

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON HUMAN RESOURCES AND FACILITIES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
March 24, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 8:03 a.m., Tuesday, March 24, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Joe Neal, Chairman
Senator James N. Kosinski, Vice Chairman
Senator Richard E. Blakemore
Senator Wilbur Faiss
Senator Virgil M. Getto
Senator James H. Bilbray

STAFF MEMBERS PRESENT:

Samual F. Hohmann, Senior Research Analyst, Science & Technology
Connie S. Richards, Committee Secretary

SENATE BILL NUMBER 370 (EXHIBIT C)

Mr. Sam Hohmann presented to the committee a copy of a memorandum to Senator Faiss containing information about Urea Formaldehyde. This memorandum is Exhibit D.

Senator Bilbray asked Mr. Hohmann what percentage of insulation contains urea formaldehyde.

Mr. Hohmann said he did not know, adding that someone from the industry could better answer that question.

Mr. John Carr of the Health Division told the committee the bill should have a fiscal note. He added that Mr. Edmondson also of the Health Division had worked one out and he presented it to the committee. This cost estimate is listed as Exhibit E.

Mr. Ace Martelle, Director, Department of Human Resources

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referred to section 4, subsection 1, "The health division of the department of human resources shall conduct a study..." He said this is burdensome to the state health officer as well as to the state.

Mr. W. Curtiss, Owens-Corning Fiberglass, Santa Clara, California suggested the bill specifically refer to "urea formaldehyde foam insulation". He presented to the committee a copy of Assembly Bill No. 103 from the California Legislature 1981-1982 regular session. This bill is listed as Exhibit D contained within the minutes of the meeting of the Committee on Human Resources and Facilities dated March 16, 1981.

Dr. Jon Konzen, medical director, Owens-Corning Fiberglass said research has recently been conducted to determine the amount of urea formaldehyde gas found in the air in buildings in which a great deal of the urea formaldehyde has been used in building materials. He said the amounts found were very small in all cases: 12 parts per billion or 0.12 parts per million up to 25 parts per billion or 0.25 parts per million in warehouses where large quantities of fibrous glass insulation is stored (where urea formaldehyde is used as the bonding agent). Dr. Konzen said the amount of airborne formaldehyde in Owens-Corning test homes was from .01 to .03 parts per million and when those same homes were retrofitted with additional fibrous glass to determine whether fresh insulation materials changed these numbers appreciably, it was found that it did not.

Senator Faiss asked Mr. Konzen whether the amount of formaldehyde that is used in the manufacture of products at Owens-Corning varies.

Dr. Konzen replied that there are strict controls over the amount of formaldehyde that is used in the manufacture of each product.

Senator Blakemore pointed out that OSHA standards for the percentage of airborne formaldehyde is 3 parts per million.

The Chairman asked Dr. Konzen where he attended school.

Dr. Konzen said he received his undergraduate degree at Notre Dame, graduate degree at the University of Iowa, MPH at the University of Michigan, and residency in occupational medicine at the University of Michigan. He added that he has been in the field for about 15 years,

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having spent the last 13 of those years as the medical director for Owens-Corning Fiberglass Corp.

Senator Getto asked what is the irritating agent in fiberglass insulation.

Dr. Konzen said the irritating agent in fiberglass insulation is the glass itself.

Mr. Dallas Jolly, Jolly's Thermal Acoustical Insulation spoke in opposition to the suggestion that the bill specify "urea formaldehyde foam insulation" as well as to the bill as a whole. He said when foam insulation products are used following manufacturer's instructions it is a safe and effective method of insulation. He commented that all his employees are certified annually after attending a three day class on the use and safety practices of the urea formaldehyde foam insulation. Mr. Jolly presented several reports concerning the use of urea foam insulation to the committee. This information is on file in the secretary's office.

Mr. Ralph Heim, Manager, Government Affairs, Georgia-Pacific provided to the committee copies of reports from the Formaldehyde Institute including a report from the subcommittee on Health and the Environment of the House Committee on Energy and Commerce. These reports are on file in the secretary's office.

Mr. Brian Nelson, Deputy Attorney General, representing the Department of Human Resources said the bill, as it presently reads, suggests that the state health officer (section 4, subsection 1) "shall determine whether the use of such materials in factory-built housing, manufactured housing, mobile homes, travel trailers or residential buildings is dangerous to human health or life." He suggested the committee to consider a more definitive standard such as "does not pose a serious threat to human health or life".

SENATE BILL NUMBER 260 (EXHIBIT F)

Mr. Dan Payne, Associate Administrator for the Division of Mental Hygiene and Mental Retardation submitted some suggested amendments for Senate Bill No. 260. (See Exhibit G).

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Senator Bilbray moved to "Amend and Do Pass" Senate Bill No. 260.

Senator Kosinski seconded the motion subject to a review of the repealers within the bill.

The motion carried. (Senator Getto was not present for the vote.)

SENATE BILL NUMBER 370 (EXHIBIT C)

Senator Faiss moved to "Indefinitely Postpone" Senate Bill No. 370.

Senator Blakemore seconded the motion.

The motion carried. (Senator Getto was not present for the vote.)

SENATE BILL NUMBER 375 (EXHIBIT H)

Senator Bilbray moved to re-refer to the Finance Committee with no recommendation Senate Bill No. 375.

The motion failed for the lack of a second.

Senator Kosinski moved to "Do Pass" and "Re-refer to the Finance Committee".

Senator Bilbray seconded the motion.

The motion carried. (Senators Getto and Blakemore voted "No".)

SENATE BILL NUMBER 332 (EXHIBIT I)

Senator Bilbray moved to "Indefinitely Postpone" Senate Bill No. 332.

Senator Kosinski seconded the motion.

The motion carried. (Senator Getto voted "No".)

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SENATE BILL NUMBER 408 (EXHIBIT J)

Senator Bilbray moved to "Do Pass" Senate Bill No. 408.

Senator Faiss seconded the motion.

The motion carried unanimously.

SENATE BILL NUMBER 409

The Chairman asked Senator Kosinski to chair a subcommittee to look at Senate Bill No. 409. He asked Senators Faiss and Getto to be members on that committee.

SENATE BILL NUMBER 344

The Chairman asked Senators Kosinski, Faiss, and Getto to review Senate Bill 344.

