

Committee in session at 7:35 a.m. Senator Floyd R. Lamb was in the Chair.

PRESENT: Senator Floyd R. Lamb, Chairman
Senator James I. Gibson, Vice Chairman
Senator Eugene V. Echols (absent during part of voting)
Senator Norman D. Glaser
Senator Thomas R.C. Wilson (absent during part of voting)
Senator Lawrence E. Jacobsen (absent during part of voting)
Senator Clifford E. McCorkle

ABSENT: None

OTHERS Ronald W. Sparks, Chief Fiscal Analyst
Eugene Pieretti, Deputy Fiscal Analyst
Howard Barrett, Budget Director
Kathy List, wife of the Governor
Ralph DiSibio, Director, Dept. of Human Resources
Paul Cohen, Administrative Health Services Officer
Bing Oberle, Acting Director, Ment. Health and Ment. Retardati
Ted Sanders, Superintendent of Public Instruction
Jim Costa, Federal Liaison, Dept. of Education
Jim Shields, lobbyist, Education
Sam Mamet, lobbyist, Clark County
Vernon Bennett, Executive Officer, PERS
Justice Noel Manoukian, Nevada Supreme Court
Judge James Guinan, Washoe County District Court
Bruce Spaulding, County Manager, Clark County
Bob Gagnier, SNEA lobbyist
Roger Laird, Employee Relations Officer, Personnel Div.
John Hawkins, lobbyist, School Trustees of Nevada
William Isaëff, Deputy Attorney General
Cy Ryan, United Press
John Rice, Associated Press
Ed Vogel, Las Vegas Review-Journal

AB 824 Consolidates parole officers for juvenile offenders into youth parole bureau in youth services division of department of human resources. (Attachment A)

Kathy List, wife of the Governor, read a prepared testimony. (See Attachment B)

Senator Lamb said the budget shows program costs to be \$550,000. He asked if the program requires new positions, or are positions being taken from existing programs. Dr. DiSibio replied that all are being taken from existing budgets in the Dept. of Human Resources; one will be from Health, one from Welfare and the remaining from the Youth Services Agency.

Senator Lamb asked if there was, in the past, a surplus of positions. Dr. DiSibio said no; there were various functions concerning youth being performed in various divisions; now they are being consolidated. He said one position was not needed as much as this agency was needed, and they have deleted it from the budget.

Senator Jacobsen moved "Do Pass" AB 824.

Seconded by Senator Echols.

Senator McCorkle requested the bill be postponed until he reads the bill.

Bill held.

AB 534 Lowers age of eligibility and revises benefits for surviving spouses of deceased supreme court justices and district judges. (Attachment C)

James Guinan, Chairman, Legislative Committee, Nevada District Judge's Association, and Washoe County District Judge, testified in favor of this bill. He stated there are two widows whose husbands retired so long ago that half of what the judge would receive

(AB 534 cont.)

would be less than \$400 per month. Judge Guinan said therefore they have allowed a benefit of \$600 in the bill, or half of what the judge would have received, whichever is greater. He also said they would like to reduce the retirement age of widows from 65 years to 60 years; this change would have no immediate effect because there are no widows between the ages of 60 and 65. He added that Judge Waters' widow is about 58 years old, has health problems, and would become eligible shortly. Currently there are only 4 widows receiving benefits.

Justice Manoukian added that if more qualified personnel are to be attracted to Nevada's bench, this benefit should be considered.

ACR 55 Approves application to Fleischmann Foundation to obtain grant for mental health and mental retardation facilities. (Attachment D)

Dr. Bing Oberle, Acting Director, Mental Health and Mental Retardation Division, introduced and testified for this bill. He said the division basically concurs with Senator Kosinski's recommendations which contains 5 "prioritized" projects.

Dr. DiSibio said he also concurs with Senator Kosinski's recommendations for the division to apply for funds from the Fleischmann Foundation for buildings, with the exception of number 1. He said item number 1, the Special Children's Clinic, is now being considered on the Capital Improvements Projects (CIP) list. He advised the Finance Committee to revise their CIP list to include \$800,000 for the Special Children's Clinic. It can then be deleted from the list and referred to in ACR 55. He said if it remains on the list, there is a possibility it would not be built, if Fleischmann monies do not materialize.

Senator McCorkle asked what happened to the idea of having a contractor build the Special Children's Clinic to suit. Dr. DiSibio replied they went to the present lessor of the building they are in and asked him for construction costs to build to suit. He said the cost was 96 cents per square foot for rent, for a ten year lease. Dr. DiSibio said they then went to bid, but all bids were excessive in terms of rent. For the \$800,000 on the CIP list the building would have paid for itself in 3 years if it were rented at 96 cents per square foot. He said the builders could have built it for \$800,000, but would lease it back to the State at 96 cents per square foot.

Dr. DiSibio said that builders, which included legislators, have recommended a general fund CIP as the most cost effective and most assured way of getting the Special Children's Clinic.

Dr. DiSibio said that Senator Kosinski's original estimate of the cost of building the Clinic was about \$1,300,000. Project number 1 (the Clinic) should be deleted, but Dr. DiSibio requested that a total of \$3,400,000 still be allowed to be applied for. Instead of the \$1,296,000 applied for the Clinic, they would apply for funding to build a Lakes Crossing type of facility in Las Vegas. He stressed that a Lakes Crossing type of facility should be substituted as Item 1, and leave the figures the same.

Senator Jacobsen asked what are the chances of receiving Fleischmann funds. Dr. DiSibio said the chances are remote as this is the last time the Fleischmann funds will be available and competition will be stiff.

AB 224 Increases employer's contribution for premiums under state group insurance policies. (Attachment E)

Roger Laird, Employee Relations Officer, Personnel Division, stated this bill is part of the Governor's negotiated package, and described the bill to the Committee.

Senator Lamb asked what is the total cost of this bill. Mr. Laird

(AB 224 cont.)

said \$1,400,000 above existing premium costs the first year; and \$3,000,000 the second year of the biennium.

Senator Lamb asked if this is a fringe benefit that could be considered in making salary increases. Bob Gagnier, SNEA lobbyist, said yes; it is an important increase because it is across the board.

Senator Lamb asked if this benefit was considered when the salary increases were requested. Mr. Gagnier answered yes; it was included in the overall costs in compliance with the presidential guidelines. The presidential guidelines give special treatment to health insurance; only increases in those costs which are directly attributable to increased benefits can be charged. There are no increases in benefits other than maternity coverage which does not count as it was mandated by the federal government.

AB 444 Changing amount of and eligibility for payment to state employees for sick leave not taken. (Attachment F)

Mr. Laird testified this is part of the Governor's negotiated package and described the bill. He said it would save the state approximately 6,700 man days a year in reduction of paid sick leave usage. The additional costs of this bill are approximately \$75,000. In the trade-off between reducing paid sick leave compared to the additional cost of paying for unused sick leave, there is a savings.

