

*Summary Bulletin
of
Reports of the Legislative Commission
to the 67th Session of the
Nevada Legislature*



*Legislative Counsel
Bureau*

*Bulletin No.
93-24*

January 1993

SUMMARY BULLETIN 1993

INTRODUCTION

This bulletin summarizes 22 study reports which were completed in 1992 for consideration by the 1993 Nevada Legislature. The *Summary Bulletin* serves two purposes: it provides a brief outline of the work of each interim study, so that legislators may become familiar with the various studies, issues, and resulting recommendations; and it is a reference tool to facilitate and encourage the use and understanding of the individual reports it summarizes.

Interim studies may be mandated in at least four ways: (1) by a concurrent or joint resolution adopted by both Houses of the Legislature; (2) by a law appearing in the *Nevada Revised Statutes* (NRS); (3) by a special act of the Legislature; and (4) by action of the Legislative Commission pursuant to NRS 218.682.

Of the 22 study reports included in this publication, 14 were directed by concurrent or joint resolutions approved during the 1991 session. The studies conducted by the Committees on Health Care, High-Level Radioactive Waste, and Public Lands were authorized by laws appearing in the *Nevada Revised Statutes*. The report of the Technical Advisory Committee on Uninsured Nevadans was initiated by a special act of the Legislature, as were the studies of State Industrial Insurance and Child and Family Services. Two other interim committees, State Parks and Transportation, conducted their work at the direction of the Legislation Commission.

The resolution or statutory provision which mandated a study is included for each. In addition, committee members and staff are listed to assist legislators and others in identifying those who may help in their understanding of issues or recommendations.

The *Summary Bulletin* is a guide to the contents of the regular study reports. For additional information regarding a particular study, interested parties should refer to the bulletin cited on the initial page of each section.

LEGISLATIVE COMMISSION

Senator John M. Vergiels, Chairman
Senator Raymond C. Shaffer, Vice Chairman

SENATE

Senator Virgil M. Getto
Senator Ann O'Connell
Senator Dina Titus
Senator Randolph J. Townsend

ASSEMBLY

Assemblyman Morse Arberry, Jr.
Assemblyman Joan A. Lambert
Assemblyman James W. McGaughey
Assemblyman Gene T. Porter
Assemblyman Robert M. Sader
Assemblyman Gaylyn J. Spriggs

TABLE OF CONTENTS

<u>Bulletin No.</u>	<u>Title</u>	<u>Page</u>
91-1	Study of the Establishment of a Policy and Procedure for the Naming of State Buildings.....	1
	a. A.C.R. 26.....	3
	b. Abstract.....	5
	c. Summary of Recommendations.....	7
92-2	The Feasibility of Developing a Program of Computer-Assisted Instruction in Nevada's Public Schools.....	9
	a. S.C.R. 43.....	11
	b. Abstract.....	13
	c. Summary of Recommendations.....	15
93-3	Study of Public Elementary and Secondary Education.....	17
	a. A.C.R. 85.....	19
	b. Abstract.....	21
	c. Summary of Recommendations.....	23
93-4	Study of Gaming.....	29
	a. S.C.R. 59.....	31
	b. Abstract.....	33
	c. Summary of Recommendations.....	35
93-5	Hazardous Materials and Emergency Response.....	41
	a. A.C.R. 79.....	43
	b. Abstract.....	45
	c. Summary of Recommendations.....	47
93-6	Study of State Parks.....	63
	a. NRS 218.682.....	65
	b. Abstract.....	67
	c. Summary of Recommendations.....	69

TABLE OF CONTENTS
(Continued)

<u>Bulletin No.</u>	<u>Title</u>	<u>Page</u>
93-7	Mandated Health Insurance Benefits.....	75
	a. S.C.R. 9.....	77
	b. Abstract.....	79
	c. Summary of Recommendations.....	81
93-8	Study of Industrial Insurance.....	83
	a. S.B. 7.....	85
	b. Abstract.....	87
	c. Summary of Recommendations.....	89
93-9	Study of Nevada Laws Governing Public Books and Records.....	105
	a. A.C.R. 90.....	107
	b. Abstract.....	109
	c. Summary of Recommendations.....	111
93-10	Subdivision of Lands.....	117
	a. A.C.R. 46.....	119
	b. Abstract.....	121
	c. Summary of Recommendations.....	123
93-11	Tahoe Regional Planning Compact.....	127
	a. A.J.R. 17.....	129
	b. Abstract.....	131
	c. Summary of Recommendations.....	133
93-12	Transportation.....	137
	a. NRS 218.682.....	139
	b. Abstract.....	141
93-13	The Feasibility of Establishing Veterans' Homes, Veterans' Centers and Motor Pools for Veterans.....	143
	a. S.C.R. 54.....	145
	b. Abstract.....	147
	c. Summary of Recommendations.....	149

TABLE OF CONTENTS
(Continued)

<u>Bulletin No.</u>	<u>Title</u>	<u>Page</u>
93-14	Legislative Committee on Health Care.....	151
	a. NRS 439B.200 through 439B.240.....	153
	b. Abstract.....	155
	c. Summary of Recommendations.....	157
93-15	Report of the Committee on High-level Radioactive Waste.....	165
	a. NRS 459.0085.....	167
	b. Abstract.....	169
93-16	Legislative Committee on Public Lands.....	171
	a. NRS 218.536, et seq.....	173
	b. Abstract.....	175
	c. Summary of Recommendations.....	177
93-17	State Budget Process.....	179
	a. S.C.R. 21.....	181
	b. Abstract.....	183
	c. Summary of Recommendations.....	185
93-18	Feasibility of Privatizing Provision of Governmental Services.....	187
	a. S.C.R. 2.....	189
	b. Abstract.....	191
	c. Summary of Recommendations.....	193
93-19	Study of the Committee for the Review of Child and Family Services.....	201
	a. S.B. 611.....	203
	b. Abstract.....	205
	c. Summary of Recommendations.....	207

TABLE OF CONTENTS
(Continued)

<u>Bulletin No.</u>	<u>Title</u>	<u>Page</u>
93-20	Study to Evaluate and Recommend Potential Funding Sources for the Department of Wildlife.....	213
	a. S.C.R. 36.....	215
	b. Abstract.....	217
	c. Summary of Recommendations.....	219
93-21	Welfare System in Nevada.....	221
	a. A.C.R. 16.....	223
	b. Abstract.....	225
	c. Summary of Recommendations.....	227
93-22	Report of Technical Advisory Committee to Study of Persons Not Covered by Health Insurance.....	231
	a. S.B. 503.....	233
	b. Abstract.....	235
	c. Summary of Recommendations.....	237

BULLETIN 93-1

**STUDY OF THE ESTABLISHMENT OF A
POLICY AND PROCEDURE FOR THE
NAMING OF STATE BUILDINGS**

A.C.R. 26 - 1991 Session

Members

**Senator Ernest E. Adler, Chairman
Assemblyman Joan A. Lambert, Vice Chairman
Assemblyman Joseph E. Dini, Jr.**

Principal Staff

**John R. Crossley, Director, Legislative Counsel Bureau
(687-6800)**

Assembly Concurrent Resolution No. 26—Committee on
Legislative Functions and Elections

FILE NUMBER.180

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study concerning the establishment of a policy and procedure for the naming of state buildings.

WHEREAS, There are many buildings owned by the state that are not designated with any distinctive name; and

WHEREAS, There are many worthy citizens who deserve to be honored for their achievements for the benefit of our state and nation; and

WHEREAS, The naming of state buildings after these citizens may be an appropriate way to bestow such an honor; and

WHEREAS, There is at present no policy or procedure governing the naming of state buildings; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study concerning the establishment of a policy and procedure for the naming of state buildings; and be it further

RESOLVED, That the Legislative Commission report the results of the study and any recommended legislation to the 67th session of the Nevada Legislature.

ABSTRACT

STUDY OF THE ESTABLISHMENT OF A POLICY AND PROCEDURE FOR THE NAMING OF STATE BUILDINGS

The 66th Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 26 (File No. 180, *Statutes of Nevada 1991*, pages 2639-2640) which directed the Legislative Commission to conduct an interim study on the establishment of the policy and procedure for the naming of State buildings.

The Legislative Commission appointed a subcommittee consisting of four legislators to complete the study. During the meeting of the subcommittee, members heard testimony from State agencies involved in the naming of State property. They also reviewed a survey of how other states address the issue of naming state property.

The subcommittee adopted six recommendations addressing the issues in the following areas:

- Criteria for naming State property after persons;
- Responsibility for the naming of State property;
- Utilization of an advisory committee to assist in selection process when applicable; and
- Exemptions.

Detailed descriptions of these recommendations may be found in the subcommittee's final report.

SUMMARY OF RECOMMENDATIONS

STUDY OF THE ESTABLISHMENT OF A POLICY AND PROCEDURE FOR THE NAMING OF STATE BUILDINGS

The Legislative Commission's Subcommittee to Study Establishment of a Policy and Procedure for the Naming of State Buildings recommends that the 67th session of the Nevada Legislature enact legislation that provides:

1. Unless otherwise provided by the legislature by concurrent resolution, the Governor may name any state property. The Governor may request the input of an advisory committee. If the Governor names a state property after a person, he shall give preference to a person who:
 - a. At the time of making his substantial contribution to the state, resided in the county wherein the state property is located; and
 - b. Made his substantial contribution to the state while serving in the branch of government that will exercise jurisdiction over the state property.
2. If an advisory committee is assembled by the Governor:
 - a. The advisory committee shall be comprised of:
 - (1) One member from the Assembly appointed by the Speaker;
 - (2) One member from the Senate appointed by the Majority Floor Leader;
 - (3) The State Librarian or her designee;
 - (4) The Director of the Department of General Services; and
 - (5) Any other person or persons the Governor deems appropriate.

- b. The committee shall provide suggested names for the public property being named. The committee may request or consider suggestions from the State agency having jurisdiction over the State property and from any other interested person. The members of the committee are not entitled to receive a salary. Each member of the committee is entitled to receive, for each day or portion of a day he attends a meeting of the committee, or is otherwise engaged in the business of the committee, the per diem allowance and travel expenses provided for State officers and employees generally. The per diem and travel expenses of the legislative members must be paid from the legislative fund.
- 3. A state property must not be named after a person unless:
 - a. The person made a significant contribution to the State while in the service of State Government; and
 - b. It is 3 years or more after the date of the person's:
 - (1) Retirement from service in State Government; or
 - (2) Death.
- 4. A State property may be given a name other than the name of a person, such as, but not limited to, a geographical name.
- 5. Except as otherwise provided, the bill will be applicable to the naming of all State property, including, but not limited to buildings, bridges, highways, monuments, memorials and parks, and any improvements thereto.
- 6. The provisions of the bill are not applicable to the naming of property of the University of Nevada System.

BULLETIN 93-2

THE FEASIBILITY OF DEVELOPING A PROGRAM OF
COMPUTER-ASSISTED INSTRUCTION IN
NEVADA'S PUBLIC SCHOOLS

S.C.R. 43 - 1991 Session

Members

Senator Raymond D. Rawson, Chairman
Assemblyman Wendell P. Williams, Vice Chairman
Senator Ernest E. Adler
Senator Stephanie Tyler
Assemblyman Bernard Anderson
Assemblyman Douglas A. Bache
Assemblyman Mike McGinness
and
Dr. Eugene T. Paslov,
State Superintendent of Public Instruction

Principal Staff

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

Senate Concurrent Resolution No. 43—Senators Rawson,
Hickey and Coffin

FILE NUMBER 188.....

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct a study on the feasibility of developing a program of computer-assisted instruction for pupils in kindergarten and grades 1 through 12, inclusive.

WHEREAS, There is tremendous daily use and reliance on computer skills in the work force by all occupational groups in the State of Nevada; and

WHEREAS, It is commonly required by employers as a condition of employment that an applicant possess basic computer skills; and

WHEREAS, It is advantageous to both our youth and to private industry as future employers to develop these basic computer skills at an early age; and

WHEREAS, The use of computer-assisted instruction provides educational opportunities not otherwise available to the youth 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 appoint a committee to conduct a comprehensive study of the feasibility of developing a program of computer-assisted instruction for pupils attending kindergarten and grades 1 through 12, inclusive; and be it further

RESOLVED, That the study include an examination of the feasibility of private industry sharing in the cost of developing and establishing such a program; and be it further

RESOLVED, That the Legislative Commission is hereby directed to appoint the superintendent of public instruction as a member of the committee to conduct the study; and be it further

RESOLVED, That the results of the study and any recommended legislation be reported to the 67th session of the Nevada Legislature.

ABSTRACT

STUDY OF THE FEASIBILITY OF DEVELOPING A PROGRAM OF COMPUTER-ASSISTED INSTRUCTION FOR PUPILS IN KINDERGARTEN AND GRADES 1 THROUGH 12, INCLUSIVE

The 66th Session of the Nevada Legislature adopted Senate Concurrent Resolution No. 43 (File No. 188, *Statutes of Nevada 1991*, page 2648-2649) which directed the Legislative Commission to conduct an interim study of the feasibility of developing a program of computer-assisted instruction for students in Nevada's public schools. The resolution also instructed the study to examine the feasibility of private industry sharing in the cost of developing and establishing such a program.

The Legislative Commission appointed a subcommittee consisting of seven legislators and the State Superintendent of Public Instruction to do the study. Over the course of its four interim meetings, the subcommittee received numerous reports on various aspects of computer-assisted instruction. Witnesses included computer experts, education specialists, business representatives and other interested persons. Presentations to the subcommittee consisted of discussions of the current uses of computers in Nevada's schools and vivid demonstrations of the unlimited capabilities of computers to assist teachers in educating children of all ages and abilities.

The subcommittee adopted two recommendations. Its primary recommendation requires the State Board of Education to prepare a statewide educational technology plan with the assistance of a Technical Advisory Board. The subcommittee outlined the composition of the board and provided certain directions and goals for the establishment of an educational technology plan for Nevada.

A detailed discussion of the subcommittee's activities and recommendations may be found in its final report.

SUMMARY OF RECOMMENDATIONS

STUDY OF THE FEASIBILITY OF DEVELOPING A PROGRAM OF COMPUTER-ASSISTED INSTRUCTION FOR PUPILS IN KINDERGARTEN AND GRADES 1 THROUGH 12, INCLUSIVE

The Legislative Commission's Subcommittee to Study the Feasibility of Developing a Program of Computer-Assisted Instruction for Pupils in Kindergarten and Grades 1 Through 12, Inclusive, recommends that the 1993 Session of the Nevada Legislature:

1. Require the State Board of Education to develop and implement a statewide educational technology plan. Create a Technology Advisory Board and corresponding Educational Technology Coordinator in the State Department of Education to assist the board in the development and implementation of the plan.
2. Establish a Legislative Committee on Education to provide an ongoing review of all aspects of Nevada's public school system, including the integration of technology into the curriculum.

BULLETIN 93-3

STUDY OF PUBLIC ELEMENTARY AND
SECONDARY EDUCATION

A.C.R. 85 - 1991 Session

Members

Assemblyman Wendell P. Williams, Chairman
Senator Bob Coffin, Vice Chairman
Senator Diana M. Glomb
Senator Joseph M. Neal, Jr.
Senator William R. O'Donnell
Assemblyman John C. Carpenter
Assemblyman Ken Haller
Assemblyman Warren B. Hardy
Assemblyman Joan A. Lambert

Principal Staff

Pepper Sturm, Principal Research Analyst
(687-6825)

Assembly Concurrent Resolution No. 85—Committee on Education

FILE NUMBER. 183.....

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

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

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

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

WHEREAS, Public education is critically important in the state's plan for economic diversification; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study on public elementary and secondary education in this state; and be it further

RESOLVED, That the study must emphasize an evaluation of:

1. The effects of allowing parents the right to choose which school their child attends;
 2. Alternative teaching methods to that of "tracking" pupils in particular courses of study;
 3. The feasibility and desirability of lengthening the school year;
 4. Cost-effective ways of reducing the ratio of pupils to teachers in the classroom;
 5. Flexible hours for a school day;
 6. Any new teaching methods and procedures currently being used successfully in other states;
 7. The present and long-term effects of using certain drugs to treat pupils who are hyperactive or inattentive; and
 8. The problems of providing alternative housing and educational opportunities for pupils who are suspended or expelled from public schools for the commission of violent acts or the possession of dangerous weapons;
- and be it further

RESOLVED, That the committee appointed by the Legislative Commission to study public elementary and secondary education in this state must meet at least seven times during the interim and must consult with such experts in the field of education as the committee deems appropriate to obtain information necessary for the study; and be it further

RESOLVED, That the results of the study and any recommended legislation be reported to the 67th session of the Nevada Legislature.

ABSTRACT

STUDY OF PUBLIC ELEMENTARY AND SECONDARY EDUCATION

The 66th Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 85 (File No. 183, *Statutes of Nevada 1991*, pages 2642-2643) which directed the Nevada Legislature's Legislative Commission to study public elementary and secondary education in this State.

The Legislative Commission appointed a subcommittee consisting of nine legislators to conduct the study. A total of six meetings were held in Carson City, Reno and Las Vegas. The subcommittee received presentations and testimony concerning 12 separate topics.

The subcommittee adopted 18 recommendations addressing issues in the following general categories:

1. Continuation of Nevada's class-size reduction program (one recommendation);
2. Alternatives to the practice of "tracking," or grouping pupils by ability (one recommendation);
3. Allowing parents to choose which school their child attends (two recommendations);
4. Occupational education (two recommendations);
5. Successful teaching methods and procedures (six recommendations);
6. Drug therapy and other treatments for hyperactive pupils (three recommendations);
7. National education goals (one recommendation); and
8. Requirements for high school graduation (two recommendations).

Detailed descriptions of these recommendations may be found in the subcommittee's final report.

SUMMARY OF RECOMMENDATIONS

STUDY OF PUBLIC ELEMENTARY AND SECONDARY EDUCATION

1. Adopt a subcommittee resolution urging the 1993 Nevada Legislature to continue the class-size reduction program.
2. Adopt a resolution urging the State Department of Education to conduct a study concerning the prevalence of "tracking" students in Nevada's public school system, and report the results and recommendations to the 1995 Legislative Session. The study should include, but not be limited to:
 - a. The need for additional teacher training (and the associated funding) to enable teachers to use the innovative teaching methods offered as alternatives to tracking;
 - b. The need to measure the extent of ability grouping and monitor the effectiveness of specific forms of tracking; additional data may need to be collected;
 - c. How equity matters are addressed, including the quality of instruction and resources in "low-track" classes, along with racial/ethnic inequity;
 - d. Parental attitudes toward tracking and "detracking";
 - e. The use of "gifted" pupils as role models for other students; potential impact upon existing programs for gifted students; and
 - f. The impact of tracking upon student behavior and teacher expectations.

(BDR R-417)

3. Include a statement in the final report recommending that Nevada's school districts expand the magnet school concept from its current occupational education emphasis to include additional curricular areas (for example, fine arts, languages, mathematics and science).

The districts are encouraged to publicize the differences among the magnet schools and establish an accountability system.

4. Include in the subcommittee's final report a statement concluding that a school choice voucher system involving private schools is not feasible in the State of Nevada at this time.
5. Make an appropriation to the State Treasury to the special fund for the enhancement of occupational education in Grades 9 to 12. The money is to be used to establish classes in Grades 9 and 10 on occupations in general, and to improve occupational classes for pupils in Grades 10, 11 and 12. The money shall be distributed to the districts according to a formula using a base allocation and proportional enrollment. Funding in the amount of \$2,252,781 for each year of the next biennium is appropriated from the State General Fund for this purpose. (BDR 34-425)
6. Require, by statute, a one-time appropriation, that the State Board of Education adopt regulations to establish a course of study relating to home and occupational skills. The course would be offered in the 7th and/or 8th Grade, and would instruct students in skills relating to making decisions, solving problems, and management and leadership. Students would learn to apply these skills in all areas of daily living. Funding in the amount of \$1,376,340 for Fiscal Year 1994 only is appropriated from the State General Fund for this purpose. (BDR 34-426)
7. Adopt a resolution, directed to all public schools, urging participation in the State Department of Education's Nevada School Improvement Project. (BDR R-419)
8. Adopt a resolution, directed to Nevada's school district boards of trustees, urging the adoption of a daily class schedule in each public elementary school that includes a fixed period of uninterrupted teaching time during each school day. (BDR R-421)

9. Adopt a resolution, directed to the State Board of Education, supporting the following for Nevada's public schools:
- a. Implementing the National Council of Teachers of Mathematics curriculum and evaluation standards;
 - b. Implementing the "Nevada State Course of Study for Mathematics";
 - c. Aligning assessment with the revised Nevada State Course of Study for Mathematics and the National Council of Teachers of Mathematics curriculum and evaluation standards;
 - d. Promoting equity in mathematics education for all students; and
 - e. Using technology and concrete materials for instruction as well as assessment.

(BDR R-420)

10. Include in the subcommittee's final report a statement directed to the State Board of Education, expressing support for statewide reform in mathematics education, and support for State matching funds to obtain possible Federal grant money. Include in the statement that Nevada currently supports education reform in general, and mathematics reform indirectly, through its current program of class-size reduction. Such a declaration is expected to facilitate applications for Federal funds for statewide mathematics initiatives.
11. Include a statement in the subcommittee's final report expressing support for implementing and funding the reform of mathematics education in Nevada through a systematic program of staff development designed to implement the revised "Nevada State Course of Study for Mathematics." Such a program would include instructional strategies, content knowledge and alternative/-authentic assessment. The program is designed to improve students' understanding and achievement in mathematics.
12. Include a statement in the subcommittee's final report expressing support for implementing and funding the

development of forms of alternative assessment, including portfolio assessments, to expand and align mathematics assessment with the revised "Nevada State Course of Study for Mathematics."

13. Require, by statute, that a physician obtain an informed consent form signed by a parent before a child is placed on Class II drug therapy. The form shall be prepared by the State Board of Health in the Department of Human Resources and should include, but not be limited to, a list of potential side effects of the drug, a description of the need for continuous monitoring by a physician, and a description of alternative therapies. (BDR 40-422)
14. Require, by statute, that the State Board of Education adopt regulations to establish a diagnostic referral network to ensure that children suspected of having Attention Deficit Hyperactivity Disorder be evaluated and diagnosed by a physician who is an expert in screening such cases on a regular basis. (BDR 34-424)
15. Adopt a resolution urging the State Board of Education to adopt a policy of cooperation with medical facilities, educators, physicians and psychologists, school counselors, social workers, marriage and family therapists, and parents to facilitate the diagnosis and treatment of Attention Deficit Hyperactivity Disorder and Attention Deficit Disorder.

Further resolve that proper classroom placement, physical education programs, behavior modification strategies, counseling, and concurrent drug treatment be attempted. (BDR R-423)

16. Adopt a resolution, directed to the State Board of Education, supporting the National Education Goals. The six goals, modified for Nevada, specify that by the year 2000:
 - a. All children in Nevada will start school ready to learn;
 - b. The high school graduation rate will be at least 90 percent;

- c. Nevada students will have demonstrated competency in challenging subject matter, and that every school will ensure that students use their minds well;
- d. Nevada students will be ranked among the top 10 percent of the Nation in mathematics and science achievement;
- e. Every school in Nevada will be free of drugs and violence and offer a disciplined learning environment; and
- f. Every adult in Nevada will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(BDR R-427)

- 17. Include in the subcommittee's final report a statement supporting funding to allow school districts to offer tuition-free summer school for certain youths from financially needy families. Such a program would, among other things, assist students needing additional units to satisfy requirements to graduate from high school.
- 18. Include in the subcommittee's final report a recommendation that each school district review requirements for graduation, including the State's requirements, to ensure that students have sufficient time to accumulate the units needed to graduate within 4 years. School districts should consider lengthening the school day, if necessary, to accomplish this objective. Further, recommend that the Legislature review the total units required for graduation from high school.

BULLETIN 93-4

STUDY OF GAMING

S.C.R. 59 - 1991 Session

Members

Senator Dina Titus, Chairman
Assemblyman Gene T. Porter, Vice Chairman
Senator Ernest E. Adler
Senator R. Hal Smith
Senator John M. Vergiels
Assemblyman Val Z. Garner
Assemblyman James W. McGaughey
Assemblyman Mike McGinness
Assemblyman Gaylyn J. Spriggs
Assemblywoman Myrna T. Williams

Principal Staff

Dennis Neilander, Senior Research Analyst
(687-6825)

Senate Concurrent Resolution No. 59—Senator Titus

FILE NUMBER. 190.