SENATE BILL NUMBER 345 (EXHIBIT K)

Senator Getto moved to "Indefinitely Postpone" Senate Bill No. 345.

Senator Blakemore seconded the motion.

The motion carried. (Senators Faiss and Bilbray voted "No".)

SENATE BILL NUMBER 168 (EXHIBIT L)

Senator Kosinski moved to "Indefinitely Postpone" Senate Bill No. 168.

Senator Faiss seconded the motion.

The motion carried. (Senators Bilbray and Getto voted "No".)

SENATE BILL NUMBER 324 (EXHIBIT M)

Senator Getto moved to "Indefinitely Postpone" Senate Bill No. 324.

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Senator Kosinski seconded the motion.

The motion did not carry. (Senators Neal and Bilbray voted "No"; Senator Faiss was not present for the vote.)

SENATE BILL NUMBER 294 (EXHIBIT N)

Senator Bilbray moved to "Do Pass and Re-refer to the Finance Committee" Senate Bill No. 294.

The motion failed for the lack of a second.

Senator Getto moved to "Indefinitely Postpone" Senate Bill No. 294.

Senator Blakemore seconded the motion.

The motion carried. (Senators Bilbray and Faiss voted "No".)

SENATE BILL NUMBER 273 (EXHIBIT P)

Senator Faiss moved to "Do Pass" Senate Bill No. 273.

Senator Bilbray seconded the motion.

The motion carried. (Senator Getto abstained from voting, Senator Blakemore was not present for the vote.)

There being no further business, the meeting adjourned at 10:25 a.m.

Respectfully submitted:



Connie S. Richards, Committee Secretary

APPROVED BY:



Senator Joe Neal, Chairman

DATE: 4-1-81

REVISED 3/18/81

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities , Room 323 .

Day Tuesday , Date March 24, 1981 , Time 8:00 a.m.

S. B. No. 370--Prohibits use of building materials containing urea formaldehyde until found safe.

S. B. No. 260--Revises procedures for admission to state facilities for mentally ill and mentally retarded.

S. B. 370

SENATE BILL NO. 370—SENATOR FAISS

MARCH 5, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Prohibits use of building materials containing urea formaldehyde until found safe. (BDR 40-1181)

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 residential construction; requiring a study to determine whether the use of materials containing urea formaldehyde is dangerous to human health or life; prohibiting the use of such materials in constructing residential units until they are found to be safe; 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 461 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:

3 *The division shall not approve any factory-built housing or manufac-*
4 *tured building which contains materials made with urea formaldehyde*
5 *until the state health officer determines that the use of such materials in*
6 *factory-built housing and manufactured buildings is not dangerous to*
7 *human health or life.*

8 SEC. 2. Chapter 489 of NRS is hereby amended by adding thereto a
9 new section which shall read as follows:

10 *The division shall not issue or authorize the issuance of a certificate or*
11 *label of compliance for a mobile home or travel trailer which contains*
12 *materials made with urea formaldehyde until the state health officer deter-*
13 *mines that the use of such materials in mobile homes and travel trailers*
14 *is not dangerous to human health or life.*

15 SEC. 3. Chapter 278 of NRS is hereby amended by adding thereto a
16 new section which shall read as follows:

17 *Every city or county building code must prohibit the use of insulation*
18 *containing urea formaldehyde in any residential building constructed or*
19 *altered pursuant to a building permit issued on or after January 1, 1982,*
20 *until the state health officer determines that the use of such materials in*
21 *residential buildings is not dangerous to human health or life.*

22 SEC. 4. 1. The health division of the department of human resources

1 shall conduct a study of the use of insulation and other building materials
2 containing urea formaldehyde in various types of residential units to
3 determine whether the use of such materials in factory-built housing,
4 manufactured housing, mobile homes, travel trailers or residential build-
5 ings is dangerous to human health or life.

6 2. If the study shows that the use of these materials for these pur-
7 poses is not dangerous to human health or life, the state health officer
8 shall so notify the chief of the manufactured housing division of the
9 department of commerce and the governing body of each city and county.

10 3. The state health officer shall report to the legislative commission
11 on or before December 1, 1981, concerning the progress of the study and
12 shall report his final conclusions and recommendations to the 62d session
13 of the legislature.

14 SEC. 5. Sections 1 to 3, inclusive, of this act shall become effective
15 on January 1, 1982.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



LEGISLATIVE COMMISSION (702) 885-5627
H. ASHWORTH, Senator, Chairman
Arthur J. Palmer, Director, Secretary
INTERIM FINANCE COMMITTEE (702) 885-5640
DONALD R. MELLO, Assemblyman, Chairman
Ronald W. Sparks, Senate Fiscal Analyst
William A. Bible, Assembly Fiscal Analyst

ARTHUR J. PALMER, Director
(702) 885-5627

FRANK W. DAYKIN, Legislative Counsel (702) 885-5627
JOHN R. CROSSLEY, Legislative Auditor (702) 885-5620
ANDREW P. GROSE, Research Director (702) 885-5637

March 24, 1981

EXHIBIT D

TO: Senator Wilbur Faiss

FROM: Samuel F. Hohmann, Senior Research Analyst
Science & Technology

SUBJECT: Information about Urea Formaldehyde

This memorandum is in response to your request for information regarding the possible health effects of formaldehyde used in structural materials and for foam insulation.

Definition and Uses

Formaldehyde is a colorless, unstable, highly soluble gas with a pungent and characteristic odor. It consists of two atoms of hydrogen and one atom each of carbon and oxygen (HCHO).

Formaldehyde is used mainly as an intermediate in the preparation of explosives, dyes, synthetic lacquers, and resins,¹ for example, urea formaldehyde, phenol formaldehyde, and melamine formaldehyde resins. About one third is used to produce urea formaldehyde. Commercial uses of urea formaldehyde include thermosetting materials for moulding compositions, laminating, protective coatings, and for treating paper and textiles.

The urea formaldehyde resins can also be used as an adhesive for particle board, plywood, and other wood products. Mobile homes, for example, are constructed with numerous building products containing formaldehyde or manufactured with urea formaldehyde resins.