Mr. Gagnier remarked the lid was put on 2 years ago because costs were unknown at that time; now those costs are available.

AB 304 Makes appropriation to state department of education for capital improvements in local school districts. (Attachment G)

Ted Sanders, Superintendent of Public Instruction, Dept. of Education, reviewed this bill. He said federal monies will probably be available to all states for energy conservation in public buildings, including schools. The one-shot request for energy-saving construction was \$2,864,650. The remaining \$885,350 was for the removal of architectural barriers which is federally mandated. He said the federal government requires that each school district assess their programs and facilities to identify problems to the handicapped. He urged the Committee to adopt AB 304.

Senator Jacobsen asked how many students are handicapped. Mr. Sanders answered about 7 percent of Nevada students; and he has the figures for each district. Senator Jacobsen asked if there are laws forbidding barriers in new construction. Mr. Sanders said yes.

Senator Jacobsen asked what would happen if the legislature does not fund these projects. Mr. Sanders said the school districts would have to use their own budgets to meet the already-identified needs. They would probably use their operating budgets since amounts for each district are not substantial for a bond issue.

John Hawkins, lobbyist, School Trustees for State of Nevada, testified the school trustees support AB 304.

Senator Jacobsen asked how the problems of the handicapped were dealt with in the past. Mr. Hawkins said the federal government mandated these projects previously because the state did not take care of the handicapped. Some schools did not have handicapped children; they tried to assign children to schools suitable for their type of handicap.

Senator Jacobsen asked if "handicapped" refers to handicaps such as speech. Mr. Hawkins said no; it refers to students who have problems with movement.

AB 725 Provides for Nevada industrial commission to submit its proposed budget to chief of budget division, division of administration. (Attachment H)

2683

(AB 725 - bill action continued)

Senator Lamb referred to the amendments to AB 725.

Senator Jacobsen moved the amendments to AB 725 be adopted.

Seconded by Senator Gibson.

Motion carried.

Senator Jacobsen moved "Do Pass As Amended" AB 725.

Seconded by Senator Gibson.

Motion carried.

AB 451 Creates Commission of Future of Nevada. (Attachment I)

Senator Lamb said he thought the amendment which changes "create" to "recommend" would delay the bill. The Committee agreed to omit the amendment.

Senator Jacobsen moved "Do Pass" AB 451.

Seconded by Senator McCorkle.

Motion carried.

SB 243 Adds two judges to second judicial district.
(Attachment J)

Senator Close said the reason Clark County did not receive judges is because they did not present facts, as Washoe County did, to justify additional judges. However, Clark County is larger and has more suits than Washoe County; also three Clark County judges are ill. The need is great in Clark County for judges; and there is courtroom space.

Senator Lamb said he thinks Washoe County received too many judges. Senator Close agreed; one judge is enough. He said to give Clark County no judges, when case loads are increasing, is not good.

Bruce Spaulding, County Manager, Clark County, and Sam Mamet, lobbyist, Clark County, testified against additional judges for Clark County.

Mr. Spaulding estimated that a single court with related expenses costs about \$500,000 a year. Their argument against the judge's position is based on the fact that the need has not been proven. Regarding the courtroom availability Senator Close referred to, he said there is not one available. They took the old county commissioner's chambers and divided it into two courtrooms. He said they would have to construct one or find another one if they receive a new judge.

Senator Jacobsen asked if they could stagger the hours for use of the courtroom. Mr. Spaulding said they do not. Senator Jacobsen asked if they can use an extra judge. Mr. Spaulding said yes; but for a very short term; they expect the ailing judges to return to work.

Senator McCorkle asked if the fact that there is sometimes a year's delay in cases being heard, evidence there is a shortage of judges? Mr. Spaulding said in some courts there are delays and in some there are not.

Senator Gibson asked if 3 judges are inoperative, why would it cost more to add one; the staff for that person is already available. Mr. Spaulding said over the short term it would work; not over the long term.

Senator Close said Judge Guy's courtroom could be made available full time. He said criminal cases are current because the law

(SB 243 cont.)

requires them to be; but civil cases are not. Senator Close said a new judge could be a civil judge; and would not require the great expense that a criminal judge requires.

Senator Jacobsen asked if the legislature can direct a civil judge to be hired. Senator Close said the legislature can require it, the county, or the judges themselves.

Senator Jacobsen said that recently two northern judges worked two weeks in Las Vegas. Senator Close said the south often borrows judges from the north. This is expensive as the judge and his staff are paid travel and per diem expenses in addition to salary. He added he is not in favor of two judges for Clark County but he is in favor of one judge.

IMMUNIZATION PROGRAM - Page 290

Senator McCorkle explained that he had made a motion to adopt the zero base budget for the second year of the biennium. Mr. Nash has said they have just completed a renewal evaluation at the regional level and the federal government will fund the program for the next five years. Under the minimum package in the zero base budget no federal dollars will be received; the federal grant represents the minimum amount of spending to receive federal monies. The zero base budget minimum package would not be within the federal guidelines.

Senator McCorkle explained there is resistance on the Committee to charges on a per shot basis. Mr. Nash said the counties do need some operating money for paper work. SB 117 will reduce public health costs because responsibility will be put on parents.

Senator McCorkle asked what was the minimum amount of state money needed to fund the program to make it work and Mr. Nash replied about \$80,000, which is for vaccine.

A general discussion ensued on the advantages and disadvantages of the minimum package described in the zero base budget.

SB 569 Requires that fees collected for issuance of drivers' licenses be deposited in state general fund.
(Attachment K)

Senator Lamb read the amendments to SB 569 to the Committee.

Senator McCorkle asked Senator Gibson why he supports this bill. Senator Gibson said at the present time, the Drivers' License Division operates at a loss which comes out of the Highway Fund. Senator Gibson said the Drivers' License Division should pay for itself; if there is a loss, it should come out of the general fund. He feels when it is moved out of the Highway Fund, it will become more self-sufficient.

Senator Gibson moved that amendments to SB 569 be adopted.

Seconded by Senator McCorkle.

Motion carried.

Senators Jacobsen, Wilson, Echols absent.

Senator Glaser moved "Do Pass as Amended" SB 569.

Seconded by Senator Gibson.

Motion carried.

Senators Wilson, Echols, Jacobsen absent.

AB 520 Corrects error in law concerning renewal of real estate license fees and provides credit or refund for excess payments. (Attachment L)

2085

(AB 520 bill action cont.)

Senator Gibson moved "Do Pass" AB 520.

Seconded by Senator Wilson.

Senator McCorkle abstained.

Motion passed.

Senators Jacobsen and Echols absent.

MEDICAL MALPRACTICE - New Budget

William Isaeff, Deputy Attorney General, representing the State Board of Medical Examiners, testified that during the first 2 or 3 years of a malpractice program, instituted by the State in 1975, an average of 3 to 5 cases a year were referred to the attorney general's office. He said from January 1978 to January 1979, cases expanded from a backlog of 8 cases to 35 cases; which involved 21 Nevada doctors, predominantly from Clark County. Mr. Isaeff described the difficulty of these cases.