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of gaming.

WHEREAS, In 1869 the Nevada Legislature passed the gaming bill after an override of the governor's veto, and legalized gaming in Nevada; and

WHEREAS, Since those early years, Nevada prohibited gaming only once for a period of 21 years until 1931 when gaming was once again legalized as Governor Balsar signed Assemblyman Tobin's so-called "wide open gambling" bill; and

WHEREAS, In the past 60 years gaming has become Nevada's primary industry, contributing nearly 43 percent of the state's annual budget; and

WHEREAS, As gaming continues to be legalized in more and more states, competition for tourists increases, thereby creating a need for the continued promotion of this state as an attractive and exciting destination for visitors; and

WHEREAS, Although the State of Nevada must continue to diversify its economic base, it must not neglect its commitment to the gaming industry which remains the primary source of revenue for 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 an interim study on gaming; and be it further

RESOLVED, That the study should include an intensive evaluation of the future of gaming in this state taking into consideration:

1. The effect on Nevada of gaming in other areas of the United States including proposals to allow gaming on Indian reservations;
2. Present and future plans for taxation of the gaming industry;
3. The treatment of the law on larger gaming establishments compared to smaller ones; and
4. Any other aspect of gaming which may influence Nevada's economy; and be it further

RESOLVED, That the Legislative Commission submit a report of its findings and any recommendations for appropriate legislation to the 67th session of the Nevada Legislature.

19  91

ABSTRACT

STUDY OF GAMING

The 66th Session of the Nevada Legislature adopted Senate Concurrent Resolution No. 59 (File No. 190, *Statutes of Nevada 1991*, pages 2650-2651) which directed the Legislative Commission to study the future of gaming in Nevada. The Legislative Commission appointed 11 legislators to conduct the study.

A total of five meetings were held by the subcommittee. All meetings were held principally in Las Vegas, although four of the meetings were conducted via video teleconference between Carson City and Las Vegas.

The subcommittee adopted recommendations addressing issues in the following areas:

Taxation of Gaming

The subcommittee reviewed the history of taxation in Nevada and analyzed the current scheme of taxation and its relationship to the profitability of gaming. After examining the issues at length, the subcommittee determined that gaming taxes had to be analyzed together with all taxes in the State. The subcommittee recommended that the various arguments set forth in the hearings be described in the report and that the Senate and Assembly Committees on Taxation further examine the issues and use the deliberations of the subcommittee in considering any tax issues during the next legislative session.

Foreign Gaming

The subcommittee recommended that the Nevada Foreign Gaming Act be retained and amended to strengthen and clarify the State Gaming Control Board's authority to hold Nevada licensees accountable for unsuitable or illegal activities in other jurisdictions.

Indian Gaming

The subcommittee recommended that the final report support the concept that gaming on all lands within Nevada be regulated on an equal basis. The subcommittee also analyzed the

Federal Indian Gaming Regulatory Act and recommended that the United States Congress amend the Act to clarify the various areas where testimony indicated ambiguities and problems with implementation.

Other Gaming Regulatory Issues

The subcommittee heard testimony from the State Gaming Control Board and various regulated entities and recommended a number of amendments to existing statutes to clarify regulatory laws. In addition, the subcommittee recommended that a State lottery not be established in Nevada.

The subcommittee also recommended substantial changes to the structure, operation, and meetings of the Gaming Policy Committee.

Detailed discussion of these recommendations may be found in the subcommittee's final report.

SUMMARY OF RECOMMENDATIONS

STUDY OF GAMING

Following is a summary of the recommendations approved by the Legislative Commission's Subcommittee to Study the Future of Gaming in Nevada.

THE TAXATION OF GAMING

1. Include in the final report of the subcommittee a recommendation that the Senate and Assembly Committees on Taxation analyze the feasibility and propriety of the following tax related issues:
 - a. The rate and structure of room taxes;
 - b. Broadening the State tax base;
 - c. The level of gaming taxes as a percentage of gross gaming revenues;
 - d. Restructuring the tax system to encourage table game play;
 - e. A retaliatory gaming tax which provides that where an entity is based in Nevada and operates a business in another state that taxes such business at a higher rate, Nevada could then tax that business in Nevada at the other state's higher rate;
 - f. Establishing a new tax bracket for the most profitable gaming entities;
 - g. Reviewing the results of the State Gaming Control Board's "Study of Slot Route Operators"; and
 - h. Reviewing the applicability and operation of the Casino Entertainment Tax.
2. In the final report, direct the State Gaming Control Board to submit to the 1993 Legislature, for consideration by the Senate and Assembly Committees on Taxation, an analysis of the options available to amend the casino

entertainment tax and have the tax remain revenue neutral, including an explanation of any fiscal impacts on different segments of the gaming industry.

FOREIGN GAMING

3. Include in the final report support for continued efforts by State Government agencies to establish Nevada as a destination resort for tourism.
4. Amend the Nevada Foreign Gaming Act to clarify and expand the authority of the State Gaming Control Board to hold Nevada licensees accountable for illegal or unsuitable activities related to gaming in other jurisdictions.

INDIAN GAMING

5. Include in the final report of the subcommittee a statement expressing support for the concept that gaming conducted on Indian lands should be regulated on an equal basis with gaming conducted on other lands.
6. Provide statutory authority that charges the Gaming Policy Committee with the duty of negotiating Indian gaming compacts pursuant to the Federal Indian Gaming Regulatory Act. Such compacts would be binding only upon the signature of the Governor acting in his capacity as Governor of Nevada.
7. Adopt a joint resolution urging the United States Congress to amend the Indian Gaming Regulatory Act to achieve the following:
 - a. Provide a mechanism for effective enforcement of the law, including the granting of concurrent jurisdiction among states and the Federal Government;
 - b. Provide that tribes may only negotiate for Class III gaming when such specific gaming is permitted by the state in which the Indian land is located;

- c. Specifically provide that state sanctioned charitable gaming does not authorize Indian gaming where such conduct would otherwise be prohibited;
 - d. Affirm a state governor's right to prohibit Class III gaming on lands located within the state's jurisdiction when that land has been acquired after the enactment of the Indian Gaming Regulatory Act and is not contiguous to the reservation or trust lands;
 - e. Clarify the definitions of Class II gaming;
 - f. Clarify the standard for negotiating in "good faith," including what constitutes a valid "bad faith" claim.
 - g. If the Act is not amended, provide the United States Secretary of the Interior with the authority to declare a moratorium on the approval of any new compacts until the Act can be amended.
8. In the final report, recommend that Nevada's Gaming Policy Committee work with representatives of Nevada Indian tribes to develop a flexible draft compact that would be restricted to the use of 15 or fewer slot machines. This compact would not be binding on any parties, but would serve as a model for future negotiations.

OTHER GAMING REGULATORY ISSUES

Statutory Changes Regarding the Regulation of Gaming

- 9. Amend *Nevada Revised Statutes* 463.0155 to clarify what constitutes the manufacturing of gaming devices.
- 10. Amend NRS 463.0157 to include employees of pari-mutuel operators as gaming employees who must obtain a work permit.
- 11. Amend NRS 463.0164 to clarify that persons who receive compensation in forms other than cash can be considered independent agents.

12. Amend NRS 464.0167 to require pari-mutuel systems operators to pay a license fee.
13. Amend NRS 463.120 by deleting limiting language "United States Government" and adding broader language "Federal or any foreign government" to codify the existing practices of the board.
14. Amend NRS 463.145 to increase the current 30-day requirement for holding a commission hearing to 45 days.
15. Amend NRS 463.270 to clarify the conditions under which a licensee may surrender his license.
16. Amend NRS 463.370 to include a provision for loss carry forwards.
17. Amend NRS 463.421 to allow a finding of suitability and board control of transmission companies.
18. Amend NRS 463.540 to specify time limitations for reporting a change in officers and directors of a gaming entity.
19. Amend NRS 463.643 to reflect that an application for a finding of suitability is discretionary for "institutional investors."
20. Amend NRS 463.650 to clarify the board's authority in matters that involve the disposition of gaming devices without a distributor's license.
21. Amend NRS 464.005 to include a definition of an "off-track pari-mutuel system."

The Structure and Operation of the Gaming Policy Committee

22. Amend NRS 463.021 to make the following changes regarding the Gaming Policy Committee:
 - a. In addition to meetings called at the request of the Governor, require the committee to meet on a quarterly basis;
 - b. Revise the membership of the committee by adding one enrolled member of an Indian tribe;

- c. Revise the membership of the committee by adding one additional representative from the gaming industry;
- d. Remove the geographical restrictions placed as a qualification on the members representing the gaming industry;
- e. Revise the appointment procedures to provide that members appointed by the Governor serve 2-year staggered terms at the pleasure of the Governor;
- f. Provide that the members of the committee representing the Legislature be appointed to the committee by the Legislature pursuant to legislative rules regarding appointments;
- g. Authorize the committee to make recommendations directly to the Legislature; and
- h. Require that the committee hold a public hearing regarding any recommendation it intends to make.

Legalization of Lotteries

- 23. Recommend in the final report that *The Constitution Of The State Of Nevada* not be amended to allow for a lottery.

National Gaming Symposium

- 24. Include in the final report a statement expressing support for the concept of the Gaming Policy Committee organizing a national symposium on gaming.

BULLETIN 93-5

HAZARDOUS MATERIALS

AND

EMERGENCY RESPONSE

A.C.R. 79 - 1991 Session

Members

Assemblyman Joseph E. Dini, Jr., Chairman
Senator Leonard V. Nevin, Vice Chairman
Senator Lawrence E. Jacobsen
Senator Joseph M. Neal, Jr.
Assemblyman Bernard Anderson
Assemblyman Bradley I. Goetting
Assemblyman David E. Humke
Assemblywoman Sandra Krenzer
Assemblyman John L. Norton
Assemblyman Gaylyn J. Spriggs

Principal Staff

Denice L. Miller, Senior Research Analyst
(687-6825)

Assembly Concurrent Resolution No. 79—Committee on
Government Affairs

FILE NUMBER 182..

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the laws relating to emergencies involving hazardous materials.

WHEREAS, National attention was focused on the dangers of hazardous materials during the past 3 years when a fire and explosions occurred at Pacific Engineering and Production Company on May 4, 1988, and then again during the recent chlorine leak at the Pioneer Chlor Alkali Company at the BMI complex near the City of Henderson on May 6, 1991; and

WHEREAS, The use, production, storage, transportation and disposal of hazardous materials throughout this state pose a potential danger to the lives and property of Nevadans unless properly managed; and

WHEREAS, Residents of Nevada expect their state and local governments to ensure the proper management of hazardous materials, and to have emergency plans in effect to cope with potential disasters from such materials; and

WHEREAS, The Federal Government has adopted laws requiring the development of emergency response plans at all levels of government; and

WHEREAS, The Henderson Commission report, completed at the request of Governor Bryan, after the explosions at the Pacific Engineering and Production Company, and the recent status report completed at the request of Governor Miller, on the implementation of the Henderson Commission recommendations, make it clear that much work has been done on planning for emergencies, but much remains to be done; and

WHEREAS, There are a number of agencies with jurisdiction over the use, production, storage, transportation and disposal of hazardous materials, and coordination among these agencies is vital to the health, safety and welfare of the residents of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study of state laws relating to emergencies which may result from the use, production, storage, transportation and disposal of hazardous materials; and be it further

RESOLVED, That the study include a review of:

1. The jurisdictions of all state and local agencies with responsibilities relating to the use, production, storage, transportation and disposal of all types of hazardous materials;
2. The coordination among these agencies; and
3. The effectiveness of state and local systems for implementing Public Law 99-499 (the Superfund Amendments and Reauthorization Act of 1986 (SARA) Title II);

and be it further

RESOLVED, That the study include an evaluation of the effectiveness of state and local systems for the following aspects of emergencies involving hazardous materials:

1. Planning;

2. Mitigation;
 3. Providing emergency responder training;
 4. Responding and coordinating responses;
 5. Effecting recovery from such emergencies;
 6. Emergency notification systems and procedures among all agencies;
 7. Education dealing with such emergencies within the Nevada school systems and among the general public;
 8. Direction, control and warning systems; and
 9. Emergency communication systems;
- and be it further

RESOLVED, That the Legislative Commission report the results of the study and any recommended legislation to the 67th session of the Nevada Legislature.

ABSTRACT

STUDY OF LAWS RELATING TO EMERGENCIES INVOLVING HAZARDOUS MATERIALS

The 66th Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 79 (File No. 182, *Statutes of Nevada* 1991, pages 2641-2642), which directed the Legislative Commission to conduct an interim study of the laws relating to emergencies involving hazardous materials.

The Legislative Commission appointed a subcommittee consisting of 10 legislators to compile the study. During the four meetings of the subcommittee, members heard testimony from State agencies involved in hazardous materials regulation or response, businesses, local response agencies, and concerned citizens.

The subcommittee adopted 36 recommendations addressing issues in the following areas:

1. Regulation, inspection, and fee collection;
2. Information management and emergency communications;
3. Emergency planning;
4. Training of responders to emergencies involving hazardous materials; and
5. Response capabilities and needs.

Detailed descriptions of these recommendations may be found in the subcommittee's final report.

SUMMARY OF RECOMMENDATIONS

STUDY OF LAWS RELATED TO EMERGENCIES
INVOLVING HAZARDOUS MATERIALS

The Legislative Commission's Subcommittee to Study Laws Relating to Emergencies Involving Hazardous Materials recommends:

POLICY STATEMENT

1. Include in the final report a statement expressing the subcommittee's conclusion that the State must encourage a "partnership" between State and local entities and between government and business, in order to protect the environment, ensure employee and public safety, and still foster economic development.

CONSOLIDATION OF
FEES, REPORTING, AND REGULATION

2. Include in the final report a statement expressing the subcommittee's support for the consolidation of similar State hazardous materials and other environmental fees and reporting requirements.
3.
 - a. Designate the State Emergency Response Commission as the State agency responsible for the coordination of all interagency efforts associated with consolidated fee collection, uniform regulations, and standardized reporting forms.
 - b. Direct those State and local agencies involved in hazardous materials management, as coordinated by the State Emergency Response Commission, whenever appropriate, to:
 - (1) Cooperate in eliminating duplication, conflict, or inconsistency in regulations;
 - (2) Review forms for clarity and ease of completion, and revise as necessary;
 - (3) Review and simplify or expand instructions associated with the forms as necessary;

- (4) Cooperate, whenever possible, in the development of uniform reporting formats;
 - (5) Distribute those reports related to emergency response to the appropriate local agencies in a timely manner; and
 - (6) Consolidate, whenever possible, the collection of fees.
4. a. Designate the Department of Taxation as the State agency charged with the collection of the following fees and their respective reports:
- (1) Fees authorized under *Nevada Revised Statutes* (NRS) 477.045, currently collected by the State Fire Marshal Division in the Department of Commerce;
 - (2) Fees authorized under NRS 459.744 and 459.746, collected by the State Emergency Response Commission; and
 - (3) Fees authorized under NRS 459.3824, collected by the Division of Environmental Protection in the State Department of Conservation and Natural Resources.
- b. Direct the Department of Taxation to consult with the State Emergency Response Commission to design a system for the consolidation of collection of other hazardous materials fees, except for hazardous waste fees, and to report its findings and recommendations to the 1995 Legislature.
5. Direct a letter to the Division of Environmental Protection requesting that staff of the agency:
- a. Review regulations governing hazardous and solid waste reporting and fees;
 - b. Devise a proposed system to consolidate and streamline those fees and reports; and
 - c. Report its findings and recommendations to the 1993 Legislature.

6. Amend NRS 706.441 to delete the authority and duty of the Public Service Commission of Nevada to issue a permit for the transport of radioactive waste, and require the Nevada Highway Patrol Division of the Department of Motor Vehicles and Public Safety to notify the commission prior to the issuance of any permits issued for the transport of radioactive waste.
7. Recommend to the Legislative Commission that it appoint a committee to study duplications between Senate Bill 641 of the 1991 Legislative Session (Chapter 608, *Statutes of Nevada 1991*, pages 1994-2011) and related Federal legislation.

INSPECTION AND FINES

8. Require any agency responsible for the enforcement of regulations dealing with hazardous materials to issue a citation, instead of a fine, for a first offense for failure to comply with a regulation, unless otherwise precluded by Federal law or Nevada's federally approved State plan. This requirement would not affect an agency's ability to take other appropriate action in an emergency or where there is an imminent threat of danger to person or property.
9. Allow a Local Emergency Planning Committee to authorize a representative to enter a facility, if it deems such entry necessary to carry out its duties under Public Law 99-499:
 - a. During regular operating hours; or
 - b. At any time there is reason to believe a danger to public health and safety exists from hazardous materials at that facility or an actual emergency has occurred,

unless such entry would pose a threat to the health and safety of facility employees.

INFORMATIONAL PROGRAMS

10. If funding is available, require the State Emergency Response Commission to develop informational programs for the public and businesses regarding hazardous materials reporting requirements, related regulations, the role of Local Emergency Planning Committees, and "community right-to-know" provisions of Federal and State laws.
11. Appropriate \$5,000 in each year of the next biennium to the State Fire Marshal Division for the establishment and operation of a toll-free telephone line for businesses to obtain information concerning hazardous materials regulations and for emergency response agencies to inquire about training requirements and programs.
12. Direct the State Fire Marshal Division to cooperate with local fire departments to develop "quick reference" model guides for first responders, which:
 - a. Provide information on handling the first, critical moments of an emergency;
 - b. May be distributed to local governments, responders, and students enrolled in hazardous materials training courses; and
 - c. Should be considered part of a first responder's equipment.

INFORMATION MANAGEMENT AND EMERGENCY COMMUNICATIONS

13. Include in the final report a statement expressing the subcommittee's conclusion that the Division of Emergency Management in the Department of the Military should consult and cooperate with State and local agencies concerning the implementation of Project Oasis, the computerized emergency management information system being implemented by the Division.
14. Create the State Emergency Operations Center, within the Division of Emergency Management, as a 24-hour

point of emergency notification, and define the duties of the center to include:

- a. Maintenance of a 24-hour emergency notification number;
 - b. Notification of an incident to all appropriate State, local, and Federal entities;
 - c. Maintenance of a written or recorded history of an incident;
 - d. Coordination of the development of a post-incident investigation form;
 - e. Maintenance of a database of incident information; and
 - f. Provision for other agencies' access to incident information.
15. a. Require:
- (1) The first local or State entity responding to or aware of a spill, accident, or emergency situation to call the local 911 emergency number and then notify the Division of Emergency Management as soon as possible following awareness of an accident or existence of an emergency;
 - (2) The Division of Emergency Management to consult with Federal and State agencies and local entities in the development of a list of subsequent emergency notifications to be made by the division following its notification of an emergency; and
 - (3) All those listed on the Division of Emergency Management's subsequent emergency notification list to report any changes in telephone numbers or other information within 10 days to the division.

b. Require:

- (1) The lead agency investigating an emergency involving hazardous materials to complete a post-incident investigation form, as developed and supplied by the Division of Emergency Management and submit the form to the division within 30 days of the incident, or as soon as possible thereafter; and
 - (2) The Division of Emergency Management to maintain a database, compiled from post-incident investigation forms, and to produce annual incident reports for distribution to State and local agencies involved in emergency response.
16. Amend NRS 459.715 to designate the Nevada Highway Patrol Division repository as the sole repository for information gathered pursuant to Public Law 99-499.
17. Create a State Board of Information Management, consisting of 11 members appointed by the Governor; and dissolve the State Communications Board in the Department of Motor Vehicles and Public Safety, the Advisory Board on Telecommunications in the Department of General Services, and the Advisory Committee for Data Processing in the Department of Data Processing.

Provide that the board shall assume the powers and duties of the dissolved entities and require the Coordinator of Communications in the Department of Motor Vehicles and Public Safety, the Director of the Department of General Services and the Director of the Department of Data Processing to execute and enforce the decisions of the board.
18. Direct the State Board of Information Management to:
 - a. Conduct a study of the existing equipment and software of State and local agencies involved in hazardous materials management;
 - b. Conduct a study of the information needs of State and local agencies involved in hazardous materials management, including emergency responders;

- c. Develop proposals to achieve the following goals and report its findings and recommendations to the 1995 Legislature:
 - (1) Implementation of a system which would allow hazardous materials information to be sent, received, and stored to or from any State or local agency with a need for such information;
 - (2) Creation of a single hazardous materials information repository and communication network accessible to all first responders in the State; and
 - (3) Improvement of public access of hazardous materials information.

EMERGENCY PLANS

- 19. Require all State agencies to have an emergency operations plan coordinated and reviewed by the Division of Emergency Management, to submit plans no later than July 1, 1994, and to update them a minimum of every 3 years thereafter.
- 20. Amend Chapter 414 of NRS, relating to emergency management, to clarify that "emergency management" includes a comprehensive program of activities, other than those activities for which military forces are primarily responsible, relating to emergencies of any kind, whether or not due to natural causes. This comprehensive program of activities includes:
 - a. Mitigation, defined as efforts to eliminate or reduce the probability that an emergency will occur;
 - b. Preparation, defined as efforts to prepare State and local governmental agencies, private organizations and other persons to be able to respond appropriately when an emergency arises;
 - c. Response, defined as efforts to prevent and alleviate damage to persons and property during an emergency and to increase the probability that efforts for recovery will be effective; and

- d. Recovery, defined as efforts to return persons and property to at least as good a condition in which they were before the emergency arose.

NEEDS ASSESSMENT, RESOURCES AND RESPONSE

- 21. a. Direct the State Emergency Response Commission to conduct a survey of:
 - (1) The resources and needs of districts served by Local Emergency Planning Committees; and
 - (2) The feasibility and desirability of establishing mutual aid agreements between local entities who respond to emergencies,and to report the results of the survey and recommendations to the 1995 Legislature.
- b. Provide that the survey shall include an estimation or analysis of:
 - (1) Available equipment;
 - (2) Number of volunteer and paid emergency responders and their levels of training;
 - (3) Past and potential hazardous materials emergencies or risks;
 - (4) Minimum response capability necessary to mitigate risks (recognizing that containment, until special equipment or trained personnel arrive, may be the reasonable minimum);
 - (5) Areas which may benefit from mutual aid agreements; and
 - (6) Funds needed to achieve the minimum response capability, both with and without the establishment of mutual aid agreements.
- 22. Direct the State Fire Marshal Division to cooperate with the State Emergency Response Commission, Local Emergency Planning Committees, existing hazardous

materials teams, and other local emergency response agencies in conducting a study of regional response teams and to report its findings and recommendations to the 1995 Legislature. Provide that the study shall address:

- a. Necessary equipment and vehicles;
- b. Number of personnel and levels of training which would be required;
- c. Area of response and location of the response units;
- d. Number of teams necessary to cover the State, given the resources already available in some areas; and
- e. Estimated "startup" costs and yearly maintenance costs.

TRANSPORTATION

23. Create a temporary task force to study the designation of "safe havens" for hazardous materials transporters. Include on the task force representatives of:
- a. Nevada's Department of Transportation;
 - b. Nevada Highway Patrol Division;
 - c. Division of Emergency Management;
 - d. Public Service Commission of Nevada;
 - e. Nevada Association of Counties;
 - f. Nevada League of Cities; and
 - g. The trucking industry.

Provide that the task force shall develop guidelines and model ordinances to assist local jurisdictions with the establishment of such havens.

TRAINING

24. a. Require the State Fire Marshal Division to consult with:
- (1) The State Board of Fire Services;
 - (2) The Division of Enforcement for Industrial Safety and Health; and
 - (3) Local fire departments,
- to adopt regulations concerning the standards for certification of fire service training for both paid and volunteer firefighters, which satisfy United States Occupational Safety and Health standards.
- b. Require the State Fire Marshal Division to adopt regulations establishing standards for the certification of hazardous materials responder training which satisfy:
- (1) Federal Occupational Safety and Health requirements under 29 *Code of Federal Regulations* (CFR) 1910;
 - (2) Environmental Protection Agency regulations relating to worker protection or hazardous waste operations under 40 CFR 311; and
 - (3) National Fire Protection Association standards relating to emergency response training, including standards 471, 472, and 473.