Finally, urea formaldehyde is used as foam insulation, urea formaldehyde foam insulation (UFFI). The foam is made at the site of installation by mixing a foaming agent with air bubbles and then coating the bubbles with urea formaldehyde. The foam partially cures very quickly into a stiff, self-supporting foam shortly after being blown into a building's walls.

Problems

EXHIBIT D

One of the potential problems with the use of urea formaldehyde is that products containing it emit formaldehyde. The rate at which formaldehyde is released is related to the amount of excess formaldehyde in the formulation (short term process) and the rate of hydrolysis of the binder (a longer term process). The rate of hydrolysis depends on temperature, humidity, quality, and age: higher rates of emission are associated with higher temperatures, higher humidity, higher percentage of formaldehyde in the original mixture, and more recently produced materials.

Health Effects

The toxicity of formaldehyde solutions and vapors is related to irritation of mucous membranes of the nose and eyes on contact, and the upper respiratory tract upon inhalation. As a consequence, the Occupational Safety and Health Administration (OSHA) has set a limit of 3 ppm of formaldehyde vapor by volume in air. Above the occupational exposure limits, severe respiratory tract irritation may occur.² Symptoms reported by occupants of urea formaldehyde insulated homes and mobile homes constructed with urea formaldehyde structural materials include shortness of breath, headache, eye irritation, cough, frequent "colds," rashes, sore throat, and vomiting. Finally, research conducted on laboratory animals has implicated formaldehyde as a potential carcinogen.

Standards Development

There are currently numerous studies in progress designed to determine the relationship between formaldehyde and human health and potentially suggest appropriate levels for standards. Among the organizations involved in these studies are the National Cancer Institute, the Occupational Safety and Health Administration, the National Academy of Sciences, the Environmental Protection Agency, the Chemical Industry Institute of Technology, the National Institute of Occupational Safety and Health, and studies in Denmark, Great Britain, Baltimore, and New Jersey.

In 1979, the Massachusetts Department of Public Health banned the sale of urea formaldehyde because it found urea formaldehyde to be a hazardous substance. Wisconsin's Department of Industry, Labor and Human Relations has adopted an indoor air quality standard of .4 ppm maximum concentration for formaldehyde vapor under defined temperature and humidity conditions (70° to 85° F and ambient relative humidity).

On June 10, 1980, the Consumer Product Safety Commission published proposed rules for urea formaldehyde foam insulation in the Federal Register (45 Fed. Reg. 39434 through 49444, June 10, 1980). The proposed rules would require manufacturers of urea formaldehyde foam insulation to give specific safety information to potential purchasers. Subsequent action was taken by the Commission in December 1980 when it proposed a ban on any future use of urea formaldehyde foam insulation because, according to a staff report, the foam can release significant amounts of irritating and possibly cancer-causing formaldehyde.

Alternatives for Nevada

Outright bans on formaldehyde-containing structural materials like Senate Bill No. 370 have been proposed in other states.³ There are also several alternatives. One would be to require the appropriate agency to adopt minimum indoor air quality standards for formaldehyde vapor with the condition that the Health Division conduct a study of the potential health problem for the citizens of Nevada. The results of the study could dictate the appropriateness of the existing standards, and authority to amend the standard on the basis of the Health Division's findings could be given.

I hope that this information is helpful. If you have any questions or would like additional information, please do not hesitate to contact me.

SFH

NOTES

¹K. R. Long, D. A. Pierson, S. T. Brennan, C. W. Frank, and R. A. Hahne. Problems Associated with the Use of Urea-Formaldehyde Foam for Residential Insulation--Part I: The Effects of Temperature and Humidity on Formaldehyde Release from Urea-Formaldehyde Foam Insulation, U.S. Department of Energy, Oak Ridge National Laboratory, Tennessee, September 1979.

²J. C. Harris, B. H. Rumack, and F. D. Aldrich. "Toxicology of Urea Formaldehyde and Polyurethane Foam Insulation," J. Am. Med. Assoc. 245 (3): 243-246, January 16, 1981.

³See previous memorandum dated March 4, 1981.



STATE OF NEVADA
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH
BUREAU OF CONSUMER HEALTH PROTECTION SERVICES

305 EAST KING STREET
CARSON CITY, NEVADA 89710
TELEPHONE: (702) 885-4750

620 BELROSE STREET
LAS VEGAS, NEVADA 89158
TELEPHONE: (702) 385-0241

EXHIBIT E

MEMORANDUM

March 23, 1981

TO: Senate Committee for Human Resources
FROM: James A. Edmundson, Bureau Chief *[Signature]*
SUBJECT: Cost Estimates of Study for Irritability and Toxicity Levels
of Urea Formaldehyde

To ensure the proper direction of the research, the following would have to be done:

1. Research of literature.
2. Determine the kind of fumes coming from the urea formaldehyde.
3. Inhalation exposures.

The complete study would take about 1-1/2 years time with about 4 man years work at \$80,000 per man year. The cost of equipment, facilities and test animals would be about \$250,000 to \$280,000. The total would be approximately \$600,000.

JAE/lg

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(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 260

SENATE BILL NO. 260—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

FEBRUARY 18, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Revises procedures for admission to state facilities for
mentally ill and mentally retarded. (BDR 39-557)

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 facilities for the mentally retarded; revising procedures for
voluntary and involuntary admission; adding procedural safeguards for per-
sons admitted or considered for admission; and providing other matters prop-
erly relating thereto.

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

1 SECTION 1. Chapter 435 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

3 SEC. 2. 1. *There are two types of admissions of mentally retarded*
4 *persons to a mental retardation center:*

5 (a) *Voluntary admission.*

6 (b) *Involuntary admission.*

7 2. *An application for admission of a mentally retarded person to a*
8 *mental retardation center must be made on a form approved by the divi-*
9 *sion and the attorney general. The clerk of each district court in the state*
10 *shall make the forms available to any person upon request.*

11 SEC. 3. 1. *Any mentally retarded person may apply to any mental*
12 *retardation center for admission as a voluntary client. His parent or guard-*
13 *ian or another responsible person may submit the application on his*
14 *behalf.*

15 2. *If the person or a responsible party on behalf of the person objects*
16 *to voluntary admission, the procedure for involuntary admission may be*
17 *followed.*

18 SEC. 4. *Whenever a person is alleged to be mentally retarded and a*
19 *clear and present danger to himself or others, his parent or guardian or*
20 *another responsible person may initiate proceedings for his involuntary*
21 *admission to a mental retardation center by petitioning the district court*

1 of the county where the person resides. The petition must be accompanied
2 by a certificate signed by a physician or certified psychologist experienced
3 in the diagnosis of mental retardation stating that he has examined the
4 person within the preceding 30 days and has concluded that the person is
5 mentally retarded and has demonstrated that he is a clear and present
6 danger to himself or others.