Mr. Isaeff commented that this increase in cases could be the beginning of a trend of an increasing caseload. He reported that Board of Medical Examiners stated if the State would help them finance the employment of a medical malpractice investigator, they would finance \$12,000. The Ways and Means Committee acted upon an amendment to the Attorney General's budget which would appropriate \$18,000 per year to a special malpractice investigation fund; to be administered by the Attorney General's Office. This would be supplemented by a \$12,000 contribution from the Board of Medical examiners for a \$30,000 per year budget for the next two years.

Senator Wilson asked if there has been legislation this biennium to give the Medical Board the jurisdiction to levy fines. Mr. Isaeff said not that he is aware of.

Senator Wilson asked if Mr. Isaeff recommends that, if the Committee recommends an appropriation, they devise language giving the Board jurisdiction to levy fines. Mr. Isaeff said there is a question whether assessing someone who loses, the cost of his investigation is constitutional.

Senator Wilson asked what kind of dues are collected from medical people. Mr. Isaeff said he thinks they recently doubled their dues to help pay for this program and other costs.

The Committee briefly discussed this budget and agreed to go with the Assembly on it.

SB 240 Provides for control of certain public lands by state of Nevada. (Attachment M)

Senator Glaser stated this bill is identical to an assembly bill which has progressed further than SB 240. Senator Lamb recommended SB 240 be withdrawn.

Senator Glaser moved to Indefinitely Postpone SB 240.

Seconded by Senator Wilson.

Motion carried.

Senators Jacobsen, Echols absent.

SB 541 Provides for determination of mental competency of juvenile offenders. (Attachment N)

Mr. Sparks submitted information on this bill from the Div. of Mental Hygiene and Mental Retardation regarding laws related to juveniles and costs (Attachments O and P).

(SB 541 - bill action cont.)

Senator McCorkle moved "Do Pass" SB 541.

Seconded by Senator Wilson.

Mr. Barrett said there is no money in the budget for this purpose.

Senator Wilson asked if the state has a choice in funding this program. Senator Lamb said the counties can fund it. Senator McCorkle said he believes it is a state responsibility. Mr. Barrett remarked that the Supreme Court said this was a county responsibility.

Senator McCorkle withdrew his motion.

Senator Jacobsen said certain cases could bankrupt a county. He asked if they could establish a limit. Senator Lamb said if the state begins the program it will end up with it.

Mr. Barrett said the budget contains 2 related programs: an adolescent unit at the Mental Health Institute in Reno, and expansion of the adolescent unit in Las Vegas. He said the item not in the budget is monies to place people out of state.

Senator Glaser moved to Indefinitely Postpone SB 541.

Seconded by Senator Lamb.

Senators Jacobsen, Wilson and Gibson voted no.

Motion did not carry.

Senator Echols absent.

Senator Wilson said he would like more information.

Bill held.

SB 325 Creates office of advocate for residents of facilities for long-term care. (Attachment Q)

Mr. Barrett remarked that this program is federally funded but would require a separate division and is not in the budget.

Senator McCorkle moved to Indefinitely Postpone SB 325.

Seconded by Senator Glaser.

Senator Wilson asked what is the reason for the bill. Mr. Barrett replied that presently the advocate is in Aging Services; they want to make a separate division out of it, probably to give this section more visibility.

Mr. Sparks commented it will be administered in the Office of the Director of the Dept. of Human Resources. He said it is really not a new division; it is creating an unclassified position and placing it in Dr. DiSibio's budget. It would not increase the cost of the program. Mr. Sparks said the money is currently in Aging Services under Contract Services and is funded by Title III federal monies.

Senator Wilson asked if federal guidelines require the position to be transferred. Mr. Barrett said no.

Senator McCorkle read a letter from the Nevada Association of Health Facilities, which listed many organizations concerned with Aging Services. He asked why is the state adding another agency.

Senator Gibson remarked he does not know where the program is better placed, where it is now, or in Dr. DiSibio's office.

Mr. Barrett said this program really shouldn't be on contract; it was on contract because the previous director didn't want to add a position. Mr. Barrett said it really should be a state position.

2687

(SB 325 - bill action cont.)

Senator Lamb called for a vote on the motion.

Senators Lamb, Gibson and Wilson voted no.

Motion did not carry.

Senator Echols absent.

Senator Gibson moved "Do Pass" SB 325.

Seconded by Senator Wilson.

Senator McCorkle voted no.

Motion carried.

Senator Echols absent.

AB 824 Consolidates parole officers for juvenile offenders into youth parole bureau in youth services division of department of human resources. (Attachment A)

Senator McCorkle remarked he does not like to create new departments of government; he would like to hear the rationale for doing this. He said this program will cost more in two years.

Senator Wilson suggested the Committee read the bill before making a decision.

AB 304 Makes appropriation to state department of education for capital improvements in local school districts. (Attachment G)

Senator Jacobsen moved "Do Pass" AB 304.

Seconded by Senator Gibson.

Motion carried.

Senator Echols absent.

AB 224 Increases employer's contribution for premium under state group insurance policies. (Attach. E)

Senator Jacobsen moved "Do Pass" AB 224.

Seconded by Senator Glaser.

Senator McCorkle voted no.

Motion carried.

Senator Echols absent.

ACR 55 Approves application to Fleischmann Foundation to obtain grant for mental health and mental retardation facilities. (Attach. D)

Senator Jacobsen moved "Do Pass" ACR 55.

Mr. Sparks said Dr. DiSibio's request for a change in priorities, adding the Special Children's Clinic to the CIP list should be attached to ACR 55 as legislative intent.

Seconded by Senator Glaser.

Motion carried.

Senator Echols absent.

AB 534 Lowers age of eligibility and revises benefits for surviving spouses of deceased supreme court justices and district judges. (Attach. C)

Senator Jacobsen expressed concern for Mrs. Waters.

Senator Jacobsen moved "Do Pass" AB 534.

Senator Gibson remarked the fiscal note is wrong. Mr. Sparks agreed. Senator Jacobsen said it is about \$18,000 to \$20,000.

Senator Gibson asked Mr. Sparks to find out the result of lowering the age and keeping the benefit the same.

Bill held.

SB 408 Revises act relating to Marlette Lake Water System. (Attachment R)

Senator Jacobsen said the Finance Committee moved this bill for amendments but not for passage.

Senator McCorkle moved "Do Pass as Amended" SB 408.

Seconded by Senator Jacobsen.

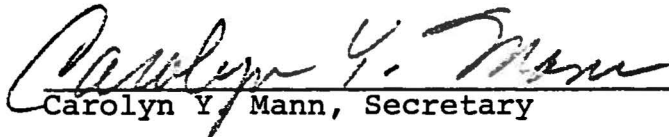
Senator Lamb voted no.

