation and the state services for mentally retarded adults. It contains 17 recommendations, most of which relate to improving the treatment and care of the mentally retarded in Nevada.

SUMMARY OF RECOMMENDATIONS

1. Amend the Nevada Revised Statutes to extend the responsibilities of the state equal rights commission to include protection for mentally retarded persons, including protection against discriminatory practices in housing, employment and public accommodations.
2. Repeal the expiration date of legislation enacted by the 1981 Nevada legislature, which limits local control over the location of housing for mentally retarded persons.
3. Increase funding of the family preservation program and expand the program to include profoundly and severely mentally retarded persons.
4. Establish a program to allocate funds to community training centers for facilities and equipment. The program will be administered by the state mental hygiene and mental retardation division. The initial appropriation is \$150,000.
5. Allow volunteers working in community training centers to drive state vehicles provided they meet other standards required to operate a state vehicle and they have received proper authorization.
6. Provide additional staff to the community training centers.
7. Increase the amount of state payments to group homes that provide care to mentally retarded and developmentally disabled adults. Support the mental hygiene and mental retardation division's actions to increase the number of clients in group homes whose care is provided for by Title XIX of the United States Social Security Act (Medicaid).
8. Establish a state guardianship program for mentally retarded persons over 18 years old.
9. Provide speech therapy and physical therapy to the clients of the community training centers.

10. Support the proposal of the mental hygiene and mental retardation division to use a laboratory technique designed to detect chromosomal abnormalities in the unborn.
11. Strengthen enforcement of the current child support laws.
12. Provide appropriate funding to the mental hygiene and mental retardation division for the purposes of training and evaluating the personnel of the community training centers.
13. Request the Congress of the United States to amend the Social Security Act to allow recipients of supplementary security income (SSI) to accumulate annual savings up to a maximum of \$2,000 without becoming ineligible for SSI benefits.
14. Prohibit the mental hygiene and mental retardation division from recovering the expenses of caring for mentally retarded adults from their estate for care provided prior to the inheritance of the estate.
15. Provide respite care to parents who care for their mentally retarded children and to the operators of community residential centers for the mentally retarded.
16. Encourage the development of prevention and community education programs regarding mental retardation.
17. Recognize that the State of Nevada has a continuing responsibility to provide quality care to its mentally retarded residents.

BULLETIN 83-2

ACCESS TO GOVERNMENTAL RECORDS

S.C.R. 54 - 1981 Session

Interim Subcommittee

Senator James N. Kosinski, Chairman
Assemblyman Peggy B. Westall, Vice Chairman
Senator Joe Neal
Assemblyman William D. Brady
Assemblyman Robert G. Craddock
Assemblyman Jane F. Ham
Assemblyman Danny L. Thompson

Senate Concurrent Resolution No. 54—Committee on Legislative Affairs

FILE NUMBER 171

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the provisions of Nevada law governing access to public books and records.

WHEREAS, Much uncertainty has been expressed about the applicability of the provisions of Nevada law which govern access to public books and records; and

WHEREAS, Government officials who are responsible for administering these laws must, for their own protection and the protection of the legitimate right of others to privacy, be provided with clear statutory guidance as to which books and records are available for public inspection and which are not; and

WHEREAS, It is essential that any needed revision of these laws appropriately balance the interest of the public in obtaining access to useful information with the interests of particular persons in maintaining privacy and confidentiality in certain matters; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to study the existing provisions of Nevada law governing access to public books and records and give particular attention to defining precisely what books and records may be made available for public inspection, and under what circumstances, with a view to making the greatest amount of information collected by government available to its citizens consistent with their legitimate need for privacy; and be it further

Resolved, That the legislative commission seek the assistance of representatives of interested governmental agencies, the Nevada State Press Association and other associations representing persons who gather and report the news; and be it further

Resolved, That the legislative commission report the results of the study and any recommended legislation to the 62d session of the legislature.

ABSTRACT

ACCESS TO GOVERNMENTAL RECORDS

The subject of access to governmental records is a complex one, affecting all agencies of state and local government and potentially affecting all the citizens of the state, either as requesters of information or as the subjects of information contained in governmental files.

The subcommittee held seven meetings. The problem, as stated by the attorney general, was that without a definition of the subject matter and clear guidelines on access to governmental records, his office is compelled to answer questions on access to records case by case. He recommended that any proposed legislation should include a definition of the subject matter, clarification of exemptions from disclosure and a civil remedy for enforcement. The subcommittee reviewed the United States Freedom of Information Act and the laws of several states on the subject.

The subcommittee included in its proposed legislation the broadest possible definitions of "agency" (any agency of state or local government except the courts) and "governmental record" (information maintained by an agency in any physical form). The procedure in the draft bill would allow a person to make an oral request to inspect and copy a record and give an agency 7 working days to fulfill the request. If the agency denies the request, the requester may reduce the request to writing, in which case the agency must give him a written denial.

The subcommittee provided for 15 general exemptions from disclosure. The first of these is for information that has been exempted from disclosure by statute: there are currently 165 sections in Nevada Revised Statutes which provide for confidentiality of governmental records. The other exemptions, which are not mandatory but simply allow an agency to withhold information at its discretion, include exemptions which protect personal privacy, the security of prisons and recordkeeping systems, appraisals, autopsies and certain law enforcement information. In the opinion of the legislative counsel, the draft bill's exemption from disclosure for the governor's correspondence does not fully protect the confidentiality of other advisory, deliberative and consultative letters and memoranda of the executive department of state government under the doctrine of executive privilege.

The last of the general exemptions is a precautionary provision in case of unanticipated problems. It would permit an agency to withhold information if "the public interest served by nondisclosure clearly outweighs the public interest in disclosure."

The subcommittee provided for enforcement of the proposed legislation by the attorney general. If an agency denies a written request for a record, the requester may ask the attorney general for his written opinion as to whether or not the record is subject to disclosure. If, in the attorney general's opinion, the record is subject to disclosure and the agency does not immediately disclose it, the attorney general must bring an action against the agency for a writ of mandate to compel disclosure. If the attorney general's opinion is that the record is exempt from disclosure, the requester may sue on his own. If the requester prevails, he may be awarded his court costs and attorney's fees.

The subcommittee also made provision for sanctions against a governmental officer or employee. For example, a third violation of the law on access to governmental records or willfully withholding a record is a misdemeanor in office, punishable by dismissal or impeachment.

SUMMARY OF RECOMMENDATIONS

The recommendations made by the subcommittee studying access to governmental records are summarized in the "Abstract" on the preceding page.

BULLETIN 83-3

PRISON MASTER PLAN

S.C.R. 56 - 1981 Session

Interim Subcommittee

Senator Sue Wagner, Chairman
Assemblyman Nicholas J. Horn, Vice Chairman
Senator Eugene V. Echols
Senator Virgil M. Getto
Assemblyman Donald R. Mello
Assemblyman Joseph E. Dini, Jr.
Assemblyman John M. Vergiels
Assemblyman Karen W. Hayes
Assemblyman Robert F. Rusk
Assemblyman Patty D. Cafferata

Senate Concurrent Resolution No. 56—Senators Wagner and Wilson

FILE NUMBER..198..

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to conduct an interim study toward the development of a master plan for the Nevada prison system.

WHEREAS, The Nevada legislature has appropriated over \$15 million in 1975, over \$10 million in 1977, and over \$34 million in 1979, for prison construction; and

WHEREAS, In 1979 and 1980 the legislative commission conducted a study of the present and future needs of the state prison system including the need for additional construction, as directed by Assembly Concurrent Resolution 41 of the 60th session of the legislature; and

WHEREAS, That study showed that the techniques used by the department of prisons to estimate the future population of its institutions did not provide an adequate basis for recommendations concerning the need for future prison construction; and

WHEREAS, The need for an effective plan to project the future population of the prison was also pointed out by a consultant from the National Institute of Corrections, who was recently requested to assess the problems of Nevada's prison system; and

WHEREAS, Plans are being discussed by this legislature to provide for the issuance and sale of state bonds in the amount of approximately \$20 million to finance additional prison construction; now, therefore, be it

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

1. To review the existing plans and prior studies;
 2. To report on the success of alternatives to incarceration as used in this state; and
 3. In cooperation with the state public works board to recommend a master plan for the future development of the prison system and appropriate related facilities,
- and be it further

Resolved, That the results of the study and any recommendations for legislation be reported to the 62d session of the legislature.

ABSTRACT

PRISON MASTER PLAN

Senate Concurrent Resolution No. 56 (File No. 198) of the 61st session of the Nevada legislature directed that the legislative commission review the existing plans and prior studies that have been conducted on the department of prisons; report on the success of alternatives to incarceration as used in Nevada; and, in cooperation with the state public works board, recommend a master plan for the future development of the prison system and appropriate related facilities. This report contains both the State of Nevada prison master plan, as developed by the subcommittee appointed by the legislative commission to conduct this study, and the subcommittee's findings and recommendations as they relate to the future of corrections in Nevada.

In the conduct of its assigned inquiry, the subcommittee held four meetings in both northern and southern Nevada; toured programs which offered alternatives to incarceration and transitional programs of the department of prisons; and received testimony from prison and other state officials, correctional officials from other states, architects experienced in correctional building projects and outside consulting groups associated with prison planning.

Since 1961, the legislature has authorized the expenditure of over \$77 million for the construction of new prison facilities. Yet, the most recent legislative study of the department of prisons found that the techniques used by the department to estimate future inmate populations did not provide adequate information upon which construction decisions could be founded. Although the department of prisons requested authority to begin an extensive capital construction program late in the 1981 session, the 1981 legislature instead directed that a master plan for future prison programs be developed which would include adequate information relating to the need for additional bedspace, the addition of correctional and alternative to incarceration programs and, if necessary, the expansion or construction of state facilities (including all physical considerations).

Accordingly, the S.C.R. 56 subcommittee, in addition to the conduct of its hearings and ongoing inquiries, assisted in the development of the scope of work for the master plan, recommended population and classification consultants for development of the master plan and assumed analysis of the alternatives to incarceration portion of the master plan. In the course of its study, the subcommittee worked closely with the population and classification consultants, the National Council on Crime and Delinquency (NCCD), in overseeing the development of an inmate population projection methodology, as well as a new objective classification system, for use in more accurately assessing the security needs of the inmates under the jurisdiction of the Nevada department of prisons.

The subcommittee also conducted an ongoing inquiry into the effects of design decisions on prison security and operating costs, examined both the capital and operating costs of incarceration and compared them with the costs of programs less oriented towards the use of traditional security means. It emphasized that both the information contained in the report and the prison master plan will need continual maintenance and periodic updating so that policymakers can detect the effects of any trends occurring within the criminal justice system. The findings, recommendations and master plan contained in this report are intended to provide a "blueprint" to help policymakers shape the future of the state's correctional system and to provide the state with some possible alternatives for handling the criminal offender in a more effective and cost-efficient manner.

SUMMARY OF RECOMMENDATIONS

A. PRISON PLANNING

In the conduct of its assigned inquiry, the S.C.R. 56 subcommittee relied heavily on data containing the characteristics of the Nevada department of prisons' populations from 1979 through 1981 that was collected by the National Council on Crime and Delinquency (NCCD). This information was vital to the subcommittee in planning for the future direction of corrections and was the basis for development of the department of prisons' management information system. The S.C.R. 56 subcommittee urges the department of prisons to continue the effort that has already been made towards the development of this system and suggests it be routinely maintained and updated so that policymakers will have the benefit of the same types of information that were made available to the S.C.R. 56 subcommittee.

B. CLASSIFICATION AND INMATE POPULATION PROJECTIONS

1. Based upon the NCCD's comparison of classification systems, the subjective classification system used by the Nevada department of prisons at the outset of the master plan study apparently classified a larger number of inmates into medium security and too few inmates into minimum security classifications. This "overclassification" did not necessarily increase the security of the citizenry, but it did result in an increase in taxpayer costs to support the Nevada prisons system.
2. Based on the inmate characteristic information supplied by the NCCD, it appears there is a large proportion of inmates entering the Nevada department of prisons with minimal prior adult criminal histories. Many of those inmates would qualify for participation in programs requiring lesser physical security.
3. The S.C.R. 56 subcommittee endorsed the department of prisons' implementation of a new objective classification point system such as the National Institute of Corrections' model system and urged the

department to continue its efforts in implementing this use of the system in its future classification efforts. Use of this system will result in more accurate and rational classification decisions, a more productive use of the scarce resources for prison program development, and a cost-effective approach to future prison expansion. As explained to the subcommittee, the Nevada department of prisons has acquired funding from both the National Institute of Corrections and the United States Department of Justice, Bureau of Justice Statistics, with which development efforts on this system are being funded at no expense to the state's general fund.