7 SEC. 5. Immediately after receiving the petition, the clerk of the dis-
8 trict court shall transmit the petition to the district judge, who shall:

9 1. Determine whether appropriate space and programs are available
10 for the person at the mental retardation center to which it is proposed
11 that the person be admitted; and

12 2. If appropriate space and programs are available, set a time and
13 place for a hearing on the petition.

14 The hearing must be held within 7 calendar days after the date when the
15 petition was filed. The clerk of the court shall give notice of the hearing
16 to the person who is the subject of the petition, his attorney, if known, the
17 petitioner and the administrative officer of the mental retardation center
18 to which it is proposed that the person be admitted.

19 SEC. 6. 1. After the petition is filed the court promptly shall cause a
20 physician or certified psychologist to examine the person who is the sub-
21 ject of the petition or request an evaluation from the mental retardation
22 center to which it is proposed the person be admitted. Any physician or
23 certified psychologist requested by the court to conduct such an examina-
24 tion must be experienced in the diagnosis of mental retardation. The
25 examination or evaluation must indicate whether the person is or is not
26 mentally retarded and whether he is or is not in need of institutional
27 training and treatment.

28 2. The court may allow the person alleged to be mentally retarded to
29 remain at his place of residence pending any ordered examination and to
30 return upon completion of the examination. One or more of the person's
31 relatives or friends may accompany him to the place of examination.

32 SEC. 7. 1. The person alleged to be mentally retarded, or any rela-
33 tive or friend acting on his behalf, is entitled to retain counsel to repre-
34 sent him in any proceeding before the district court relating to his invol-
35 untary admission to a mental retardation center.

36 2. If such counsel has not been retained, the court, before proceed-
37 ing, shall advise the person and his guardian, or closest living relative if
38 such a relative can be located, of the person's right to have counsel.

39 3. If the person fails or refuses to secure counsel, the court shall
40 appoint counsel to represent him. If the person is indigent, the counsel
41 appointed may be the public defender.

42 4. Any counsel appointed by the court is entitled to fair and reason-
43 able compensation for his services. The compensation must be charged
44 against the property of the person for whom he was appointed. If the
45 person is indigent, the compensation must be charged against the
46 county in which the person alleged to be mentally retarded last resided.

47 SEC. 8. In proceedings for involuntary admission of a person to a
48 mental retardation center:

49 1. The court shall hear and consider all relevant evidence, including
50 the certificate signed by a physician or certified psychologist, which

1 accompanied the petition and the testimony of persons who conducted
2 examinations or evaluations ordered by the court after the petition was
3 filed.

4 2. The person must be present and has the right to testify.

5 3. The person may obtain independent evaluation and expert
6 opinion at his own expense, and may summon other witnesses.

7 SEC. 9. 1. Upon completion of the proceedings for involuntary
8 admission of a person to a mental retardation center, if the court finds:

9 (a) That the person is mentally retarded, has demonstrated that he is
10 a clear and present danger to himself or others and is in need of insti-
11 tutional training and treatment;

12 (b) That appropriate space and programs are available at the mental
13 retardation center to which it is proposed that the person be admitted;
14 and

15 (c) That there is no less restrictive alternative to admission to a
16 mental retardation center which would be consistent with the best inter-
17 ests of the person,

18 the court shall by written order certify that the person is eligible for
19 involuntary admission to a mental retardation center.

20 2. A certificate of eligibility for involuntary admission expires 12
21 months after the date of issuance if the client has not been discharged
22 earlier by the procedure provided in section 10 of this act. At the end of
23 the 12-month period, the administrative officer of the mental retardation
24 center may petition the court to renew the certificate for an additional
25 period of not more than 12 months. Each petition for renewal must set
26 forth the specific reasons why further treatment is required. A certificate
27 may be renewed more than once.

28 SEC. 10. 1. If the administrative officer of a mental retardation cen-
29 ter finds that a client is no longer in need of the services offered at the
30 center, he shall discharge that client.

31 2. A written notice of the discharge must be given to the client and
32 his representatives at least 10 days before the discharge.

33 3. If the client was admitted involuntarily, the administrator shall, at
34 least 10 days before the discharge, notify the district court which issued
35 the certificate of eligibility for the person's admission.

36 SEC. 11. NRS 435.081 is hereby amended to read as follows:

37 435.081 1. The administrator or his designee may receive a men-
38 tally retarded [persons] person of the State of Nevada for services in a
39 facility operated by the division [when:] if:

40 (a) The person is mentally retarded as defined in NRS 433.174 [;]
41 and is in need of institutional training and treatment;

42 (b) Space is available in a facility operated by the division which is
43 designed and equipped to provide appropriate care [, treatment and
44 training for mentally retarded persons.] for the person;

45 (c) The facility has or can provide an appropriate program of training
46 and treatment for the person; and

47 (d) There is written evidence that no less restrictive alternative is
48 available in the person's community.

49 2. [A child may be voluntarily admitted upon application of one or
50 both parents or a guardian. An adult who has been adjudged incompetent

1 may be admitted upon application of a court-appointed guardian. A
2 legally competent adult may be admitted upon his own application.