Motion carried.

Senator Echols absent.

Meeting adjourned at 9:50 a.m.

Respectfully submitted,


Carolyn Y. Mann, Secretary

APPROVED:


Floyd R. Lamb, Chairman

ATTACHMENT A

A. B. 824

ASSEMBLY BILL NO. 824—ASSEMBLYMEN MELLO, VERGIELS,
BREMNER, MANN, WAGNER, BARENGO, GLOVER, WEBB,
HICKEY, RHOADS AND CAVNAR

MAY 3, 1979

Referred to Committee on Ways and Means

SUMMARY—Consolidates parole officers for juvenile offenders into youth parole bureau in youth services division of department of human resources. (BDR 16-1368)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to juvenile offenders; creating the youth parole bureau in the youth services division of the department of human resources; consolidating parole officers into that bureau; making certain other reorganizations within the department and in its advisory boards; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 210.010 is hereby amended to read as follows:
2 210.010 As used in NRS 210.010 to 210.290, inclusive:
3 1. "Administrator" means the administrator of the youth services
4 [agency] *division* in the department of human resources.
5 2. "Director" means the director of the department of human
6 resources.
7 3. "School" means the Nevada youth training center, [heretofore]
8 established and maintained for the care of minors adjudged delinquent
9 and committed thereto.
10 4. "Superintendent" means the superintendent of the school.
11 5. "Youth parole bureau" means the youth parole bureau of the
12 youth services division in the department of human resources.
13 SEC. 2. NRS 210.240 is hereby amended to read as follows:
14 210.240 1. When an inmate is eligible for parole according to reg-
15 ulations established for that purpose [.] and parole will be to [the] his
16 advantage, [of the inmate,] the superintendent may grant parole [under
17 such conditions as he deems best.
18 2. Each person paroled shall be placed in a reputable home and
19 enrolled in an educational or work program. The school may pay the
20 expenses incurred in providing such a home.

STATE OF NEVADA
THE EXECUTIVE MANSION
CARSON CITY, NEVADA 89701

May 8, 1979

ATTACHMENT B

PROPOSED TESTIMONY BY KATHY LIST

In Support of Assembly Bill 824

I am speaking this morning in favor of Assembly Bill 824, which would establish a Youth Services Division in the Department of Human Resources.

For many years, the State of Nevada has not had a single focal point for the services given to children and youth of our state. This new division would provide this needed focus. In this, the International Year of the Child, it is important that we do more than give lip service to having government provide the care and concern necessary to assure that mentally and physically healthy youth grow up to become active, supportive citizens and good parents. It is a time when children and youth must be considered as citizens to the extent of their ability to accept responsibility. Children and youth today need to be an integral part of our society and culture.

Government cannot, and should not, replace the most fundamental system of teaching our values to children; that is, the family system.

The family system must be supported and assisted where necessary and appropriate by government. The creation of this new Youth Services Division will say to the adults and youth of Nevada that the elected officials of this state are vitally concerned with the problems of youth.

Proposed Testimony by Kathy List
Page Two

One of the primary goals of the division will be the prevention of juvenile delinquency. It is so important that we all recognize that each of us is responsible for how children are raised in our society. Programs of prevention in the areas of physical and mental health problems and juvenile delinquency help alleviate future unnecessary burdens on our society. As a wife and mother, I see every day the value of preventive steps. Through careful planning by the new division, the rate of increase of juvenile crime should be cut.

The Department of Human Resources, under the direction of Dr. Ralph DiSibio, is in the process of establishing a committee to study all of the aspects of the delivery of care to children and youth of Nevada. This new division is needed to help implement the findings of that committee. We should now establish action-oriented programs and projects that will produce far-reaching improvements in the status and condition of children and youth.

It is my personal goal to improve the situation of the kids in our state. I hope that you will not only pass Assembly Bill 824, but heartily endorse the concept which it espouses.

Kathy List
KATHY LIST

ATTACHMENT C

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 534

ASSEMBLY BILL NO. 534—COMMITTEE ON
WAYS AND MEANS

MARCH 12, 1979

Referred to Committee on Ways and Means

SUMMARY—Lowers age of eligibility and revises benefits for surviving spouses of deceased supreme court justices and district judges. (BDR 1-973)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to surviving spouses of supreme court justices and district court judges; lowering the age at which the survivors' benefits are payable; increasing the amount of the benefits; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 2.070 is hereby amended to read as follows:
2 2.070 1. If a justice of the supreme court at the time of his [or her]
3 death had retired and was then receiving a pension under the provisions
4 of NRS 2.060, or if at the time of his [or her] death the justice had not
5 retired but had performed sufficient service for retirement under the pro-
6 visions of NRS 2.060, the surviving spouse, [providing such] *if the*
7 spouse has attained the age of [65] 60 years, is entitled, until his [or
8 her] death or remarriage, to receive [the sum of \$400] *payments of*
9 \$500 per month.
10 2. To [be entitled to receive the benefits herein provided for,] *obtain*
11 *such benefits*, the surviving spouse must make application to the board,
12 commission or authority entrusted with the administration of the judges'
13 pensions and furnish such information as may be required pursuant to
14 reasonable [rules and] regulations [to be] adopted for the purpose of
15 carrying out the intent of this section.
16 3. It is the intent of this section that no special fund be created for the
17 purpose of paying [the benefits herein required to be made, and any]
18 *such benefits*, and all payments made under the provisions of this section
19 are specifically directed to be made out of and charged to any fund now
20 or hereafter created for the purpose of paying pension benefits to justices
21 of the supreme court.
22 SEC. 2. NRS 3.095 is hereby amended to read as follows:

ATTACHMENT D

A. C. R. 55

**ASSEMBLY CONCURRENT RESOLUTION NO. 55—ASSEMBLY-
MEN BENNETT, CHANEY, WAGNER, VERGIELS AND SENA**

MAY 8, 1979

Read and adopted

SUMMARY—Approves application to Fleischmann Foundation to obtain grant for mental health and mental retardation facilities. (BDR 1829)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

ASSEMBLY CONCURRENT RESOLUTION—Approving an application by the mental hygiene and mental retardation division of the department of human resources to the Max C. Fleischmann Foundation of Nevada to obtain a grant for mental health and mental retardation facilities.