4. The S.C.R. 56 subcommittee recommends that the department of prisons implement the input/output model for forecasting future inmate populations. The input/output model is seen as a preferable forecasting method because it considers all factors of the criminal justice system in making its forecast and because the model is more sensitive to policy changes and their effect upon inmate populations. With the development of the inmate/output forecasting model, the S.C.R. 56 subcommittee believes the legislature can be given more accurate estimates of the impact that potential penal code revisions will have on the state prison system.
5. With the development of the input/output forecasting model, the department of prisons will be able to answer legislative inquiries about the potential effects of changes in the state's criminal codes. Therefore, the subcommittee recommends that the fiscal analysis division and the legislative counsel provide that all measures which can affect prison populations be required to contain a fiscal note as provided in Nevada Revised Statutes (NRS) 218.272 through NRS 218.2758. The subcommittee believes this information will not only be vital to lawmakers in deciding the merits of such revisions, but it will also provide the proponents of the changes an opportunity to examine the costs and benefits to the state brought about by the proposed revisions.
6. With the implementation of the objective classification system and the input/output population forecasting model, it appears more inmates can safely be

classified as minimum security risks. However, analysis of the department's capacity by custody level indicates there are fewer minimum security beds in the prison system than could be utilized. The analysis also showed that additional medium security bedspace will not be necessary until approximately 1987 and that the supply of maximum/close security beds appeared adequate to 1991, the projection period.

C. FACILITY CAPITAL AND OPERATING COSTS

1. The annual per inmate operating cost figures by institution indicate it is substantially less costly to the Nevada taxpayer to house an inmate at either a restitution center or honor camp program as opposed to traditional institutional incarceration.
2. The capital outlay for prison bedspace is considerably less on an original capital outlay and an annual per bed capital cost basis when community residential centers are leased or honor camp facilities are constructed. To reduce the costs of institutional construction and/or remodeling even further, the S.C.R. 56 subcommittee endorses the use of inmate labor in prison construction and urges the department to maximize the use of such labor in future facility expansion, repairs and remodeling projects.

D. FUTURE PRISON EXPANSION

Data compiled by a national consulting firm and made available to the S.C.R. 56 subcommittee provided an indication of future inmate populations and their probable custody levels into the future. These projections show an increasing proportion of the inmate population will be eligible for minimum security programming. Past experience has indicated that it is cheaper to both construct and operate minimum security programs (both honor camp and restitution centers). The S.C.R. 56 subcommittee recommends that future expansion of the department of prisons be directed towards the development of minimum security bedspace.

E. EVALUATION OF ALTERNATIVES TO INCARCERATION

1. Probation

- a. Based upon the prison admissions characteristics information showing a significant percentage of "lightweight" offenders, the lower than average use of probation and the obvious cost advantage of the probation alternative, the S.C.R. 56 subcommittee recommends the expansion of the use of probation as an alternative to incarceration. It is the understanding of the subcommittee that this increased use would entail a revision of the probation risk factor rating system that is currently used by the department in assessing a convicted felon's probability for successful probation completion. The subcommittee strongly urges the department of parole and probation to work toward expanding probation since inmate admission characteristic data indicates there is some opportunity to do so without having to start diverting truly "marginal" candidates. The subcommittee suggests that the department begin by reviewing the effectiveness of the 120-day program as it relates to probation performance and, if found to have a negligible impact on improved performance, look toward immediate probation grants for those individuals.
- b. The subcommittee also suggests that the risks of expanding the use of probation be minimized through the use of intensive supervision practices which would require more parole and probation supervision staff and lower caseloads. It is recommended, therefore, that the increase in probation be accompanied by the addition of more intensive supervision or incarceration diversion units. In so doing, the subcommittee believes society will be better protected and the offender will have a greater opportunity for successful program completion.
- c. The S.C.R. 56 subcommittee also believes that those convicted felons who are being supervised at taxpayers' expense should be required to pay for some portion of these costs. Since both

parole and probation supervision services are provided by the agency, the subcommittee feels parolees and probationers under the supervision of the Nevada department of parole and probation, who are not being charged a supervision fee in their home state, should be charged a fee.

The subcommittee also recognizes that there will be certain instances where such a charge will work a hardship on the offender; therefore, it is recommended waiver or exemption authority be given to the chief of the department. It is further recommended that the amount of fees be set by the department and that those collections be included in the department's biennial budget as authorized by the legislature.

2. Parole and Probation Residential Center Program

- a. The S.C.R. 56 subcommittee is concerned and disappointed about the department of parole and probation's handling of the halfway house program. The department did not develop a comprehensive request for proposal clearly outlining the state's program expectations and operating procedures and went, without benefit of competitive bidding, "sole source" with Talbert House, Incorporated for program operation. This decision substantially contributed to subsequent disagreements between the state and the contractor and caused program delays over claim payments and program responsibilities. Those disputes began the erosion of the program's promise.

Secondly, it appears the top management of the department of parole and probation did not aggressively pursue the development of the program. The department preferred a "turnkey" approach and had little active involvement, other than administrative, in the selling and development of the program. The subcommittee feels that the department of parole and probation must bear much of the burden for this program's failure.

- b. Despite the program's poor performance, however, the subcommittee believes that there is a need for this type of program in the state's criminal justice system. Based upon much of the information gathered about the characteristics of the incoming prison population, it appears there is a sufficient pool of offenders who could participate in this program. Therefore, the subcommittee recommends that the residential center program for convicted offenders be continued and that the sunset clause, as contained in the current legislation, be removed.

3. Honor Camp Program

- a. Available information indicates that there currently is a need for minimum security bed-space within the department of prisons' facilities; that a greater proportion of inmates will be classified to minimum custody levels in the future; that the per inmate annual operating and per bed construction costs for honor camp facilities is less than traditional institutions; and that there are additional work projects that would be available for inmate conservation crews in the coming biennium. Based on these factors, the S.C.R. 56 subcommittee recommends that the department of prisons accommodate increased bedspace needs through expansion of the honor camp program.
- b. The subcommittee feels that the honor camp program should be as cost-effective as possible and recommends that the division of forestry actively and aggressively pursue the acquisition of paid projects for the crews. The division should attempt, to the maximum extent possible, to generate revenues for crew work performed for state government, local jurisdictions and community activities.
- c. The subcommittee also recommends that all funds earned by honor camp crews be deposited in the honor camp program, especially all revenues earned from fire suppression activities for the Department of the Interior, Bureau of Land Management (BLM) and the United States Forest

Service (USFS). The current practice is that payment received from the BLM and the USFS for fire suppression are deposited into the division's fire suppression account, thereby understating revenues received from honor camp activities. These revenues totaled over \$65,000 in each of the last 2 fiscal years.

4. Restitution Center Program

- a. Cost analysis figures show that the cost efficiency of the restitution centers dramatically increases when the centers are kept at or near full capacity. While it is understood that there will be some additional costs to expansion relocation efforts, it is anticipated that higher capacities will further reduce inmate operating costs as well as provide additional opportunities for more inmates to participate in the program. Therefore, the subcommittee recommends that the Southern Nevada Restitution Center be expanded to increase program cost efficiency and allow more inmates to participate in the program.
- b. The subcommittee also believes that restitution centers could provide a cost-efficient structured environment for those parolees in danger of revocation to a traditional institution. In this instance, the restitution centers could serve as a "halfway out" program without having to commingle those felons with prior prison experiences with the relative unsophisticated felons without prison time currently being assigned to the department of parole and probation's halfway house program. The subcommittee, therefore, recommends that parolees be allowed to be housed in restitution centers.
- c. In addition, the S.C.R. 56 subcommittee recommends that the Northern Nevada Restitution Center be reestablished. The subcommittee strongly urges, however, that the center be carefully and strictly supervised so that the events that led to the closure of the northern center will not be repeated. In addition, the subcommittee realizes the relocation of the center will be extremely difficult; however,

the department of prisons is urged to work with neighborhood and community groups to achieve harmony in such placement. The subcommittee also suggests that the department once again review the possibility of using vacant buildings on the Nevada Mental Health Institute grounds as this site may represent a viable option in terms of size, location and cost savings.

5. Parole

- a. The S.C.R. 56 subcommittee is concerned with the effect that changes in paroling policies have had on the numbers of inmates incarcerated within the Nevada prison system. The subcommittee believes that there should be some consistency within the system to allow for the orderly flow of offenders and to allow adequate time to plan for system changes; therefore, the subcommittee recommends that the parole board adopt objective parole guidelines. Those guidelines employ factors to which numerical values can be attached to provide some consistency in parole decisions and eliminate some of the subjective judgment factors currently being used by the board in their decisions.

Implementation of parole guidelines would correspond to the department of prisons' development of an objective classification system as well as the department of parole and probation's risk assessment factoring system used in making probation recommendations. Development of these guidelines should involve a review of parole guidelines in use in other states and a review of objective classifications/decisionmaking instruments in use in Nevada. Once established, the guidelines should particularly be reviewed as a measure of parole board performance.

- b. The subcommittee also recommends that the board of parole commissioners be removed from approving or denying work release candidates and recommends that the work release program be placed under the jurisdiction of the department of prisons. This is currently the case in the restitution, honor camp and work experience programs.

F. EXPANSION POTENTIAL AND LIMITATIONS OF EXISTING FACILITIES

If the expansion and diversions from incarceration are implemented as recommended, the S.C.R. 56 subcommittee does not believe that any institutional construction will be necessary in the immediate future (1983-85 biennium). Depending upon the extent of the minimum security program development and the future directions of policies as they relate to the state's criminal justice system, the need for institutional construction may even be delayed past the 1985 session. However, the subcommittee suggests that the available capacity, and the custody levels of that capacity, be compared to the projected inmate populations and their custody level needs periodically to insure authorization of the most beneficial construction decisions when such decisions become appropriate.

G. NEVADA STATE PRISON RENOVATION INQUIRY

The subcommittee believes there was a significant deviation in the design of the Nevada State Prison that was approved by the 1977 session and the configuration in existence currently. This deviation, in combination with some other factors, resulted short-term in serious security problems at the institution and long-term in substantial increases in manpower and operating costs to the state. The subcommittee believes some of these problems could have been avoided through better communication with the legislature and, therefore, it is recommended that the 1983 legislature adopt legislation which will require that the state public works board consult and advise the interim finance committee on the design of all capital improvement projects.

BULLETIN 83-4

STUDY OF THE CENTRAL ASSESSMENT OF PROPERTY

S.C.R. 64 - 1981 Session

Interim Subcommittee

Senator Keith Ashworth, Chairman
Assemblyman Paul W. May, Jr., Vice Chairman
Senator Don W. Ashworth
Senator James N. Kosinski
Assemblyman Erik Beyer
Assemblyman Louis W. Bergevin
Assemblyman Lonie Chaney
Assemblyman John W. Marvel
Assemblyman Robert E. Price

Senate Concurrent Resolution No. 64—Committee on Taxation

FILE NUMBER 172

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the procedures used by the department of taxation in central assessment of property.

WHEREAS, The Nevada tax commission is required by law to establish the valuation for assessment purposes of property of an interstate or intercounty nature, including the property of certain railroads, telephone companies, electric power companies and other public utilities; and

WHEREAS, The department of taxation is required by law to assess the net proceeds of all operating mines and all supplies, equipment and improvements used in connection with mining operations; and

WHEREAS, Other property in this state is assessed locally by the county assessors; and

WHEREAS, The practices and procedures used by the county assessors in their local assessment of property have recently been evaluated and improved; and

WHEREAS, The practices and procedures used by the department of taxation in its central assessment of certain property have not been reviewed since the committee to study assessment and tax equities conducted such a review in 1973 and 1974; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is directed to study the practices and procedures used by the department of taxation in its central assessment of property, and that the study include determinations of:

1. The kinds of property being centrally assessed and the methods used in making the assessments;

2. The benefits and detriments of central assessment; and

3. Whether the methods being used for central assessment follow the constitutional principles of having a uniform and equal rate of assessment and securing a just valuation;
and be it further

Resolved, That the results of the study and any recommendations for legislation be reported to the 62d session of the legislature.