3 3. A court may order an involuntary admission for services of any
4 person who had demonstrated behavior which indicates a clear and pres-
5 ent danger to himself or others, or which indicates that he is so gravely
6 disabled by mental retardation that he is unable to maintain himself in
7 a normal life situation. The administrator shall be notified in writing at
8 least 7 days before any hearing at which the involuntary commitment of
9 a mentally retarded person is sought. *A mentally retarded person may
10 be accepted at a division facility for emergency evaluation when the evalu-
11 ation is requested by a court. A person must not be retained pursuant to
12 this subsection for more than 10 working days.*

13 3. *A court may order that a mentally retarded person be admitted to
14 a division facility if its finds that admission is necessary because of the
15 death or sudden disability of the parent or guardian of the person. The
16 person must not be retained pursuant to this subsection for more than 45
17 days. Before the expiration of the 45-day period the division shall report
18 to the court its recommendations for placement or treatment of the per-
19 son. If less restrictive alternatives are not available, the person may be
20 admitted to the facility using the procedures for voluntary or involuntary
21 admission, as appropriate.*

22 4. A child may be received, cared for and examined at a division
23 mental retardation facility for a period of not more than [90] 10 work-
24 ing days without [commitment,] admission, if the examination is ordered
25 by a juvenile court having jurisdiction of the minor in accordance with the
26 provisions of paragraph (c) of subsection 1 of NRS 62.200. [in which
27 event] *At the end of the 10-day period the administrator or his designee
28 shall report the result of the examination to the juvenile court and shall
29 detain the child until the further order of the court, but not to exceed
30 [15] 7 days after the administrator's report.*

31 5. *The parent or guardian of a person believed to be mentally
32 retarded may apply to the administrative officer of a division facility to
33 have the person evaluated by personnel of the division who are experi-
34 enced in the diagnosis of mental retardation. The administrative officer
35 may accept the person for evaluation without admission.*

36 6. *If, after the completion of an examination or evaluation pursuant
37 to subsection 4 or 5, the administrative officer finds that the person meets
38 the criteria set forth in subsection 1, the person may be admitted to the
39 facility using the procedures for voluntary or involuntary admission, as
40 appropriate.*

41 7. *If, at any time, the parent or guardian of a person admitted to a
42 division facility on a voluntary basis requests in writing that the person be
43 discharged, the administrative officer shall discharge the person. If the
44 administrative officer finds that discharge from the facility is not in the
45 person's best interests, he may initiate proceedings for involuntary
46 admission, but the person must be discharged pending those proceedings.*

47 SEC. 12. NRS 435.360 is hereby amended to read as follows:

48 435.360 1. [No mentally retarded client may be detained in a divi-
49 sion facility after reaching the age of 18 unless:

1 (a) Such client makes voluntary application for services which the
2 division is designed and equipped to provide; or

3 (b) The division initiates proceedings, within 3 working days, for
4 commitment when such procedure can be shown to be in the client's own
5 best interest.

6 2. In no case shall the parents or relatives be] *The parents and rela-*
7 *tives of a mentally retarded client who is 18 years of age or older are not*
8 responsible for the costs of [further] *his* care and treatment within a
9 division facility. [of a mentally retarded client 18 years of age or older.

10 3. Under subsection 1, the] 2. *The* client or his estate, when
11 able, may be required to contribute a reasonable amount toward the
12 costs of *his* care and treatment. Otherwise, the full costs of such services
13 [shall] *must* be borne by the state.

14 SEC. 13. NRS 435.330 and 435.350 are hereby repealed.

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ROBERT LIST
GOVERNOR

STATE OF NEVADA
DIVISION OF MENTAL HYGIENE
AND MENTAL RETARDATION
FRONTIER PLAZA, SUITE 244
1937 N. CARSON STREET
STATE CAPITOL COMPLEX
CARSON CITY, NEVADA 89710
(702) 885-5943

JEROME GRIEPENTROG
ADMINISTRATOR

KEN SHARIGIAN, PH.D.
MENTAL HEALTH



DAN PAYNE, PH.D.
MENTAL RETARDATION

EXHIBIT G

Amendments to S.B. 260 (First Reprint)

Section 6, Subsection 1, Line 19:

After the petition is filed the court promptly [shall] may cause a...

Section ~~10~~¹¹, Subsection 7, Line 41:

If, at any time, the parent of a child or guardian of a person...

Section 13, Line 14:

NRS [435.330 and 435.350] 435.081 and 435.330 are hereby repealed.

S. B. 375

SENATE BILL NO. 375—SENATOR BILBRAY

MARCH 6, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides financial support for education of handicapped pupils for periods exceeding regular school year. (BDR 34-1615)

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 public schools; revising provisions for financial support for the education of handicapped pupils; adding support for special education of such pupils for periods exceeding the regular school year; 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 387.122 is hereby amended to read as follows:
2 387.122 For making the apportionments of the state distributive
3 school fund required by the provisions of this Title, the basic support
4 guarantee per pupil for each school district and the basic support guar-
5 antee for each special education program unit maintained and operated
6 during [at least] 9 months of a school year are established by law for
7 each school year.
8 SEC. 2. NRS 387.1221 is hereby amended to read as follows:
9 387.1221 1. The basic support guarantee for any special education
10 program unit maintained and operated during a period of less than 9
11 school months *or a period of more than 9 school months* is in the same
12 proportion to the amount established by law for that school year as the
13 period during which [such] *the* program unit actually was maintained
14 and operated is to 9 school months.
15 2. Any unused allocations for special education program units may
16 be reallocated to other school districts by the superintendent of public
17 instruction. In such a reallocation, first priority must be given to special
18 education programs with statewide implications, and second priority
19 must be given to special education programs maintained and operated
20 by school districts whose allocation is less than or equal to the amount
21 provided by law. If there are more unused allocations than necessary
22 to cover programs of first and second priority but not enough to cover
23 all remaining special education programs eligible for payment from real-
24 locations, then payment for [such] *the* remaining programs must be

1 prorated. If there are more unused allocations than necessary to cover
2 programs of first priority but not enough to cover all programs of second
3 priority, then payment for programs of second priority must be prorated.
4 If unused allocations are not enough to cover all programs of first pri-
5 ority, then payment for programs of first priority must be prorated.

6 3. A school district may, after receiving the approval of the super-
7 intendent of public instruction, contract with any person, state agency
8 or legal entity to provide a special education program unit for handi-
9 capped pupils of the district.

10 SEC. 3. NRS 387.123 is hereby amended to read as follows:

11 387.123 1. The count of pupils for apportionment purposes includes
12 all those who are enrolled in programs of instruction of the school dis-
13 trict for:

14 (a) Pupils in the kindergarten department.

15 (b) Pupils in grades 1 to 12, inclusive.