- 1 **WHEREAS**, Chapter 123 of the Statutes of Nevada 1977 authorizes the
2 mental hygiene and mental retardation division of the department of
3 human resources to submit one or more applications before July 1, 1979,
4 for donations or grants to construct mental health and retardation facili-
5 ties; and
6 **WHEREAS**, The statute requires that before submitting such an applica-
7 tion, the division must present the application to the legislature for
8 approval by concurrent resolution if the legislature is in session; and
9 **WHEREAS**, The mental hygiene and mental retardation division, in
10 coordination with the health division of the department of human
11 resources, has prepared an application to the Max C. Fleischmann Foun-
12 dation of Nevada for donations or grants to construct mental health and
13 mental retardation facilities; now, therefore, be it
14 *Resolved by the Assembly of the State of Nevada, the Senate con-*
15 *curring*, That the legislature hereby approves the application prepared by
16 the mental hygiene and mental retardation division of the department of
17 human resources for submission to the Max C. Fleischmann Foundation
18 of Nevada to obtain donations or grants; and be it further
19 *Resolved*, That any money received pursuant to the application may be
20 expended to acquire real property in the name of the State of Nevada
21 upon which to construct the facilities if construction and use of the facili-
22 ties does not violate any terms and conditions imposed by the donor.

ATTACHMENT E

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 224

ASSEMBLY BILL NO. 224—ASSEMBLYMEN MELLO, BREMNER, MAY, DINI, GLOVER, JEFFREY, BEDROSIAN, BENNETT, CHANEY, BARENGO, WESTALL, GETTO, COULTER, HORN, HAYES, POLISH, BANNER, VERGIELS, MALONE, MANN, TANNER, SENA, FIELDING, CRADDOCK AND RHOADS

JANUARY 26, 1979

Referred to Committee on Ways and Means

SUMMARY—Increases employer's contribution for premiums under state group insurance policies. (BDR 23-159)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Executive Budget.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to public officers and employees; increasing the amounts payable by the state for group insurance coverage of officers and employees; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 287.043 is hereby amended to read as follows:
2 287.043 The committee on group insurance shall:
3 1. Act as an advisory body on matters relating to group life, accident
4 or health insurance, or any combination thereof, for the benefit of all
5 [such] state officers and employees.
6 2. Negotiate and contract with the governing body of any public
7 agency enumerated in NRS 287.010 which is desirous of obtaining group
8 insurance for its officers and employees by participation in the state group
9 insurance program.
10 3. Purchase policies of life, accident or health insurance, or any
11 combination thereof, from any insurance company qualified to do business
12 in this state for the benefit of all eligible [state] public officers and
13 employees who elect to participate in the state's group insurance program.
14
15 4. Consult the state risk manager and obtain his advice in the performance
16 of the duties set forth in this section.
17 5. Adopt such regulations and perform such other duties as may be

ATTACHMENT F

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 444

ASSEMBLY BILL NO. 444—COMMITTEE ON
WAYS AND MEANS

FEBRUARY 22, 1979

Referred to Committee on Ways and Means

SUMMARY—Changing amount of and eligibility for payment to state employees for sick leave not taken. (BDR 23-160)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the state personnel system; changing the amount of and eligibility for payment for sick leave not taken; prohibiting use of sick leave during first 6 months of employment; and providing other matters properly relating thereto.

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

1 SECTION 1. NRS 284.355 is hereby amended to read as follows:
2 284.355. 1. Except as provided in subsections 2 and 3, all employ-
3 ees in the public service, whether in the classified or unclassified service,
4 are entitled to sick and disability leave with pay of 1¼ working days for
5 each month of service, which may be cumulative from year to year.
6 *During the first 6 months of employment of any employee in the public*
7 *service, sick leave accrues as provided in this subsection, but no sick*
8 *leave may be taken during that period.* After an employee has accumu-
9 lated 90 working days of sick leave, the amount of additional unused
10 sick leave which he is entitled to carry forward from one year to the next
11 is limited to one-half of the unused sick leave accrued during that year,
12 but the personnel division may by regulation provide for subsequent use
13 of unused sick leave accrued but not carried forward by reason of this
14 limitation in cases where the employee is suffering from a long term or
15 chronic illness and has used all sick leave otherwise available to him.
16 [Upon the retirement of an employee who has 15 years or more of
17 service under the public employees' retirement system or the death of
18 an employee who has such service while in public employment, the
19 employee or his beneficiaries are entitled to payment of not more than
20 \$2,500 for his unused sick leave in excess of 30 days, exclusive of any
21 unused sick leave accrued but not carried forward.] *Upon the retirement*

ATTACHMENT G

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT

A. B. 304

ASSEMBLY BILL NO. 304—COMMITTEE ON
WAYS AND MEANS

FEBRUARY 6, 1979

Referred to Committee on Ways and Means

SUMMARY—Makes appropriation to state department of education for capital improvements in local school districts. (BDR S-1165)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT making an appropriation from the state general fund to the state department of education for certain capital improvements in local school districts; and providing other matters properly relating thereto.

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

1 SECTION 1. There is hereby appropriated from the state general fund
2 to the state department of education the sum of \$885,350 to be appor-
3 tioned among the local school districts for capital expenditures related to
4 removal of barriers to the free movement of handicapped persons in
5 school buildings and other facilities.

6 SEC. 2. After June 30, 1981, the unencumbered balance of the
7 appropriation made in section 1 of this act may not be encumbered and
8 must revert to the state general fund.

9 SEC. 3. This act shall become effective upon passage and approval.

ATTACHMENT H

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 725

ASSEMBLY BILL NO. 725—ASSEMBLYMEN MELLO, BREMNER, BARENGO, GLOVER, HICKEY, MANN, VERGIELS, CAVNAR, RHOADS, WAGNER, WEBB, JEFFREY, BEDROSIAN, FITZPATRICK, PRENGAMAN, STEWART, CRADDOCK, BRADY, FIELDING, TANNER, SENA, HAYES, WEISE, DINI, HARMON, HORN, MALONE, BERGEVIN, MARVEL, RUSK, POLISH, ROBINSON, BANNER, COULTER, GETTO, MAY, WESTALL, PRICE, BENNETT AND CHANEY

APRIL 9, 1979

Referred to Committee on Ways and Means

SUMMARY—Provides for Nevada industrial commission to submit its proposed budget to chief of budget division of department of administration. (BDR 53-1572)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to state financial administration; requiring the Nevada industrial commission to submit its proposed budget to the chief of the budget division of the department of administration; removing the provision that certain budgets need be submitted only at the request of the chief; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 353.210 is hereby amended to read as follows:
2 353.210 1. Except as provided in subsection 3, on or before Sep-
3 tember 1 of each even-numbered year, all departments, institutions and
4 other agencies of the executive department of the state government, and
5 all agencies of the executive department of the state government receiving
6 state [funds,] *money*, fees or other [moneys] *money* under the author-
7 ity of the state, including those operating on funds designated for specific
8 purposes by the constitution or otherwise, shall prepare, on blanks
9 furnished them by the chief, and submit to the chief estimates of their
10 expenditure requirements, together with all anticipated income from fees

ATTACHMENT I

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 451

ASSEMBLY BILL NO. 451—COMMITTEE ON
WAYS AND MEANS

FEBRUARY 23, 1979

Referred to Committee on Ways and Means

SUMMARY—Creates Commission on the Future of Nevada. (BDR, S-1281)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT creating the Commission on the Future of Nevada; providing for its organization, powers and duties; making an appropriation; and providing other matters properly relating thereto.