ABSTRACT

STUDY OF THE CENTRAL ASSESSMENT OF PROPERTY

This report is submitted in compliance with Senate Concurrent Resolution No. 64 (File No. 172) of the 61st session which directed the legislative commission to study the procedures used by the department of taxation in central assessment of property.

Centrally assessed properties are those properties which are appraised and assessed at the state level rather than at the county level by the local assessor. Central assessment generally includes those types of property of an interstate or intercounty nature where actual value cannot be determined solely on the basis of property located within a specific county. The 1981 legislature felt that further study was required in order to determine if changes in central assessment procedures were required to maintain uniform and equal taxation among all classes of property as required by article 10 of the Nevada constitution and to provide for assessment methods similar to those in use by county assessors on all other types of properties.

Senate Concurrent Resolution No. 64 directed the legislative commission to study the procedures currently in use by the department of taxation. The resolution required the commission to determine:

1. The kinds of property being assessed and the methods used in making the assessments;
2. The benefits and detriments of central assessment; and
3. Whether the methods used meet the constitutional requirements of a uniform and equal rate of assessment and a just valuation.

The subcommittee, following the mandate of S.C.R. 64, limited the focus of the study to those properties that are centrally assessed. In addition to taking testimony from the public, representatives of the affected industries, local government representatives and the department of taxation, the subcommittee developed information through the legal division and the fiscal analysis division of the legislative counsel bureau. It held an initial meeting in

Carson City on February 11, 1982, and took public testimony at a subsequent meeting on March 24, 1982. Two work sessions were held, one on July 14, 1982, and one on November 8, 1982.

The report contains 10 recommendations and includes the bill drafts of six legislative proposals. It also includes an analysis of Senate Bill 687 (chapter 723, Statutes of Nevada 1981) which relates to property taxes on electric power generation facilities.

The subcommittee believes that the recommendations of this report and the accompanying proposed legislation will enhance the equity and uniformity of property taxes within the state as required by the constitution. These recommendations are an effort to increase uniform tax treatment between the various classes of property and, in the case of recommended changes to S.B. 687, provide for equitable treatment of the many taxing districts within the state. Although the subcommittee examined all areas of central assessment, only those that required recommendations are reported here.

SUMMARY OF RECOMMENDATIONS

1. Amend article 10 of the Nevada constitution to eliminate the requirement that bank shares be taxed.
2. Add to NRS 362 a definition of the gross yield of a mine to include all proceeds sold, exchanged for value or removed from the state.
3. Amend NRS 362 to change the reporting period of net proceeds of mines from a calendar year basis to a fiscal year basis.
4. Amend NRS 361 to require that the assessment of interstate and intercounty properties be conducted in the same manner as all other properties.
5. Amend NRS to reduce the delay in placing construction work in process of power generation facilities on the assessment rolls by requiring that it be placed on the next ensuing tax roll.
6. Delay implementation of section 2.5 of S.B. 687 (1981) until July 1, 1985.
7. Amend NRS to prohibit decreasing any taxing district's share of assessed value from electric power companies as a result of S.B. 687 (1981).
8. Amend the Nevada constitution to provide for a separate property tax on power generation facilities.
9. Amend NRS to provide compatibility between S.B. 687 (1981) and the revenue limitations on local governments.
10. Amend NRS to provide a method by which the department of taxation can require estimates of taxable purchases from power companies involved in the construction or operation of a power generation facility in order to determine the amount of sales tax attributable to it.

BULLETIN 83-5

WORKMEN'S COMPENSATION THROUGH PRIVATE INSURERS

S.C.R. 65 - 1981 Session

Interim Subcommittee

Senator Richard E. Blakemore, Chairman
Assemblyman Robert E. Robinson, Vice Chairman
Senator William H. Hernstadt
Assemblyman James J. Banner
Assemblyman Helen A. Foley
Assemblyman Alan H. Glover
Assemblyman John E. Jeffrey
Assemblyman Edward J. Kovacs
Assemblyman Ira V. Rackley

Senate Concurrent Resolution No. 65—Committee on Commerce and Labor

FILE NUMBER. 173

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the feasibility and desirability of allowing insurance coverage for workmen's compensation through private insurance carriers.

WHEREAS, There is a recognized need to provide the employers of this state with alternative methods of obtaining industrial insurance; and

WHEREAS, There are currently only two methods allowed by state law, i.e., coverage through the state insurance fund and self-insurance; and

WHEREAS, Allowing such coverage through private insurance carriers could provide the direct and indirect benefits which ordinarily follow the introduction of competition into any field of activity; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to conduct a study of the feasibility and desirability of allowing insurance coverage for workmen's compensation to be provided through private insurance carriers; and be it further

Resolved, That the commission submit a final report of the findings of the study and any recommended legislation to the 62d session of the Nevada legislature.

ABSTRACT

WORKMEN'S COMPENSATION THROUGH PRIVATE INSURERS

The 1981 legislature adopted Senate Concurrent Resolution No. 65 which directed the legislative commission to study the feasibility and desirability of allowing insurance coverage for workmen's compensation through private carriers in the state. Currently, workmen's compensation insurance is only available to employers through the state industrial insurance system, although certain large companies are allowed to provide their own coverage through self-insurance.

The subcommittee which conducted the study held four meetings in Carson City and Las Vegas. Input was received from the insurance industry, the state industrial insurance system, employee organizations, and employers in the state. Several studies of relevance to this basic question had been conducted over the past 10 years. The background information from these studies and several other sources assisted the subcommittee members in making their decisions.

The report contains a history of legislative activity relative to worker's compensation insurance in Nevada. Significant changes made in 1979 and 1981 are explained. This legislative history is supplemented by a statistical section which provides financial and operating data concerning the state's system.

Summaries and conclusions from four studies of the Nevada industrial insurance system which have been conducted in the past 10 years are presented in the report. An explanation of the worker's compensation laws in other states is also included.

In general, it can be stated that the insurance industry supported the concept of allowing private carriers of workmen's compensation insurance. Labor organizations and the state industrial insurance system provided the primary opposition. Some employers testified in favor of the concept, and other employers voiced their opposition.

The Nevada Independent Insurance Agents presented to the subcommittee a written proposal for allowing private carriers of workmen's compensation. The basic content of

the proposal was adopted by the subcommittee, and the task of drafting the complex bill necessary to effectuate the proposal was initiated. The staff of the legislative counsel bureau worked with experts in the insurance field to draft a bill which would be technically sound and alleviate as many of the concerns of the interested parties as possible. However, in addition to the disagreement about allowing private carriers in the state, the interested parties also disagreed on at least 18 points within the bill draft.

SUMMARY OF RECOMMENDATIONS

The subcommittee made one basic recommendation:

To allow private insurance carriers to provide coverage for workmen's compensation insurance in Nevada.

In order to put this recommendation into practice, a proposed bill was drafted. Even though they are not presented in the form of recommendations, many substantive policy decisions are also contained in the bill draft.

BULLETIN 83-6

MASS TRANSIT

S.C.R. 70 - 1981 Session

Interim Subcommittee

Assemblyman James W. Schofield, Chairman
Assemblyman Robert E. Price, Vice Chairman
Senator Keith Ashworth
Senator James H. Bilbray
Senator Virgil M. Getto
Assemblyman Patty D. Cafferata
Assemblyman Robert F. Rusk
Assemblyman Janson F. Stewart

Senate Concurrent Resolution No. 70—Committee on Finance

FILE NUMBER..199..

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study mass transit for cities and means of funding.

WHEREAS, The continuing growth in population of the cities of Nevada combined with the increasing need to conserve fuel has made more urgent the need to plan for improved systems of mass transit; and

WHEREAS, Efficient systems of mass transit would decrease air pollution and traffic congestion in the populous areas of this state; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to study the problem of mass transit for cities in Nevada; and be it further

Resolved, That the study include an examination of:

1. The particular needs of the various cities and other urban areas;
 2. The type of system best suited for each of these areas; and
 3. The various alternatives which may be available for obtaining money to finance the development and operation of the systems;
- and be it further

Resolved, That the legislative members who are appointed to perform this study must be selected from the members of the standing committees on taxation and transportation of the senate and assembly in the 61st session of the legislature; and be it further

Resolved, That the results of the study and any recommendations for legislation be reported to the 62d session of the legislature.

ABSTRACT

MASS TRANSIT

The 1981 Nevada legislature adopted S.C.R. 70 which directed the legislative commission to study mass transit for cities and means of funding. The commission was to include in the study an examination of particular needs, type of system best suited to a particular area, and alternatives to finance development and operation of public mass transportation systems.

The subcommittee held six meetings. Three were in Las Vegas, one in Reno, and two in Carson City. The Reno meeting included a demonstration of equipment recently purchased by the Washoe County Regional Transportation Commission.

Testimony was received from a wide variety of sources. Hearing participants included interested citizens, private and public operators of mass transit systems, state and local transportation agency officials, and representatives of the transportation needs of the elderly and handicapped.

The need for public transit was expressed by various sectors of the public at all of the hearings held by the subcommittee. The sectors included commuters routinely using transit for trips to and from work, school, shopping and so on. Special groups requiring transportation include the elderly and handicapped persons, not only for purposes similar to those of the general public, but also for medical and nutritional services.

One stimulus for the use of public transit is clearly economics. Rising fuel costs and energy shortages have caused public transportation to emerge as an alternative to the automobile. The need for public transit also encompasses environmental quality. Both Clark and Washoe counties have a growing concern over deteriorating air quality which is contributed to significantly by motor vehicle engine emissions. Furthermore, the commercial sector experiences losses in time due to increasing traffic congestion.

The state department of transportation continues to consider the gamut of transportation needs in its planning activities. Although the focus of transportation investment in Nevada has been on road-building programs, the state is beginning to deemphasize new highway construction and invest heavily in preserving the existing system. Its comprehensive approach to the entire transportation system will include reevaluation of the ways in which services are provided, their costs and the relationship to federal, state and local governments.

The existing types of transit systems and the best types of transit systems for various areas in Nevada may be the same. A number of alternatives were suggested, including privately owned and operated and publicly owned and operated systems. Specialized transit for elderly and handicapped persons is also provided both privately and as part of government-operated programs.

Paratransit systems may contribute a great deal to the total transit service in a community. There are small bus operations and ridesharing. There is also the possibility of extending the use of school buses for non-school transportation purposes. The viability of these alternatives, however, is not the same for all communities.

Financing of public mass transit has become a pressing problem in the face of escalating capital and operational costs and diminishing revenue sources. There is, however, a rationale for funding public transit systems. In particular, public transit offers personal mobility that healthy economies demand--mobility that the business community relies on heavily to attract much of its labor force. Thousands of Nevadans depend on transit as the sole means of transportation to get to work, and equally large numbers of consumers rely on transit to travel to downtown retail and entertainment establishments.

The 1981 legislature offered counties another option for funding public mass transit when it adopted A.B. 338 (chapter 683) which allows counties to adopt ordinances levying a 1/4 percent sales tax, contingent upon voter approval. This approach to raising funds for public transit has been tried in Washoe County, and it has been successful. Clark County, on the other hand, has not approached the voters with such a proposal to date.

Numerous other revenue generating proposals were presented to the subcommittee. Among them were imposing an entertainment tax, payroll tax, one-time special registration fee on vehicles registered within the state, occupancy tax, user fees on new and existing parking garages, and excess revenues generated by the vehicle inspection and maintenance program.

The subcommittee's report contains seven recommendations for improving or expanding mass transit in Nevada.

SUMMARY OF RECOMMENDATIONS

1. Authorize the expenditure of money in the taxicab authority fund to subsidize transportation for the elderly.
2. (a) Remove legal impediments to sharing rides to places of employment and school.

(b) Limit liability for organizations and/or programs which provide volunteer transportation.
3. Repeal unnecessary section of Nevada Revised Statutes (NRS) regarding the authority of regional transportation commission.
4. Authorize boards of trustees to permit use of school buses for general transportation.
5. Urge the transportation committees of the 1983 legislature to address the possibility of placing the authority to regulate small buses under an agency other than the public service commission (PSC).
6. Urge the board of commissioners of Clark County to place an ordinance imposing a 1/4 percent sales tax for public mass transportation before the voters of Clark County.
7. Encourage Clark County voters to pass the 1/4 percent sales tax for mass transportation as has occurred in Washoe County.