Provide that the State Fire Marshal Division shall amend those regulations as necessary to incorporate the training curriculum for public sector responders to hazardous materials transportation incidents which is being developed by the United State Department of Transportation.

Further provide that, in the development of the regulations, the State Fire Marshal Division shall consult with appropriate State and local agencies, including but not limited to:

- (1) The Division of Enforcement for Industrial Safety and Health;
 - (2) The Division of Emergency Management;
 - (3) The Nevada Highway Patrol Division;
 - (4) Local fire departments; and
 - (5) Local law enforcement agencies.
- c. Direct the Attorney General to assign a Deputy Attorney General to the State Fire Marshal Division to assist in the development of training standards.

25. Require the State Fire Marshal Division to:

- a. Conduct a study of the current training levels of rural firefighter, paid and volunteer;
- b. Consult rural fire departments regarding the level of training necessary for the area; and
- c. Propose alternative methods by which volunteers may satisfy the training standards adopted by the division, which may include but not be limited to:
 - (1) Home study for portions of the State Fire Marshal Division courses;
 - (2) Extending the time allowed for completion of courses; and
 - (3) In-State regional seminars.

26. Require the State Fire Marshal Division to:

- a. Develop a mobile training team to provide hazardous materials training to volunteer firefighters at a location within the district they serve (the mobile training team shall consist of two inspector/instructors and one training officer);

- b. Establish a goal of training all volunteers to the first responder awareness level (as defined in the *Code of Federal Regulations*) during the first 18 months of the mobile training program;
 - c. Establish goals for training volunteers at the first responder operational level in subsequent years; and
 - d. Study the feasibility of mobile training for the remaining levels of hazardous materials response (hazardous materials technician, hazardous materials specialist, on-scene incident commander).
- 27. Include in the final report the subcommittee's conclusion that the State Fire Marshal Division and local fire departments should coordinate advanced hazardous materials training courses in order to minimize duplication of effort and expense.
 - 28. Direct a letter from the subcommittee to members of Nevada's Congressional Delegation expressing its support for a training site for hazardous materials responders, to be developed and funded for the Western United States, with additional funding for the training of volunteers.
 - 29. Include in the final report a statement expressing the subcommittee's support for a cooperative effort between the State Fire Marshal Division and the Community College of Southern Nevada to develop a course for public sector employees involved in emergency response.
 - 30. Direct the Nevada Highway Patrol Division to develop a hazardous materials training program for law enforcement personnel and for instructors of law enforcement personnel which is accredited by the Peace Officers Standards and Training Committee in the Department of Motor Vehicles and Public Safety.

OCCUPATIONAL SAFETY AND HEALTH

- 31. Prohibit the Division of Enforcement for Industrial Safety and Health from adopting any standards for occupational safety and health for firefighters and

hazardous materials responders other than the standards set forth in the *Code of Federal Regulations*.

DEPARTMENT OF PUBLIC SAFETY

32. Adopt a resolution directing the Legislative Commission to conduct an interim study of the feasibility and desirability of creating a Department of Public Safety and to report its findings, along with any proposed legislation, to the 1995 Legislature.

LIABILITY

33. Extend immunity from civil liability for damages caused by a person in the provision of equipment, advice or other assistance in the mitigation or attempt to mitigate the effects of a discharge of hazardous materials, or in the prevention, cleanup or disposal of, or in the attempt to prevent, clean up or dispose of such a discharge, subject to the following conditions:
 - a. Immunity would only apply to a person who is trained in the handling of hazardous materials;
 - b. Immunity would not apply unless the person was requested to provide the equipment, advice or other assistance by:
 - (1) The person responsible for the discharge;
 - (2) The Division of Emergency Management;
 - (3) The Division of Enforcement for Industrial Safety and Health;
 - (4) The Division of Environmental Protection;
 - (5) The Nevada Highway Patrol Division;
 - (6) The State Emergency Response Commission;

- (7) The State Fire Marshal Division;
 - (8) A local fire department;
 - (9) A local agency for law enforcement; or
 - (10) A Local Emergency Planning Committee.
- c. Immunity would not apply to a person:
- (1) Whose act or failure to act was a cause of the discharge; or
 - (2) Who receives compensation other than:
 - (a) Reimbursement for his out-of-pocket expenses in provided the equipment, advice or other assistance; or
 - (b) Compensation from his regular employer for the period during which he is actually engaged in rendering the assistance or advice.
- d. Immunity would not apply to damages resulting from the person's gross negligence, or from his reckless, wanton, or intentional misconduct.
- e. Immunity would apply only if the person has entered into a written agreement, either before or at the scene of the discharge, setting forth the terms and conditions of his participation.
34. Clarify that the State Emergency Response Commission and the Local Emergency Planning Committees are immune from civil liability for damages caused while carrying out their duties pursuant to Federal or State statute.

RECOVERY AND CLEANUP

35. Amend NRS 459.500 to clarify that representatives of private business may offer free consultation and advice

to public agencies regarding hazardous materials incidents without obtaining certification from the Division of Environmental Protection.

36. a. Amend NRS 459.760 to:
- (1) Include response among those expenses which a State agency may seek to recover from the person responsible for a spill or accident involving hazardous materials; and
 - (2) Direct the State Emergency Response Commission to advise the Nevada Legislature's Interim Finance Committee, or Legislature if in session, of the need for a supplemental appropriation to the responding agency, if the costs of response cannot be recovered from the responsible person.
- b. Amend NRS 459.770 to include costs of response to a spill or accident among those costs for which a political subdivision is authorized to adopt an ordinance to seek recovery.
- c. As used in NRS 459.535, 459.755, 459.760 and 459.770, which relate to expenditures and recovery of expenditures for costs associated with hazardous materials incidents, define "response" as the efforts to assist in the mitigation or attempt to mitigate the effects of a discharge of hazardous materials, which may include but are not limited to:
- (1) Fire prevention or control;
 - (2) Law enforcement;
 - (3) Containment of a spill or discharge;;
 - (4) Cleanup or disposal of a spill or discharge;
 - (5) Decontamination of the area affected by a spill or discharge; and
 - (6) Post-incident investigation.

BULLETIN 93-6

STUDY OF STATE PARKS

NRS 218.682

Members

Senator Thomas J. Hickey, Chairman
Assemblyman Matthew Q. Callister, Vice Chairman
Senator Ernest E. Adler
Senator Virgil M. Getto
Senator William J. Raggio
Assemblywoman Vivian L. Freeman
Assemblyman David E. Humke
Assemblyman John W. Marvel
Assemblyman Larry L. Spitler

Principal Staff

Fred W. Welden, Chief Deputy Research Director
(687-6825)

218.682 Legislative commission: General powers. The legislative commission may:

1. Carry forward the participation of the State of Nevada as a member of the Council of State Governments and the National Conference of State Legislatures, and may pay annual dues to those organizations out of the legislative fund. The legislative commission is designated as Nevada's commission on interstate cooperation.

2. Encourage and assist the government of this state to develop and maintain friendly contact by correspondence, by conference, and otherwise, with the other states, with the Federal Government and with local units of government.

3. Establish such delegations and committees as official agencies of the legislative counsel bureau as may be deemed advisable to confer with similar delegations and committees from other states concerning problems of mutual interest. The membership of those delegations and committees must be designated by the legislative commission and may consist of legislators and employees of the state other than members of the commission. Members of those delegations and committees shall serve without salary, but they are entitled to receive out of the legislative fund the per diem expense allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

4. Endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for interstate compacts and reciprocal or uniform legislation, and by facilitating the adoption of uniform or reciprocal administrative rules and regulations, informal cooperation of governmental offices, personal cooperation among governmental officials and employees, interchange and clearance of research and information and any other suitable process.

5. Establish such subcommittees and interim or special committees as official agencies of the legislative counsel bureau as may be deemed advisable to deal with governmental problems, important issues of public policy and questions of statewide interest. The membership of those subcommittees and interim or special committees must be designated by the legislative commission and may consist of members of the legislative commission and legislators other than members of the commission, employees of the State of Nevada or

citizens of the State of Nevada. Members of those subcommittees and interim or special committees who are not legislators shall serve without salary, but they are entitled to receive out of the legislative fund the per diem expense allowances and travel expenses provided for state officers and employees generally. Except during a regular or special session of the legislature, members of those subcommittees and interim or special committees who are legislators are entitled to receive out of the legislative fund the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session for each day or portion of a day of attendance, and the per diem expense allowances provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

6. Supervise the functions assigned to the divisions of the bureau in this chapter.

7. Authorize the director of the legislative counsel bureau to enter into agreements for the acquisition of property it deems necessary to support the legislature and its staff. The director may expend money from the legislative fund for this purpose.

[10:134:1953]—(NRS A 1957, 386; 1961, 253; 1963, 1014; 1965, 1455; 1971, 2206; 1973, 119, 1118; 1975, 296; 1979, 612; 1985, 399; 1989, 1218, 1493)

ABSTRACT

STUDY OF STATE PARKS

At its meeting of July 31, 1991, the Legislative Commission approved an interim study of state parks in Nevada. A subcommittee consisting of nine legislators was appointed to conduct the study.

The subcommittee held three hearings, two in Las Vegas and one in Carson City. Testimony was received from the Division of State Parks, the State Park Advisory Commission, other State agencies associated with cultural resources, and interested citizens and organizations.

A total of 24 recommendations were adopted by the subcommittee. Several address overall policy for the State Park System and general parks-related topics. Twelve recommendations relate to funding for the Division of State Parks, including:

- Findings that the Legislature should separately fund major park maintenance and renovation projects over the next three bienniums and that routine operations and maintenance should be funded at a minimum rate of 5 percent of the actual acquisition and development costs;
- A recommendation that a fee of \$20 per year on the registration of recreational vehicles be imposed to assist in providing revenue to finance roads and parking areas; and
- Support for the establishment of a Nevada State Park Foundation as a non-profit corporation for public benefit.

The subcommittee also recommended appropriating \$360,000 for the establishment of a Technical Services Unit within the Department of Museums and History. The unit would provide assistance to state agencies in cultural resource-related activities such as archeological survey, preparation of initial environmental impact statements, preservation of artifacts, and the design, construction, or installation of exhibits.

A concise history of Nevada's State Park System and a discussion of each of the recommendations is contained in the subcommittee's final report.

SUMMARY OF RECOMMENDATIONS

STUDY OF STATE PARKS

Following is a summary of the recommendations approved by the Legislative Commission's Subcommittee to Study State Parks.

OVERALL POLICY

1. Include in the final report a statement of the subcommittee's conclusion that the State of Nevada should support a progressive State Park System providing adequate recreational and cultural opportunities for the citizens of the State and its visitors.
2. Include in the final report a statement of the subcommittee's support for the basic policy that operations and maintenance funding, including personnel, should be provided consistent with the following principles, in order to shift the Division of State Parks away from "crisis management" and allow it to function at a high standard:
 - a. Preventive maintenance should be the norm;
 - b. Operations and personnel funding should be concurrent with acquisition, development and opening of all new facilities; and
 - c. Development of new parks should be limited until this goal is achieved.
3. Include in the final report a statement of the subcommittee's support for the expansion of State parks which receive a substantial amount of visitation in order to meet the demands placed upon these facilities. Further express support for the concept of conducting scientific user surveys periodically in areas of rapid population growth to determine the types of recreation most desired and the aspects of the State Park System with which the users are most and least satisfied.
4. Include in the final report a statement of the subcommittee's recommendation that the Division of State Parks work with other appropriate entities in conducting

at State parks as these impacts relate to the immediate vicinity of the parks, activities of visitors in transit to the parks, and activities of the visitors at their points of origin.

5. Include in the final report a statement of the subcommittee's conclusion that uses of State parks which generate revenue, such as concessions and special events, should be encouraged.

GENERAL RECOMMENDATIONS

6. Amend *Nevada Revised Statutes* (NRS) 407.033 by removing Subsection 2, thus leaving the State Park Advisory Commission subject to the notification provisions of the Open Meeting Law.
7. Direct, by resolution, the Division of State Parks to adopt:
 - a. A systematic process based upon established criteria to prioritize improvements and major maintenance projects to be recommended for funding; and
 - b. A similar systematic process to establish priorities for acquisition proposals.

Include in the preamble of the resolution a statement indicating that the Legislature should base its decisions concerning funding of capital development and acquisition requests for State parks upon a systematic process for determining priorities.

8. Amend NRS 341.141 (1) (b) by removing the phrase, "other than buildings," thereby including buildings within the exemption, so that the Division of State Parks may provide its own building-related engineering and architectural services, as the exemption currently allows for other improvements within State parks.
9. Recommend, by letter, that the Governor appoint a State Recreational Trails Advisory Board with a composition which, at a minimum, meets the requirements of the Symms National Recreational Trails Act of 1991 and includes representation from the State Park Advisory Commission.

10. Direct, by resolution, the Division of State Parks to work with parties interested in securing the Steamboat Ditch Trail in Washoe County, Nevada, and consider use of funds from the Symms National Recreational Trails Act of 1991, if applicable.

STAFF AND FUNDING FOR THE DIVISION OF STATE PARKS

11. Include in the final report a statement of the subcommittee's support for the concept of:
 - a. The Division of State Parks employing a public information officer;
 - b. The State Park Advisory Commission assigning two of its members (one each from the northern and southern regions of the State) to assist the Division of State Parks in the areas of public information and public relations; and
 - c. Each member of the State Park Advisory Commission making at least one public talk or presentation each year using materials prepared for this purpose by the Division of State Parks.
12. Include in the final report a statement of the subcommittee's conclusion that new funding sources should be sought to assist in financing the activities of the Division of State Parks, and that such sources should supplement appropriations from the State General Fund rather than "offsetting" these allocations.
13. Include in the final report a statement of the subcommittee's finding that the Legislature should separately fund major park maintenance and renovation projects over the next three bienniums to reduce the backlog of deferred projects.
14. Include in the final report a statement of the subcommittee's conclusion that the Legislature should fund routine operations and maintenance at a minimum biennial rate of 5 percent of the Division of State Parks' actual acquisition and development costs.

15. Establish a special account for park fees and:
 - a. Provide that fees in excess of projections be deposited in this account rather than the State General Fund;
 - b. Specify that the funds in the account do not revert to the State General Fund; and
 - c. Authorize the Division of State Parks to use the funds for maintenance projects with approval of the Legislature's Interim Finance Committee (IFC), except that the administrator may authorize emergency repairs without obtaining prior approval from IFC.
16. Impose a fee of \$20 per year on recreational vehicles registered in the State and:
 - a. Provide that the fee is collected by the Department of Motor Vehicles and Public Safety with the regular vehicle registration;
 - b. Provide that the revenue is deposited in a special account for State park roads;
 - c. Specify that the funds in the account do not revert to the State General Fund; and
 - d. Authorize that the revenue be used by the Division of State Parks for the development, maintenance or renovation of roads and parking areas according to a schedule approved by IFC.
17. Exempt fees imposed by the Division of State Parks, specifically for repair and maintenance of the sewer and water systems at Lake Tahoe Nevada State Park, from the statutory provision which requires that fees collected by the division be deposited in the State General Fund, and:
 - a. Direct that the revenue from these specific fees be deposited in a special account for renovation of the sewer and water systems;
 - b. Specify that the funds in the account do not revert to the State General Fund; and

- c. Authorize that the revenue be used for repair and maintenance of the sewer and water systems.
18. Include in the final report a recommendation that the Division of State Parks conduct a study to estimate the number of miles driven on roads within State parks as compared to statewide statistics and derive findings relative to the proportion of the State motor vehicle fuel tax which could logically be allocated to development, maintenance and renovation of roads and parking areas associated with state parks.
 19. Amend NRS 407.065 (4) by eliminating the statutory prohibition against charging senior citizens for special services, and authorize the Division of State Parks with advice from the State Park Advisory Commission to regulate any such senior citizen charges.
 20. Direct, by resolution, the Division of State Parks to work with interested citizens in establishing a Nevada State Park Foundation as a non-profit corporation for public benefit whose goals include:
 - a. Increasing public awareness of the Nevada State Park System and its programs;
 - b. Developing personal and financial support for the system, its facilities and its programs; and
 - c. Encouraging private individuals, when appropriate, to preserve or donate historically or culturally significant areas and structures to the State of Nevada through its proper administrative agencies.
 21. Amend NRS 365.535 (4) by directing that all revenue from the State's boating fuel tax be deposited in the Park Marina Development Fund for use by the Division of State Parks, and specify that the money in this fund may be used for improvement and maintenance (but not operation) of boating facilities and other outdoor recreational facilities associated with boating.
 22. Include in the final report a recommendation that the Division of State Parks work with the Department of Wildlife and other relevant entities to review the formula specified in NRS 365.535 (2) by which the boating fuel tax is calculated, especially the number of

gallons of fuel purchased by out-of-state boaters which was determined by a study conducted in 1969-1970, and report any substantive findings and recommendations to the 1995 Session of the Legislature.

CULTURAL RESOURCES

23. Appropriate \$360,000 to the Department of Museums and History to employ six members of a Technical Services Unit to provide assistance to state agencies (primarily the Division of State Parks) in cultural resource-related activities such as archeological survey, preparation of initial environmental impact assessments, preservation of artifacts, and design, construction and installation of exhibits.
24. Include in the final report a summary of the efforts being made by the White Pine Historical Railway Foundation, the Division of State Parks, and the Department of Museums and History to design a cooperative approach for the possible future development of a Nevada Northern Railway Park/Museum in Ely, Nevada.

BULLETIN 93-7

MANDATED HEALTH INSURANCE BENEFITS

S.C.R. 9 - 1991 Session

Members

Senator Randolph J. Townsend, Chairman
Assemblyman Morse Arberry, Jr., Vice Chairman
Senator Leonard V. Nevin
Senator Ann O'Connell
Senator John M. Vergiels
Assemblyman Rick Bennett
Assemblyman Joe Elliott
Assemblyman James W. McGaughey

Principal Staff

Paul Mouritsen, Senior Research Analyst
(687-6825)

Senate Concurrent Resolution No. 9—Committee on
Commerce and Labor
199
FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Amending the Joint Rules of the Senate and Assembly for the 66th legislative session to provide for the review of certain benefits required by state law to be provided by policies of health insurance.

WHEREAS, Nevada law currently requires health insurers and health maintenance organizations to provide coverage for the treatment of alcohol and drug abuse, complications of pregnancy, medical care for newly born children and numerous other types of coverage; and

WHEREAS, Operators of small businesses, insurers and others have contended that these mandated benefits increase the cost of health insurance and induce many larger employers to self-insure; and

WHEREAS, Self-insured employers do not always provide these benefits, although their employees may wish to have them; and

WHEREAS, It is desirable that the Legislature periodically review each mandated benefit to determine whether it should continue to be mandatory; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study of not less than six health insurance benefits required by law, as selected by the Legislative Commission, giving consideration to:

1. The level of public demand for each such benefit and the extent to which the required coverage is needed in this state;
 2. The extent to which such coverage is currently available;
 3. The extent to which the requirement of coverage affects the cost of the treatment or service involved;
 4. The effect of the requirement of coverage on the cost of health care in this state; and
 5. Such other factors as are deemed necessary to determine the fiscal and social effects of the mandated benefit;
- and be it further

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

1. Four Senators who are members of the Senate Standing Committee on Commerce and Labor; and
 2. Four Assemblymen who are members of the Assembly Standing Committee on Commerce;
- and be it further

RESOLVED, That the Legislative Commission report the results of the study and any recommended legislation to the 67th session of the Nevada Legislature.

ABSTRACT

MANDATED HEALTH INSURANCE BENEFITS

The 66th Session of the Nevada Legislature adopted Senate Concurrent Resolution No. 9 (File No. 199, *Statutes of Nevada 1991*, pages 2657-2658) which directed the Legislative Commission to study mandated health insurance benefits. The commission appointed a subcommittee of eight legislators and charged them with the responsibility of studying the following mandated benefits:

1. Reimbursement for treatment by licensed psychologists;
2. Reimbursement for treatment by licensed marriage and family therapists;
3. Reimbursement for treatment by licensed social workers;
4. Coverage of the temporomandibular joint;
5. Home health care; and
6. Hospice care.

The subcommittee held four meetings, during which testimony was taken from health care providers, representatives of the insurance industry, and members of the public.

The subcommittee recommended that the six mandates under review be repealed and that the study of mandated benefits continue during the next interim.

SUMMARY OF RECOMMENDATIONS

MANDATED HEALTH INSURANCE BENEFITS

The Legislative Commission's Subcommittee to Study Mandated Health Insurance Benefits recommends that the 1993 Nevada Legislature:

1. Repeal laws which require that all policies of health insurance sold in Nevada provide coverage for the temporomandibular joint, home health care, hospice care, and treatment by licensed psychologists, marriage and family therapists, and social workers.
2. Direct the Legislative Commission to continue the study of mandated health insurance benefits during the 1993-1994 interim.

BULLETIN 93-8

STUDY OF INDUSTRIAL INSURANCE

S.B. 7 - 1991 Session

Members

Senator Raymond C. Shaffer, Chairman
Assemblywoman Christina R. Giunchigliani, Vice Chairman
Senator Leonard V. Nevin
Senator Ann O'Connell
Senator Randolph J. Townsend
Assemblyman Morse Arberry, Jr.
Assemblyman John W. Marvel
Assemblyman John L. Norton

Principal Staff

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

CHAPTER 723

AN ACT relating to employment; including in wages for the purposes of calculating unemployment benefits and benefits to be paid under industrial insurance certain income from tips reported by employees pursuant to federal law; prohibiting a local government from issuing a new business license under certain circumstances; requiring a person who administers the industrial insurance claims of a self-insured employer to be certified; providing for an assessment against employers who provide accident benefits for injured employees; eliminating the division of occupational safety and health of the department of industrial relations; creating new divisions within the department; requiring the periodic auditing of certain industrial insurers; increasing fines for certain violations; establishing a legislative committee on industrial insurance to conduct an interim study of industrial insurance laws; making various changes relating to rights, duties and procedures relating to industrial insurance; providing penalties; and providing other matters properly relating thereto.

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

Sec. 125. 1. There is hereby established a legislative committee on industrial insurance consisting of four members of the senate, appointed by the senate majority leader from the members of the senate standing committee on commerce and labor, and four members of the assembly, appointed by the speaker of the assembly from the members of the assembly standing committee on labor and management.

2. The members of the committee shall select the chairman and vice chairman of the committee from among their members.

3. Any member of the committee who does not return to the legislature may continue to serve until the completion of the committee's report.

4. Any vacancy on the committee must be filled by the authority entitled to appoint the member whose position is vacant. The member appointed to fill the vacancy must have the same general qualifications as his predecessor.

5. The members of the committee may meet no more than eight times during the 1991-92 biennium at the times and places and in the manner specified by a call of the chairman. Meetings may be held in person or by telephone conference or video telecast. The director of the legislative counsel bureau or a person he has designated shall act as the nonvoting recording secretary. Five members of the committee constitute a quorum, and a quorum may exercise all the powers conferred on the committee.

6. Except during a special session of the legislature, members of the committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the committee or is otherwise engaged in the business of the committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

7. The salaries and expenses of the members of the committee and any other expenses incurred by the committee in carrying out its duties must be paid from the fund for workers' compensation and safety. The expenses of the committee must be reported to the legislative commission and the state industrial insurance system. The system shall forward the report to each employer insured by it.

8. The committee may:

(a) Review and evaluate the current laws of this state concerning industrial insurance.

(b) Review and evaluate the implementation of the laws concerning industrial insurance passed by the 66th session of the legislature.

(c) Prepare a report concerning its review and evaluation of those laws.

(d) Submit the report to the governor and the legislative commission before the convening of the 67th session of the legislature.

9. Any regulation proposed to be adopted as a permanent regulation during the 1991-92 biennium pursuant to authority granted by the provisions of chapter 616 of NRS must be submitted to the committee for its review.

ABSTRACT

STUDY OF INDUSTRIAL INSURANCE

The 1991 Nevada Legislature passed Senate Bill 7 (Chapter 723, *Statutes of Nevada 1991*, pages 2388-2441). Under the provisions of Section 125 of S.B. 7, the Legislature established a Legislative Committee on Industrial Insurance to review and evaluate Nevada's laws concerning industrial insurance and to prepare a report for submission to the Governor and the Legislative Commission before the convening of the 1993 Legislative Session.