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

- 1 SECTION 1. 1. The Commission on the Future of Nevada, consisting
2 of 25 members appointed by the governor, is hereby created within the
3 office of the governor.
4 2. The governor shall appoint:
5 (a) One member from each region designated in this subsection from
6 among persons nominated by the governing bodies of the local govern-
7 ments within that region. The regions of the state for the purpose of
8 appointing members to the commission are designated as follows:
9 (1) Region 1 consists of Carson City and the counties of Churchill,
10 Douglas, Lyon and Storey;
11 (2) Region 2 consists of the counties of Esmeralda, Mineral and
12 Nye;
13 (3) Region 3 consists of Clark County;
14 (4) Region 4 consists of the counties of Eureka, Lincoln and White
15 Pine;
16 (5) Region 5 consists of Elko County;
17 (6) Region 6 consists of the counties of Humboldt, Lander and
18 Pershing; and
19 (7) Region 7 consists of Washoe County.
20 (b) Two assemblymen nominated by the speaker of the assembly and
21 two senators nominated by the president pro tempore of the senate.

ATTACHMENT J

(REPRINTED WITH ~~APPROVED~~ AMENDMENTS)

SECOND REPRINT

S. B. 243

SENATE BILL NO. 243—SENATORS WILSON, YOUNG,
RAGGIO AND KOŠINSKI

FEBRUARY 16, 1979

Referred to Committee on Judiciary

SUMMARY—Adds two judges to second judicial district.
(BDR 1-1099)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or, on Industrial Insurance: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the district courts; providing for the addition of judges to the second judicial district; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 3.010 is hereby amended to read as follows:
2 3.010 1. The state is hereby divided into nine judicial districts, as
3 follows:
4 First judicial district. The counties of Storey and Carson City con-
5 stitute the first judicial district.
6 Second judicial district. The county of Washoe constitutes the
7 second judicial district.
8 Third judicial district. The counties of Churchill, Enreka and
9 Lander constitute the third judicial district.
10 Fourth judicial district. The county of Elko constitutes the fourth
11 judicial district.
12 Fifth judicial district. The counties of Mineral, Esmeralda and Nye
13 constitute the fifth judicial district.
14 Sixth judicial district. The counties of Pershing and Humboldt con-
15 stitute the sixth judicial district.
16 Seventh judicial district. The counties of White Pine and Lincoln
17 constitute the seventh judicial district.
18 Eighth judicial district. The county of Clark constitutes the eighth
19 judicial district.
20 Ninth judicial district. The counties of Douglas and Lyon constitute
21 the ninth judicial district.
22 2. For each of the judicial districts, except the first, second and eighth
23 judicial districts, there shall be one district judge. For the first judicial
24 district there shall be two district judges. [For the second judicial district
25 there shall be seven district judges.] For the eighth judicial district there
26 shall be 12 district judges.

ATTACHMENT K

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 569

SENATE BILL NO. 569—COMMITTEE ON FINANCE

MAY 7, 1979

Referred to Committee on Finance

SUMMARY—Requires that fees collected for issuance of drivers' licenses be deposited in state general fund. (BDR 43-2092)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to drivers' licenses; providing for the disposition of fees collected therefor; providing for transfers from the motor vehicle fund to the state general fund; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 408.235 is hereby amended to read as follows:
2 408.235 1. There is hereby created in the state treasury the state
3 highway fund.
4 2. The proceeds from the imposition of any license, *except a driver's*
5 *license*, or registration fee and other charges with respect to the opera-
6 tion of any motor vehicle upon any public highway, city, town or county
7 road, street, alley or highway in this state and the proceeds from the
8 imposition of any excise tax on gasoline or other motor vehicle fuel
9 [shall] *must* be deposited in the state highway fund and [shall,] *must*,
10 except for costs of administering the collection thereof, be used exclu-
11 sively for administration, construction, reconstruction, improvement and
12 maintenance of highways as provided for in this chapter.
13 3. Costs of administration for the collection of the proceeds for
14 any license or registration fees and other charges with respect to the
15 operation of any motor vehicle [shall] *must* be limited to a sum not to
16 exceed 22 percent of the total proceeds so collected.
17 4. Costs of administration for the collection of any excise tax on
18 gasoline or other motor vehicle fuel [shall] *must* be limited to a sum
19 not to exceed 1 percent of the total proceeds so collected.
20 5. All bills and charges against the state highway fund for admin-
21 istration, construction, reconstruction, improvement and maintenance of
22 highways under the provisions of this chapter [shall] *must* be certified
23 by the engineer or the accountant and [shall] *must* be presented to and

ATTACHMENT L

A. B. 530

ASSEMBLY BILL NO. 530—COMMITTEE ON EDUCATION

MARCH 12, 1979

Referred to Committee on Education

SUMMARY—Authorizes administrators and teachers to enter into agreements on behalf of student clubs, activities and organizations under certain circumstances. (BDR 34-1319)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted:

AN ACT relating to certain educational personnel; authorizing administrators and teachers to enter into agreements on behalf of student clubs, activities and organizations under certain circumstances; clarifying the liability of certain persons and governmental entities for those agreements; and providing other matters properly relating thereto.

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

1 SECTION 1. Chapter 391 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 *An administrator or teacher may enter into agreements on behalf of*
4 *student clubs, activities and organizations not financed by money of the*
5 *school district. Before entering into the agreement, the administrator or*
6 *teacher shall inform the other parties to the agreement that he is acting*
7 *as a representative of the students of that club, activity or organization*
8 *only. The administrator or teacher, the school and the school district*
9 *and its board of trustees, officers, agents or employees are not liable*
10 *for any agreement made pursuant to this section.*

ATTACHMENT M

S. B. 240

SENATE BILL NO. 240—SENATORS GLASER, BLAKEMORE,
KEITH ASHWORTH, ECHOLS, JACOBSEN, SLOAN, LAMB,
GIBSON, NEAL, HERNSTADT, FAISS, CLOSE, DON ASH-
WORTH AND MCCORKLE

FEBRUARY 15, 1979

Referred to Committee on Natural Resources

SUMMARY—Provides for control of certain public lands by
State of Nevada. (BDR 26-251)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to public lands; creating the Nevada lands commission; provid-
ing for state control of certain lands within the state boundaries; providing
penalties; making an appropriation; and providing other matters properly
relating thereto.