16 (c) Handicapped minors receiving special education pursuant to the
17 provisions of NRS 388.440 to 388.520, inclusive [.] , *during the regular*
18 *school year.*

19 (d) Children detained in detention homes and juvenile forestry camps
20 receiving instruction pursuant to the provisions of NRS 388.550 to
21 388.570, inclusive.

22 (e) Part-time pupils enrolled in classes and taking courses necessary
23 to receive a high school diploma.

24 (f) *Handicapped minors receiving special education pursuant to the*
25 *provisions of NRS 388.440 to 388.520, inclusive, for periods exceeding*
26 *the regular school year.*

27 2. The state board of education shall establish uniform regulations
28 for counting enrollment and calculating the average daily attendance
29 of pupils. In establishing such regulations for the public schools, the
30 state board:

31 (a) Shall divide the school year into 10 school months, each contain-
32 ing 20 or fewer school days.

33 (b) May divide the pupils in grades 1 to 12, inclusive, into categories
34 composed respectively of those enrolled in elementary schools and
35 those enrolled in secondary schools.

36 (c) Shall calculate average daily attendance by selecting the average
37 daily attendance—highest 3 months for each category of pupils, as
38 established by subsection 1 or pursuant to paragraph (b) of this sub-
39 section, in each school.

40 (d) Shall prohibit counting of any pupil specified in paragraph (a),
41 (b), (c) or (d) of subsection 1 more than once [.] , *except that a*
42 *pupil specified in paragraph (c) may also be counted in paragraph (f) in*
43 *appropriate cases.*

44 3. The state board of education shall establish by regulation the
45 maximum pupil-teacher ratio in each grade, and for each subject matter
46 wherever different subjects are taught in separate classes, for each
47 school district of the state which is consistent with:

48 (a) The maintenance of an acceptable standard of instruction;

49 (b) The conditions prevailing in [such] the school district with
50 respect to the number and distribution of pupils in each grade; and

1 (c) Methods of instruction used, which may include educational tele-
2 vision, team teaching or new teaching systems or techniques.

3 If the superintendent of public instruction finds that any school district is
4 maintaining one or more classes whose pupil-teacher ratio exceeds the
5 applicable maximum, and unless he finds that the board of trustees of
6 the school district has made every reasonable effort in good faith to
7 comply with the applicable standard, he shall, with the approval of the
8 state board, reduce the count of pupils for apportionment purposes by
9 the percentage which the number of pupils attending such classes is of the
10 total number of pupils in the district, and the state board may direct
11 him to withhold the quarterly apportionment entirely.

12 SEC. 4. NRS 387.1233 is hereby amended to read as follows:

13 387.1233 1. Except as otherwise provided in subsection 2, basic
14 support of each school district must be computed by:

15 (a) Multiplying the basic support guarantee per pupil established for
16 that school district for that school year by the sum of:

17 (1) Six-tenths the count of pupils enrolled in the kindergarten
18 department on the last day of the first school month of the school year.

19 (2) The count of pupils enrolled in grades 1 to 12, inclusive, on the
20 last day of the first school month of the school year.

21 (3) The count of handicapped minors receiving special education
22 pursuant to the provisions of NRS 388.440 to 388.520, inclusive, *during*
23 *the regular school year*, on the last day of the first school month of the
24 school year.

25 (4) The count of children detained in detention homes and juvenile
26 forestry camps receiving instruction pursuant to the provisions of NRS
27 388.550 to 388.570, inclusive, on the last day of the first school month
28 of the school year.

29 (5) One-fourth the average daily attendance—highest 3 months of
30 part-time pupils enrolled in classes and taking courses necessary to
31 receive a high school diploma.

32 (6) *That fraction of the count of handicapped minors receiving*
33 *special education pursuant to the provisions of NRS 388.440 to 388.520,*
34 *inclusive, for periods exceeding the regular school year which the excess*
35 *period is of the regular school year.*

36 (b) Multiplying the number of special education program units main-
37 tained and operated by the amount per program established for that
38 school year [.] ; *as modified pursuant to NRS 387.1221.*

39 (c) Multiplying the assessed valuation of property in the school dis-
40 trict, as certified by the department of taxation for the concurrent school
41 year, by .003 or a greater or lesser multiplier which corresponds to 80
42 cents for each \$100 of assessed valuation minus the rate levied for the
43 current fiscal year pursuant to subsection 1 of NRS 387.195.

44 (d) Adding the amounts computed in paragraphs (a), (b) and (c).

45 2. If the sum of the counts prescribed in subparagraphs (1) to (4),
46 inclusive, of paragraph (a) of subsection 1 is less than the sum similarly
47 obtained for the immediately preceding school year, the larger sum must
48 be used in computing basic support.

49 3. Pupils who are excused from attendance at examinations or have

- 1 completed their work in accordance with the rules of the board of
- 2 trustees must be credited with attendance during that period.
- 3 **SEC. 5.** This act shall become effective upon passage and approval.

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S. B. 332

**SENATE BILL NO. 332—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES**

MARCH 2, 1981

Referred to Committee on Human Resources and Facilities

**SUMMARY—Requires largest counties to provide facilities for alcohol
abusers. (BDR 40-660)**

**FISCAL NOTE: Effect on Local Government: Yes.
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 the abuse of alcohol; requiring counties having a population
of 100,000 or more to provide facilities for observation and treatment; 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 458.270 is hereby amended to read as follows:**
2 **458.270 1. Except as provided in subsection 7, a person who is**
3 **found in any public place under the influence of alcohol, in such a con-**
4 **dition that he is unable to exercise care for his own health or safety or**
5 **the health or safety of others, [shall] *must* be placed under civil protec-**
6 **tive custody by a peace officer.**
7 **2. A peace officer may use upon [such] *that* person that kind and**
8 **degree of force which would be lawful if he were effecting an arrest for**
9 **a misdemeanor with a warrant.**
10 **3. *Each county having a population of 100,000 or more shall provide***
11 ***a licensed facility for the treatment of alcohol abusers. If a licensed***
12 ***facility for the treatment of alcohol abusers exists in the community***
13 ***where the person is found, he [shall] *must* be delivered to [such] *that****
14 ***facility for observation and care. If no such facility exists in the com-***
15 ***munity, the person so found may be placed in a county or city jail for***
16 ***shelter or supervision for his own health and safety until he is no longer***
17 ***under the influence of alcohol. He may not be required against his will***
18 ***to remain in either a licensed facility or a jail longer than 48 hours.***
19 **4. An intoxicated person taken into custody by a peace officer for a**
20 **public offense [shall] *must* immediately be taken to a secure detoxifica-**
21 **tion unit or other appropriate medical facility if his condition appears to**
22 **require emergency medical treatment. Upon release from the detoxifica-**
23 **tion unit or medical facility, [such person shall] *he must* immediately be**

1 remanded to the custody of the apprehending peace officer and criminal
2 proceedings shall proceed as prescribed by law.