Eight legislators were appointed as members of the committee. Four members were appointed by the Senate Majority Leader from the members of the Senate Standing Committee on Commerce and Labor, and four members were appointed by the Speaker of the Assembly from the members of the Assembly Standing Committee on Labor and Management. The committee members selected their chairman and vice chairman from among their members.

The committee held eight meetings, including a 2-day work session, to obtain expert and public testimony. Three of the meetings were in Las Vegas, three were in Carson City, one was in Reno and another was in Elko. The public hearings in Carson City and Las Vegas were conducted through simultaneous video teleconferences at locations in Las Vegas and Carson City, respectively.

During this interim study, the committee reviewed existing laws and the implementation of the industrial insurance legislation passed by the 1991 Legislature. It received comments and recommendations from employers, injured workers, medical providers, claimants' attorneys, third-party administrators for employers who are self-insured for workers' compensation, State agencies and representatives of various business groups and labor organizations. In addition, the legislators received testimony from national experts representing the National Conference of State Legislatures and the Workers' Compensation Research Institute.

At its work session, the committee considered 188 proposed recommendations. It adopted 62 recommendations on the following topics:

- Determination and payment of industrial insurance claims (including, among other things, redefining compensable injuries, increasing subrogation recovery and restricting the reopening of claims);
- Medical care, compensation and other benefits to injured workers (including, among other things, removing the prohibition on managed care in workers' compensation, prohibiting physicians from referring injured workers to facilities owned by the same physicians and restricting certain vocational rehabilitation benefits);
- Fraud in workers' compensation;
- The State Industrial Insurance System's organization and procedures;
- Employer options for industrial insurance coverage;
- Administration of Nevada's industrial insurance laws;
- Industrial insurance classifications, rates and funds;
- Hearings and appeals of contested claims;
- Occupational safety and health; and
- Legislative oversight concerning industrial insurance.

The committee's final report contains an overview of the interim study and background information on the major issues which were considered by the committee. It also contains a discussion of each of the topics under which the committee made its recommendations.

SUMMARY OF RECOMMENDATIONS
STUDY OF INDUSTRIAL INSURANCE

The Legislative Committee on Industrial Insurance recommends that the 67th Session of the Nevada Legislature:

DETERMINATION AND PAYMENT OF INDUSTRIAL INSURANCE CLAIMS

Determination of Benefits

1. Provide, by statute, that preexisting, nonindustrial conditions are not properly part of the industrial disability unless the incident at work which aggravated the preexisting condition is the primary cause of the resulting disability. Furthermore, injuries suffered after an industrial injury shall be compensable only if the original industrial accident was the primary cause of the subsequent nonindustrial disability.
2. Provide, by statute, for a method for minor injuries to be recorded by the employer without reporting to the insurer. The Division of Industrial Insurance Regulation of the Department of Industrial Relations should be required to audit periodically the employer records of such injuries. (BDR 53-1154)
3. Streamline or eliminate, by statutory provision, the procedures used for injuries involving neither lost-time nor medical claims. (BDR 53-1154)
4. Require, by statute, a physician or chiropractor, not the injured worker, to establish that a late manifesting injury is actually part of the original claim. The relationship must be established by competent medical evidence.
5. Provide, by statute, clarification of the existing law on burden of proof on a claim, namely that the injured worker has the burden of proving his case by a preponderance of the evidence. If the employee files a claim after employment has been terminated, there is a rebuttable presumption that the injury did not arise out of and in the course and scope of employment. The rebuttable presumption applies only to accidental injuries and does not apply to occupational diseases.

6. Amend *Nevada Revised Statutes* 616.340 to include:
 - a. The C-3 form ("Employer's Report of Industrial Injury") should be considered documentation of an accident or incident should medical care be needed;
 - b. The claim process should commence when an injured worker seeks such treatment; and
 - c. Documentation of an injury should originate from the treating physician.
7. Amend NRS 616.500 to clarify the terms and actions required by insurers regarding the C-4 form ("Employee's Claim for Compensation/Physician's Report of Initial Treatment"). Require an insurer to accept or deny compensation only on claims filed for compensation, and clarify that the insurer is not required to accept or deny compensation on "notice of injury" reports. In addition, include provisions that require a physician's report to give the insurer a medical basis upon which to make a decision to accept or deny for medical reasons.
8. Amend NRS 616.500 to clarify the distinction between the notice of injury and the claim of compensation as follows:
 - a. The notice of injury for which compensation is payable must be given by or on behalf of the injured employee within 30 days after the accident;
 - b. The notice of injury must be served by delivery of a copy of the notice or by mailing a copy to the insurer;
 - c. Failure to give the notice of injury within 30 days is a bar to any claim for compensation, unless excused by the insurer on the grounds provided in statute;
 - d. The failure to file a claim for compensation within 90 days after the date of the accident or, in the case of death, within 1 year after the date of death, is a bar to any claim for compensation; and

- e. The insurer shall accept or deny responsibility for compensation within 30 days after the notice of injury is received.
- 9. Amend NRS 616.500 as proposed by the Employer Coalition of Southern Nevada. This amendment distinguishes the "notice" from the "claim" and places different requirements for each. It provides, among other things, that the claim for compensation consists of the written notice and a written physician's certificate from a physician or chiropractor setting forth the nature and origin of the employee's injury or disease, recommended treatment and probable duty status.
 - 10. Amend NRS 616.500 as follows:
 - a. Require an injured worker to report all accidents and injuries to his employer within a certain time frame. Eliminate the need to give notice to the insurer within 30 days;
 - b. Require an employee to file a claim at his physician's office, and provide a notice on this form that the accident must be reported to the employer;
 - c. Require the treating physician to send a copy of the C-4 form to the injured worker's employer and insurer within 3 days; and
 - d. Require that an employer send a report to his administrator within 6 days of receipt of the C-4 form.
 - 11. Amend the statutes to address the return of an injured employee to work for light or modified duty when he cannot perform his normal job. Require that a space should be provided on the C-4 form for the physician to indicate restrictions on the worker's activities.
 - 12. Repeal NRS 616.537 because its provisions are covered in NRS 616.605. (BDR 53-1150)

Payment of Benefits

13. Amend NRS 616.025 to make it clear that motor vehicles are only to be provided in cases of the most serious injuries and that the insurer should have discretion to modify an existing vehicle or purchase an adequate used vehicle instead of a new one. Moreover, it must be made clear that the insurer will not be responsible for the operating costs and insurance on any such vehicle.
14. Authorize, by statute, insurers to recover inadvertent overpayment of benefits by deducting the amount of the overpayment from future benefits due the injured worker. Provide that the insurer may collect only on those overpayments discovered within 30 days of the inappropriate payment and only after a hearing before the hearing officer, unless the injured worker does not appeal the insurer's determination to deduct the overpayment. The deductions must be made in a reasonable manner that will not create undue hardship to the claimant.

Subrogation Recovery

15. Amend the subrogation statutes to allow an insurer to recover proceeds available to an injured worker pursuant to his employer's policy of motor vehicle insurance that provided coverage against an uninsured or underinsured motorist.
16. Prohibit, by statute, the circumvention of the subrogation laws. Prevent circumstances where an injured worker obtains one set of payments from the insurer and another set of payments for the same injuries and losses from the employer or another person.
17. Require, by statute, that an attorney for an injured worker or the third-party insurance carrier must pay the workers' compensation insurer out of their own pocket if the workers' compensation insurer is not paid when the injured worker's attorney and the third-party insurance carrier have made a settlement of the third-party case. Prohibit the workers' compensation insurer from selling its lien to the third-party insurance carrier unless the injured worker or his attorney fails to provide information to the workers' compensation insurer concerning the action against the responsible third party.

18. Amend NRS 616.560 as proposed by the Employer Coalition of Southern Nevada. This proposal addresses, among other things, insurer and employer concerns with the *Breen* decision by Nevada's Supreme Court. The *Breen* decision requires the insurer to reduce its lien against proceeds from any tort judgment received by the claimant according to a complicated formula imposed by the Supreme Court and based on the expenses of the claimant in pursuing the tort action.
19. Allow an injured worker of an uninsured employer to receive workers' compensation benefits and also sue the uninsured employer in tort instead of the present law which requires the worker to elect between these two remedies. This would result in more recoveries against uninsured employers. The State Industrial Insurance System would be subrogated to the tort judgment so there would not be a double recovery for the injured worker.

Reopening Claims

20. Amend NRS 616.545 to restrict reopening rights as follows:
 - a. An injured worker must wait 1 year after claim closure before applying to reopen unless the employee can show by clear and convincing medical evidence that there has been a change in his medical condition and that the industrial injury is the primary cause of that change;
 - b. Except in cases where the injured worker can show by clear and convincing medical evidence that the industrial injury is the primary cause of the worsened condition, the claim cannot be reopened until 1 year after a final determination on a prior request to reopen; and
 - c. If the claim did not result in lost time and a permanent partial disability award, the claim cannot be reopened unless the request to reopen is made within 1 year after closure. After expiration of 1 year, the insurer may dispose of records concerning claims where there was no lost time and permanent partial disability.

MEDICAL CARE, COMPENSATION AND OTHER
BENEFITS TO INJURED WORKERS

Medical Care

21. Amend the statutes to remove the current statutory prohibition that prevents workers' compensation insurers from engaging in or contracting for managed or coordinated health care.

In addition, direct representatives of all of the affected parties (employees, employers of all sizes, insurers, third-party administrators, State workers' compensation agencies, claimants' attorneys, medical providers of all the licensed groups and other interested persons) to work together and report to the 1993 Legislature on or before February 5, 1993, with their proposal for a managed or coordinated health care program in workers' compensation.

This report should include a detailed cost-benefit analysis of the various medical cost containment proposals which were presented during the course of the Senate Bill 7 Committee's interim study, including its work session. The analysis should examine, among other things, the use of health maintenance organizations; preferred provider organizations with an open panel, preferred provider organizations with a closed panel and deductibles for claimants who choose to use providers outside the panel; a schedule of fees and charges for accident benefits which cannot exceed the usual and customary charges utilized by most third-party insurers for payment of injuries and illnesses which are not related to work; a schedule of co-payments for questionable claims; 24-hour medical coverage and incentives for employers to provide employees with group health insurance coverage; access to care in the rural areas and elsewhere; and quality of care. Furthermore, the report should examine increased peer review, increased utilization review and increased case management without any prohibition on the injured worker's freedom of choice.

22. Prohibit, by statute, a physician or chiropractor from referring an injured worker to a health facility or

service in which the physician, chiropractor or an immediate family member has a financial interest.

23. Amend NRS 616.412 to remove the statutory provision which prevents the Department of Industrial Relations from requesting medical payment information from insurers in a standardized format.
24. Amend NRS 616.188 to require that the Department of Industrial Relations adopt guidelines establishing standards of care for the provision of accident benefits to employees who have suffered industrial injuries or occupational diseases; and remove the provision that requires the Department of Industrial Relations to adopt regulations for such standards of care. Clarify that any provisions relating to utilization review must be adopted as guidelines and not as regulations.
25. Eliminate the cumbersome preconditions to out-of-state treatment and allow the insurer to authorize it if the out-of-state medical provider agrees to accept Nevada's medical fee schedule.

Compensation Benefits

26. Require, by statute, that individuals who retire for reasons unrelated to their industrial injury and then reopen their claims are not entitled to temporary total disability benefits, permanent total disability benefits or rehabilitation.
27. Provide, by statute, that the amount employers pay for employee health insurance coverage must be excluded from the calculation of the injured worker's average monthly wage.
28. Amend the statutes to clarify that the average monthly wage on the date of injury will always be the wage rate used to calculate benefits under the claim.
29. Prohibit, by statute, the payment of specified compensation benefits to individuals who are convicted and incarcerated after the time of their injury. Codify the existing practice which is to deny rehabilitation payments to an injured worker who is incarcerated. Furthermore, provide that a person who has been convicted and incarcerated cannot receive compensation

benefits for either temporary partial disability or temporary total disability.

30. Amend the statutes to clarify that an insurer may require an injured worker to have an annual examination in order to determine if a permanent and total disability still exists. Provide that the insurer must pay for the examination, and provide a penalty if the injured worker refuses to attend the examination.
31. Amend NRS 616.585 to change the time requirements for issuing a check for temporary total disability. Under the current provisions, the insurer is required to issue a check "not less than 6 working days before the beginning" of the next payment period. Thus, the law requires the insurer to pay temporary total disability benefits before they accrue. By amendment, require the insurer to make such payment just before the "end" of the period.
32. Provide, by statute, that the employer is relieved of the responsibility of maintaining a worker on compensation if a nonindustrial cause prevents the worker from recovering from his injury.
33. Prohibit, by statute, an insurer from advancing compensation to an injured worker before it is legally due him.
34. Amend the current law which requires the rating physician and the treating physician to jointly determine the permanent partial disability from a disease of the heart or lungs. Clarify that these conditions would be rated like any other rateable disability.
35. Amend the statutes to make it easier to return an injured worker to temporary light duty by making a distinction between temporary light duty and permanent light duty and allowing an employer to return an injured worker to light duty pending a permanent duty release. Furthermore, provide that any injured worker who is released to gainful employment under medical restrictions, related to the industrial injury which

temporarily preclude employment at his regular occupation, may continue to receive temporary total disability payments only if the employer declines to offer temporary light duty employment consistent with his physical residuals.

36. Amend NRS 616.027 to clarify the year of data to be used for setting the maximum wage base for workers' compensation benefits. Require that the formula for determining the maximum average monthly wage make use of the State average weekly wage as provided by the Department of Industrial Relations on or before July 1 of each year, as most recently computed by the Employment Security Department for the chronological year immediately preceding the date of the injury or accident. In addition, correct the maximum wage base figures for the years 1974 through 1980, to reflect the following schedule:

<u>Effective Date</u>	<u>Average Monthly Wage for Prior Fiscal Year</u>
July 1, 1972	\$ 688.60
July 1, 1973	727.48
July 1, 1974	1,142.21
July 1, 1975	1,211.00
July 1, 1976	1,287.44
July 1, 1977	1,377.08
July 1, 1978	1,488.46
July 1, 1979	1,591.86
July 1, 1980	1,754.95

37. Amend NRS 616.615 to make it clear that the surviving spouse who receives the benefits is the employee's spouse at the time of his death. (BDR 53-1150)
38. Require, by statute, that the insurer's permanent partial disability rating must be accepted unless there has been a mathematical error in its computation or the

rating physician has failed to rate a duly accepted body part.

Vocational Rehabilitation

39. Provide, by statute, that certain items and expenses are not available as vocational rehabilitation services. Amend the statutes to make it clear that the employer does not have to provide child care services for an injured worker. In addition, clarify that the employer does not have to provide a new vehicle for the claimant or repairs for the worker's existing motor vehicle.

FRAUD IN WORKERS' COMPENSATION

40. Amend the statutes to strengthen the State Industrial Insurance System's ability to combat fraud by claimants, employers and medical providers, as follows:
 - a. Prohibit an employer from declaring bankruptcy and reopening as a similar business to avoid paying the cost of his outstanding debt to the State Industrial Insurance System for workers' compensation coverage, and require the employer to pay his debt to the system;
 - b. Prohibit the Department of Industrial Relations from imposing a fine on an insurer for deducting amounts from the claimant's future benefits that it felt the claimant had obtained by fraud, unless the insurer had no reasonable basis for making the deductions. Direct the Department of Industrial Relations, the Hearings Division of the Department of Administration and the State Industrial Insurance System to work together in developing less prohibitive language for a bill draft request to be considered by the 1993 Legislature;
 - c. Provide that a claimant is not entitled to temporary total disability benefits if he is engaged in an activity, even without pay, which is a job for which people are normally paid wages. Direct the Department of Industrial Relations, the Hearings Division and State Industrial Insurance System to work together in developing less prohibitive

language for a bill draft request to be considered by the 1993 Legislature;

- d. Require an injured worker to provide the insurer with complete information regarding his prior ratings or conditions. The claimant must fully disclose both nonindustrial conditions and conditions for which he previously received an award;
 - e. Amend NRS 616.640 to specify that it is a gross misdemeanor for an employer to deduct the cost of workers' compensation coverage from the wages of an employee. Furthermore, clarify that any such violation will be prosecuted by the district attorney in the county where the employer has the principal place of business;
 - f. Provide that it is a crime for an injured worker either to fail to disclose or to conceal a material fact from an insurer in order to obtain benefits;
 - g. Amend the statutes to impose more stringent requirements and higher penalties for fraudulent acts by medical providers; and
 - h. Authorize State Industrial Insurance System fraud investigators to use standard motor vehicle license plates. Current law requires these investigators to use license plates for exempt vehicles which identify them as State vehicles.
41. Create a special unit under the Attorney General to investigate and prosecute workers' compensation fraud and other types of fraud. (BDR 18-1149)
42. Require, by statute, that cases of fraud by a medical professional must be referred to the individual's professional licensing board for appropriate action. (BDR 18-1149)

THE STATE INDUSTRIAL INSURANCE SYSTEM'S
ORGANIZATION AND PROCEDURES

43. Change the Legislature's budget and financial oversight of the State Industrial Insurance System, except for

any general fund money, by removing such oversight from the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means and placing it under the Senate Standing Committee on Commerce and Labor and the Assembly Standing Committee on Labor and Management or any ongoing statutory committee on industrial insurance.

44. Amend the current law which requires the State Industrial Insurance System to have complete claims processing facilities in its suboffices. Allow the system to maintain existing suboffices but specify that claims processing would be done in them only if practicable. (BDR 53-1150)
45. Authorize, by statute, the State Industrial Insurance System to borrow money either by pledging its current assets or by using revenue anticipation notes which would allow the system to repay the loans out of future premium collections. This proposal would allow the State Industrial Insurance System to expand its capacity to access the capital markets for improved cash management, and it would allow the system more flexibility in managing its assets.
46. Amend the statutes to clarify that issues which should have been brought to the attention of the hearings or appeals officer, or which were taken to hearings or appeals but determined to be adverse to the employer, cannot be relitigated in front of the Manager of the State Industrial Insurance System. Furthermore, provide that the manager may designate someone to hold the manager hearings. (BDR 53-1155)

EMPLOYER OPTIONS FOR INDUSTRIAL INSURANCE COVERAGE

47. Authorize, by statute, two or more employers to pool together to self-insure for workers' compensation. Provide that employers who are of the same industry or who have similar experience ratings may qualify as self-insured if their combined financial resources are sufficient to make certain the prompt payment of compensation. Adopt the provisions in the National Association of Insurance Commissioners' model acts regarding workers' compensation group self-insurance for private and public employers. (BDR 53-1156)

ADMINISTRATION OF NEVADA'S INDUSTRIAL INSURANCE LAWS

48. Amend NRS 616.647 to require that notice be given to health care providers and third-party administrators of alleged violations and the time and place of the hearing concerning such violations. Although NRS 616.647 allows the Administrator of the Division of Industrial Insurance Regulation to impose fines against health care providers and third-party administrators, there is no requirement for the administrator of the division to provide notice of violation and hearing to those persons. (BDR 53-1150)
49. Amend NRS 616.221 to add an exception for NRS 616.427 which governs appeals from decisions relating to the Subsequent Injury Fund. (BDR 53-1150)

INDUSTRIAL INSURANCE CLASSIFICATIONS, RATES AND FUNDS

50. Authorize, by statute, the Manager of the State Industrial Insurance System to set premium rates and revise classifications subject to review by the Commissioner of Insurance. In addition, clarify that the commissioner has jurisdiction over both premium increases and changes in the risk classifications. Furthermore, clarify that the manager's jurisdiction to hear appeals in such matters is limited only to appeals regarding whether the employer has been properly placed in one classification as opposed to another.
51. Amend the statutes to require that the Administrator of the Division of Industrial Insurance Regulation must accept or deny a subsequent injury claim within 90 days after the claim is filed, and require the division to reimburse the insurer within 60 days after the claim has been approved.

OR

Repeal the statutes relating to the Subsequent Injury Fund. (BDR 53-1151)

52. Amend NRS 616.437 to add an administrative fine which may be assessed against employers who fail to acquire

and maintain industrial insurance or fail to pay premiums on time.

HEARINGS AND APPEALS OF CONTESTED CLAIMS

53. Amend NRS 616.5422 to extend the time for filing a notice of appeal from within 30 days after the date of the hearing officer's decision to within 60 days after the decision. Furthermore, amend the provision which requires an appeals officer to schedule a hearing within 45 days after he receives notice of appeal; increase the time for setting such a hearing to the previous statutory limit of 60 days.
54. Amend NRS 616.5416 to extend the time for granting a stay of the decision of a hearing officer from 15 days to 30 days. In addition, extend the time within which a hearing officer must render his decision from 7 days to 15 days.
55. Require, by statute, that hearing and appeals officers, when ordering new permanent partial disability ratings, must select rating physicians from a rotating list of physicians, unless the insurer and the injured worker agree otherwise.
56. Provide, by statute, that hearing officers are in the unclassified service of the State and serve at the pleasure of the Director of the Department of Administration.
57. Consider using mediation at the hearings level, and direct the Hearings Division to submit a detailed mediation proposal to the 1993 Legislature.
58. Amend the statutes to provide that parties represented by legal counsel may stipulate to forego the hearing officer hearing and may proceed directly to the appeals officer hearing.
59. Amend the statutes to provide that a person who is not admitted to practice law in Nevada or who is not working under the supervision of a Nevada licensed attorney, may not represent or provide legal advice to an injured worker for remuneration.

OCCUPATIONAL SAFETY AND HEALTH

60. Amend NRS 618.383 to remove the requirement that an employer must establish a written safety program if he has a rate of occupational injury and illness that is in the highest 25 percent in this State for his standard industrial classification. Provide that the requirements for a written safety program apply only to those State Industrial Insurance System policyholders whose actual and anticipated costs for accident benefits and compensation for their employees exceeded 90 percent of the employer's manual premium in at least 2 of the 5 most recent fiscal years. In addition, amend the statutes to require the Manager of the State Industrial Insurance System to identify such policyholders and provide them with consultation concerning safety and loss control. (BDR 53-1152)
61. Amend NRS 618.835 and NRS 618.850 to:
- a. Remove the enforcement requirements for violations of asbestos abatement statutes and regulations from district attorneys and return them to the Division of Enforcement for Industrial Safety and Health, Department of Industrial Relations. Furthermore, allow the division to impose an administrative penalty of up to \$70,000 for each willful violation; and
 - b. Provide limitations which would prevent principal contractors from transferring license requirements to subcontractors or employees.

LEGISLATIVE OVERSIGHT CONCERNING INDUSTRIAL INSURANCE

62. Provide, by statute, for the continuation of the Legislative Committee on Industrial Insurance by establishing it as an ongoing statutory committee of the Nevada Legislature. Provide the committee with broad powers to review and evaluate the laws, regulations and State agencies related to workers' compensation and occupational safety and health. Provide for the membership, duties and funding of the committee, as follows:

- a. The membership of the committee consists of four members of the Senate, appointed by the Senate Majority Leader from the members of the Senate Standing Committee on Commerce and Labor, and four members of the Assembly, appointed by the Speaker of the Assembly from the members of the Assembly Standing Committee on Labor and Management. The members of the committee shall select the chairman and vice chairman from among their members, but the chairman for the first 2 years must be a member of the Assembly and the vice chairman must be a Senator. Thereafter, the positions of chairman and vice chairman will rotate between the Senate and Assembly every 2 years;
- b. The committee must report every 2 years before the convening of the Legislature to the Legislative Commission concerning its activities and any recommendations. The committee must meet at least four times each year, but it shall not meet more than six times in any year. The meetings may be held in person or by telephone conference or video telecast. The Director of the Legislative Counsel Bureau, or his designee, shall serve as the committee's nonvoting recording secretary. The committee may prescribe its own rules, but five members of the committee constitute a quorum which may exercise all the powers of the committee;
- c. The salaries and expenses of the members of the committee and at least one committee staff person (Senior Research Analyst) and any other expenses incurred by the committee in carrying out its duties must be paid from the Fund for Workers' Compensation and Safety. The expenses of the committee must be reported to the Legislative Commission and Department of Industrial Relations; and
- d. Any other provisions which are necessary to allow the committee to carry out its responsibilities.
(BDR 53-1153)

BULLETIN 93-9

STUDY OF NEVADA LAWS GOVERNING
PUBLIC BOOKS AND RECORDS

A.C.R. 90 - 1991 Session

Members

Assemblyman Gene T. Porter, Chairman
Senator Joseph M. Neal, Jr.
Senator Dina Titus
Assemblywoman Jan Evans
Assemblyman James A. Gibbons

Advisory Committee Members

Melanie Meehan-Crossley, Deputy Attorney General
Andrea K. Engleman, Nevada Press Association
Gentty Etcheverry, Nevada League of Cities
Robert S. Hadfield, Nevada Association of Counties
William E. Isaeff, Nevada State Bar
Karen Kavanau, Department of Data Processing
Joan Kerschner, State Library and Archives
Donald Klasic, University of Nevada
Dennis Meyers, Society of Professional Journalists
Guy L. Rocha, State Archivist
Carl Scarbrough, Society of Professional Journalists
Larry D. Struve, Department of Commerce

Principal Staff

Dennis Neilander, Senior Research Analyst
(687-6825)

Assembly Concurrent Resolution No. 90—Committee on
Legislative Functions and Elections

FILE NUMBER.....184

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to study
the laws governing public records and books.