1 WHEREAS, The intent of the framers of the Constitution of the United
2 States was to guarantee to each of the states sovereignty over all matters
3 within its boundaries except for those powers specifically granted to the
4 United States as agent of the states; and

5 WHEREAS, The attempted imposition upon the State of Nevada by the
6 Congress of the United States of a requirement in the enabling act that
7 Nevada "disclaim all right and title to the unappropriated public lands
8 lying within said territory," as a condition precedent to acceptance of
9 Nevada into the Union, was an act beyond the power of the Congress
10 of the United States and is thus void; and

11 WHEREAS, The purported right of ownership and control of the public
12 lands within the State of Nevada by the United States is without founda-
13 tion and violates the clear intent of the Constitution of the United States;
14 and

15 WHEREAS, The exercise of such dominion and control of the public
16 lands within the State of Nevada by the United States works a severe,
17 continuous and debilitating hardship upon the people of the State of
18 Nevada; now, therefore,

19
20 *The People of the State of Nevada, represented in Senate and Assembly,*
21 *do enact as follows:*

22
23 Section 1. Chapter 321 of NRS is hereby amended by adding
24 thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

ATTACHMENT N

S. B. 541

SENATE BILL NO. 541—COMMITTEE ON JUDICIARY

APRIL 28, 1979

Referred to Committee on Judiciary

SUMMARY—Provides for determination of mental competency of juvenile offenders. (BDR 5-1982)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the Juvenile Court Act; providing for the determination of the mental competency of juvenile offenders; providing for the involuntary placement of certain mentally incompetent children in private, out-of-state facilities; charging the mental hygiene and mental retardation division of the department of human resources with the costs thereof; and providing other matters properly relating thereto.

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

- 1 SECTION 1. Chapter 62 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 SEC. 2. *The mental competency of a child charged with a delinquent*
4 *act must be determined in the same manner as the competency of an adult*
5 *offender is determined pursuant to chapter 178 of NRS except that:*
6 1. *The court may order the involuntary placement of a mentally*
7 *incompetent child in a private, out-of-state facility for the treatment of*
8 *mental disorders when it finds that state and local facilities are insufficient*
9 *to provide that treatment.*
10 2. *All costs of the care and treatment of a child committed to an*
11 *out-of-state facility pursuant to subsection 1 are charges against the*
12 *mental hygiene and mental retardation division of the department of*
13 *human resources. The division is entitled to and shall seek reimburse-*
14 *ment of these costs by action or otherwise from any responsible relative*
15 *of the child.*
16 SEC. 3. *If the mental competency of a child who is before the court*
17 *on a matter other than one involving the commission of a delinquent act*
18 *is questioned and an examination reveals that he requires treatment in a*
19 *mental health facility, the court shall suspend further proceedings on*
20 *the matter and may order an involuntary commitment pursuant to chap-*
21 *ters 433 and 433A of NRS.*
22 SEC. 4. NRS 62.197 is hereby amended to read as follows:



ROBERT LIST
Governor

STATE OF NEVADA
DIVISION OF MENTAL HYGIENE
AND MENTAL RETARDATION

4600 KIETZKE LANE, SUITE 108
RENO, NEVADA 89502
(702) 784-4071

Administrator

Associate Administrator for
Mental Health

JACK MIDDLETON
Associate Administrator for
Mental Retardation

ATTACHMENT O

May 2, 1979

MEMORANDUM

To: Bing Oberle, Ph.D., Acting Administrator
Division of Mental Hygiene and Mental Retardation

From: Emmagene Sansing, Deputy Attorney General *ES*
Division of Mental Hygiene and Mental Retardation

Subject: S.B. 541

You have asked for my comments regarding S.B. 541. They are as follows.

- A. Dickson v. Second Judicial District Court, 94 Nev. Adv. Opn. 61 (1979) concluded that juveniles charged with delinquent acts have the constitutional right to treatment. This bill provides statutory authority for such procedure.
- B. The Dickson case is limited to juveniles who are charged with delinquent acts and who is found to be a threat to himself and to society. With juveniles, a child may be incompetent but not be dangerous to himself or the community. Such juveniles may not need a secure residential facility and could be treated as outpatients. The bill provides no procedure to determine dangerousness or to consider the least restrictive environment.
- C. The bill refers to Chapter 178 for procedures to be followed. NRS 178.425 provides that if the person is found "insane" he is committed to the custody of the administrator for detention and treatment at the Nevada state prison or at a facility operated by the Division. Section 2 creates an exception by providing the court may order involuntary placement in a private, out-of-state facility when it finds state and local facilities are insufficient. Section 2 makes no provision for input from the administrator regarding state facilities. It is conceivable non-Division professionals could determine the juvenile is incompetent and dangerous and that no facilities are appropriate without ever giving the Division the opportunity to develop an appropriate in-state treatment plan.

Under NRS 433A.430, the administrator has the discretion to place a mentally ill person in an out-of-state facility. The problem with

Dr. Oberle
 May 2, 1979
 Page Two

this statute is that no monies have been appropriated for such treatment. If monies are appropriated and juvenile incompetents are placed in the custody of the administrator, the administrator could then make the decision as to appropriate placement. To quote from Chief Justice Cameron Batjer's dissent in Dickson: "The decisions to provide mental health service, which and how many services, and to provide and where and how to provide them, are legislative and executive functions requiring a balancing of public interests which the courts are neither authorized nor suited to direct." Section 2 as proposed divests the administrator of his discretion to determine the most appropriate treatment while leaving the Division with the costs.

- D. In referring to Chapter 178, S.B. 541 may create problems with the release of juveniles who are detained as being incompetent. Under Chapter 178, a person is detained until the administrator determines the person is competent, at which time a sanity commission is appointed. A sanity commission is composed of three physicians, at least one of whom is a psychiatrist, who examine the person. If it determines he is competent when he is returned to trial on the criminal acts. If he is incompetent he remains in custody.

The problem arises where the person is incompetent and will never be competent. No procedure is provided for the periodic review or release of such person. In Jackson v. Indiana, 406 U.S. 715 (1972), the U.S. Supreme Court ruled that an incompetent person cannot be held longer than the reasonable period of time necessary to determine whether there is a substantial probability he will attain capacity in the foreseeable future. If determined the person will not attain competency, he/she should be civilly committed, if appropriate, or released.

The above-mentioned argument is presently before the Second Judicial District Court in two Petitions for A Writ of Habeas Corpus (Jerome Ramsey and Blake Speers, presently in custody of Lake's Crossing).

With juveniles, some procedure should be provided for periodic review and release, especially if juveniles are in custody in some distant out-of-state facility. Neither S.B. 541 nor Chapter 178 provide for such review.

The sanity commission does not periodically review the client since it is called only after the administrator determines the person is competent. In addition, costs of calling a sanity commission are expensive and borne by the Division.

- E. Section 2 specifically mentions "private, out-of-state facility." No mention is made of a "public," out-of-state facility which may be appropriate.

Dr. Oberle
May 2, 1979
Page Three

F. Section 3 of S.B. 541 is superfluous. Involuntary commitments for juveniles is already provided for in Chapter 433A. Under the Juvenile Court Act, Chapter 62, a juvenile court has jurisdiction over a child because he (1) has committed a delinquent act, (2) is neglected, (3) is in need of supervision, or (4) is in need of commitment to an institution for the mentally retarded. Using the term "mental competency" in regard to juveniles other than those charged with delinquent acts is irrelevant and confuses matters. I would recommend deletion of Section 3 or, at the minimum, a deletion of "mental competency." The section might also be changed to refer to children suffering from "emotional disturbance" or "mental illness." The terms "emotional disturbance" and "mental illness" are used and defined in Chapters 433 and 433A; "mental competency" is not.