BULLETIN 83-7

DRIVING WHILE INTOXICATED

Resolution of the Legislative Commission - 1982

Interim Subcommittee

Assemblyman Janson F. Stewart, Chairman
Senator Wilbur Faiss
Senator Lawrence E. Jacobsen
Assemblyman Erik Beyer
Assemblyman Patty D. Cafferata
Assemblyman Alan H. Glover
Assemblyman Robert M. Sader

RESOLUTION OF THE LEGISLATIVE COMMISSION

The legislative commission, at a meeting held on May 12, 1982, created an interim subcommittee to study the operation of the law concerning driving while intoxicated (DUI), as amended by Senate Bill 83 of the 61st session of the Nevada legislature. Following is an extract of the minutes of the commission's meeting on that date:

Creation of subcommittee to study Senate Bill 83 (DUI)--Assemblyman Erik Beyer. Mr. Beyer appeared to present this request. He discussed the problems encountered by the arresting officers, attorneys and judges in enforcing S.B. 83 and said he felt it was the responsibility of the legislature to investigate any flaws in the law.

Mr. Beyer suggested that a seven-member subcommittee be appointed to study S.B. 83 in depth and submit its recommendations to the next session of the legislature. He said that Mr. Crossley had proposed a budget of \$4,130 to cover expenses of the subcommittee.

MR. RUSK MOVED THAT A SUBCOMMITTEE BE APPOINTED TO STUDY S.B. 83 AND THAT IT WORK WITH THE LEGAL DIVISION. SECONDED BY MR. REDELSPERGER AND CARRIED.

Minutes, p. 6.

ABSTRACT

DRIVING WHILE INTOXICATED

The legislative commission created an interim subcommittee at its May 1982 meeting to study the operation of the law on driving while intoxicated (DUI). This law had been amended by Senate Bill 83 (chapter 755, Statutes of Nevada 1981) by requiring the imposition of certain minimum penalties, including a fine of \$100 for a first offense, 10 days in jail for a second offense and 1 year in prison, a felony, for a third offense. The 1981 law also extended the period during which prior offenses are considered from 3 to 5 years and strictly limited plea bargaining and prohibited probation and suspended sentences.

The subcommittee received testimony from police officers, prosecutors and defense attorneys, judges and victims of drunken drivers and their relatives. The testimony indicated that the provision of the 1981 act, which placed strict limitations on plea bargaining and prohibited probation and suspended sentences in these cases, resulted in more arrests by police officers, more cases in the courts, more requests for trials and also more continuances and other delays of these cases. The subcommittee felt that these delays indicated swiftness of punishment was not attained in many cases.

The subcommittee surveyed the justices' and municipal courts as to the disposition of cases of driving while intoxicated. The results of the survey indicated that 58 percent went to trial and at trial 83 percent were convicted as charged. The subcommittee felt that the overall rate of conviction for driving while intoxicated was good, but that certainty of punishment is not fully realized in the judicial process.

The subcommittee also received statistics on accidents and fatalities resulting from driving while intoxicated. These statistics indicated that, while there were more arrests and convictions for driving while intoxicated after the adoption of the 1981 act, there was no reduction in the number of accidents or fatalities. The subcommittee decided that the minimum penalties for a first offense, the fine of \$100 and attendance at a course on the abuse of alcohol and controlled substances, with a jail sentence or suspension of a driver's license being discretionary, were not sufficiently severe to deter drunken drivers.

In order to simplify the prosecution of cases of driving while intoxicated and make the punishment of those violations more certain, the subcommittee recommended the enactment of a law creating the separate offense of driving "with 0.10 percent or more by weight of alcohol in the blood," as an alternative to the offense of driving "while intoxicated." The subcommittee also recommended the adoption of provisions for the preliminary testing of breath by a police officer in the field, at the scene of a traffic stop or accident, in order to simplify the officer's decision whether or not to arrest a driver suspected of this separate offense.

The subcommittee also recommended that the minimum penalties for a first offense be made more severe by requiring a minimum sentence of 2 days in jail and a revocation of the driver's license and ineligibility for a new license for 90 days. The suggested legislation also provides for reducing by half the period of incarceration or work for the community and the period of ineligibility for a license if the offender undergoes treatment for abuse of alcohol or controlled substances.

The subcommittee decided that, based on statistics from other states, the most severe, swift and certain punishment and most effective deterrent to driving while intoxicated would be to provide for the summary revocation of drivers' licenses, to be imposed administratively rather than by the courts. The subcommittee recommended that, if a driver fails a chemical test for alcohol, his driver's license should be summarily revoked and he should be ineligible for a new license for a period of 90 days. The proposed legislation also provides for the revocation of a driver's license if a defendant is convicted of driving while intoxicated; and, if it is his first offense, he is ineligible for a license for 90 days; if his second offense, for 1 year; and, if his third offense, 3 years. If the driver had had his license revoked for failing the chemical test for alcohol, he receives credit of 90 days against the period of ineligibility for a license based on the conviction.

The suggested legislation also provides for the issuance of a restricted driver's license to drive to and from work or during work after half of the period of ineligibility for a license has expired. If a person drives while his license is revoked for, or in violation of a license that is

restricted because of, driving while intoxicated, the mandatory minimum penalty is 30 days in jail and a fine of \$500.

The subcommittee also recommended extending from 5 to 7 years the period during which prior offenses are considered, and extending the application of the greater penalty for felonious driving while intoxicated (if death or substantial bodily harm results) and the general law against driving while intoxicated from "the highway" of the state to all areas of the state, both "on and off the highways."

SUMMARY OF RECOMMENDATIONS

The recommendations made by the subcommittee studying the law on driving while intoxicated are summarized in the "Abstract" on the preceding page.

BULLETIN 83-8

SELECT COMMITTEE ON PUBLIC LANDS

S.C.R. 17 - 1981 Session

Select Committee

Assemblyman Karen W. Hayes, Chairman
Senator Norman D. Glaser, Vice Chairman
Senator Don W. Ashworth
Senator Richard E. Blakemore
Assemblyman Alan H. Glover
Assemblyman Dean A. Rhodes

Senate Concurrent Resolution No. 17—Committee on Natural Resources

FILE NUMBER.....99.....

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

WHEREAS, The 58th session of the Nevada legislature directed the legislative commission to study means of deriving additional state benefits from the public lands, and the 59th session of the Nevada legislature directed the creation and the 60th session continued the existence of a select committee on public lands which has been charged with:

1. Studying Nevada's unique situation with respect to public lands;
2. Considering alternatives for the management of public lands which include increasing the amounts of those lands in nonfederal ownership and management of those lands by the state;
3. Proposing state and federal legislation on public lands; and
4. Forming a regional coalition on public lands; and

WHEREAS, The select committee has accomplished some of its assigned tasks and continues to work on others, such as modifying federal policy respecting the public lands, which take time and will require continued attention during the next several years; and

WHEREAS, The select committee has been instrumental in the formation of a western coalition on public lands but is still looked to for leadership of the movement away from federal control of the public lands; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the Nevada select committee on public lands be continued through the 61st session of the Nevada legislature and for the interim period until the beginning of the 62nd session; and be it further

Resolved, That the select committee be composed of three members of the senate appointed by the majority leader of the senate and three members of the assembly appointed by the speaker of the assembly, chosen to provide for continuity of membership on the committee, and that if any vacancy should occur on the committee, the new member have experience and knowledge about public lands or be a member of an appropriate standing committee of the senate or assembly; and be it further

Resolved, That the select committee shall:

1. Actively support the efforts of the western coalition on public lands;
2. Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands;
3. Support Congressional legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands; and be it further

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

if approved by the legislative commission, \$80 per day and the per diem expense allowance and travel expenses provided by law; and be it further

Resolved, That the select committee shall submit its report to the legislative commission for transmission to the 62nd session of the legislature.

ABSTRACT

SELECT COMMITTEE ON PUBLIC LANDS

Senate Concurrent Resolution No. 17 (File No. 99) of the 1981 session required preparation of this report and directed the select committee on public lands to carry out other specific activities and functions.

The 1975 legislature originally directed a study of public lands. That was carried out pursuant to S.C.R. 35 (File No. 136) of the 1975 session. One recommendation of the 1975-1977 study was that a select committee on public lands be created to attempt to carry out several of the goals set forth in the study. The select committee was created in 1977 with the adoption of S.C.R. 9 (File No. 42). The select committee, continued by S.C.R. 5 (File No. 87) in 1979 and S.C.R. 17 (File No. 99) in 1981, has made significant strides for the past 6 years in promoting and gaining support for public lands reform measures in Nevada and the West.

In 1979, the Nevada legislature passed A.B. 413 (chapter 633, Statutes of Nevada 1979), Nevada Revised Statutes 321.596 through 321.599, which initiated the so-called "Sagebrush Rebellion" movement. This law, among other things, claims that "* * * subject to existing rights, all public lands in Nevada, and all minerals not previously appropriated, are the property of the State of Nevada and subject to its jurisdiction and control * * *." The public lands addressed by this law include only those unappropriated and unreserved public lands presently under the administration of the federal Bureau of Land Management. Some 49 million acres are involved in this claim which will eventually have to be resolved by either Congress or the courts.

Almost 87 percent of Nevada is federal land, the greater part by far in the public domain. No state has more except Alaska, and when Alaska's land selection process is complete, Nevada will be the preeminent public land state. Concern for the public lands is basically a regional problem. Certainly there is national interest in public lands policy, but the land is actually located in 12 western states. In fact, 93 percent of all land controlled by the

Federal Government is located in these 12 states. The percentages range from 29 for Washington to 87 for Nevada.

The Nevada legislature's select committee on public lands was very active in 1981 and 1982. In S.C.R. 17, the select committee was directed to:

1. Actively support the efforts of the western coalition on public lands;
2. Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands; and
3. Support Congressional legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

The committee's report summarizes the accomplishments and activities of the select committee over the 2-year period, and it discusses the issues relating to the future of public lands in Nevada.

Two primary considerations presented in the report are as follows:

1. The vacant public lands of Nevada will continue to receive great pressures from competing federal entities seeking to achieve program objectives. Within the last year and a half, the following have all been major issues of controversy--MX missile deployment, "privatization," high-level radioactive waste disposal, inadequate federal programs for the accounting of oil and gas production, massive wilderness proposals, "population explosion" of wild horses, "asset management," little progress on Santini-Burton Act land exchanges, additional proposed military withdrawals and restrictions on civilian airspace.
2. A long-term commitment and effort by the State of Nevada are required in order that positive changes regarding the ownership and management of public lands in Nevada may be achieved and that the interests of the state are adequately represented as the various federal proposals are evaluated.

The select committee advocates actual divestiture of the unreserved and unappropriated public lands into state control as the only way in which Nevada may achieve a consistent and stable public lands situation in the future, and it notes that a continued commitment by both the Nevada legislature and Nevada's executive branch will be required. For the 1983 legislative session, four recommendations were made for consideration and appropriate action.

SUMMARY OF RECOMMENDATIONS

1. The select committee on public lands recommends that the proposed amendment to the state constitution which would regulate management and disposal of state lands, as passed by the 1981 legislative session, be passed by the 1983 session of the legislature and submitted to Nevada's voters in 1984 for final action. (Senate Joint Resolution No. 17 of the 61st session.)
2. The select committee on public lands recommends that a permanent committee of the legislature be established to address public lands matters in the state. By combining the select committee on public lands with the existing statutory committee for the review of federal (public lands) regulations, greater efficiency and continuity of efforts can be expected. The progress and accomplishments of the select committee on public lands, as well as the fact that 87 percent of Nevada's land area is controlled by the Federal Government, necessitates an ongoing commitment by the legislature to the resolution of public lands matters affecting the sovereignty of the state.
3. In order that Nevada and its political subdivisions may develop positive alternatives to present federal land management programs, the select committee on public lands recommends that the state land use planning agency of the division of state lands of the department of conservation and natural resources be directed to prepare, in conjunction with local units of government, a land use plan or policies for the public lands of Nevada.
4. Studies of the early history of various western states indicate that Nevada did not receive an equitable or adequate land grant from the Federal Government to allow for both the settlement of the state and future growth and development needs. Again, approximately 87 percent of the land area of Nevada is under the jurisdiction and control of the Federal Government. The select committee on public lands recognizes the continued validity of a report prepared for the legislature in 1970 which recommended that Congress grant Nevada approximately 6 million acres of federal land to at least partially resolve past inequities. It is therefore recommended that the legislature memorialize Congress to grant Nevada approximately 6 million acres of public land as outlined in the 1970 study.