WHEREAS, Nevada's law governing access to public records and books has remained largely unchanged since its enactment in 1911; and

WHEREAS, The lack of applicable definitions and clear-cut guidelines regarding new technology have resulted in confusion by those responsible for administering the law and those seeking access to public records and books; and

WHEREAS, Such confusion has led to the destruction of records which should have been retained for historical purposes; and

WHEREAS, There is a growing need to identify, preserve and maintain public access to significant electronic records along with maintenance of our documentary heritage; and

WHEREAS, It is essential that the necessary revision of these laws appropriately balance the interest of the public in obtaining access to vital information with each resident's right to privacy; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study of the laws governing public records and books; and be it further

RESOLVED, That the study should include:

1. A careful examination of the definitions of "records" and "public records";
 2. A determination of the status and appropriate manner of preservation of electronic information;
 3. An examination of the circumstances under which public books and records should be made available to the public with a goal of making the greatest amount of governmental information available to the residents of this state while protecting their legitimate need for privacy; and
 4. An estimation of the cost to implement any recommendations made as a result of the study;
- and be it further

RESOLVED, That the Governor shall appoint at least five members to serve on an advisory committee to the Legislative Commission, including representatives of the Nevada State Press Association, the Society of Professional Journalists, the State Library and Archives and local governments; and be it further

RESOLVED, That the Legislative Commission report the results of the study and any recommended legislation to the 67th session of the Nevada Legislature.

ABSTRACT

STUDY OF NEVADA LAWS GOVERNING PUBLIC BOOKS AND RECORDS

The 66th Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 90 (File No. 184, *Statutes of Nevada 1991*, page 2643) which directed the Legislative Commission to study Nevada's laws governing public books and records. The Legislative Commission appointed five legislators to conduct the study. Under A.C.R. 90, the Governor was required to appoint at least five members to serve on a technical advisory committee to assist the legislative subcommittee. The Governor responded by appointing 12 members representing various groups interested in the public records law.

A total of 11 hearings were held in association with the study. The advisory committee held seven separate hearings and the subcommittee met four times. The advisory committee participated in the subcommittee hearings, although its members had no voting privileges.

The subcommittee adopted recommendations addressing issues in the following topical areas:

Definitions of Public Records

The subcommittee recommended the adoption of a broad definition of public records, currently not provided in existing law. Information is also to be categorized in various "laundry lists" that designate what is a public record, what is not a public record, and what is a public record but may not be disclosed.

Electronic Records

Various State agencies are urged to take certain steps to improve the management and preservation of electronic records.

Procedures for Access to Public Records

Detailed provisions are recommended that prescribe the procedures for government agencies and members of the public to follow in requesting access to public records and the

granting or denying of such a request. An appeals process is outlined where access has been denied.

Costs

The cost of providing access to and reproduction of government records is addressed.

Enforcement

Revision of the existing scheme of enforcement of the public records laws is recommended. Government employees are granted immunity in certain cases when acting in good faith, and requesters of information are entitled to attorneys' fees in some cases where a record is improperly denied.

Detailed discussions of these recommendations may be found in the subcommittee's final report.

SUMMARY OF RECOMMENDATIONS
STUDY OF NEVADA LAWS GOVERNING
PUBLIC BOOKS AND RECORDS

Following is a summary of the recommendations approved by the Legislative Commission's Subcommittee to Study the Laws Governing Public Books and Records.

DEFINITIONS RELATED TO PUBLIC RECORDS AND
CATEGORIZATION OF SUCH RECORDS

1. Enact legislation that provides for broad definitions of "public record" and "governmental entity." The definition should include electronic records as public records.
2. Enact legislation that creates a category which by example lists those records that are always included as public records. These include records regarding title to real property, contracts of government agencies, and certain job description information related to government employees.
3. Enact legislation that creates a category which lists certain information that is not to be considered a public record. Such information includes certain working drafts for personal use, material legally owned by an individual, copy-righted material, and proprietary software.
4. Enact legislation which provides that all public records that fit within the above referenced definition be open to inspection by any persons.
5. Enact legislation that lists certain kinds of information that fit the definition of public records, but notwithstanding that fact, must not be disclosed. This list includes information where access is restricted by a Federal or State statute, certain medical records, certain personnel files, information that is privileged, and information related to certain governmental investigations.

6. Enact legislation addressing the category of non-disclosable public records which allows any record deemed non-disclosable to be disclosed if the general policy in favor of open records outweighs an expectation of privacy or a public policy justification.
7. Adopt a resolution establishing a 1993-1995 interim legislative study of all exemptions to the public records laws to determine which exemptions should be repealed, amended, or remain the same.

THE LEGAL STATUS OF ELECTRONIC RECORDS
AS PUBLIC RECORDS

8. Urge the Department of Data Processing, in cooperation with the Nevada State Library and Archives, to create and maintain an inventory of statewide hardware, software, and information.
9. Urge the Division of Archives and Records to work with other State agencies to establish retention and disposition schedules for records when information systems are designed or redesigned. Furthermore, urge all State agencies to consider record retention/disposition requirements at the point of system design.
10. Include in the final report a statement of the subcommittee's support for the concept of creating a centralized information storage facility and developing procedures for maintaining information.
11. Urge the Division of Archives and Records to undertake a program to educate State officials about their responsibilities for retention, care, and preservation of government records with special emphasis on electronically-stored public records.

STATUTORY RULES OF ACCESS WITH RESPECT TO PUBLIC
RECORDS, INCLUDING PROCEDURES FOR ACCESS AND
METHOD OF APPEAL UPON DENIAL OF ACCESS

12. Enact legislation which provides that each agency, upon request by any person, shall make public records available for inspection and copying during regular business hours. Provide that the request may be oral or

written and may be made in person, by telephone, or by mail.

13. Enact legislation which provides that, unless information is readily retrievable by the agency in the form in which it is requested, an agency is not required to prepare a compilation or summary of its records.
14. Enact legislation which provides that each agency shall ensure reasonable access to facilities for duplicating records and for making memoranda or abstracts from them.
15. Enact legislation which provides that if an agency is not immediately able to fulfill a request for a governmental record, does not intend to fulfill it or denies it, the agency must inform the requester of his right to make a formal written request.
16. Enact legislation which provides that within a reasonable time, but no later than 3 working days after receiving a written request for access which reasonably identifies or describes a governmental record, the agency shall:
 - a. Make the record available to the requester;
 - b. Inform the requester that unusual circumstances (such as the volume of records which have been requested or the need to search for, consult with, or obtain records from another office or agency) have delayed the handling of the request and specify a time and date, no later than 10 working days after the reply would otherwise be due, when the record will be available;
 - c. Inform the requester that the agency does not maintain the requested record and provide, if known, the name and location of the agency maintaining the record; or
 - d. Deny the request.
17. Enact legislation which provides that where access is denied, the complaining party may directly appeal to a court of competent jurisdiction seeking an order compelling access and giving such proceedings priority on

the court's calender. Provide that court costs and attorneys' fees are awardable if the requester prevails.

18. Include in the final report a statement of the sub-committee's support for the concept of an intermediate appellate body that would have concurrent jurisdiction with the courts to consider appeals from the denial of a public record.
19. Enact legislation to establish that the fact that a record contains restricted and non-restricted information is not a reason for denying access to the non-restricted information.
20. Enact legislation that prohibits a public body from inquiring about the intended use of requested public information or making any other inquiry of a person requesting to inspect or receive copies of public information, except to the extent necessary to clarify the request for information. Include an exception for information requested from the Department of Motor Vehicles and Public Safety because *Nevada Revised Statutes* 482.170 requires the department to make an inquiry as to the purpose for requesting certain information.

THE COSTS OF PROVIDING ACCESS TO AND
REPRODUCTION OF GOVERNMENT RECORDS

21. Enact legislation which prohibits a governmental entity from making a profit by providing access to public records.
22. Enact legislation which requires governmental entities to allow inspection of public records at no charge.
23. Enact legislation which would provide that the preservation and maintenance of records is part of conducting the affairs of government and should not be a cost to requesters of information.
24. Enact legislation which provides that, when a requester wants information in a format which is different from the format used to maintain or store the information, the governmental entity is not required to re-format that data.

25. Enact legislation which authorizes, but does not require, a governmental entity to fill "custom" requests (such as re-formatting information) and to charge a reasonable fee for completing such requests.
26. Enact legislation based on an Idaho law that allows only the cost of the materials and the equipment, not labor, regarding reproduction of records. Direct the Department of Administration to develop and provide a cost analysis form to arrive at a per copy price. Provide that the analysis should be based on a formula encompassing such factors as the average number of copies per month, the purchase price of the copying equipment, and an amortized cost per month over the copier's life to achieve a total machine cost per copy, this number being added to the maintenance and supply costs to obtain a total cost per copy.

ENFORCEMENT

27. Repeal the existing criminal penalty (misdemeanor) that may be imposed for failure to disclose a public record.
28. Enact legislation that prescribes the procedures for direct appeal to a court of law seeking an order compelling access and giving such proceedings priority on the court's calendar. Provide for court costs and attorneys' fees if the requester prevails.
29. Enact legislation providing that governmental entities and employees are immune from suit and liability if they act in good faith in disclosing or refusing to disclose information.

BULLETIN 93-10

SUBDIVISION OF LANDS

A.C.R. 46 - 1991 Session

Members

Assemblyman James W. McGaughey, Chairman
Senator Dean A. Rhoads, Vice Chairman
Senator Leonard V. Nevin
Assemblyman Rick Bennett
Assemblyman John L. Norton

Principal Staff

Robert E. Erickson, Research Director
(687-6825)

Assembly Concurrent Resolution No. 46—Committee
on Government Affairs

FILE NUMBER¹⁸¹.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of state and local procedures for the review and approval of proposals for the subdivision of land.

WHEREAS, The State of Nevada has in recent years experienced a rapid rate of growth in its population, requiring the subdivision and development of a large amount of land in the state; and

WHEREAS, The procedures by which state and local agencies review and approve proposals for the subdivision of land, despite their increasing importance and extremely technical nature, have not been comprehensively examined since 1976; and

WHEREAS, Chapter 278 of NRS requires both the Division of Environmental Protection of the State Department of Conservation and Natural Resources and the Health Division of the Department of Human Resources to review water quality factors associated with tentative and final maps for proposed subdivisions; and

WHEREAS, Those same agencies are also both responsible for reviewing individual sewage disposal systems; and

WHEREAS, Each agency charges a fee for its services which ultimately must be paid by the purchaser of the developed property; and

WHEREAS, Many people who are concerned about the high cost of available housing have questioned whether review by both agencies is the most economically efficient manner of protecting public health and safety; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study of the procedures by which state and local agencies review and approve proposals for the subdivision of land, including an examination of the respective responsibilities and programs of the Division of Environmental Protection and the Health Division to determine if there is any duplication of services; and be it further

RESOLVED, That the Legislative Commission is hereby directed to appoint an advisory committee to provide it with such technical assistance as it requires to conduct the study; and be it further

RESOLVED, That the Legislative Commission submit a report of its findings and any recommendations for appropriate legislation to the 67th session of the Legislature.

ABSTRACT

SUBDIVISION OF LANDS

The 1991 Nevada Legislature adopted Assembly Concurrent Resolution No. 46 (File No. 181, *Statutes of Nevada 1991*, page 2640) which directed the Legislative Commission to conduct an interim study of State and local procedures for the review and approval of proposals for the subdivision of land.

The Legislative Commission appointed a subcommittee consisting of five legislators to compile the study. A technical advisory committee with members from the public and private sectors also was appointed to provide information and recommendations on land division issues affecting northern, southern, and rural portions of the State.

A total of 10 public meetings were held in association with the study. Six were technical advisory hearings and four were meetings of the legislative subcommittee. The subcommittee adopted recommendations addressing issues in the following general areas:

1. Subdivisions in general;
2. Tentative and final subdivision maps;
3. Parcels maps and divisions of land into large parcels; and
4. Surveying requirements for land divisions.

The final report of the subcommittee contains a brief history of Nevada's subdivision laws, previous studies and related statutory provisions. Background information is provided in the report for each individual recommendation approved by the subcommittee.

SUMMARY OF RECOMMENDATIONS

SUBDIVISION OF LANDS

The Legislative Commission's Subcommittee to Study State and Local Procedures for the Review and Approval of Proposals for the Subdivision of Land recommends that the 67th Session of the Nevada Legislature:

SUBDIVISIONS IN GENERAL

1. Clarify the law concerning the surveying requirements for subdivisions within industrial or commercial developments and the provisions relating to Chapter 116 of *Nevada Revised Statutes*, the "Uniform Common-Interest Ownership Act."
2. Revise State statutes to require that when land is divided, all property taxes should be current at the time certain final maps are recorded. The law currently requires that property taxes for the entire fiscal year be paid at the time of recordation.
3. Clarify and restructure State law pertaining to the vacation and abandonment of public streets, easements or maps.
4. Revise State law concerning the consolidation of lots by limiting consolidation to three lots or less and establishing a new procedure for consolidation.

TENTATIVE AND FINAL SUBDIVISION MAPS

5. Clarify State law to ensure that the two local entities with the capability to perform comprehensive reviews of subdivisions regarding health (district boards of health in Clark and Washoe Counties) have total authority for such reviews. In addition to clarifying this matter in the law, a streamlined notification process between these two district boards of health and Nevada's Health Division, in the Department of Human Resources, also is recommended.

6. Revise State law concerning the current 3-mile limit for extraterritorial review of subdivisions by cities. Instead, a 1-mile limit and a streamlined process are recommended for the review by a city of proposed subdivisions in unincorporated areas. Likewise, *Nevada Revised Statutes* 578.580, pertaining to the applicability of building codes, should be changed from 3 miles to 1 mile.
7. Revise State law to provide a streamlined process for the review by counties of subdivisions in incorporated cities within 1 mile of the county boundary. This provision only applies to counties whose population is 200,000 or more.
8. Clarify State law to allow a planning commission to delegate certain responsibilities to its professional staff or others (designated representatives).
9. Clarify and add provisions in State law concerning final governmental action on a tentative subdivision map which relate to water sufficiency, zoning and planning conformity, hazards from wild fires, and master planning.
10. Revise State law to increase the time limit, from 1 year to 2 years, within which a subdivider must present a final map after receiving approval of the tentative map, unless an extension of time is granted.

PARCEL MAPS AND DIVISIONS OF LAND
INTO LARGE PARCELS

11. Clarify State law concerning the review and approval process for parcel maps.
12. Clarify State law concerning requirements which may be imposed by a governing body on a second or subsequent parcel map on the same tract of land.
13. Revise State law to specify that if a proposal to divide land into large parcels involves 16 lots or more, access to each parcel by emergency vehicles must be provided.

SURVEYING REQUIREMENTS FOR LAND DIVISIONS

14. Make technical revisions to State law to clarify and strengthen certain surveying and map requirements for land divisions.

BULLETIN 93-11

TAHOE REGIONAL PLANNING COMPACT

A.J.R. 17 - 1991 Session

Members

Senator Raymond C. Shaffer, Chairman
Assemblyman Joseph E. Dini, Jr., Vice Chairman
Senator William R. O'Donnell
Senator John M. Vergiels
Assemblyman Joe Elliott
Assemblyman Matthew Q. Callister
Assemblyman Dean A. Heller

Principal Staff

Fred W. Welden, Chief Deputy Research Director
(687-6825)

Assembly Joint Resolution No. 17—Committee on
Government Affairs

FILE NUMBER.....¹⁴⁰

ASSEMBLY JOINT RESOLUTION—Creating a committee of Legislators from Nevada to meet
with Legislators from California to review the Tahoe Regional Planning Compact.

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

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

WHEREAS, Progress has been made on some of the goals of the Compact, including water quality and control of erosion, but major planning and environmental goals remain unmet; and

WHEREAS, The Legislature of the State of Nevada seeks to refocus the Tahoe Regional Planning Agency on its regional mission and improve the effectiveness, efficiency and leadership of the Agency; and

WHEREAS, The last amendments to the Tahoe Regional Planning Compact were ratified by the Congress of the United States and signed by President Carter in 1980; and

WHEREAS, In 1985 and 1987, the Legislature of the State of Nevada passed, by unanimous vote in both houses, amendments to the composition of the governing body of the Agency; and

WHEREAS, There is still no representative of the Legislature of Nevada on the governing body of the Tahoe Regional Planning Agency because the Congress of the United States has not acted upon amendments to the Tahoe Regional Planning Compact that were requested by both Nevada and California; and

WHEREAS, The Legislature of the State of Nevada is vitally concerned with achieving regional goals in conserving natural resources of the entire Lake Tahoe Basin and seeks to convene a series of meetings to address these and related matters with its counterparts from the California Legislature as soon as possible; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Legislative Commission is directed to appoint a committee of seven members of the Nevada Legislature to investigate the functioning of the Tahoe Regional Planning Compact; and be it further

RESOLVED, That the Legislature of the State of Nevada calls upon the Legislature of the State of California to establish a similar committee of legislators to meet with the committee from Nevada; and be it further

RESOLVED, That the combined committee is directed to meet to discuss the Tahoe Regional Planning Compact, including, but not limited to, the regional goals for conserving natural resources of the entire Lake Tahoe Basin, representation of the Legislatures of Nevada and California on the governing body for the Tahoe Regional Planning Agency and the efficiency and effectiveness of the Tahoe Regional Planning Agency; and be it further

RESOLVED, That if the State of California does not establish a committee in response to this resolution, the committee appointed by the Legislative Commission shall carry out the provisions of this resolution; and be it further

RESOLVED, That the Chief Clerk of the Assembly transmit copies of this resolution to each member of the California delegation to the Tahoe Regional Planning Agency and the President Pro Tem of the Senate and the Speaker of the Assembly of the State of California; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

ABSTRACT

TAHOE REGIONAL PLANNING COMPACT

The 1991 Nevada Legislature adopted Assembly Joint Resolution No. 17 (File No. 140, *Statutes of Nevada 1991*, pages 2599-2601) which directed the Legislative Commission to appoint a committee to investigate the functioning of the Tahoe Regional Planning Compact.

The seven-member committee held four hearings in the Lake Tahoe Basin. Testimony was received from citizens of the Basin, representatives of the Tahoe Regional Planning Agency (TRPA), staff for other State and Federal agencies, and representatives of California legislators whose districts contain portions of the Basin.

In addition to performing typical oversight functions, the committee adopted 13 recommendations. They include general program direction for the TRPA, establishment of a State program to administer TRPA funds allocated to purchase property in Nevada, placement on the ballot of a \$20 million bond proposal to support erosion control and restoration projects, and continuation of the committee's activities during the next interim.

Background information concerning TRPA activities under the Bistate Compact and explanations of the recommendations are contained in the committee's final report.

SUMMARY OF RECOMMENDATIONS

TAHOE REGIONAL PLANNING COMPACT

Following is a summary of the recommendations approved by the Legislative Commission's Committee to Investigate the Functioning of the Tahoe Regional Planning Compact.

TAHOE REGIONAL PLANNING AGENCY (TRPA) STRUCTURE AND GENERAL POLICY

1. Urge, by resolution, the United States Congress to ratify amendments to the Bistate Compact which have been adopted by the States of Nevada and California and which provide the Nevada Senate and Assembly direct representation on the TRPA Governing Body.
2. Urge, by resolution, the TRPA to emphasize:
 - a. Implementation of plans through proactive efforts to facilitate high-quality proposals; and
 - b. Implementation of existing regulations rather than initiation of increased restrictions.
3. Request, by resolution, that the TRPA:
 - a. Continue to increase efforts to simplify its regulations;
 - b. Continue to streamline its planning, project review, and permitting procedures through such mechanisms as increased utilization of "memorandums of understanding" with other agencies at the local, state, regional, and national levels; and
 - c. Report its progress in these areas to the biennial sessions of the Nevada Legislature.
4. Urge, by resolution, the TRPA:
 - a. To analyze the provisions of the Bistate Compact and relevant court actions to determine if they preclude establishment of variance procedures associated with project review; and

- b. If such procedures are allowable, to establish a mechanism for granting variances based upon site-specific characteristics associated with individual projects.

SPECIFIC RECOMMENDATION RELATED TO TRPA
PLANNING AND REGULATION

- 5. Request, by resolution, that the TRPA:
 - a. Analyze the future demand for outdoor recreational opportunities in the Lake Tahoe Basin and report to the 1995 Session of the Legislature the results of the analysis and the manner in which the Agency (TRPA) intends to incorporate this information in the Regional Plan;
 - b. Incorporate stronger scenic protection measures in the Agency's planning and regulatory activities;
 - c. Continue to move the Individual Parcel Evaluation System (IPES) line that identifies residential property which may be developed in the Basin; and
 - d. Continue its involvement in the Lake Tahoe Economic Roundtable, and take appropriate steps to respond to identified impacts that the Agency's programs and regulations have on the Region's economic and social well-being.

TRANSPORTATION-RELATED RECOMMENDATIONS

- 6. Direct letters from the Legislative Committee to the TRPA, Nevada's Department of Transportation (NDOT), and Clark and Washoe Counties requesting that representatives from these entities participate in immediate discussions designed to review information and develop recommendations concerning designation of TRPA as a "Metropolitan Planning Organization" (MPO) under provisions of the Federal Intermodal Surface Transportation Efficiency Act of 1991.
- 7. Express, by resolution, support for designation of the TRPA as an MPO under provisions of the Federal Intermodal Surface Transportation Efficiency Act of 1991, and

include in the preamble recognition of the efforts to achieve this goal by local governments in the Basin, relevant state agencies, the Tahoe Transportation Coalition, the TRPA, and the Tahoe Transportation District.

8. Direct, by resolution, NDOT:
 - a. To coordinate transit and rail efforts with similar activities on the California side of the Basin.
 - b. To assist TRPA in identifying sources and securing funds for environmentally-oriented transportation and transit improvements in the Basin; and
 - c. To allocate as many resources as possible to implementing its share of environmentally-oriented transportation and transit improvements in the Basin.
9. Urge, by resolution, the TRPA to emphasize development of sidewalks and transit systems, and to manage the parking supply, in order to achieve a reduction in traffic congestion in the Basin.

LAND COVERAGE MITIGATION PROGRAM

10. Establish a Tahoe Land Coverage Mitigation Account in the State General Fund and authorize the Division of State Lands to use funds from the account to implement a land coverage mitigation program, including the following general elements:
 - a. Identification of property which is subject to the program;
 - b. Purchase, acceptance, sale, trade, or transfer of property or interest in property (coverage rights);
 - c. Elimination of physical coverage on property acquired through the program;
 - d. Mitigation of environmentally negative features associated with property acquired through the program;

- e. "Retirement" of coverage rights; and
- f. Administration of the program.

BROAD FUNDING-RELATED RECOMMENDATION

- 11. Place on the statewide ballot a proposal to issue \$20 million in general obligation bonds to support grants to local governments and NDOT for projects associated with erosion control and restoration of stream environment zones.