I hope the above comments will be helpful to you in your analysis of the bill.

ES:ve



ROBERT LIST
Governor

STATE OF NEVADA
DIVISION OF MENTAL HYGIENE
AND MENTAL RETARDATION

4600 KIETZKE LANE, SUITE 108
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ATTACHMENT P

Bing Oberle, Ph.D.
Administrator

Andy Meyerson, Ph.D.
Associate Administrator for
Mental Health

JACK MIDDLETON
Associate Administrator for
Mental Retardation

May 2, 1979

Phase-in schedule for maintaining 25 out-of-state NP/MR residential beds. (Placement of two clients per month, average length of stay: 15 months)

A. First Year

Client #	Bed #	Months Served	Placement Cost @ \$2500/month
1,2	1,2	12	60,000
3,4	3,4	11	55,000
5,6	5,6	10	50,000
7,8	7,8	9	45,000
9,10	9,10	8	40,000
11,12	11,12	7	35,000
13,14	13,14	6	30,000
15,16	15,16	5	25,000
17,18	17,18	4	20,000
19,20	19,20	3	15,000
21,22	21,22	2	10,000
23,24,25	23,24,25	1	7,500

Total 1st Year Placement
Costs \$392,500

Client #	Bed #	Months Served	Placement Cost @ \$2500/month
1,2	1,2	3	15,000
3,4	3,4	4	20,000
5,6	5,6	5	25,000
7,8	7,8	6	30,000
9,10	9,10	7	35,000
11,12	11,12	8	40,000
13,14	13,14	9	45,000
15,16	15,16	10	50,000
17,18	17,18	11	55,000
19,20	19,20	12	60,000
21,22	21,22	12	60,000
23,24,25	23,24,25	12	90,000
26,27	1,2	9	45,000
28,29	3,4	8	40,000
30,31	5,6	7	35,000
32,33	7,8	6	30,000
34,35	9,10	5	25,000
36,37	11,12	4	20,000
38,39	13,14	3	15,000
40,41	15,16	2	10,000
42,43	17,18	1	5,000

Total 2nd and Subsequent
Year Placement Costs \$750,000

May 2, 1979 (cont.)

2.

B. Other Costs: Per Year

1. Placement travel: client and 2 chaperones going	\$15,000
client and 1 chaperone returning estimate \$600 per bed per year	
2. In-state travel	1,200
3. Staff travel for program evaluation	7,500
4. Normalization travel (pays for home visits 2 times a year on sliding scale based on parents/guardians ability to pay) estimate \$300/ bed/year	7,500
5. Client competency and other evaluation prior to placement. Estimate \$300/bed/year	7,500
6. 1.0 FTE Central Office Coordinator and fringe \$18,500 + \$2,775 = \$21,275	21,275
7. Office expense @1,600/year	1,600
8. Clerical office + salary and fringe	<u>5,800</u>
	Per Year <u>\$67,375</u>

Budget Recap

A. 1979-80

1. Placement Costs	\$392,500
2. Other Costs	<u>67,375</u>
3. Total	\$459,875

B. 1980-81

1. Placement Costs	\$750,000
2. Other Costs	<u>67,375</u>
3. Total	\$817,375

C. Biennium Grand Total

\$1,277,250

ATTACHMENT Q

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 325

SENATE BILL NO. 325—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

MARCH 13, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Creates office of advocate for residents of facilities
for long-term care. (BDR 40-1179)

FISCAL NOTE: Effect on Local Governments: No.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to health and care facilities; creating the position of advocate for residents of facilities for long-term care; providing its powers and duties; providing for the investigation of complaints about facilities; providing a penalty; and providing other matters properly relating thereto.

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

- 1 SECTION 1. Chapter 449 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 14, inclusive, of this act.
3 SEC. 2. *As used in this act, unless the context otherwise requires:*
4 1. "Advocate" means the advocate for residents of facilities for long-
5 term care.
6 2. "Director" means the director of the department of human
7 resources.
8 3. "Facility for long-term care" means a group care facility as defined
9 in NRS 449.005, an intermediate care facility as defined in NRS 449.014
10 or a skilled nursing facility as defined in NRS 449.018, which provides
11 services or care to the elderly at the facility.
12 SEC. 3. 1. The position of advocate for residents of facilities for
13 long-term care is hereby created in the office of the director of the depart-
14 ment of human resources.
15 2. The advocate is appointed by the director and is in the unclassified
16 service of the state.
17 SEC. 4. 1. The director shall establish by regulation procedures for
18 receiving, investigating, referring and attempting to resolve through volun-
19 tary action any complaint which is made by or on behalf of a resident of
20 a facility for long-term care concerning any act of the facility or of a
21 governmental agency which may adversely affect the health, safety, wel-
22 fare or civil rights of any resident of the facility.

ATTACHMENT R

(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD REPRINT

S. B. 408

SENATE BILL NO. 408—SENATOR JACOBSEN

MARCH 30, 1979

Referred to Committee on Finance

SUMMARY—Revises act relating to Marlette Lake water system. (BDR S-1688)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT to amend an act entitled "An Act relating to the Marlette Lake water system; authorizing the state board of examiners to issue and sell state securities in not to exceed the principal amount of \$5,000,000, for the purpose of acquiring with the proceeds thereof certain facilities for and improvements to the Marlette Lake water system; prescribing other details and conditions concerning such securities; prescribing powers, duties and responsibilities of the state board of examiners and the state public works board; otherwise concerning such securities and properties by reference to the State Securities Law; authorizing the execution of a contract between the State of Nevada and Carson City for supplying water to Carson City from the Marlette Lake water system; making an appropriation; and providing other matters properly relating thereto," approved May 23, 1975.

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

- 1 SECTION 1. Section 5 of the above-entitled act, being chapter 681,
2 Statutes of Nevada 1975, at page 1370, is hereby amended to read as
3 follows:
4 Sec. 5. The legislature finds and declares that:
5 1. A severe and critical shortage of water is imminent in the
6 Carson City area which vitally affects the health and welfare of all
7 of the residents of such area.
8 2. The state owns the Marlette Lake water system, composed of
9 the water rights, easements, pipelines, flumes and other fixtures and
10 appurtenances used in connection with the collection, transmission
11 and storage of water in Carson City and Washoe County, Nevada.
12 3. The state is obligated by contract to provide the Virginia
13 City Water Company or its successor with water from the Marlette
14 Lake water system not in excess of [300,000] 500,000 gallons per
15 day and the Lakeview Water Company or its successor with water
16 from such water system not in excess of 50,000 gallons per day, and
17 to provide minor amounts to others.