BULLETIN 83-9

STUDY OF PERSONNEL ADMINISTRATION IN STATE GOVERNMENT

A.B. 528 - 1981 Session

Legislative Committee to Study the State Personnel System

Assemblyman Joseph E. Dini, Jr., Chairman
Assemblyman Roger Bremner, Vice President
Senator Jean E. Ford
Senator Floyd R. Lamb
Senator James N. Kosinski
Assemblyman Robert R. Barengo
Assemblyman Robert F. Rusk

Assembly Bill No. 528—Assemblymen Westall, Mello, Bremner, Brady, Barengo, Nicholas, May, Hickey, Dini, Redelsperger, Prengaman, Kovacs, Beyer, Vergiels, Hayes, Horn, Price, Coulter, Bennett, Chaney, Schofield, Jeffrey, DuBois, Rackley, Sader and Thompson

CHAPTER 455

AN ACT relating to the state personnel system; creating a legislative committee to study the system and providing for its organization, powers and duties; making an appropriation; and providing other matters properly relating thereto.

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

SECTION 1. 1. The legislative committee to study personnel administration in state government, consisting of seven members, is hereby created.

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

(a) The chairmen of the senate standing committees on finance and on government affairs and of the assembly standing committees on ways and means and on government affairs of the 61st session of the Nevada legislature or their designees;

(b) One member of the senate of the 61st session of the Nevada legislature, appointed by the majority leader of the senate; and

(c) Two members of the assembly of the 61st session of the Nevada legislature, appointed by the speaker of the assembly.

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

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

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

SEC. 2. The committee shall study personnel administration in state government, including without limitation:

1. Salary classifications of the employees in the classified and unclassified service of the state;

2. The merit system, including its application to such areas as hiring, promotion and basing of compensation on performance;

3. The operations of the personnel division of the department of administration and its performance in promoting sound personnel practices in Nevada state government; and

4. Training programs.

SEC. 3. The committee may hold public hearings at such times and places as it deems necessary to afford the general public, representatives of state agencies, including the personnel division of the department of administration, and representatives of organizations interested in state personnel practices an opportunity to present relevant information and recommendations.

SEC. 4. All agencies of the executive department of Nevada state government and the University of Nevada System shall cooperate with the committee and shall furnish to the committee all information and material which the committee requests to conduct its study and prepare its report.

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

SEC. 6. 1. There is hereby appropriated from the state general fund to the legislative commission the sum of \$75,000 for the purpose of conducting a study of the state personnel system as provided in this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1983, and reverts to the state general fund as soon as all payments of money committed have been made.

3. If the appropriation made by subsection 1 is not sufficient for the committee to conduct the study, the committee may request and the interim finance committee may authorize the expenditure of additional money from the legislative fund created pursuant to NRS 218.085.

SEC. 7. The committee shall submit to the legislative commission a report of its findings and recommendations for legislation before the commencement of the 62d session of the legislature.

SEC. 8. This act expires by limitation on July 1, 1983.

ABSTRACT

STUDY OF PERSONNEL ADMINISTRATION IN STATE GOVERNMENT

The 1981 legislature perceived more than what might be considered normal malice toward the state personnel system. Feeling that a review, from a legislative perspective, of the state's personnel functions was needed, the legislature passed Assembly Bill 528 (chapter 455, Statutes of Nevada 1981), which called for a comprehensive study of the system.

One of the first issues facing the committee was how to proceed. Although Assembly Bill 528 provided sufficient funds to hire a consultant, the committee rejected such a course, which it felt could result in a "canned study" approach wherein the recommendations and narrative from studies of other states' personnel systems would merely be rewritten and presented to the committee.

The committee appointed a task force of knowledgeable state experts to give it advice on personnel policy and operations. The task force presented seven majority and three minority papers for consideration to the committee.

The committee also:

1. Interviewed many staff members and toured the facilities of the Las Vegas and Carson City offices of the personnel division.
2. Sought suggestions and comments from state government managers, agency administrators, and supervisors.
3. Surveyed other states on collective bargaining and merit-based pay, and compiled a wealth of information on public personnel administration.
4. Solicited public comments on the personnel division, thereby ensuring input from user agencies and the public.
5. Invited expert witnesses from other states, including directors of state personnel departments, to give presentations on collective bargaining, performance based pay, decentralization of certain personnel division functions, automation needs of the personnel division, and other related matters.

6. Requested and received a report from The Council of State Governments pertaining to the management and operation of the personnel division.
7. Asked the budget division to provide it with an analysis of the personnel system's staffing and expenditures patterns.
8. Reviewed the recommendations contained in several recent reports relating to the system.
9. Requested and received a performance audit of the division by the legislative auditors.

The report reflects the committee's recommendations and legislative proposals.

SUMMARY OF RECOMMENDATIONS

This summary represents the major conclusions reached by the committee. These conclusions are based upon suggestions which came from public hearings, state agency administrators and supervisors, staff of the personnel division, state employees, and personnel experts from other states. They also reflect certain recommendations contained in the legislative auditor's August 1982 performance audit report of the personnel division, a June 1982 report on the status of the Nevada personnel system prepared by a representative of The Council of State Governments and in other previous reports of studies of the personnel system.

The committee recommends:

AUTOMATION OF PERSONNEL DIVISION FUNCTIONS

1. The personnel division consult data processing experts outside of state service, in addition to those in the department of data processing, in planning the modernization and improvement of its data processing procedures, capabilities and equipment. The committee recommends further that the measure authorizing the personnel division's use of outside experts: (a) contain an appropriation, at least \$57,000 of which will be available from savings in the committee's budgeted expenditure; and (b) become effective on passage and approval. (BDR 19-86)
2. The personnel division prepare a 3 to 5 year plan for modernizing its data processing system.
3. The personnel division conduct a cost study to determine the feasibility of installing on-line terminals in state agencies for the processing of payroll and the performance of other personnel-related functions.
4. The personnel division review and understand data processing billings in order to have some control over its data processing expenditures.

CLASSIFICATION

5. The personnel division review job specifications on a more frequent basis, preferably every 3 years, in order to ensure currency and accuracy of the specifications.
6. The personnel division review all unique job classes to determine if those classes can be combined or eliminated.
7. The personnel division acknowledge receipt of each reclassification request within 3 working days and advise the requesting agency about the estimated length of time the division will take to process the reclassification. The committee recommends further that agencies be kept apprised of the status of classification studies.
8. The personnel division adopt a procedure to enable it to determine if reclassification requests should become part of broader occupational studies.
9. The personnel division draw additional manpower needed for the audit phase of occupational studies from the agencies' personnel staff with lead analysts provided from the personnel division. The committee recommends further that agency personnel assisting in the audit phase of occupational studies not be assigned to conduct audits in their own agencies.
10. The personnel division process all routine reclassification requests within 30 working days.
11. The personnel division properly document and date the actions and corresponding paperwork for all classification studies.
12. The personnel division document delays in classification studies.
13. If found to be feasible and cost-effective, the personnel division augment the staff of its Las Vegas office to enable that office to perform classification functions.

COMMUNICATIONS

14. The personnel division improve, through a specific schedule of meetings and written communications, its communications with agency administrators and supervisors about payroll procedures and other personnel administration-related matters.
15. The personnel division hold more agency personnel representative meetings and ascertain what type of information the representatives want at those meetings.
16. The personnel division perform management and employee relations audits of the operating agencies. These visits should enhance communication at the operational levels of the personnel division and the agencies, and thus improve the delivery of personnel services.
17. The personnel division improve and increase its communications to the general public about job opportunities and provide specific information about job vacancies and written and oral examination procedures. The committee recommends that this be accomplished, in part, through the news media and various public agencies with coordination and assistance from the department of employment security.
18. Top management in the personnel division communicate more often and in more depth to staff of the personnel division about the staff's duties, responsibilities and job performance. The committee recommends that this be accomplished through a specific schedule of meetings and written communications.
19. The personnel division improve its internal mail handling procedures to reduce incidents of lost mail and failure to respond to written communications.

COMPENSATION AND JOB PERFORMANCE STANDARDS

20. The statutes be amended to allow other salary setting criteria besides prevailing rates to be used in adjusting the salaries of the state classified jobs. Those criteria should include difficulty in recruitment, employee turnover rates, comparable real worth of the affected jobs and cost-of-living data. (BDR 23-87)

21. The state personnel division work closely with state agencies to ensure the proper development and maintenance of work performance standards.
22. The statutes be amended to require the personnel division to adopt regulations which provide for the awarding of nonmonetary incentives or leave of short duration for those employees who demonstrate continued outstanding performance or complete some special project in a meritorious fashion. (BDR 23-93)
23. The statutes and personnel rules be amended to provide that employees below the midpoint of their salary grades be eligible for accelerated step increases for above standard performance. The committee also recommends that such employees be eligible for step increases at 6-month intervals. The committee's specific recommendations in this regard are that:
 - (a) An employee whose last performance rating was above standard or better and who has not attained step 8 in the salary range of his or her grade should qualify for a merit salary adjustment of 1 step (approximately 2.2 percent) or 2 steps (approximately 4.4 percent) semiannually on his or her salary date at the discretion of the appointing authority.
 - (b) An employee whose last performance rating was standard and who has not attained step 8 in the salary range of his or her grade should qualify for a merit salary adjustment of 2 steps (approximately 4.4 percent) annually on his or her salary date.
 - (c) Employees with below standard performance ratings should not be eligible for merit increases and, corrective action should be taken to improve their job performance.
 - (d) No employee below step 8 of his or her salary grade should receive a merit salary increase exceeding 4 steps (approximately 8.8 percent, depending on the grade level) in any 12-month period.
 - (e) Employees at step 8 or above in their pay grades whose last performance rating is standard or better and who have not attained the top step in their salary ranges should be granted merit salary increases of 2 steps (approximately 4.4 percent) 12 months from their last salary date.

(f) The pay system contain provisions for:

(1) proper performance review training for supervisors;

(2) ongoing communications with employees by the personnel division and agency administrators and supervisors about the system;

(3) the development of objective job performance standards; and

(4) uniformity of application systemwide.
(BDR 23-93)

DELEGATION OF PERSONNEL DIVISION FUNCTIONS

24. The operating agencies of state government accept delegation from the personnel division of as many personnel functions and activities as possible consistent with the agencies' personnel-related staff and financial resources. Such delegation is provided for by chapter 284 of NRS.

DISCIPLINE

25. The statutes be amended to reduce the number of days during which an employee may file an appeal involving involuntary transfer, dismissal, demotion or suspension from 30 calendar days to 10 working days. (BDR 23-88)
26. The statutes and corresponding regulations be amended to eliminate the personnel advisory commission's review of hearing officer decisions on state employee disciplinary actions. (BDR 23-88)
27. All statute and rule references to time frames for steps in the disciplinary process refer to working days. The committee's specific recommendations in this regard are:
- (a) The time for advance notice of proposed disciplinary charges be 10 working days.
- (b) The employee's time for responding to such notice be 3 working days prior to the expiration of those 10 working days.

(c) The time for an employee to appeal a disciplinary action to the hearing officer be changed from 30 calendar days from the effective date of the action to 10 working days from the effective date of the action.

(d) The time for a hearing officer to render his decision on a disciplinary matter be changed from 30 calendar days to 20 working days.

(e) The time for an aggrieved party to appeal the final decision of the hearing officer on a disciplinary matter be changed from 30 calendar days to 30 working days. (BDR 23-88)

EMPLOYMENT SERVICES

28. The personnel division shorten the posting time for open positions from 3 weeks to 2 weeks and reduce the certification list and interview period to 1 week.
29. The personnel division reduce the selection/appointment time to 2 weeks.
30. Minimum qualifications be clarified prior to submittal of personnel requisitions.
31. The personnel division certify each eligibility list requiring an open competitive or promotional exam within 60 days of receiving a personnel requisition and recertify each existing eligibility list and provide it to the requesting agency within 2 working days of the agency's request. (BDR 97)
32. The personnel division request funding to develop an applicant tracking system to identify areas of delay in the recruitment and examination processes.
33. The personnel division, where practicable, indicate the planned test dates in each job announcement.
34. The personnel division establish procedures requiring each position requisition to be date stamped when received and to be signed and dated as it moves through the recruitment process.