FUTURE OF LEGISLATIVE COMMITTEE

- 12. Continue, by resolution, the existence (during the interim after the 1993 Legislative Session) of the Legislative committee and direct it to monitor the budget, programs, activities, responsiveness, and accountability of the TRPA.
- 13. If the existence of the Legislative Committee is retained through approval of Recommendation No. 12, direct the committee to continue its efforts to communicate with interested members of the California Legislature.

BULLETIN 93-12

TRANSPORTATION

N.R.S. 218.682

Members

Senator John M. Vergiels, Chairman
Assemblyman Larry L. Spitler, Vice Chairman
Senator Thomas J. Hickey
Senator Leonard V. Nevin
Senator Ann O'Connell
Senator Dean A. Rhoads
Assemblyman Bernard Anderson
Assemblywoman Sandra Krenzer
Assemblyman Mike McGinness
Assemblyman Gene T. Porter
Assemblyman Robert E. Price

Principal Staff

Paul Mouritsen, Senior Research Analyst
(687-6825)

218.682 Legislative commission: General powers. The legislative commission may:

1. Carry forward the participation of the State of Nevada as a member of the Council of State Governments and the National Conference of State Legislatures, and may pay annual dues to those organizations out of the legislative fund. The legislative commission is designated as Nevada's commission on interstate cooperation.

2. Encourage and assist the government of this state to develop and maintain friendly contact by correspondence, by conference, and otherwise, with the other states, with the Federal Government and with local units of government.

3. Establish such delegations and committees as official agencies of the legislative counsel bureau as may be deemed advisable to confer with similar delegations and committees from other states concerning problems of mutual interest. The membership of those delegations and committees must be designated by the legislative commission and may consist of legislators and employees of the state other than members of the commission. Members of those delegations and committees shall serve without salary, but they are entitled to receive out of the legislative fund the per diem expense allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

4. Endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for interstate compacts and reciprocal or uniform legislation, and by facilitating the adoption of uniform or reciprocal administrative rules and regulations, informal cooperation of governmental offices, personal cooperation among governmental officials and employees, interchange and clearance of research and information and any other suitable process.

5. Establish such subcommittees and interim or special committees as official agencies of the legislative counsel bureau as may be deemed advisable to deal with governmental problems, important issues of public policy and questions of statewide interest. The membership of those subcommittees and interim or special committees must be designated by the legislative commission and may consist of members of the legislative commission and legislators other than members of the commission, employees of the State of Nevada or

citizens of the State of Nevada. Members of those subcommittees and interim or special committees who are not legislators shall serve without salary, but they are entitled to receive out of the legislative fund the per diem expense allowances and travel expenses provided for state officers and employees generally. Except during a regular or special session of the legislature, members of those subcommittees and interim or special committees who are legislators are entitled to receive out of the legislative fund the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session for each day or portion of a day of attendance, and the per diem expense allowances provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

6. Supervise the functions assigned to the divisions of the bureau in this chapter.

7. Authorize the director of the legislative counsel bureau to enter into agreements for the acquisition of property it deems necessary to support the legislature and its staff. The director may expend money from the legislative fund for this purpose.

[10:134:1953]—(NRS A 1957, 386; 1961, 253; 1963, 1014; 1965, 1455; 1971, 2206; 1973, 119, 1118; 1975, 296; 1979, 612; 1985, 399; 1989, 1218, 1493)

ABSTRACT

TRANSPORTATION

The 66th Session of the Nevada Legislature adopted several measures to increase funding for streets, highways, and mass transit. These bills included Senate Bill 112 (Chapter 19, *Statutes of Nevada 1991*, pages 25-46), which authorized local taxes to improve transportation, and Senate Bill 441 (Chapter 576, *Statutes of Nevada 1991*, pages 1898-1910), which increased taxes and fees on motor fuels.

The Legislative Commission appointed a subcommittee to oversee the implementation of these measures and monitor other developments affecting transportation at the State, local, and Federal levels.

The subcommittee met several times during the interim and heard testimony on a variety of topics. Its final meeting is scheduled for December 30, 1992, at which time it will make recommendations for consideration by the Legislature during the 1993 Session.

BULLETIN 93-13

THE FEASIBILITY OF ESTABLISHING
VETERANS' HOMES, VETERANS' CENTERS
AND
MOTOR POOLS FOR VETERANS

S.C.R. 54 - 1991 Session

Members

Senator R. Hal Smith, Chairman
Assemblyman Larry L. Spitler, Vice Chairman
Senator Lawrence E. Jacobsen
Senator Raymond C. Shaffer
Assemblyman Bradley I. Goetting
Assemblyman Joseph L. Johnson
Assemblyman William A. Petrak

Principal Staff

Caren Jenkins, Senior Research Analyst
(687-6825)

Senate Concurrent Resolution No. 54—Committee on Finance

FILE NUMBER...189.

SENATE CONCURRENT RESOLUTION—Directing Legislative Commission to conduct an interim study of the feasibility of establishing veterans' homes, veterans' centers and motor vehicle pools for veterans.

WHEREAS, The spirit of freedom burned brightly in the hearts of men who have gone to war to defend our country; and

WHEREAS, The men of this nation who have fought in wars have demonstrated their courage by facing the possible loss of their lives every day while involved in a war; and

WHEREAS, This devotion to country should not be forgotten once a war is over; and

WHEREAS, There are approximately 146,000 veterans living in the State of Nevada; and

WHEREAS, The State of Nevada presently has no homes to accommodate veterans should they be in need of housing, whether their need be temporary or permanent; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to conduct a comprehensive study of the feasibility of establishing veterans' homes, veterans' centers and motor vehicle pools for veterans in the State of Nevada to better meet the needs of veterans living in Nevada; and be it further

RESOLVED, That the study should include:

1. An identification of the needs of veterans living in the State of Nevada, and what, if any, programs are available to help meet those needs;
 2. A survey of facilities available for veterans in at least five other states that are similar to Nevada in population;
 3. A determination of the availability of land which could be used if a veteran's home were established;
 4. An estimate of the costs involved in establishing one or more veterans' homes, veterans' centers and motor vehicle pools for veterans; and
 5. Consultation with veterans' agencies and other research to determine whether money is available from the Federal Government for the establishment of such facilities;
- and be it further

RESOLVED, That the Legislative Commission submit a report of its findings and any recommendations for appropriate legislation to the 67th session of the Nevada Legislature.

ABSTRACT

THE FEASIBILITY OF ESTABLISHING VETERANS' HOMES, VETERANS' CENTERS AND MOTOR POOLS FOR VETERANS

The 66th Session of the Nevada Legislature adopted Senate Concurrent Resolution No. 54 (File No. 189, *Statutes of Nevada* 1991). The resolution directs the Legislative Commission to conduct a study of the feasibility of establishing veterans' homes, veterans' centers and motor vehicle pools for veterans.

To conduct the study, the Legislative Commission appointed a subcommittee consisting of seven members. The subcommittee held one public hearing in Las Vegas and another in Carson City to gather testimony, and conducted its final work session in Las Vegas. A large number of individuals and representatives of various veterans' organizations appeared at each hearing.

The subcommittee adopted four recommendations regarding planning and funding the construction and operation of a State veterans' home in Nevada. They include: adding a staff member in the Office of the Commissioner for Veterans Affairs to plan for a home; creating a designated fund to which donations may be made; allowing eligible veterans to designate their motor vehicle privilege tax exemptions to such a fund; and permitting the operation of an annual statewide charitable lottery to benefit a State veterans' home.

Detailed descriptions of these recommendations and a discussion of the subcommittee's deliberations may be found in *Legislative Counsel Bureau Bulletin No. 93-13*.

SUMMARY OF RECOMMENDATIONS

THE FEASIBILITY OF ESTABLISHING VETERANS' HOMES, VETERANS' CENTERS AND MOTOR POOLS FOR VETERANS

The Legislative Commission's Subcommittee to Study the Feasibility of Establishing Veterans' Homes, Veterans' Centers and Motor Pools for Veterans recommends the 67th Session of the Nevada Legislature:

1. Appropriate from the State General Fund to the Office of the Nevada Commissioner for Veteran Affairs sufficient money for a new full-time professional staff position. Add to the duties of the Office of the Nevada Commissioner for Veteran Affairs responsibility for the planning, resource gathering and coordination necessary for the construction, operation and maintenance of one or more veterans' homes in Nevada. (BDR 37-252)
2. Create a fund for the construction, operation and maintenance of one or more veterans' homes in Nevada. Authorize the manager of the fund to apply for and receive grants, gifts and donations. The fund may be used only for programs and services related to veterans' homes of the State, although the education of the public, promotion of the opportunity to waive tax exemptions and solicitation of additional revenue are also acceptable uses. Appropriate "seed money" of \$200,000 from the State General Fund to the fund for the construction, operation and maintenance of one or more veterans' homes in Nevada. (BDR 37-249)
3. Allow Nevada residents who are eligible for a vehicle privilege tax exemption in *Nevada Revised Statutes* 371.103 to designate their entitlement as a donation to a fund for the construction, operation and maintenance of one or more State veterans' homes. (BDR 32-250 and BDR 37-251)
4. Allow for a collectively run statewide charitable lottery once per year, coordinated by a non-profit organization which is dedicated to veterans' issues in the State, to benefit a fund for the construction, operation and maintenance of one or more State veterans' homes in Nevada. (BDR 41-248)

BULLETIN 93-14

LEGISLATIVE COMMITTEE ON HEALTH CARE

NRS 439B.200 through 439B.240

Members

Assemblyman Morse Arberry, Jr., Chairman
Senator Joseph M. Neal, Jr., Vice Chairman
Senator Raymond D. Rawson
Senator R. Hal Smith
Assemblywoman Vivian L. Freeman
Assemblyman James A. Gibbons

Principal Staff

Caren Jenkins, Senior Research Analyst
(687-6825)

LEGISLATIVE COMMITTEE ON HEALTH CARE

439B.200 Creation; appointment of and restrictions on members; officers; terms of members; vacancies; annual reports.

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

2. No member of the committee may:

(a) Have a financial interest in a health facility in this state;

(b) Be a member of a board of directors or trustees of a health facility in this state;

(c) Hold a position with a health facility in this state in which the legislator exercises control over any policies established for the health facility; or

(d) Receive a salary or other compensation from a health facility in this state.

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

3. The legislative commission shall select the chairman and vice chairman of the committee from among the members of the committee. Each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. The chairmanship of the committee must alternate each biennium between the houses of the legislature.

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

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

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

(Added to NRS by 1987, 863; A 1989, 1841; 1991, 2333)

ABSTRACT

LEGISLATIVE COMMITTEE ON HEALTH CARE

In compliance with *Nevada Revised Statutes* 439B.200 through 439B.240, the Legislative Committee on Health Care oversees the effects of legislation on the health care industry and monitors health care activities in Nevada.

The six-member committee held nine meetings between November 1991 and October 1992 in Carson City, Reno, and Las Vegas. Presentations, coordinated by individual committee members, directed the testimony and subsequent recommendations toward certain topics, including: health promotion and wellness, access to health care, quality of care, cost containment, and Medicaid in the State.

At its final work session of the 1991-1992 interim period, the committee adopted 27 recommendations regarding health insurance, Medicaid, health care cost containment, community health, child health and organ transplantation, among others. Detailed descriptions and a discussion of the testimony regarding these recommendations may be found in *Legislative Counsel Bureau Bulletin No. 93-14*.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON HEALTH CARE

The Legislative Committee on Health Care recommends that the 67th Session of the Nevada Legislature:

HEALTH INSURANCE

1. Establish within the Department of Insurance a small employer insurance purchasing pool (for firms with less than 26 employees) which would:
 - a. Require participating insurers to utilize statewide "community rating."
 - b. Require that pre-existing condition provisions do not exclude coverage for a period beyond 6 months.
 - c. Eliminate multiple waiting periods for pre-existing conditions.

(In the event of a change in employer, the employee must not be required to satisfy another waiting period for the same condition.)
 - d. Apply employee participation and employer contribution requirements uniformly among all employer groups.
 - e. Allow employers to credit an amount equal to \$25 per eligible employee per quarter on the employer's business activities tax as specified in *Nevada Revised Statutes* 364A as an incentive to draw small employers into a health care purchasing pool.
 - f. Guarantee that every participating firm will be able to get its health insurance policy renewed. (BDR 57-1064)
2. Allow employers who provide basic health insurance coverage to employees and pay at least 50 percent of each employee's premium to have a dollar-for-dollar deduction against the business activities tax specified in *Nevada Revised Statutes* 364A to a maximum of \$75 per employee per quarter. (BDR 32-1065)

3. Implement health insurance reform by:
 - a. Creating a reinsurance pool within the Department of Insurance to assist with costs associated with high-risk cases. (Utilize the National Association of Insurance Commissioners' model act for developing a State reinsurance pool.) (BDR 57-1066)
 - b. Requiring that all small employer premium rates, other than those set by the Small Employer Insurance Purchasing Pool (see Recommendation No. 1), be established by such factors as health status, occupation, and claims experience of employees in similar firms. (BDR 57-1066)
4. Extend the evaluation deadlines of the small employer health insurance plans specified in Senate Bill 503 (Chapter 648, *Statutes of Nevada 1991*, pages 2152-2155) from 1993 to 1995, and 1995 to 1997. (BDR S-1067)
5. Establish a high-risk insurance pool within the Department of Insurance for people denied health insurance due to medical conditions. Require all insurance companies doing business in the State to participate by accepting eligible high-risk patients based on their share of the insurance market in Nevada. Limit premiums to 150 percent of the premium charged to insure a healthy individual. (BDR 57-1068)
6. Amend statutes to reform medical malpractice insurance by:
 - a. Limiting recovery of noneconomic damages to \$250,000.
 - b. Prohibiting attorneys from collecting "contingency fees."
 - c. Permitting collateral sources of recovery to be admitted as evidence.
 - d. Requiring the Medical Legal Screening Panel to recommend alternative dispute resolutions such as mediation and arbitration. (BDR 3-1069)

MEDICAID

7. Require all health care professionals licensed in Nevada to accept a minimum number of Medicaid and other low-income patients as a condition of establishing or maintaining licensure. (BDR 54-1070)
8. Provide increased support for Nevada Medicaid's managed care program by:
 - a. Appropriating \$214,510 in fiscal year 1994 and \$198,573 in fiscal year 1995 to the Department of Human Resources to increase relevant staffing levels. (BDR S-1071)
 - b. Appropriating \$_____ to expand the University of Nevada System's health care clinics. (BDR S-1071)
 - c. Requiring the Department of Human Resources to apply to the U.S. Health Care Financing Administration for a "freedom of choice" waiver for Nevada Medicaid's managed care program. (In general, this Federal waiver would allow Nevada to operate a statewide, mandatory Medicaid managed care program.) (BDR S-1071)
 - d. Urging that the United States Congress enact the Medicaid Coordinated Care Improvement Act of 1992 (S. 3191) which would provide states greater discretion in Medicaid program design. (The law would enable Nevada to operate a mandatory Medicaid managed care program without requiring a Federal "freedom of choice" waiver.) (BDR R-1072)
9. Expand the funding of current initiatives to control Medicaid costs by:
 - a. Approving the Department of Human Resources' budget request for Nevada's Maternal Obstetrical Management Services (MOMS) program of \$364,369 in Fiscal Year 1994 and \$504,968 in Fiscal Year 1995. (This program provides case management services to Medicaid-eligible, high-risk pregnant women.) (S-1073)
 - b. Appropriating \$2.85 million to the Department of Human Resources to cover the projected increase in caseload of the Rehabilitation by Case Management

program. (This program provides case management services primarily to Medicaid recipients with traumatic brain injuries. An additional 50 cases are expected over the biennium--the average case incurs approximately \$57,000 per year per client.) (S-1073)

- c. Appropriating \$380,000 in Fiscal Year 1994 and \$690,000 in Fiscal Year 1995 to the Department of Human Resources to add staff and expand the services of the Community Home-based Improvement Program. (This program allows Medicaid to finance care for people in homes or community facilities who would otherwise be institutionalized.) (S-1073)

10. Streamline the Medicaid eligibility process by:

- a. Requiring Nevada Medicaid to institute presumptive eligibility for pregnant women. (This option allows pregnant women to gain access to prenatal care more quickly than if they were required to follow the regular application time line to apply for full Medicaid coverage.) (BDR 38-1074)
- b. Encouraging Nevada Medicaid to shorten its application form. (BDR R-1075)
- c. Requiring Nevada Medicaid to make a Spanish version of the application form available to applicants. (BDR R-1075)

11. Require that the Department of Human Resources investigate the possible use of "intergovernmental transfers" to secure Federal Medicaid matching funds and report its findings to the relevant committees of the Legislature or to the Interim Finance Committee by October 1, 1993. (BDR R-1076)

12. Require the Department of Human Resources to:

- a. Amend its Federal Medicaid plan to include coverage for the full cost of kidney transplants. (Currently Medicaid does not cover the cost of acquiring the organ.)
- b. Reimburse transplant patients for the cost of anti-rejection medication for life.

- c. Require the consideration of Medicaid coverage for transplants of organs, other than kidneys, on a case-by-case basis. (BDR 38-1077)
- 13. Urge Congress to allow physicians a 5-day grace period for evaluating hospital patients without risking the loss of Medicaid reimbursement. (Generally, a physician must evaluate a patient every 30 days to continue coverage by some government programs, regardless of when the 30th day falls in the week. The recommendation proposes that if a physician is working in the hospital on the 25th or 35th day, he/she should be allowed to evaluate patients at that time without the risk of losing reimbursement.) (BDR R-1078)

HEALTH CARE COST CONTAINMENT

- 14. Establish an independent commission to plan, develop and enforce global budgeting for all hospitals, nursing homes, home health, hospice and related agencies. Grant the commission the authority to negotiate with representatives of each of the healing professions to establish fees or other methods of payment as guidelines for providers and consumers. (BDR 40-1079)
- 15. Prohibit physicians from referring patients to health care facilities in which the physician has a direct financial interest. This prohibition, upon application to the Department of Insurance, could be waived in instances where facilities and resources are limited, such as in small, rural or underserved communities. (BDR 40-1080)
- 16. Require the Department of Human Resources to develop a uniform electronic billing mechanism and mandate its use by all health care providers in the State. Require the Department of Insurance to develop a uniform electronic billing mechanism and mandate its use by all insurers doing business in the State. (BDR 40-1081)
- 17. Require the Department of Human Resources to establish guidelines to standardize medical practice using agreed upon criteria in order that medical procedures found to be unnecessary or inappropriate are eliminated. Mandate Department of Human Resources to involve health care

professionals in the development of the practice guidelines. (BDR 40-1082)

COMMUNITY HEALTH

18. Establish a 5 percent service tax, administered by the Department of Human Resources, on the net revenue of all health care providers. Allow deductions to reduce the tax to as low as 2 percent for those providers who accept their share of Medicaid and other low-paying patients. Further require that an account be established within the State General Fund for these revenues to be used to:
 - a. Expand the number of clients in the Community Home-based Improvement Program which supports frail elderly in their homes rather than transferring them to nursing homes. Such a tax would allow the State to offset the cost of Federal mandates in the Medicaid program.
 - b. Require the Department of Human Resources to develop community health centers to increase the role of prevention through early diagnosis and treatment.
 - c. Encourage the education and practice of certain health care professions in the State by requiring the University of Nevada System to administer a fund offering scholarships and loan-forgiveness for:
 1. Physicians' assistants and nurse practitioners; and
 2. Primary-care physicians practicing in under-served areas of Nevada.

This program is to be based on relevant components of Minnesota's recently adopted "HealthRight Law".
(BDR 40-1083)

19. Encourage Nevada employers to implement employee wellness programs that provide accurate information to assist individuals in making healthy choices throughout their life spans. (BDR R-1084)

20. Appropriate \$125,000 to the Department of Human Resources to develop and administer a grant program for organizations which provide prenatal care to low-income women. No more than \$20,000 may be used by Department of Human Resources to administer the grant program. (BDR S-1085)

CHILD HEALTH

21. Require the Department of Human Resources and State Department of Education and appropriate \$_____ to provide school health services, primarily through school-based centers. Programs should be designed to enable parents to choose which services they would allow their children to use. (BDR S-1086)
22. Require that physical education classes be incorporated into school curricula on a daily basis in kindergarten and grades 1 through 12. (BDR 34-1087)

ORGAN TRANSPLANTATION

23. Increase public awareness regarding organ donation by:
- a. Urging the State Board of Education to include information regarding organ donation and transplantation in the health curriculum of high school students; and
 - b. Declaring an annual Organ Donation Day in Nevada to encourage Nevadans to determine their preferences regarding organ donation and make them known to family members. (BDR R-1088)
24. Require physicians and families to honor the permission granted by an organ donor card. (BDR 40-1089)

MISCELLANEOUS RECOMMENDATIONS

25. Require the Department of Human Resources to organize an annual health-related quality improvement conference to bring national health care experts, patients, quality improvement coordinators, scientists, and health care workers together to share information. The costs of the

conference should be borne by registration fees paid by conference participants. Appropriate \$10,000 to the Department of Human Resources for the publication and distribution of an annual monograph of Nevada's health care quality agenda, including, but not limited to, relevant papers from the conference. (BDR 40-1090)

26. Require the Department of Human Resources to eliminate efforts to collect information which may duplicate UB-82 data. Require Department of Human Resources to configure the State's health database to track individuals from birth to death, and report outcome information through an identifier, such as a Social Security number, if one is available. (Recent Department of Human Resources regulations permit gathering this type of information, but only the last six digits of Social Security numbers are used to protect the confidentiality of patients.) Require Department of Human Resources to coordinate birth and death records with the UB-82 data. Authorize Department of Human Resources to utilize the UB-82 form to collect information in addition to that required by the Federal Government. (BDR 40-1091)
27. Require the Legislative Counsel Bureau to regularly publish and distribute information regarding all proposed and adopted changes to the *Nevada Administrative Code*. Use a format similar to that in the *Federal Register*. (BDR 18-1092)

BULLETIN 93-15

REPORT OF THE COMMITTEE ON
HIGH-LEVEL RADIOACTIVE WASTE

NRS 459.0085

Members

Senator Thomas J. Hickey, Chairman
Assemblywoman Myrna T. Williams, Vice Chairman
Senator Virgil M. Getto
Senator Diana M. Glomb
Assemblyman Matthew Q. Callister
Assemblyman Robert E. Price
Assemblyman Gaylyn J. Spriggs

Principal Staff

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

COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

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

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

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

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

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

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

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

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

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

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

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

6. The director of the legislative counsel bureau shall provide a secretary for the committee on high-level radioactive waste. Except during a regular or special session of the legislature, each member of the committee is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a committee meeting or is otherwise engaged in the work of the committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. Per diem allowances, salary and travel expenses of members of the committee must be paid from the legislative fund.

(Added to NRS by 1985, 685; A 1987, 399; 1989, 1221)

ABSTRACT

REPORT OF THE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

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

The committee consists of seven members, three appointed by the leadership of the Senate and four by the leadership of the Assembly. Staff assigned to the committee is from the Research Division of the Legislative Counsel Bureau.

During the 1991 Session and the 1992 interim, the committee's oversight work program was restructured because of the complexity and enormity of program-related issues. Each member of the committee was asked to monitor a specific aspect of the siting program.

The key elements include the following:

1. Structural geology and engineering;
2. Hydrology and geochemistry;
3. Engineered barrier system;
4. Transportation systems;
5. Environment and public health;
6. Risk and performance analysis; and
7. Quality assurance.

The committee expects to continue its oversight effort during the 1993 Legislative Session, and will prepare an addendum to its previous study reports for presentation to the Legislature in the Spring of 1993.

BULLETIN 93-16

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

NRS 218.536, et seq.

Members

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

Principal Staff

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

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

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

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

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

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

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

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

ABSTRACT

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

The Committee on Public Lands is a permanent committee of the Nevada Legislature, authorized by *Nevada Revised Statutes* 218.536, et seq. Created in 1983, the committee is charged with reviewing proposed and existing laws and regulations which impact Federal lands in this State. The committee also provides a forum for the discussion of public lands matters with Federal and State officials, representatives of special interest organizations, and other concerned individuals.