3 5. The placement of [such a] *this* person in civil protective custody
4 [shall] *must* be recorded at the facility or jail to which he is delivered
5 and communicated at the earliest practical time to his family or next of
6 kin if they can be located and to the division or to a local alcohol abuse
7 authority designated by the division.

8 6. Every peace officer and other public employee or agency [acting]
9 *handling a person* pursuant to this section is performing a discretionary
10 function or duty.

11 7. The provisions of this section [shall] *do not* apply to any driver
12 apprehended or arrested for the offense of operating a vehicle under the
13 influence of intoxicating liquor or controlled substances. [, pursuant to
14 chapter 484 of NRS.]

S. B. 408

SENATE BILL NO. 408—COMMITTEE ON
HUMAN RESOURCES AND FACILITIES

MARCH 12, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Extends duty of fighting fires to qualified women. (BDR 42-1286)

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 fires; extending the duty of fighting fires to women; 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 475.110 is hereby amended to read as follows:
2 475.110 1. All sheriffs, their deputies, firewardens, other peace
3 officers or any national forest officer [shall have authority to] *may* call
4 upon able-bodied [male] persons within the State of Nevada who are
5 between the ages of 16 years and 50 years for assistance in extinguish-
6 ing fires in timber or in brush.
7 2. [Such persons] *Persons* who refuse to obey [such] a summons
8 or who refuse to assist in fighting fire for the period of time stated in
9 subsection 3, unless they present good and sufficient reasons, [shall be]
10 *are* guilty of a misdemeanor.
11 3. No [male person shall be] *person is* required to fight fire a total
12 of more than 5 days during any [1] year.
13 4. The board of county commissioners [is authorized to] *may* fix
14 the amount of compensation to be paid to [male] persons drafted to
15 fight fires as provided in this section, and the sums so fixed [shall] *must*
16 be allowed and paid as other claims against the county are paid.
17 5. For the purpose of obtaining the benefits of the Nevada Indus-
18 trial Insurance Act, [male] persons drafted to fight fires [shall be] *are*
19 considered employees of the county demanding their services, and
20 [they shall be] *are* entitled to receive for disability incurred by reason
21 thereof the benefits under the Nevada Industrial Insurance Act. The
22 county shall report and pay premiums to the Nevada industrial commis-
23 sion for persons so engaged.
24 SEC. 2. NRS 528.043 is hereby amended to read as follows:

1 528.043 An application for a logging permit [shall] *must* be accom-
2 panied by:

3 1. A logging plan including, but not limited to: [the following infor-
4 mation:]

5 (a) An accurate topographical map showing exterior boundaries of the
6 areas to be logged and the roads, structures and landings, existing and
7 proposed.

8 (b) The volume of timber to be removed.

9 (c) The time required for removal of such volume.

10 (d) The specification as to the percentage of merchantable volume to
11 be removed and the composition of any residual stand.

12 (e) The revegetation plan, if applicable.

13 (f) The slash-disposal and cleanup plans.

14 (g) The road construction specifications and erosion control measures.

15 (h) An outline of the fire prevention and protection plans and proce-
16 dures.

17 (i) A description of tools and equipment suitable and available for
18 firefighting, and the number of [men] *persons* normally available for
19 firefighting.

20 2. If a variance is requested pursuant to NRS 528.048, the applicant
21 [shall] *must* also furnish the state forester firewarden with information
22 and data regarding:

23 (a) Soil characteristics;

24 (b) Reproduction capability of the area;

25 (c) Ground and litter cover;

26 (d) Soil erosion hazards;

27 (e) Natural drainage features;

28 (f) Percent of gradient and aspect of slopes;

29 (g) Description of the method of logging and equipment to be used;
30 and

31 (h) Such other [information] *matters* as the state forester firewarden
32 may require.

33 3. A performance bond in an amount set by the state forester fire-
34 warden [and] based upon the contract price or value of the timber to be
35 cut, which [shall] *must* be conditioned upon compliance with all provi-
36 sions of the logging permit [.] and [shall] *must* be approved as to form
37 and sufficiency by the state forester firewarden.

38 SEC. 3. NRS 528.080 is hereby amended to read as follows:

39 528.080 1. Every [timber] *owner of timber* or operator operating
40 during the fire season shall have a fire protection organization and pro-
41 gram for the prevention and suppression of fires on operating areas. He
42 shall [make immediate and continuing attack on] *immediately and con-*
43 *tinually attack* all forest fires occurring in his operating area and upon
44 adjacent lands owned or controlled by the operator, employing his normal
45 logging crew and equipment to the extent necessary to suppress [such]
46 fires, and he shall observe the following practices:

47 (a) Perform loading, equipment servicing, welding and other hazardous
48 operations over bare ground that extends at least 10 feet on all sides from
49 [such operations.] *any operation.*

1 (b) Obtain permits for blasting from the local forest officer. [, as
2 required by law.] A workman shall remain on the scene for at least 1
3 hour following any blasting.

4 (c) Each year the owner or operator shall give written notice to the
5 state forester firewarden of his intent to commence logging operations on
6 a specified area, [prior to] before the commencement of operations. The
7 state forester firewarden shall then furnish a standard fire plan form which
8 the operator shall fill out and return to the state forester firewarden not
9 later than 10 days [prior to] before commencement of operations.

10 2. The fire plan [shall] must be observed and [shall include at least
11 the following:] must include:

12 (a) [Names] The names of all personnel having responsibility in fire
13 suppression, indicating their duties and line of authority.

14 (b) [Location] The location and number of [men] persons ordi-
15 narily available for fire fighting.