35. The statutes be amended to permit the chief of the personnel division to suspend the requirement of competitive examination for positions requiring professional qualifications where past experience or current research indicates a difficulty in recruitment. (BDR 23-95)
36. The personnel division use advertisements for recruitment purposes in professional journals or newspapers in a more timely fashion.
37. The personnel division be given a special appropriation for advertising for hard-to-recruit positions.
38. The personnel division improve its forecasting techniques so that recruitment efforts correspond more closely to position vacancies. One means of improving the forecasting process is to use procedures where state agencies notify the personnel division of soon-to-be-vacant positions.
39. The personnel division prepare and validate examinations before opening recruitment for specific positions.
40. The personnel division develop policies and procedures to be followed in the review of job applications for the higher grade positions within state service.
41. The personnel division improve communications and coordination between personnel technicians and personnel analysts in their evaluation of job applicants' education and work experience.
42. The personnel division develop policies and procedures for the verification of important applicant data such as college transcripts, degrees and required licenses and certificates.
43. The certification unit of the personnel division be placed organizationally under the supervision and control of the supervisory personnel analyst of the recruitment and examining section.
44. The personnel division develop policies and procedures to carry out the provisions of recent statutory changes relating to the division's employment functions.

45. The personnel division develop policies and procedures for the distribution of job announcements.
46. The personnel division develop procedures for the review and editing of job announcements prior to distribution of the announcements.
47. The personnel division monitor job announcement costs.

GENERAL POLICY/MANAGEMENT/PLANNING

48. The chief of the personnel division reorient the staff of the division from a control function to a primary mission and philosophy of service to agencies.
49. The personnel division develop:
 - (a) Objectives and program structures which are specific, quantifiable and conducive to reliable evaluation;
 - (b) A plan of organization for accomplishing those objectives; and
 - (c) A system of appropriate policies for each function in the personnel division. (BDR 23-94)
50. The personnel division create a planning unit for the review and development of major personnel division projects.
51. The personnel division prioritize agency personnel needs and assign work based on those priorities.
52. The personnel division define and assign responsibility for the recording, summarizing and reporting of personnel functions and activities.
53. The personnel division prepare and follow proper procedures for the recording of accurate statistical data.
54. Decisionmaking in the personnel division be delegated to the lowest level possible.

LEGISLATIVE OVERSIGHT

55. The personnel division report its progress in carrying out the recommendations contained in the committee's report to the 1983 and 1985 legislatures. (BDR 98)
56. The statutes be amended to repeal the interim finance committee's approval of occupational class changes. (BDR 31-89)
57. Operating agencies advise the interim finance committee of all occupational class changes. If there is an adverse effect upon an agency's budget as a result of the changes, agency administrators should be held accountable to the legislature for their actions. (BDR 31-89)

PAYROLL SYSTEM

58. The anticipated pay week be eliminated from the payroll system with the least amount of disruption as possible to existing pay cycles. The committee recommends further that the personnel division, the office of the state controller and the office of the state treasurer consult the senate committee on finance and the assembly committee on ways and means of the 1983 legislature, representatives of operating agencies and the legislative auditor in planning for the elimination of the anticipated pay week.
59. The personnel rules be amended to require that agency payroll personnel receive continuous training from the personnel division on all aspects of the payroll functions.
60. If found to be feasible and cost-effective, the personnel division add a payroll section to its Las Vegas office to handle payroll corrections.
61. The personnel division's payroll function be transferred from the division's classification and pay section to the division's administrative services section or be transferred to another state agency such as the state controller's office.

PERSONNEL ADVISORY COMMISSION

62. The statutes be amended to require that the composition of the personnel advisory commission include an attorney, a representative from labor with a personnel administration background, a representative from management with a personnel administration background, and two members from the general public who should qualify for their positions by demonstrated interest in or knowledge of the principles of public personnel administration. (BDR 23-90)
63. The statutes be amended to require that hearing officers be appointed by a majority of the membership of the personnel advisory commission. (BDR 23-88)

PERSONNEL ASSESSMENTS AND PERSONNEL BUDGET

64. The personnel division establish the payroll personnel assessment rate in accordance with the statutes.
65. The personnel division bill and collect personnel assessments in compliance with the statutes.
66. The personnel division compute payroll personnel assessment rebates and revert the balances to the appropriate agencies.
67. The personnel division develop a management plan to avoid reductions in personnel division services during the last months of the fiscal year.
68. Personnel division budget and financial information be provided to the division's chiefs and to the management of its Las Vegas office.
69. The personnel division budget for and provide necessary supplies and equipment to its staff.

PERSONNEL RECORDS

70. Duplication of personnel records maintained by agencies and by the personnel division be reduced.

POSITIONS NOT COVERED UNDER CIVIL SERVICE

71. The personnel division continue efforts to analyze and develop position descriptions and job qualifications for unclassified positions.
72. The statutes be amended to generally restrict the persons in unclassified service to agency or department heads and one deputy and one confidential assistant in each agency or department.

The committee recommends further that:

(a) The personnel advisory commission be permitted to approve additional deputies to be in the unclassified service if it determines that the additional positions are justified for a department or agency based upon its size, scope of programs, statutory responsibilities and organizational complexity. Any changes in the designation of positions for the unclassified service should be approved by the personnel advisory commission;

(b) Professional staff, as that term is defined by regulations of the University of Nevada board of regents, be in the unclassified service;

(c) NRS 284.140 reflect all those classes of positions in the executive branch of government which are in the unclassified service of the state;

(d) The statutes be amended to provide that independent contracts must not be used to circumvent the protections and controls provided to employees by chapter 284 of NRS;

(e) The division administrators in the departments of commerce and human resources, the administrator of the division of state parks, the state forester-firewarden, the state engineer, positions requiring licensed attorneys, and most of the persons specified in subsections 1, 2, 4, 5, 7, 8 and 9 of NRS 284.140 be in the unclassified service;

(f) The members of the gaming control board, two assistants, the chief of investigation, the chief of enforcement, the chief of audit, the chief of special investigation and intelligence, the chief of tax and

license of the board, and the executive secretary of the gaming commission be in the unclassified service; and

(g) Other pertinent sections of the NRS be amended to correspond to the committee's recommendations concerning the positions in the unclassified service. (BDR 23-96)

The chancellor report to the chairman of the legislative commission as soon as possible after January 17, 1983, any amendments the board of regents makes to its rules pertaining to positions in the unclassified service.

That report should describe any changes in the composition of university employees in the classified and unclassified services and list the affected positions. (BDR 99)

PROMOTION PRACTICES

73. Veterans' preference points no longer be used in computing scores for promotional examinations. (BDR 23-91)

SICK LEAVE

74. The personnel division clarify its rules to indicate the amount of accumulated sick leave an employee may use for adoption purposes and maternity leave.
75. The personnel division promulgate regulations providing for an incentive or bonus of one additional leave day per year to employees who do not use sick leave for a 12-month period of time. (BDR 23-92)

STAFF AND ORGANIZATION STRUCTURE

76. The personnel division add a full-time permanent receptionist to its Las Vegas office.
77. The chief of the personnel division, where possible, consider applicants with outside of state service personnel administration work experience when openings become available for positions of personnel analysts or related positions within the division.

78. The chief of the personnel division consider reorganizing the personnel division into the following two bureaus:

(a) Technical operations bureau, encompassing the service functions of the division, composed of:

- (1) classification,
- (2) personnel records,
- (3) recruitment,
- (4) examinations,
- (5) test validation,
- (6) certification; and

(b) Administrative services bureau, composed of:

- (1) payroll,
- (2) training, and
- (3) divisional responsibilities for purchasing, budgeting and data processing.

As an option, the committee recommends that the chief consider the creation of a chief deputy or assistant to the chief position in the division.

TRAINING

- 79. The technical training of personnel division staff and agency personnel officers be improved.
- 80. The training of personnel division employees be expanded to include training from outside sources.
- 81. Training be made applicable to particular jobs in the trades, technical and professional areas. If this cannot be done, the committee recommends that training courses should be abolished and replaced with an educational benefit or more funds for college courses.
- 82. Training materials be updated and new training be provided trainers.
- 83. All new supervisors be instructed in basic principles of management and performance evaluation techniques within the first 6 months of their appointments. The committee

recommends further that agency heads ensure that appropriate personnel are enrolled for available management training sessions.

84. A formal and continuing management development program be established for top and middle management personnel.
85. When possible, funds be allocated to the personnel division for it to provide training to all supervisory personnel using experts from management consulting firms and other outside resources such as the university system.
86. The personnel division provide training in labor management relations to agency management officials.

BULLETIN 83-10

FEDERAL REGULATIONS REVIEW

Nevada Revised Statutes 218.536 through 218.5371

Federal Regulations Review Committee

Senator Norman D. Glaser, Chairman, 1982
Assemblyman Karen W. Hayes, Chairman, 1981
Senator Don W. Ashworth
Assemblyman Dean A. Rhodes

LEGISLATIVE REVIEW OF FEDERAL REGULATIONS

218.536 Legislative findings, declaration. The legislature finds and declares that the State of Nevada and its citizens are subjected to federal 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 certain federal regulations should be subjected to legislative review and comment, and judicially tested where appropriate, to protect the rights and interests of the State of Nevada and its citizens.

(Added to NRS by 1979, 5)

218.5361 "Committee" defined. As used in NRS 218.5361 to 218.5371, inclusive, "committee" means the legislative committee for the review of federal regulations.

(Added to NRS by 1979, 5)

218.5363 Legislative committee for the review of federal regulations: Establishment; membership; chairman; vacancies.

1. There is hereby established a legislative committee for the review of federal regulations consisting of four members. The chairman of the legislative commission shall designate two senators and two assemblymen as members of the committee.

2. The members of the committee shall elect a chairman who shall be an assemblyman in odd-numbered years and a senator in even-numbered years. If a vacancy occurs on the committee, the chairman of the legislative commission shall appoint a new member from the same house as the committee member whose position is vacant.

(Added to NRS by 1979, 5)

218.5365 Meetings, secretary, regulations of committee; quorum; salary, per diem allowance, travel expenses of members.

1. The members of the committee shall meet throughout each year at such times and at such places as shall be specified by a call of the chairman or a majority of the committee. The director of the legislative counsel bureau shall act as the nonvoting recording secretary. The committee shall prescribe regulations for its own management and government. Three 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 are entitled to receive a salary of \$80 and the subsistence allowances and travel expenses provided by law for each day of attendance at a meeting of the committee and while engaged in the business of the committee.

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

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)

218.5369 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

FEDERAL REGULATIONS REVIEW

The legislative committee for the review of federal regulations was established in statute by the 1979 Nevada legislature. Assembly Bill 653, introduced and passed by the 1977 legislature to establish this committee, was subsequently vetoed by the governor in 1977. That veto was overridden by action of the 1979 legislature.

The federal regulations review committee is directed by law to review and comment on any administrative policy, rule or regulation of the Secretary of the Interior or U.S. Forest Service which pertains to policy concerning, or management of, public lands or national forests under the control of the Federal Government. The committee is also authorized to "conduct investigations and hold hearings in connection with its review * * *," consult with and advise the state land use planning agency (division of state lands, department of conservation and natural resources), and make recommendations to the legislature on "appropriate state legislation or corrective federal legislation." The research division of the legislative counsel bureau has provided continuing staff support to this committee as specified in the state law.

The veto of A.B. 653 in 1977 by Governor Mike O'Callaghan was based on a belief that a federal regulations review committee would duplicate the efforts of Nevada's state multiple use advisory committee on federal lands (Nevada Revised Statutes 232.151 through 232.157). However, since establishment of the federal regulations review committee in 1979, there have been no observed duplications between these two committees. In fact, the work of the two committees has proven to be complementary. The state multiple use advisory committee primarily reviews problems in ongoing federal land programs and is advisory by nature, while the federal regulations review committee reviews specific proposed actions, policies and regulations and is authorized to make comments of policy on behalf of the legislature. The federal regulations review committee, as part of each meeting agenda, reviews recommendations from the state multiple use advisory committee for possible legislative action or other support.

The legislative committee for the review of federal regulations met seven times since the end of the 61st legislative session. Initially, the committee thought that meetings should be held approximately once every 2 months in order to keep up-to-date on the various federal proposals. It was later decided to conduct meetings in conjunction with meetings of the select committee on public lands because all four members of the federal regulations review committee are also members of the select committee. Additionally, as an alternative emergency measure for federal proposals needing an immediate response, a telephone polling procedure of members has been established.

The committee's report contains a summary of the legislative committee meetings and a listing of the actions of the committee during 1981 and 1982. Most of the formal actions of the committee for the review of federal regulations have been made in the form of a letter with recommendations to the appropriate federal agency.