As in previous years, a report on the committee's activities during the 1991-1992 interim period has been prepared for the members of the Nevada Legislature. The report includes a review of public lands legislation from the 1991 Legislative Session and a summary of the public lands issues heard by the committee during the interim. The committee held seven regular meetings throughout Nevada and twice visited Washington, D.C., to meet with Congressional and Federal agency officials involved in public lands matters. The report contains an overview of these meetings and actions taken.

The committee adopted 13 recommendations for consideration by the 1993 Nevada Legislature. Six of these proposals seek to amend the *Nevada Revised Statutes*; the other seven are suggested resolutions. These recommendations, as well as other committee actions, are discussed further in the report.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

This summary presents the recommendations of the Nevada Legislature's Committee on Public Lands.

The committee recommends that the 1993 Session of the Nevada Legislature amend the *Nevada Revised Statutes* as follows:

1. Extend the authority of the Public Lands Committee to review activities on State-owned lands.
2. Require that any pleadings filed by an independent contractor on behalf of the State specify the State agency or agencies being represented.
3. Amend Subsection 5 of NRS 501.181 to require that proposed responses by Nevada's Department of Wildlife to any requests from Federal agencies be presented to the Committee on Public Lands before the responses are forwarded to the requesting agency.
4. Declare the rights of users of roads across public lands accessory to land privately owned.
5. Grant immunity to counties with respect to minor county roads.
6. Specify that the dewatering of mines is a beneficial use of water.

Further, the committee recommends that the 1993 Session of the Nevada Legislature adopt the following resolutions:

7. Memorialize the Federal Government to recognize the rights of users of certain roads over public lands.
8. Express support for Nevada's mining industry. Encourage the United States Congress to maintain the 1872 Mining Law as it currently exists and resist any attempts to significantly alter its provisions.
9. Express support for Nevada's ranching industry. Encourage Congress to maintain a reasonable grazing fee formula, such as currently exists.

10. Express support for the proposed fertility control program for wild horses and for locating the proposed national wild horse center in northern Nevada.
11. Urge the appropriate Federal agencies to accelerate the preparation of the recovery plan for the Lahontan cutthroat trout.
12. Urge Congress, when reauthorizing the Endangered Species Act, to include provisions that would require the appropriate Federal agencies to weigh the economic impacts of their decisions when considering a species for listing as threatened or endangered.
13. Urge Congress to oversee and limit the purchase of private lands by Federal agencies.

BULLETIN 93-17

STATE BUDGET PROCESS

S.C.R. 21 - 1991 Session

Members

Assemblyman Matthew Q. Callister, Chairman
Senator Raymond D. Rawson, Vice Chairman
Senator Bob Coffin
Senator John M. Vergiels
Assemblywoman Jan Evans
Assemblyman John W. Marvel

Senator Joseph M. Neal, Jr., ex officio, nonvoting
Assemblyman Joseph E. Dini, Jr., ex officio, nonvoting
Judy Matteucci, Department of Administration, nonvoting
Daniel G. Miles, Fiscal Analysis Division, nonvoting

Principal Staff

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

Senate Concurrent Resolution No. 21—Senators Rhoads,
Horn and Raggio

FILE NUMBER.....¹⁸⁶

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

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

WHEREAS, The biennial budget, which is reviewed by the Legislature for the State of Nevada, has grown from \$397,000,000 in 1969 to over \$3,900,000,000 in 1989; and

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

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

WHEREAS, Except for the pilot project established for the 66th session of the Nevada Legislature by the study committee created by Senate Concurrent Resolution No. 44 of the 65th session of the Nevada Legislature, the format of the current budget document has not changed since 1969 even though the size and complexity of the state's programs have changed; and

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

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

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

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

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

WHEREAS, The study committee created by Senate Concurrent Resolution No. 44 of the 65th session of the Nevada Legislature worked hard to develop recommendations that would begin a gradual reformation of the state budget process and the implementation and effectiveness of these recommendations needs to be monitored by a study committee that could advise the executive branch if questions arise in the implementation of the new process; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the committee to study the state budget process is hereby created and directed to continue the comprehensive study of the state budget

process which was conducted pursuant to Senate Concurrent Resolution No. 44 of the 65th session of the Nevada Legislature; and be it further

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

1. The current budget process, including the documents used and the chronology of the process;
 2. The format of the executive budget;
 3. The method for the Governor to recommend any new programs or revenues;
 4. The budget review process and the documents used in selected other states;
 5. The proper role of the Legislature in the budget process and its influence on the outcome of the approved biennial budget and how that role can be enhanced;
 6. Long-range planning techniques currently used or which need to be used;
 7. The capital budget process;
 8. The establishment of measurable indicators of program performance by the various state agencies;
 9. The establishment of agency and program goals;
 10. The appropriate role of the Governor and the Legislature in the budget process;
 11. The results of the pilot project created by the study committee created pursuant to Senate Concurrent Resolution No. 44 of the 65th session of the Nevada Legislature which designated six agency budgets that used, for the 66th session of the Nevada Legislature an alternative program budget format including mission statements, program measurement data and the elimination of individual line-items of expenditure and position lists; and
 12. The effectiveness of all changes made in the state budget process during the 66th session of the Nevada Legislature;
- and be it further

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

1. Six voting members, consisting of three Assemblymen appointed by the Speaker of the Assembly and three Senators appointed by the Majority Leader of the Senate; and
 2. Two nonvoting members, one of whom is employed by the Fiscal Analysis Division of the Legislative Counsel Bureau and one of whom is appointed by the Director of the Budget Division of the Department of Administration and is employed by the Budget Division;
- and be it further

RESOLVED, That the committee to study the state budget process report its findings and any recommendations to the 67th session of the Nevada Legislature.

ABSTRACT

STATE BUDGET PROCESS

The 66th Session of the Nevada Legislature adopted Senate Concurrent Resolution No. 21 (File No. 186, *Statutes of Nevada 1991*, page 2645) which created a committee to study the state budget process.

The Committee held three meetings in Carson City to receive and examine information about the budget process.

The Committee was created to observe and provide advice on the implementation of changes to the state budget system required pursuant to legislation approved at the 66th Legislative Session.

The Committee received recommendations of previous studies; studied actions of the 1991 Legislature; reviewed the status of the implementation of a new computer system required for the budget process changes; developed a definition for the "current services level" and "base budget," which is required for the new budget presentation; and reviewed proposed performance indicators for designated agencies.

The Committee made two recommendations related to the new budget system. The first was a definition of base budget and current services, and the second was to establish a process to periodically review the base budget and fundamental purpose and justification for all agencies of the State.

SUMMARY OF RECOMMENDATIONS

STATE BUDGET PROCESS

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

The committee recommends:

1. That the meaning of a "current services budget" be clearly defined so that the Governor and the Legislature can assess the adequacy of the existing levels of State service and address priorities for changes to that level of service. The committee recommends that the following definition of current services be included in the budget instructions to agencies and that the Budget Division diligently enforce this definition across all State agency budget submittals, in order to establish the true cost of existing programs and create a level playing field for all programs competing for limited resources.

The Current Services Budget equals actual expenditures adjusted for one-time expenditures, annualization of salaries, merit salary increases, across-the-board pay increases, differences in the number of pay periods, new or deleted programs required by legislation, transfers of funds and supplemental appropriations. Once the adjusted base is determined, adjustments should be made for inflation, demographic and caseload changes, approved occupational studies, rate changes for employer costs, Federal mandates, court orders and consent decrees, to arrive at the current cost of providing the same level of services.

2. The committee recognized that periodic review of the fundamental purpose or mission of each of the State's agencies and programs and their base budget is an essential ingredient in management of the State's resources. The committee felt that a change to a traditional "zero based budget" system was currently

beyond the capabilities of the State because of the onerous and mechanical paperwork required for such a system. The committee did feel that a proposal from the Nevada Taxpayers Association to implement a periodic review process of the basic purpose and need for agencies and programs and an examination of their base budgets should be implemented following the model currently in use in South Carolina.

The committee recommends that a periodic review of all state agencies and programs be conducted to determine:

- a. The need for the program;
- b. Compliance with statutory goals;
- c. Whether programs and activities work to achieve the mission of the agency;
- d. If mandated services are provided efficiently and effectively;
- e. If the agency organized to attain maximum efficiency; and
- f. Whether there is duplication of services or administration with any other agency.

BULLETIN 93-18

FEASIBILITY OF PRIVATIZING PROVISION
OF GOVERNMENTAL SERVICES

S.C.R. 2 - 1991 Session

Members

Senator William J. Raggio, Chairman
Assemblyman Val Z. Garner, Vice Chairman
Senator Ann O'Connell
Senator Dean A. Rhoads
Assemblyman Douglas A. Bache
Assemblywoman Christina R. Giunchigliani
Assemblyman Ken Haller
Assemblyman Warren B. Hardy
Assemblyman Joan A. Lambert

Principal Staff

Gary L. Ghiggeri, Principal Deputy Fiscal Analyst
(687-6821)

* Senate Concurrent Resolution No. 2—Senators Raggio, Coffin, Getto, Glomb, Hickey, Horn, Jacobsen, O'Connell, O'Donnell, Rawson, Rhoads, Shaffer and Smith

FILE NUMBER.198..

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the feasibility of privatizing the provision of governmental services.

WHEREAS, The shifting of the delivery of certain governmental services from the public to the private sector is attracting interest at both the federal and state level; and

WHEREAS, There may be advantages realized from such a shift in certain instances, including increased efficiency and savings, as well as increased private sector employment; and

WHEREAS, Any decision to make such shifts in the provision of governmental services requires thorough consideration of the relative advantages and disadvantages, as well as the legislation necessary to effect such shifts; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study of the feasibility of privatizing the provision of governmental services including a separate study of the feasibility of privatizing data processing management services; and be it further

RESOLVED, That the Legislative Commission shall report the results of the study and any recommended legislation to the 67th session of the Nevada Legislature.

19  91

ABSTRACT

FEASIBILITY OF PRIVATIZING PROVISION OF GOVERNMENTAL SERVICES

Senate Concurrent Resolution 2 (File No. 198, *Statutes of Nevada 1991*, page 2657), as approved by the 66th Session of the Nevada Legislature, directed the Legislative Commission to conduct an interim study of the feasibility of privatizing the provision of governmental services, including a separate study of the feasibility of privatizing data processing management services.

The Legislative Commission appointed a subcommittee comprised of nine legislators to conduct the study. The subcommittee held five meetings, four for the receipt of public testimony and the fifth meeting specifically for formulating the recommendations of the subcommittee.

The legislation directing the Legislative Commission to conduct the interim study of the feasibility of privatizing the provision of governmental services also directed a separate study of the feasibility of privatizing data processing management services. A separate study of this subject was not conducted by the subcommittee. However, the March 11, 1992, meeting was dedicated to the topic, with testimony provided by vendors and consultants on the subject of "outsourcing information services."

In addition to the public testimony that was provided to the subcommittee, numerous publications, articles and books were reviewed to develop a knowledge of privatization.

The subcommittee also received testimony from representatives of the Department of Prisons and the Department of Wildlife concerning their efforts to privatize the Las Vegas Minimum Security Prison for Women (Prisons) and the computer hunter tag draw program (Wildlife). Testimony was also provided by representatives of the Department of Motor Vehicles and Public Safety (DMV&PS) concerning their efforts to implement legislation as approved by the 1991 Legislature: (1) Assembly Bill 385 - provide drivers' license services at locations other than DMV&PS offices; and (2) Senate Bill 547 - pilot program for motor vehicle registration services at authorized stations.

In addition to the subcommittee's recommendations, a "minority report" has been filed and will be included as an appendix in the subcommittee's final report.

SUMMARY OF RECOMMENDATIONS

FEASIBILITY OF PRIVATIZING PROVISION
OF GOVERNMENTAL SERVICES

The Legislative Commission's Subcommittee to Study Privatization recommends:

1. The endorsement of the continued study of the potential consolidation of the various State data processing centers. The subcommittee noted during this continued study that the various data centers should be cognizant of the potential for consolidation before committing to equipment purchases/capital outlays.
2. The formation of the Department of Information Services and Technology. The department would be comprised of the existing Department of Data Processing and would be a "name change" to reflect the services the Department of Data Processing currently provides. Coordination of the department's existing functions (data processing and information services) would be a responsibility of the new department and coordination of all appropriate State telecommunication functions (excluding Judicial and Legislative Branches) would also be a function of the new department.
3. The newly formed Department of Information Services and Technology be required to:
 - a. Develop a long-range (5- to 10-year) Strategic Information Technology Plan.
 - b. Develop a short-range tactical plan to improve all State Data Processing functions, effectiveness and efficiency. The short-range tactical plan should also include all identified opportunities for outsourcing.
4. The consolidation of the various payroll systems (software) used by State agencies (State Industrial Insurance System, Department of Transportation, Public Employees' Retirement System, University Classified, and Controllers) into one system. The subcommittee specifically excluded from the consolidation the payroll systems for Legislative Counsel Bureau and University

Academic (personnel). Common software would be acquired and utilized by all payroll centers with modifications to fit the specific requirements of the using agencies or departments.

5. The current bidding level as set in Chapter 338 of *Nevada Revised Statutes* be retained at the \$100,000 level and not be reduced to \$25,000, as recommended by the Nevada Taxpayers Association.
6. That provisions relating to advertisement for bids for public works contracts between \$25,000 and \$100,000 be clarified.
7. To expedite the Request for Proposal (RFP) process, in situations where the Legislature has mandated the contracting out of governmental services (excluding normal contracting out of services budgeted in the Operating Category) with a threshold of \$100,000, the following procedure be adhered to by the State agency charged with securing the contracted services:
 - a. A representative of the agency will meet with a representative of the Purchasing Division, the Attorney General's Office and, if necessary, an outside consultant for the purpose of preparing the initial RFP.
 - b. These individuals would be required to report their progress in preparing the RFP within 90 days from authorization of the project to the Legislature, if in session, or the Interim Finance Committee, if the Legislature is not in session.
8. That staff draft a letter to both the Department of Wildlife and the Department of Prisons, expressing the subcommittee's "concern" regarding this progress and length of time involved in the contracting process. The subcommittee desired the departments be advised they should proceed expeditiously from this point and the subcommittee, to the extent it is possible, will continue to monitor the progress of the departments.
9. The Legislative Auditor, as part of the normal legislative audit process, would report to the Legislative Commission as part of his report:

- a. Services that may be likely candidates for privatization.
- b. Services that are currently being performed by a private contractor that have the potential of being performed more efficiently by the (State) agency.

The Legislative Commission would then have the authority to instruct the Legislative Auditor to conduct further cost analysis if the Commission determines it necessary.

- 10. The State Purchasing Division establish criteria by which equipment purchase requests can be evaluated to determine:
 - a. If the equipment can be leased or rented more efficiently.
 - b. If there is a service involved, such as maintenance, which is better: out-sourced or privatized.
- 11. The State Purchasing Division adopt guidelines (criteria) modeled after those utilized by the State of Colorado to assist government agencies in making systematic decisions about privatizing public services. Criteria utilized by Colorado include consideration of the following:
 - a. Market Strength - The commercial characteristics of the service. Is the private sector able and interested in delivering the service?
 - b. Political Resistance - The amount of opposition to change in who provides the service. This resistance can come from the public, users of the service, interest groups or public officials.
 - c. Cost Efficiency - The expected cost of services, assuming no change in the level or quality of service.
 - d. Quality of Service - The expected effect privatization will have on the effectiveness, timeliness, thoroughness, etc., of the service provided. Privatization should not decrease the quality of service, but should match or exceed the present quality.

- e. Impact on Employees - The effect that privatization will have on government employees.
- f. Legal Barriers - The effect any existing laws have on the privatization decision.
- g. Risk - The degree to which privatization of a service increases government exposure to hazards.
- h. Resources - The efficient and effective use of government assets.
- i. Control - The government's ability to oversee the provision of the service.

In addition to utilizing a numerical scoring (rating based upon the above referenced criteria) to assist agencies in making systematic decisions about privatizing public services, the subcommittee recommended a written rationale must be provided to substantiate the scoring.

- 12. When the criteria (as established by the State Purchasing Division) are utilized and it is determined that it is appropriate to privatize a service, an additional criterion requiring potential contractors to provide the services at a savings of 10 percent of the in-house bid (if competitively bid in-house), or of current costs for providing the services, be applied in making the final decision. All direct and indirect costs (including contract monitoring and review) would be included in the cost analysis when calculating the in-house bid or the current cost of providing the service and the cost of privatization.
- 13. Potential contractors be required to declare under penalty of perjury, when responding to RFPs, if they have been found guilty of violating State or Federal labor laws, fraud, bid-rigging or other similar offenses, violations of criminal law, sexual harassment, equal rights discrimination, etc. (The history of a company would be a factor for consideration.)
- 14. That the nature of the services that are contracted out should not result in all the easily accomplished services being contracted out, with the harder to

accomplish (and usually more costly) services left to be performed by the governmental agency.

15. The State Board of Examiners monitor and evaluate all State agency contracts, other than Public Works and Highway Construction Contracts, to ensure that continued contracting is cost effective and the established quality of service standards are being met.
16. Contracts be re-bid frequently to ensure that a competitive environment is maintained. Competition is one basis of successful privatization. The term of contracts will vary on a case-by-case basis; whenever feasible contracts should be reviewed for re-bid and re-negotiation to take advantage of any cost savings or efficiency factor that may be available. The exact length of time contracts are awarded should be determined on a case-by-case basis dependent upon the investment by the contractor to provide the service (i.e., significant capital investments by the contractor to provide the service may preclude re-bidding of contracts as frequently as those that do not require significant capital investments).
17. All Department of Transportation contracts, exclusive of actual construction contracts, be reviewed for approval by the State Board of Examiners.
18. If justified based upon an in-depth analysis of the applicable cost information and other criteria, the women's multi-custody level prison which has been sited by the Legislature at the Nellis location, be designed, built and operated (medical, food service, custody, etc.) by a private contractor.
19. If justified based upon an in-depth analysis of the applicable cost information and other criteria, the Lovelock Correctional Facility be operated (medical, food service, custody, etc.) by a private contractor.

While not making specific recommendations, the subcommittee discussed the following concerns and statements and indicated reference would be made to them in the subcommittee's report:

- Privatization has a role in providing government services; government should not be called upon to provide services the private sector can provide more efficiently; privatization is a possible alternative that should not be utilized in all instances; and privatization is a viable alternative that can be utilized by government as a management tool (the pros and cons of privatization).
- Contracting out of certain state (governmental) activities should not be considered if those services are inherently provided only by the government (i.e., police, fire, tax collection, etc.).
- In-house bids should be required, when feasible, and should be based on the most efficient organization of the activity. There should be a dispute resolution process so competing bids are fairly compared.
- When a reduction in the government work-force occurs as the result of contracting out a service, there should be a requirement that management be reduced proportionately, when feasible, to the reduction in front line employees (equitable reduction [impact] in management and line staff).
- To ensure competition, which is one concept of successful privatization, whenever possible (when more than one private organization has the ability to provide the service), contracting for governmental services should be subject to competitive bidding by the private sector. In situations where only one private organization can provide the service, the public agency should be encouraged to bid competitively against the private organization.
- Bonding or other assurances should be required of contractors who are awarded contracts to provide governmental services to ensure that essential services are continued in the event the contractor is unable to provide the services.

- There should be strict monitoring and audits of all State contracts for quality and continued cost effectiveness. There should be explicit procedure for bringing a service back in-house when contractors are found lacking in either quality or cost.

BULLETIN 93-19

STUDY OF THE COMMITTEE FOR THE REVIEW OF
CHILD AND FAMILY SERVICES

S.B. 611 - 1991 Session

Members

Senator Diana M. Glomb, Chairman
Assemblywoman Jan Evans, Vice Chairman
Senator Bob Coffin
Senator Raymond D. Rawson
Assemblyman David E. Humke
Assemblywoman Myrna T. Williams

Principal Staff

Larry Peri, Program Analyst
(687-6821)

Senate Bill No. 611—Committee on Finance

CHAPTER⁶⁴³.....

AN ACT relating to the department of human resources; abolishing the youth services division of the department; creating a division of child and family services within the department; providing for the assignment of certain powers and duties of the department to the division of child and family services; temporarily requiring the department to provide special education programs and related services to certain handicapped persons; requiring certain studies relating to children; and providing other matters properly relating thereto.

Sec. 44. 1. The interim committee for the review of child and family services is hereby created. The interim committee consists of:

(a) Three members of the senate standing committee on finance appointed by the immediate past chairman of the senate standing committee on finance; and

(b) Three members of the assembly standing committee on ways and means appointed by the immediate past chairman of the assembly standing committee on ways and means.

2. The interim committee may appoint such additional members as the committee deems necessary to provide it with technical assistance. Members appointed pursuant to this subsection serve without compensation and are not entitled to vote on any matter before the interim committee.

3. The interim committee shall:

(a) Designate a chairman from among its membership.

(b) Meet at the times and places specified by a call of the chairman or a majority of the committee.

(c) Review any actions taken by the director of the department of human resources to assign powers and duties pursuant to section 2 of this act.

(d) Monitor the effect of each assignment of powers and duties and the progress toward completing the assignment of those powers and duties.

(e) Study the interaction between the department of human resources and agencies of local government regarding the provision of services to children and families.

(f) Study public and private programs for the adoption of children and the demand for and success of such programs.

(g) Report its findings and any recommended legislation to the interim finance committee.

4. Any action by the interim committee requires the affirmative vote of not less than 4 members of the committee.

5. Except during a regular or special session of the legislature, each member of the interim committee for the review of child and family services appointed pursuant to subsection 1 is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a committee meeting or is otherwise engaged in committee work plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. All such compensation must be paid from the contingency fund in the state treasury.

ABSTRACT

STUDY OF THE COMMITTEE FOR THE REVIEW OF CHILD AND FAMILY SERVICES

The 66th Session of the Nevada Legislature adopted Senate Bill 611 (Chapter 643, *Statutes of Nevada 1991*,) which created the Division of Child and Family Services. Section 44 of S.B. 611 additionally directed the Nevada Legislature's Interim Finance Committee to review actions taken by the Director of the Department of Human Resources in creating the new Division of Child and Family Services as well as to study public and private programs for adoption of children in Nevada.

The Interim Finance Committee appointed a committee of six legislators to conduct the study. A total of six meetings were held in Carson City. Three of the six meetings were teleconferenced to Las Vegas which allowed members of the committee and the public from Las Vegas to participate in the meetings and provide testimony. The committee received considerable testimony and presentations on services to children and families and adoption in Nevada. The committee adopted 26 recommendations and identified five findings addressing issues in the following general categories:

1. Division of Child and Family Services programs (nine recommendations and five findings);
2. Adoptive parents (five recommendations);
3. Promotion of the adoption alternative (five recommendations);
4. Relinquishment (two recommendations); and
5. Foster care (five recommendations).

Detailed descriptions of these recommendations and findings may be found in the committee's final report.

SUMMARY OF RECOMMENDATIONS

STUDY OF THE COMMITTEE FOR THE REVIEW OF CHILD AND FAMILY SERVICES

The Interim Finance Committee's Committee to Review Child and Family Services has developed the following recommendations and findings. The recommendations and findings are based upon: (1) testimony presented to the committee at its public hearings; (2) a review of written information and comments provided to the committee; and (3) the experience and knowledge of the members of the committee.

RECOMMENDATIONS CONCERNING AGENCY PROGRAMS

1. Support and encourage the continuation of the reorganization of the Division of Child and Family Services in Nevada's Department of Human Resources.
2. Encourage the division to identify and pursue its major budget account and category revisions for presentation to the next session of the Legislature and specifically to the budget committees.
3. Urge the Director of the Department of Administration to classify Child Protective Services workers as public safety employees.
4. Encourage the division to maximize the earning of Federal dollars by pursuing case management reimbursement through Medicaid.
5. Urge the division to develop a memorandum of understanding with the Budget Office adopting child welfare staffing standards.
6. Encourage the division to pursue accreditation from the Joint Commission on Accreditation of Health Care Organizations for Northern Nevada Child and Adolescent Services and Southern Nevada Child and Adolescent Services.
7. Require, by statute, that the division, in consultation with the Legal Division of the Legislative Counsel

Bureau, develop fee schedules for all services provided by the division. (BDR 18-408)

8. Urge Nevada's Congressional Delegation to redirect legislation before the United States Congress concerning foster care to emphasize additional funding for family preservation services.
9. Require, by statute, that the Division of Child and Family Services adopt regulations concerning the adoption process if assigned the duties of the Welfare Division concerning adoption. (BDR 18-400)

RECOMMENDATIONS CONCERNING THE ADOPTION PROCESS

Adoptive Parents

10. Amend statutes to allow any licensed child placing agency to receive an adoption request and complete the required home study investigation. Should a licensed child placing agency decline to provide these services, the division would still be required to complete the study within the required 60-day time period. (BDR 11-402)
11. Require, by statute, that health insurance policies sold or issued within Nevada provide coverage for medical costs paid by adoptive parents, including birth expenses, that are incurred as part of their adoption fees. Further, provide that coverage for adopted children or children placed for adoption include care and treatment from birth, including coverage for congenital defects and birth anomalies. (BDR 57-409)
12. Amend statutes to allow adoptive and biological parents to agree to waive confidentiality of adoption proceedings and allow the parties, by mutual consent, to share identifying information. Either of the parties may choose to exercise the option of maintaining the traditional, confidential approach. (BDR 11-403)
13. Encourage the Division of Child and Family Services to include an adoptive parent, as a non-voting unpaid volunteer, on any division decisionmaking panels which review home study reports for prospective adoptive

parents, as required under statute. The adoptive parent member(s) would be selected by the administrator from a list submitted by adoptive parent support groups.

14. Require, by statute, that the Division of Child and Family Services adopt regulations defining the criteria used to determine what constitutes an "unsuitable" home for adoption. Further, require that the division provide prospective adoptive parents an opportunity to review an adverse report with the agency prior to its submission to the court. (BDR 11-410)

Promotion of the Adoption Alternative

15. Amend statutes to eliminate the financial "means test" for the division's subsidy program to encourage the adoption of special needs children. This would allow the division to combine its statutory subsidy program with its Federal subsidy program. (BDR 11-404)
16. Encourage the division to include in its budget request funding for a pilot program similar to the Single Parent Program recently deleted from the agency's budget. The program would provide support services for certain birth mothers who choose to place a child for adoption. Eligibility for the program would be determined by the Division of Child and Family Services based upon need and upon presumed eligibility for certain social welfare programs should the mother have decided not to relinquish the child for adoption. Services would include job training, educational assistance, housing assistance, and other services that would have been available to the biological mother, should she have decided not to place the child for adoption.
17. Urge that school districts make available information concerning adoption to students in secondary school. Further recommend that the adoption information booklet required under *Nevada Revised Statutes* 127.009 be distributed by the Division of Child and Family Services to all high schools and made available to interested students.

Further, allow the division, by statute, to accept gifts and grants to assist in the production and distribution of the booklet. (BDR 11-406)

18. Encourage the State Department of Education to make a report to the 1993 Nevada Legislature concerning the implementation of Assembly Concurrent Resolution No. 28 (File No. 132) of the 1991 Legislative Session. The resolution urges the State Department of Education and county school districts to provide information to pupils about adoption and the financial responsibilities of raising children.
19. Encourage the Division of Child and Family Services to utilize additional placement services for special needs children, such as The Cap Book, Inc., and the Downs Syndrome Adoption Exchange.

Relinquishment

20. Establish by statute that each licensed child placing agency, including the Division of Child and Family Services, utilize the services of a licensed clinical social worker who is not affiliated with the agency to witness a relinquishment form. Exemptions would be allowed in rural areas of the State when required personnel are not available. (BDR 11-407)
21. Amend statutes concerning advertising and soliciting by nonlicensed or out-of-state adoption entities, to prohibit any advertising by such entities that offer adoption advice, counseling, or services. Further, provide that violation of this provision be considered a gross misdemeanor. (BDR 11-405)

FOSTER CARE

22. Amend current statutory provisions regarding State liability to include foster parents as immune contractors of the State. These provisions would, except under certain circumstances, apply to liability by the foster parent to biological parents for damages sustained by a foster child, and liability to others for damages caused by a foster child. The provisions also would allow for a defense by the Attorney General upon timely request, and require the State to pay an award of damages not to exceed \$50,000. (BDR 3-401)

23. Encourage the division to include in its budget request increased compensation, within available revenues, for persons licensed to conduct family foster homes.
24. Encourage the division to include in its budget request funding to provide respite care services on a limited basis, within available revenues, for certain family foster parents with severely disabled children.
25. Provide, by statute, that a foster parent receiving compensation for board and care, school supplies and clothing allowances, is entitled to receive cost-of-living increases applied to his compensation equivalent to the annual percentage increase in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the United States Department of Labor, in the preceding calendar year. (BDR 38-490)
26. Encourage the division to include an additional \$15,000 per year in its budget request to provide additional training and retention programs for foster parents in excess of what is required for licensing.

FINDINGS

Encourage the division to submit required statutory changes necessary to allow for the permanent reorganization of the agency.

Encourage the division to pursue, through the budget process, the reassignment of rural Mental Health staff serving children (persons aged 18 and under) from the Division of Mental Hygiene and Mental Retardation to the Division of Child and Family Services.

Include in the final report a statement of the committee's support for rural mental health services for children, regardless of which State agency provides these services.

Include in the committee's final report a complete copy of the division's recommendations.

Encourage the Nevada Legislature's Committee on Health Care to include in its review program a study of the incidence and prevalence of newborns who have been exposed prenatally to alcohol and/or other drugs. Further, that the Committee

on Health Care review existing programs and services within the State that may be utilized to reduce the number and severity of drug and alcohol exposed infants. The committee also suggested that the Legislature's Health Care Committee consider informing and involving the Health Division's Advisory Board for Maternal and Child Health in the potential study.

BULLETIN 93-20

STUDY TO EVALUATE AND RECOMMEND POTENTIAL FUNDING
SOURCES FOR THE DEPARTMENT OF WILDLIFE

S.C.R. 36 - 1991 Session

Members

Assemblyman Joseph E. Dini, Jr., Chairman
Senator Bob Coffin
Senator Virgil M. Getto
Senator Thomas J. Hickey
Assemblyman John W. Marvel
Assemblyman Mike McGinness
Assemblyman Larry L. Spitler

Principal Staff

Bob Guernsey, Principal Deputy Fiscal Analyst
(687-6821)

Senate Concurrent Resolution No. 36—Committee on Finance

187

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study to evaluate and recommend potential funding sources for the Department of Wildlife.

WHEREAS, The Legislature of the State of Nevada recognizes the importance of the Department of Wildlife, which is responsible for the preservation, protection, management and restoration of wildlife and its habitat within this state for aesthetic, scientific, recreational and economic benefits; and

WHEREAS, Funding derived from sportsmen in this state has not been sufficient to meet the financial needs of the Department of Wildlife; and

WHEREAS, The Legislature recognizes the financial impact on the Department of Wildlife when reduced or free licenses are allowed for senior citizens, juniors, servicemen, Indians, handicapped persons and disabled veterans; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study to evaluate and recommend potential funding sources which will provide the Department of Wildlife with a long-term plan for adequate funding for all functions performed by the Department; and be it further

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

1. The examination of all functions performed by the Department of Wildlife, including the cost of performing those functions and the source of the money currently used to support each function;

2. A determination of the adequacy of all fees charged by the Department of Wildlife;

3. An analysis of the adequacy of the funding for nongame, educational and other programs operated by the Department of Wildlife;

4. A determination of the functions and the level of participation that should be supported by the residents of Nevada; and

5. An analysis of whether other uses of land which have an impact on the Department of Wildlife, including mining, recreational activities and development, are contributing their fair share to the support of the Department;

and be it further

RESOLVED, That the Legislative Commission submit a report of its findings and any recommendations for appropriate legislation to the 67th session of the Nevada Legislature.

ABSTRACT

STUDY TO EVALUATE AND RECOMMEND POTENTIAL FUNDING SOURCES FOR THE DEPARTMENT OF WILDLIFE

The 66th Session of the Nevada Legislature adopted Senate Concurrent Resolution No. 36 (File No. 187, *Statutes of Nevada 1991*), which directed the Legislative Commission to conduct an interim study to evaluate and recommend potential funding sources for the Department of Wildlife.

The S.C.R. 36 Subcommittee held a total of three meetings which took place in Las Vegas, Reno, and Carson City.

The 1991 Legislature received considerable testimony on funding problems within the Department of Wildlife and the possibility of insufficient funds to meet obligations during the 1991-93 biennium. At one point, the Department of Wildlife officials were estimating a potential deficit of \$1.3 million.

The 1991 Legislature reacted to the funding problems in a number of ways, including raising out-of-state hunting and fishing licenses and big game tags. The Legislature also added additional funding from the mining industry and increased the transfers from the Department of Tourism and a separate trout management account. In addition, the Legislature recognized the cost to the Department of Wildlife of free or reduced hunting and fishing licenses granted by the Legislature to certain groups including senior citizens, servicemen, and Indians, and increased the general fund support to offset the costs. The 1991 Legislature recognized the need to place the Department of Wildlife on a more permanent financial footing in the future. Accordingly, the 1991 Legislature passed Senate Concurrent Resolution No. 36 to study and evaluate potential funding sources for the Department of Wildlife.

The subcommittee received considerable input from a variety of sources including Department of Wildlife officials, Board of Wildlife Commissioners members, and concerned members of the public.

The subcommittee reviewed a number of proposals and adopted a total of five recommendations to improve and stabilize the funding of the Department of Wildlife.

SUMMARY OF RECOMMENDATIONS

STUDY TO EVALUATE AND RECOMMEND POTENTIAL FUNDING SOURCES FOR THE DEPARTMENT OF WILDLIFE

The Legislative Commission's Subcommittee to Evaluate and Recommend Potential Funding Sources for the Department of Wildlife recommends to the 67th Session of the Nevada Legislature:

1. That the Department of Wildlife continue to justify low cost and free licenses, and supports the concept of general fund reimbursement to the Department of Wildlife for revenues lost by the issuance of low cost licenses to senior citizens, juniors and servicemen and free licenses to disabled veterans and Indians.
2. Continued funding transfers from the Department of Tourism to support Department of Wildlife programs in support of tourism efforts in the State of Nevada.
3. The 1993 Legislature consider an increase in hunting and fishing licenses, if the Department of Wildlife can justify those increases to the 67th Session.
4. Continued general fund support for nongame programs operated by the Department of Wildlife.
5. Continued support from the mining industry at current funding levels as enacted in Assembly Bill 535 (Chapter 692) by the 1991 Legislative Session.

BULLETIN 93-21

WELFARE SYSTEM IN NEVADA

A.C.R. 16 - 1991 Session

Members

Assemblywoman Vivian L. Freeman, Chairman
Senator Diana M. Glomb, Vice Chairman
Senator William R. O'Donnell
Assemblyman Joan A. Lambert
Assemblyman Phil Stout
Assemblywoman Myrna T. Williams
Assemblyman Wendell P. Williams

Principal Staff

Steve Abba, Program Analyst
(687-6821)

Assembly Concurrent Resolution No. 16—Assemblymen Evans, Callister, Marvel, Price, McGinness, Pettyjohn, Goetting, Giunchigliani, Heller, Spitler, Myrna Williams, Stout, Dini and Humke

FILE NUMBER.....¹⁷⁹

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the welfare system in Nevada.

WHEREAS, The State of Nevada is experiencing an unprecedented rate of growth in its population; and

WHEREAS, The welfare system in this state was not designed to meet the changing demands of this increase in population; and

WHEREAS, It is in the public interest to identify the specific nature of those demands, the availability of resources to provide the necessary welfare services and the means to ensure that the necessary welfare services are provided efficiently; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study of the welfare system in Nevada; and be it further

RESOLVED, That the study include:

1. An evaluation of the various welfare services being provided by the state and its counties, and by any private organizations in the communities of this state;

2. The identification of any programs established by the Federal Government which are available to Nevada for the provision of welfare services, whether or not they are currently being conducted in this state;

3. The identification of any needs for welfare services in this state which are not being satisfied, and of any welfare services being duplicated by the various providers of those services in Nevada; and

4. The identification of means to improve the welfare system in this state; and be it further

RESOLVED, That the results of the study and any recommended legislation be reported to the 67th session of the Nevada Legislature.

19  91

ABSTRACT

WELFARE SYSTEM IN NEVADA

The 66th Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 16 (File No. 179, *Statutes of Nevada*, page 2638) which directed the Legislative Commission to conduct an interim study of the welfare system in Nevada. The Legislative Commission appointed a subcommittee of seven legislators to conduct the study and report the results of the study and any recommended legislation to the 1993 Legislature.

The impetus for the A.C.R. 16 study was the State's unprecedented welfare caseload growth, which has impacted and strained all tiers of government within Nevada's welfare network. This growth has been costly and has occurred during a period of limited financial resources and increased competition for available funding among the various public service sector needs. The A.C.R. 16 Subcommittee's goal was to investigate and identify alternatives to improve the delivery of welfare services in response to Nevada's changing social and financial conditions.

The A.C.R. 16 Subcommittee conducted five meetings in Carson City, Las Vegas, and Reno. The subcommittee received considerable testimony from representatives of various organizations involved in the delivery of welfare services at the State and local levels, a representative from the National Conference of State Legislatures, and from sources attending the public hearings who are familiar with Nevada's welfare system. The subcommittee adopted 17 recommendations addressing a variety of issues in the following general areas:

1. The provision of Medicaid services (eight recommendations);
2. The Aid to Dependent Children program (four recommendations);
3. Emergency assistance (one recommendation);
4. Statewide human services coordination and planning (one recommendation);

5. Welfare administration (one recommendation);
6. County welfare administration (one recommendation); and
7. Promoting family unity (one recommendation).

SUMMARY OF RECOMMENDATIONS

WELFARE SYSTEM IN NEVADA

This summary represents the conclusions and recommendations reached by the subcommittee. The conclusions and recommendations are based on: (1) testimony and suggestions made to the subcommittee from representatives of various organizations involved in the delivery of welfare services, a representative from the National Conference of State Legislatures (NCSL), and others attending the public hearings who are familiar with welfare services in Nevada at the state and local levels; (2) the experience and knowledge of the members of the subcommittee; (3) research by the subcommittee members and staff; and (4) other correspondence, studies, and materials made available to the subcommittee.

The subcommittee's recommendations and actions are as follows:

1. The subcommittee recommended the Welfare Division proceed with a freedom of choice waiver (1915b) request to the Health Care Financing Administration to mandate statewide Medicaid recipient enrollment in a primary care case management program and waive statewideness and comparability of service requirements. The subcommittee noted a statewide freedom of choice waiver is most desirable and advantageous to the Medicaid program and its recipients. However, primarily due to provider availability constraints in Washoe County and the rural areas of the State, obtaining a freedom of choice waiver will most likely occur in the Clark County area.
2. The subcommittee recommended that the 1993 Legislature, by resolution, urge the United States Congress to approve the Medicaid Managed Care Improvement Act (S. 2077). This proposed legislation would allow states significant flexibility in developing Medicaid managed care programs.
3. The subcommittee recommended and endorsed the Aid to Dependent Children (ADC) "fill the gap" budgeting concept. "Fill the gap" budgeting allows ADC recipients to retain earned income (earned income from employment only) without reducing their ADC grant payment, until the combined maximum ADC grant plus earnings reach

100 percent of the Nevada need standard. In support of this recommendation the subcommittee:

- a. Requested the Welfare Division include the "fill the gap" budgeting methodology and costs in the division's 1993-1995 biennial ADC budget request;
 - b. Directed staff to draft a memorandum to the Director, Department of Human Resources, requesting the department's cooperation to include the ADC "fill the gap" budgeting methodology in the Welfare Division's 1993-1995 biennial ADC budget request; and
 - c. Recommended legislation which would incorporate the ADC "fill the gap" budgeting methodology for earned income only into the Welfare Division's ADC grant determination and eligibility process.
4. The subcommittee endorsed the "concept" of increasing maximum ADC payments to 100 percent of need by the year 2000.
 5. The subcommittee recommended to endorse the "concept" of restoring payment of ADC benefits retroactive to the date the ADC application was received versus the date ADC eligibility is determined.
 6. The subcommittee recommended the Welfare Division compile and prepare a biannual ADC characteristics study to coincide with the Executive Budget process and legislative budget review cycles.
 7. The subcommittee recommended that the Welfare Division, county social service directors, and the Nevada Association of Counties initiate a dialogue to further study the feasibility of establishing an emergency assistance program. The subcommittee's intent was for these entities to develop a viable program, tailored to meet in the most efficient and cost-effective manner while maximizing available funding resources, the needs as they exist at the State and local levels. In support of this recommendation, the subcommittee directed staff to draft a memorandum to all affected parties encouraging their participation in fruitful discussion with the specific purpose of resolving current differences

which have precluded the realization of the intended recommendation.

8. The subcommittee recommended the adoption of presumptive eligibility criteria for pregnant women. The subcommittee's intent was to create expedited, easy and early access to pre-natal care for potentially eligible Medicaid clients.
9. The subcommittee endorsed for consideration during the upcoming Executive Budget and legislative budget review process to expand the coverage threshold for the Child Health Assurance Program (which provides Medicaid coverage to pregnant women and children) to a higher percentage of poverty than the federally mandated minimum coverage level of 133 percent of poverty currently supported in Nevada.
10. The subcommittee recommended that the State/county shared responsibility for funding the Medicaid long-term care program up to the Federal allowable maximum (300 percent Supplemental Security Income [SSI]) be continued. However, the subcommittee recommended adjusting the state's current maximum coverage threshold of \$714 with an annual cost-of-living increase (COLA) using a recognized cost-of-living index.
11. The subcommittee recommended the Welfare Division enter into a 1634 agreement with the Social Security Administration (SSA) whereby the SSA would make Medicaid determinations for SSI recipients. This subcommittee recommendation will not expedite the eligibility determination process. However, it will save the recipient from having to formally complete duplicate applications for Medicaid at the SSA and Welfare Division offices; eliminate the need for the Welfare Division case workers to process Medicaid applications for SSI recipients; and assure the maximum Medicaid coverage be available to the SSI recipient retroactive to the date of formal application.
12. The subcommittee recommended further study be conducted to determine if an optional deduction for nursing home residents receiving Medicaid, called a "home maintenance allowance," is a viable cost-effective measure worthy of future consideration. The optional home maintenance allowance provision allows the Medicaid agency to deduct

from total income an amount for maintenance of the individual's or couple's home if certain conditions are met.

13. The subcommittee recommended to completely eliminate the budget funding "caps" currently placed on the Welfare Division's Aid to Dependent Children, Food Stamps, Medicaid, and Employment and Training Program budgets for the upcoming 1993-1995 biennium.
14. The subcommittee recommended the creation of a statewide human resources planning committee to function in an advisory capacity, providing assistance, advice, and direction on human services issues and human services long-range planning. The intent of the subcommittee is to establish an advisory committee, whose membership consists of diverse backgrounds and orientation, to provide guidance in continuing the development and refinement of a statewide human services master plan.
15. The subcommittee recommended to endorse support for legislation to be sponsored by Clark County Social Services which eliminates single employables and employable childless couples from mandatory county financial aid.
16. The subcommittee recommended the Department of Human Resources explore all avenues in attempting to restructure and develop a provider tax program maximizing State benefits for the upcoming biennium which will conform to Federal provider tax rules and regulations.
17. The subcommittee recommended that the 1993 Legislature, by resolution, urge the U.S. Congress to evaluate the implications and/or ramifications legislation will potentially have on maintaining family stability and family unity.

BULLETIN 93-22

REPORT OF TECHNICAL ADVISORY COMMITTEE TO STUDY OF
PERSONS NOT COVERED BY HEALTH INSURANCE

S.B. 503 - 1991 Session

Members

Senator Raymond D. Rawson, Chairman
Assemblyman Rick Bennett
Bill Bradley
Randall V. Capurro
Frank R. Guisti, Jr.
Charles Perry
Janice Pine
Marie H. Soldo
Teresa P. Rankin, Commissioner of Insurance
Senator Randolph J. Townsend, ex officio, nonvoting

Principal Staff

Kerry Carroll Davis, Senior Research Analyst
(687-6825)

Senate Bill No. 503—Senators Rawson, O'Connell, Adler, Coffin, Getto, Glomb, Hickey, Horn, Jacobsen, Neal, Nevin, O'Donnell, Raggio, Rhoads, Shaffer, Smith, Titus, Tyler and Vergiels

CHAPTER 648.

AN ACT relating to insurance; authorizing insurers to establish a plan of health insurance for small employers; establishing requirements concerning coverage provided by policies or contracts issued pursuant to the plan; requiring the University of Nevada System to conduct a study of persons who are not covered by health insurance; 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 17. 1. The board of regents of the University of Nevada System shall direct a study within the system of persons in this state who are not covered by health insurance.

2. The study must:

(a) Determine the total number of persons in this state who are not covered by health insurance;

(b) Determine the reasons for the lack of insurance coverage;

(c) Classify the persons who are not covered by insurance by age, income, employment status, residence and any other classifications deemed relevant; and

(d) Address such other matters as required by the technical advisory committee.

3. The legislative commission shall appoint a technical advisory committee to coordinate and assist in the study conducted pursuant to this section. The legislative commission shall appoint to the committee:

(a) One member of the assembly;

(b) One member of the senate;

(c) Two representatives of insurers;

(d) Two representatives of providers of health care;

(e) One representative of health maintenance organizations;

(f) One representative of employers who must be an employer, as defined in section 2 of this act; and

(g) The commissioner of insurance.

4. The members of the technical advisory committee, other than the legislative members, serve without compensation.

5. The legislative members of the committee are entitled to receive out of the legislative fund the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session for each day or portion of a day of attendance at a meeting of the committee, and the per diem expense allowances provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

6. A report of the study must be prepared and presented to the legislative committee on health care on or before October 1, 1992.

Sec. 18. 1. There is hereby appropriated from the legislative fund to the University of Nevada System the sum of \$50,000 to conduct the study required by section 17 of this act. The money appropriated pursuant to this subsection must be paid from the fees collected for the support of the legislative committee on health care pursuant to NRS 449.465.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after October 1, 1992, reverts to the legislative fund as soon as all payments of money committed have been made, and must be used for the support of the legislative committee on health care.

ABSTRACT

REPORT OF TECHNICAL ADVISORY COMMITTEE TO STUDY OF PERSONS NOT COVERED BY HEALTH INSURANCE

The 66th Session of the Nevada Legislature enacted Senate Bill 503 (Chapter 648, *Statutes of Nevada 1991*, pages 2152-2155) which, among other directives, required the Board of Regents of the University of Nevada System to direct a study of Nevadans without health insurance. In addition, a technical advisory committee was appointed to coordinate and assist in the study. The committee consisted of two legislators, Nevada's Commissioner of Insurance, and six health care industry representatives.

The measure specified the study must:

1. Determine the total number of persons in the State who are not covered by health insurance;
2. Determine the reasons for the lack of coverage;
3. Classify uninsured persons by age, income, employment status, residence, and any other classifications deemed relevant; and
4. Address additional matters as required by the technical advisory committee.

The technical advisory committee conducted six meetings. Initial hearings focused on developing a mail survey instrument with the committee's consultant, the Center for Business and Economic Research at the University of Nevada, Las Vegas. The final meetings were convened to refine the analysis of the data and discuss legislative approaches to reduce Nevada's uninsured population. As required by statute, the findings of the survey along with suggestions for legislative action were reported to the Nevada Legislature's Committee on Health Care (*Nevada Revised Statutes 439B.200*).

The committee presented several proposals to the Committee on Health Care. These proposals, most of which were related to employer-based health insurance coverage, in addition to prevention and wellness initiatives, were designed to increase access to health insurance coverage for uninsured Nevadas.

SUMMARY OF RECOMMENDATIONS

REPORT OF TECHNICAL ADVISORY COMMITTEE TO STUDY OF PERSONS NOT COVERED BY HEALTH INSURANCE

In accordance with Senate Bill 503, the technical advisory committee reported the survey results to the Nevada Legislature's Committee on Health Care. In addition, while not required to formally adopt recommendations, the technical advisory committee also forwarded proposals to increase access to health insurance coverage for uninsured Nevadans to the Committee on Health Care. These proposals addressed areas such as:

- Employer incentives to provide health insurance;
- Prevention/wellness services and insurance products for children;
- The definition of basic health insurance coverage; and
- The creation of a high-risk insurance pool.