Federal rules and regulations play a significant role in our day-to-day lives and implementation of such regulations by the Federal Government usually requires additional costs by affected industry and economic activities. Ultimately, all of these additional costs are borne by the American taxpayers and consumers. One study indicated that the cost imposed on the American economy by federal regulatory activities in 1976 totaled \$66.1 billion. This amount represented 4 percent of the gross national product, or \$307 per person living in the United States.

The members of the legislative committee for the review of federal regulations are committed to the wise use of our public lands, conservation of natural resources, and protection of the environment. However, most of the committee comments to date have been directed at examples of costly and unnecessary overregulation, overprotection and overcontrol by the Federal Government.

In the report's conclusion, the committee states the belief that it has provided a valuable service to the state and that the majority of its comments and recommendations are effective in making a difference in federal decisionmaking. It is proposed that the committee and its modest budget be continued in the future.

For the 1983 legislative session, two recommendations were made in the committee report.

SUMMARY OF RECOMMENDATIONS

The legislative committee for the review of federal regulations (federal regulations review committee) recommended for the consideration of the 62nd session of the Nevada legislature:

1. That a permanent committee of the legislature be established to address public lands matters in the state. By combining the federal regulations review committee with the select committee on public lands (established by resolution) greater efficiency and continuity of efforts can be expected. The progress and accomplishments of the federal regulations review committee, as well as the fact that 87 percent of Nevada's land area is controlled by the Federal Government, necessitate an ongoing commitment by the legislature to the resolution of public lands matters affecting the sovereignty of the state.
2. The federal regulations review committee recommended that the legislature pass a resolution along the lines of A.J.R. 45 of the 61st session, urging the President of the United States to rescind the 1926 Executive Order entitled "Order of Withdrawal, Public Water Reserve No. 107." Not only has this order become unnecessary because of more recent federal laws and regulations relating to this issue, but the Executive Order could also potentially be used by the Federal Government to claim control over vast amounts of water in Nevada. The 1926 Executive Order should be rescinded. Assembly Joint Resolution 45 died in the assembly committee on economic development and natural resources during the 61st session.

BULLETIN 83-11

DITCHES AND DRAINAGE IN THE TRUCKEE MEADOWS

S.B. 163 - 1981 Session

Research Division
Legislative Counsel Bureau

CHAPTER 400

AN ACT creating the Truckee Meadows committee on ditches and drainage; requiring the committee to study the problem of ditches and drainage in the Truckee Meadows and report to the legislature; and providing other matters properly relating thereto.

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

SECTION 1. The legislature finds that:

1. The Truckee Meadows in Washoe County was once crisscrossed with irrigation ditches, of which only four major ditches are still used to supply water for agricultural or commercial purposes.

2. Of those ditches which have lost their identity as agricultural ditches, some have collapsed, and others are used only as storm drains but are full of debris and cause flooding.

3. The ditches are owned and individually controlled by a variety of owners, including mutual ditch companies, water users' associations and public utilities.

4. The local governments in the Truckee Meadows need a plan to preserve, improve and maintain certain of these ditches as storm drains, and perhaps to relocate certain other ditches in developing a system of storm drains.

SEC. 2. 1. There is hereby created a Truckee Meadows committee on ditches and drainage consisting of:

(a) Three members each from the:

(1) Board of county commissioners of Washoe County;

(2) Governing body of the City of Reno; and

(3) Governing body of the City of Sparks,

or their designees, who are appointed to the committee by that board and those bodies.

(b) One member of the senate and one member of the assembly of the Nevada legislature, who are from Washoe County and are appointed to the committee by the legislative commission.

2. The member of the senate who is appointed to the committee is its chairman.

SEC. 3. 1. The committee, in cooperation with water users, ditch owners, Washoe County, the cities of Reno and Sparks and the Carson-Truckee water conservancy district, shall conduct a study of the ditches in the Truckee Meadows and develop a plan to:

(a) Preserve, improve and maintain existing ditches in the Truckee Meadows as storm drains;

(b) Relocate, as necessary, ditches used to supply water, without interfering with the water rights of the users; and

(c) Assist the owners and users of the ditches financially in removing debris from the ditches and installing necessary improvements.

2. The plan must contain a list of necessary projects, estimates of their cost and recommended methods of paying for them.

3. The committee shall report the results of its study, including the plan and any recommended legislation, to the legislative commission before November 1, 1982.

SEC. 4. The board of county commissioners of Washoe County and the governing bodies of the cities of Reno and Sparks are hereby authorized to grant money to the committee, and the committee may expend that money, to pay the necessary costs of the study. Such grants are hereby declared to be governmental expenditures.

ABSTRACT

DITCHES AND DRAINAGE IN THE TRUCKEE MEADOWS

Senate Bill 163, enacted during the 1981 legislative session, called for creation of a Truckee Meadows committee on ditches and drainage. This committee was directed to study and plan for the preservation, improvement, maintenance and possible relocation of the ditches in the Truckee Meadows. The act also authorized the local governments in Washoe County to grant money to the committee to pay the necessary costs of the study.

Because of the existing economic situation, it became evident that the local governments could not finance a planning effort of the magnitude which was outlined in the act. Rather than establish the committee under these circumstances, the legislative commission directed the staff of the legislative counsel bureau to compile background information on the subject, outline the relevant issues, and propose possible approaches for addressing each of the issues.

Legislative counsel bureau staff met individually with many of the people who had supported the bill which resulted in the study. Meetings were also held with officials from the public works departments of the three local governments in the Truckee Meadows, representatives of the ditch companies, and a group of professionals who work on water-related issues in the Truckee Meadows. In all, the staff met with 10 to 15 people individually and held four group meetings.

The initial effort was to identify the issues which are associated with ditches and drainage in the Truckee Meadows. Based upon their personal perspectives, different people expressed various concepts about the problems. After determining that there were three major issue areas, possible approaches for addressing these issues were discussed with the different groups.

The report contains explanations of the issues within three broad categories, as follows:

1. Maintenance of the existing system of ditches and drainage;
2. Planning, construction and management of the future system;
and

3. Overall regional water management.

Potential approaches to address the issues within each of these broad categories are outlined in the report. A concluding section contains discussion of the merits of the various alternatives, but no recommendations are made.

SUMMARY OF RECOMMENDATIONS

As described in the abstract, the study of ditches and drainage in the Truckee Meadows was conducted as a staff study. Issues and possible approaches to address these issues were discussed. However, specific recommendations were not made.

BULLETIN 83-12

LEGISLATIVE COMMITTEE ON THE CONSUMER'S ADVOCATE

A.B. 473 - 1981 Session

Interim Subcommittee

Assemblyman Peggy B. Westall, Chairman
Assemblyman David D. Nicholas, Vice Chairman
Senator Don W. Ashworth
Senator Virgil M. Getto
Senator Thomas R. C. Wilson
Assemblyman John B. DuBois
Assemblyman Edward J. Kovacs
Assemblyman Donald R. Mello

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

CHAPTER 692..

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 5. *The consumer's advocate may:*

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

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

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

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

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

2. Purchase necessary equipment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The committee consists of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Each district attorney shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. This section does not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ABSTRACT

LEGISLATIVE COMMITTEE ON THE CONSUMER'S ADVOCATE

The 1981 Nevada legislature adopted Assembly Bill 473 (chapter 692, Statutes of Nevada 1981) which created the office of advocate for customers of public utilities. The bill also provided for an interim legislative committee to review the performance of the office of advocate for customers of public utilities. In particular, the committee is charged with reviewing and evaluating the effectiveness and functioning of the office of the consumer's advocate (OCA). The committee may make recommendations directly to the consumer's advocate, the attorney general, the legislative commission, the interim finance committee, and the legislature. The committee chose to report to the legislative commission.

The committee held four meetings. Two were in Las Vegas and two in Carson City. The committee received a progress report from the consumer's advocate regarding the activities of the OCA at each meeting. The committee also pursued several issues related to current public service commission of Nevada policy and pending decisions. A major portion of the final meeting in Carson City was also devoted to considering potential legislative proposals.

Most of the testimony heard by the committee was from the consumer's advocate. Others who testified included utility representatives, consumer representatives, and private citizens.

There are five proposals regarding utility regulation or the consumer's advocate in the committee's report.

SUMMARY OF RECOMMENDATIONS

1. Require the public service commission of Nevada (PSCN) to consider not only changes in expense items during the certification period, but also revenue items.
2. Allow the office of advocate for customers of public utilities to appeal public service commission of Nevada decisions on rates directly to the supreme court of Nevada.
3. Prohibit the introduction of new or additional evidence during the process of appealing public service commission of Nevada decisions.
4. Allow the office of advocate for customers of public utilities to petition the courts to assess civil penalties against parties which violate statutes, rules, regulations, or orders of the public service commission of Nevada.
5. Create a utility resource planning act to require electric utilities to explain and justify to the public service commission of Nevada the quantity of energy they will need to produce in the future to adequately meet the demand of Nevada's electric customers and to demonstrate to the public service commission of Nevada their resource plan for supplying the demand.

BULLETIN 83-15

STUDY OF STATE PROGRAM OF GROUP INSURANCE

S.C.R. 5 - 1983 Session

Study Committee

Assemblyman James J. Banner, Chairman
Senator Randolph J. Townsend
Mr. Robert Gagnier
Mr. Clarence Heckethorn
Mr. Ben Dasher

Senate Concurrent Resolution No. 5—Senators Wagner, Gibson, Mello, Jacobsen, Blakemore and Townsend

FILE NUMBER 13...

SENATE CONCURRENT RESOLUTION—Creating a committee to study the state's program of group insurance and report back to the 62nd session of the legislature.

WHEREAS, Many state employees and employees retired from state service participate in the state's program of group insurance; and

WHEREAS, Changes in the program may be required to maintain the stability and ensure the efficient management of the program; and

WHEREAS, A study of the program would aid the legislature in determining any necessary changes; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That a committee of five members be formed as soon as possible to study the state's program of group insurance; and be it further

Resolved, That the majority leader of the senate appoint one member of the senate, one person who is retired from state service and one person who has specialized knowledge of insurance to serve on the committee and that the majority leader of the assembly appoint one member of the assembly and one state employee to serve on the committee; and be it further

Resolved, That the committee investigate and prepare a report concerning:

1. The method of appointment and the qualifications of the committee on group insurance;
 2. The method for determining premiums and benefits for the program of group insurance;
 3. The procedure for soliciting bids from insurers to provide coverage;
 4. The adequacy of the program;
 5. The procedure for determining the legitimacy of claims;
 6. The insurers currently providing coverage; and
 7. The advisability of self-insurance by the state and the advisability of providing coverage for public agencies;
- and be it further

Resolved, That the committee is directed to submit its report to the 62nd session of the legislature within 45 days after the members of the committee are appointed.

ABSTRACT

STUDY OF STATE PROGRAM OF GROUP INSURANCE

The study of the state program of group insurance had its genesis in retired state employees' concerns about the program. Representatives of retired state employees expressed the belief that the program does not provide adequate health insurance coverage at reasonable premium cost for the state's retired officers and employees. The belief has also been expressed that changes need to be made in the composition of the committee on group insurance, and many of the committee's practices need to be modified to maintain the stability of the program of group insurance and to ensure its efficient management.

The members of the 62nd session of the Nevada legislature agreed that sufficient grounds existed for a study of the state's health insurance program and adopted Senate Concurrent Resolution No. 5 (File No. 13) which provides for the creation of a committee to study the state's program of group insurance and required that the committee report back to the 62nd session of the legislature within 45 days after the committee's formation.

The committee, within the limited time frame allowed for its study, attempted to perform a comprehensive review of the state program of group insurance. It held public meetings in Carson City on February 18, February 25, and March 4, 1983.

The committee prepared a list of questions for the chairman of the committee on group insurance, the agent-broker of the state's group health insurance plan and the administrator of the plan. Those questions and responses to them are contained in appendices A through C of the report. The questions cover most aspects of the state program of group health insurance including such areas as premiums and coverages, cost containment, self-insurance by the state, bidding practices, the composition of the committee on group insurance, the activities of the committee and its agent and program administrator, insurance carrier turnover, insurance need analyses of state employees and retirees, supplemental coverages, claims administration, complaint handling and several other matters.

The report contains the subcommittee's recommendations and legislative proposals.

SUMMARY OF RECOMMENDATIONS

POWERS AND DUTIES OF THE STATE RISK MANAGER AND THE COMMITTEE ON GROUP INSURANCE

1. The statutes be amended to give the responsibility for purchasing group life, accident or health insurance, or for establishing state self-insured programs of life, accident or health insurance for state officers, employees or persons retired from state service, to the state risk manager. The committee recommends further that the committee on group insurance provide advice and assistance to the state risk manager and, in its advisory capacity:
 - (a) Advise the state risk manager on matters relating to group life, accident or health insurance, or any combination thereof, for the benefit of all state officers, employees or persons retired from state service;
 - (b) Review and make recommendations to the state risk manager on the following topics:
 - (1) Cost containment programs including, but not limited to, mandatory second opinions for surgery, medical screening of claims, discounts for outpatient care, and the use of peer review boards;
 - (2) Prepaid plans or preferred providers plans;
 - (3) Complaint handling procedures;
 - (4) Direct benefit and capitation programs;
 - (5) Appropriate group life, accident and health insurance bidding practices;
 - (6) The use of health maintenance organizations;
 - (7) Deductibles, coinsurance levels, coverage maximums, and schedules of benefits for reimbursement;

- (8) Requirements and special needs of state officers, employees and persons retired from state service for life, accident or health group insurance coverage;
 - (9) Legislation needed to strengthen, improve or modify the state's group life, accident or health insurance programs;
 - (10) The feasibility of the state establishing state self-insured programs of life, accident or health insurance coverage for state officers, employees or persons retired from state service;
 - (11) The feasibility of mental health benefit coverage by the private sector;
 - (12) The purchase of policies of life, accident or health insurance, or any combination thereof, from any company qualified to do business in this state for the benefit of all state officers, employees and persons retired from state service who elect to participate in the state's group insurance program; and
 - (13) The purchase of Part B of Medicare for retired state employees.
- (c) Recommend to the state risk manager such regulations and perform such duties as may be assigned by the state risk manager to carry out the applicable provisions of the Nevada Revised Statutes.
2. The state risk manager provide for the establishment of orientation and continuing education programs relating to benefits, changes in benefits, and cost-saving techniques which will cause (a) life, accident or health insurance premium cost savings for the state and state officers, employees and persons retired from state service who participate in the state group insurance program, and (b) reduce abuse or overuse of the group insurance plan.

3. The statutes be amended to require the legislative auditor to conduct periodic financial and operational audits, which determine compliance with the law, of the state's activities relating to the program of group life, accident or health insurance.

The committee recommends further that the statutes require the legislative commission to establish a schedule for those audits.

COMPOSITION OF THE COMMITTEE ON GROUP INSURANCE

4. The statutes be amended to provide that the committee on group insurance be composed of five members appointed by the governor from the following categories: one member selected from a list of five names recommended by the Nevada State Employees' Association; one member selected from a list of five names recommended by the retired public employees of Nevada; two members who have not been employees of the State of Nevada for 5 years preceding their appointment and who are not retired state employees; and one representative of the University of Nevada System selected from a list of five names recommended by the board of regents of the University of Nevada System.

The committee recommends further that the members of the committee on group insurance serve 3-year staggered terms. To accomplish the staggering of terms, the initial appointments for the representatives from the Nevada State Employees' Association and the retired public employees of Nevada should be for 1 year. One public member should be initially appointed for 2 years and the other for 3 years. The initial appointment of the representative of the University of Nevada System should be for 2 years. No member should serve more than two terms and the governor should be permitted to remove any member for cause.

PREMIUMS AND BENEFITS

5. The state risk manager attempt to stabilize premium costs and improve coverages through negotiating long-term contracts with appropriate providers.

6. The statutes be amended to require that premium costs for group life, accident or health insurance for persons retired from state service be computed as part of the total group insurance plan costs and not as a separate cost entity in the group plan.
7. The statutes be amended to clarify that the surviving spouse of a person retired from state service, who is covered under the state plan for group life, accident or health insurance, is entitled to remain covered under that plan after the retired employee's death.
8. The statutes be amended to prohibit political subdivisions of the state from joining the state plan for group life, accident or health insurance coverage.
9. The statutes be amended to permit the state to establish state self-insured programs of life, accident or health for state officers, employees or persons retired from state service.
10. The statutes be amended to eliminate the premium tax on the state's policy of group insurance.

BULLETIN 83-16

STUDY OF RATES CHARGED BY PUBLIC UTILITIES

S.C.R. 7 - 1983 Session

Special Committee

Senator Floyd R. Lamb, Chairman
Assemblyman Leonard V. Nevin, Vice Chairman
Senator Nicholas J. Horn
Senator Lawrence E. Jacobsen
Assemblyman John W. Marvel
Assemblyman Marvin M. Sedway

Senate Concurrent Resolution No. 7—Senator Lamb

FILE NUMBER...30.

SENATE CONCURRENT RESOLUTION—Creating a special joint committee to study the need for and fairness of the rates charged by public utilities and providing for its support.

WHEREAS, The rising costs of heat, light and power have become a prime source of concern and frustration among the citizens of this state; and

WHEREAS, The regulation of these rates is expressly recognized by section 20 of article 4 of the Nevada constitution to be a legislative function; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That a special joint committee is hereby created, to consist of three members appointed by the majority floor leader of the senate and three members appointed by the speaker of the assembly, of whom collectively three must represent districts in Clark County, two in Washoe County, and one in the other counties of the state; and be it further

Resolved, That the committee examine whether the rates now charged by public utilities in the state for gas and electricity are necessary and are fairly apportioned, considering specifically:

1. To what extent the expenses allowed in determining rates are really necessary for the service provided;
2. Whether there is a present need for additional capital which justifies a high rate of return on capital presently invested; and
3. Whether the present structure of the rates charged fairly distributes the necessary expenses among the respective classes of customers; and be it further

Resolved, That the committee report its findings to the legislature within 45 days after the date of adoption of this resolution; and be it further

Resolved, That expenditure of not more than \$2,500 from the legislative fund is authorized to defray the expenses of this committee.

ABSTRACT

STUDY OF RATES CHARGED BY PUBLIC UTILITIES

The study of rates charged by public utilities had its origin in residential ratepayers' concerns about rapid increases in the cost of utility services in Nevada.

Several reasons have been suggested for the appearance of higher monthly gas and electric utility bills in the state. They include utility company rate increases, poor weather conditions, insufficient insulation in many homes, alleged improper and insensitive decisions by the public service commission of Nevada (PSCN) and the cost effects of expensive utility building projects needed to accommodate the state's high population growth rate.

Members of the 62nd session of the Nevada legislature took note of rising utility costs and the general concern about utility company operations, which spawned many bills relating to utility companies and their regulation, and adopted Senate Concurrent Resolution No. 7 (File No. 30) on February 28, 1983. That measure calls for the creation of a committee to study the rates charged by public utilities and requires the committee to report its findings back to the 62nd session of the legislature within 45 days after the members of the committee are appointed.

The committee, within the time frame allowed for its study, attempted to perform a comprehensive review of the rates charged by public utilities. It held public meetings in Carson City (on March 8, March 10, March 15, March 22, March 24, March 29, April 5, and April 7) and in Las Vegas, on April 1, 1983. It held a work session in Carson City on April 12, 1983.

The committee prepared a list of topics for the electric and gas utility companies, the PSCN, the office of advocate for customers of public utilities, and other interested parties to address during its hearings. That list is contained as appendix B to the report. The list covers such areas as earnings analysis of utilities, regulation and the PSCN, utility resource planning, utility operational practices and procedures, comparisons of various utility customer data, and possible legislative actions.

Recommendations to be considered during the committee's work session were also solicited by letter to several parties, including the PSCN, the Nevada department of energy, utility companies, the consumer's advocate, and public interest groups.

The report reflects the subcommittee's recommendations and legislative proposals.

SUMMARY OF RECOMMENDATIONS

UTILITY BILLS - SHORT-TERM

1. The statutes be amended to require utilities to develop energy conservation loan programs for residential consumers which consist of 5 percent, 1-year loans not exceeding \$600, for insulation, weatherization, and heat pump installation.

The committee recommends further that the public service commission of Nevada pursue other cost-effective programs which can enhance and substitute for the energy conservation assistance program. The committee believes this recommendation should be considered in context with the utility resource planning act provided for by Senate Bill 161 (chapter 366, Statutes of Nevada 1983).

2. A resolution be adopted directing the state office of community services to provide utility bill assistance to the needy from fuel overcharge rebate funds when such funds become available.

The committee recommends further that as a condition of receiving utility bill assistance, persons receiving such funds be provided information on energy saving practices. As an option, energy assistance funds may be used to provide direct grants for the installation of energy conservation measures.

3. A resolution be adopted encouraging the PSCN to authorize utilities to give 2 cents per kilowatt hour rate reductions to customers who conserve energy as determined by the Nevada department of energy (NDOE).
4. The statutes be amended to permit the PSCN to adopt separate utility rates for elderly persons over 62 years of age whose household incomes are not more than \$12,000 annually.
5. The statutes be amended to eliminate duplication of millage taxes imposed on electric customers.

6. The statutes be amended to require the PSCN to cause any regulated utility earning a rate of return in any 12-month period, that is greater than the rate of return authorized by the PSCN in the last rate proceeding, to credit the earnings in excess of its authorized rate of return to a deferred energy account or otherwise refund such amounts to its customers.
7. A resolution be adopted directing the PSCN to establish regulations providing for utilities to establish incentives for residential customers who voluntarily use less power during peak energy demand periods.
8. The statutes be amended to require utilities to disclose to potential tenants or homeowners historical records of the unit's energy costs, and the unit's energy consumption rating as determined by the NDOE, and to require landlords to inform potential tenants of the availability of such information.
9. A resolution be adopted directing the PSCN to provide for automatic budget payment plans when high bills occur because of short abnormal weather periods.

UTILITY BILLS - LONG-TERM

10. Utility resource planning provisions, similar to those contained in S.B. 161 (chapter 366, Statutes of Nevada 1983), be added to the law.
11. A resolution be adopted directing the NDOE to revise the state's energy conservation standards to adhere to principles of cost-effectiveness. The committee recommends further that such standards require local building construction codes to provide for enhanced insulation and other standards which ensure that buildings are constructed in as energy-efficient manner as current technology and life-cycle economics can provide.
12. The statutes be amended to permit the PSCN to require utility company subsidiaries with valuations over \$1 million to establish separate subsidiaries with their own capital structures and their own sources of funding. The committee recommends further that utility parent companies be allowed to provide only equity to such subsidiaries.

13. The statutes be amended to provide that the PSCN require utility companies to demonstrate at rate hearings that the companies have adhered to sound management practices, and that the operating and maintenance expenses of the utility companies have been held to reasonable minimum levels.
14. A resolution be adopted directing the PSCN to restrict the filing of rate increase requests to no more than one per 180-day period unless an emergency exists.
15. The statutes be amended to prohibit the installation of electric resistance heating systems as a primary residential heating source. The restriction against the installation of electric resistance heaters should not be applied when:
 - a. The resistance heating system is being used to supplement a primary alternative energy system;
 - b. Prohibiting the use of electric resistance heating systems would not promote energy conservation; and
 - c. Non-electric resistance heating systems are not a practical alternative to electric resistance heating systems.

PUBLIC SERVICE COMMISSION

16. The statutes be amended to expand the public service commission of Nevada from three to five members. The committee recommends further that commissioners continue to serve 4-year staggered terms.
17. The statutory provision requiring that no more than two PSCN commissioners may be members of the same political party be repealed.
18. A resolution be adopted recommending that one of the initial actions taken by the newly comprised public service commission of Nevada be to review the maximum permissible levels of rates of return allowed to utilities to determine if lower capped rates would be feasible.

19. A resolution be adopted directing the PSCN to act on consumer complaints about utilities within 30 calendar days.
20. A resolution be adopted directing the PSCN to provide agendas for hearings of the commission to persons who request them.

LOCAL FRANCHISE TAXES

21. The statutes be amended to require that any utility franchise tax be approved by the Nevada tax commission. This requirement should apply to existing utility franchise taxes. The committee recommends further that any increase in such taxes be approved by the commission.

REPEAL OF THE PUBLIC UTILITIES REGULATORY POLICIES ACT OF 1978

22. A resolution be adopted and forwarded to Congress requesting the repeal of the Public Utilities Regulatory Policies Act of 1978.

MISUSE OF MASTER METERS IN MOBILE HOME PARKS

23. Local governments assist in the enforcement of statutory provisions relating to utility rates in mobile home parks with master utility meters.