16 (c) [Arrangement] An arrangement for receiving reports of fires at
17 [any and] all times during the dry season, and an arrangement for
18 summoning the crew both on and off shift.

19 (d) Lists showing the type, number and location of tools and equip-
20 ment reserved for use only on fires, and [, also,] those units of regular
21 operating equipment that may be used for fire fighting.

22 (e) [Legal] A legal description of the logging area.

23 3. The state forester firewarden may promulgate such additional
24 reasonable [rules and] regulations as he [may deem] deems neces-
25 sary.

S. B. 345

SENATE BILL NO. 345—SENATOR FAISS

MARCH 2, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides for appointment of receivers for certain health and care facilities to protect health and safety of residents. (BDR 40-1114)

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 health and care facilities; providing for the appointment of receivers for certain health and care facilities to protect the health and safety of the residents; providing the powers and duties of a receiver; 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 10, inclusive, of this act.
3 SEC. 2. *As used in sections 2 to 10, inclusive, of this act, "facility"*
4 *means a group care facility, intermediate care facility or a skilled nursing*
5 *facility.*
6 SEC. 3. 1. *When the director of the department of human resources*
7 *finds that there may be a situation, physical condition or practice, method*
8 *or operation being carried on in a facility which presents or will present*
9 *a danger of death or serious physical or mental harm to residents of the*
10 *facility, he may apply to the district court of the judicial district in*
11 *which the facility is situated for the appointment of a receiver for the*
12 *facility.*
13 2. *The court in which an application for appointment of a receiver*
14 *is filed shall hold a hearing not later than 10 days after the date on*
15 *which the application is filed, after giving notice to the owner of the*
16 *facility at least 5 days before the hearing and causing the notice to be*
17 *posted in a conspicuous place inside the facility at least 3 days before*
18 *the hearing.*
19 3. *If the danger of death or serious physical or mental harm to resi-*
20 *dents is found by the director to be imminent, he may so state to the*
21 *court in an affidavit accompanying his application or by testimony, and*
22 *if the court finds that there is a reasonable likelihood that an emergency*
23 *exists which must be remedied immediately to ensure that the health and*

1 safety of the residents are preserved, the court may appoint a receiver
2 by a temporary order. The order must be served on the owner or his
3 agent and posted in a conspicuous place in the facility within 24 hours
4 after it is issued by the court. A hearing must be held within 5 days after
5 the order is issued unless the owner consents to be heard at a later time.

6 SEC. 4. The court may grant an application for appointment of a
7 receiver for a facility upon finding that:

8 1. The facility is being operated without a license issued pursuant to
9 NRS 449.030 to 449.240, inclusive, or the license has been suspended or
10 revoked.

11 2. The facility is to be closed within 30 days and adequate arrange-
12 ments for the relocation and continuing care of the residents have not
13 been concluded.

14 3. The facility is in violation of laws and regulations enacted to
15 protect the health and safety of residents to such a degree that there
16 is a reasonable likelihood that it will result in serious physical or
17 mental harm to the residents.

18 4. There is a recurring or continuing violation of any law or regula-
19 tion which might endanger the health or safety of the residents.

20 SEC. 5. The owner or operator of a facility for which the director
21 of the department of human resources has applied for a receiver may
22 plead one or more of the following circumstances as defenses:

23 1. That he did not have knowledge of the condition or violation
24 charged and could not reasonably have known of it.

25 2. That he has not since discovering the condition or violation had
26 a reasonable amount of time in which to correct it, and that he has taken
27 appropriate steps to correct the condition or violation.

28 3. That the condition or violation does not actually exist.

29 SEC. 6. 1. The district court may appoint any responsible person to
30 act as a receiver of a facility, except:

31 (a) An employee of the state; and

32 (b) The owner, administrator or operator of the facility or any other
33 person who has a financial interest in the facility.

34 2. The court may remove a receiver and appoint another to fill the
35 vacancy.

36 3. A receiver appointed by the court is entitled to receive a reason-
37 able fee set by the court.

38 4. A receiver is liable only in his official capacity for injury to any
39 person or property which results from conditions of the facility. He is
40 not personally liable except for acts or omissions which constitute gross
41 negligence or willful or wanton misconduct.

42 5. The court may require a bond of the receiver in an amount and
43 conditioned as it deems necessary.

44 SEC. 7. 1. A receiver appointed pursuant to the provisions of sec-
45 tions 2 to 10, inclusive, of this act has the same powers as the receiver
46 of a corporation appointed pursuant to chapter 78 of NRS, and shall
47 exercise those powers to remedy the conditions which formed the
48 grounds for his appointment, assure adequate health care for the resi-
49 dents and preserve the assets of the owner.

50 2. The receiver shall notify the residents and their families or the

1 persons responsible for them. If the medical consequences of informing
2 a resident would be adverse, the receiver may notify only the person
3 responsible for the resident.

4 3. The receiver may correct or repair any deficiency in the structure
5 or furnishings of the facility which endangers the health or safety of
6 the residents while they remain in the facility if the total expenditure for
7 the correction or repair is not more than \$3,000. The receiver may
8 apply to the court which appointed him for an order permitting him to
9 expend more than \$3,000 to correct or repair a deficiency.

10 4. If any resident is to be transferred or discharged from the facility,
11 the receiver shall:

12 (a) Provide for transportation of the resident and his property and
13 medical records to the place where he is being transferred or discharged.

14 (b) Assist in developing alternate plans for the placement or discharge
15 of the resident in accordance with regulations adopted by the board of
16 health.

17 (c) Prepare the resident for departure from the facility to lessen the
18 effects of medical and psychological reactions to movement which might
19 result in death or grave illness in elderly persons. This preparation may
20 include:

21 (1) Participation by the resident or his guardian or other person
22 responsible for him in the selection of another facility.

23 (2) Explanation of the reasons for placement in another facility and
24 orientation to the other facility.

25 (3) Other measures designed to ease the transition from one facility
26 to another.

27 (d) Provide for custodial care of the property of a resident which is in
28 the possession of the owner or operator of the facility, and its transfer to
29 the facility to which the resident has been transferred.

30 SEC. 8. 1. If the court which appointed the receiver determines after
31 notice and hearing pursuant to this section that:

32 (a) A person seeking payment under any agreement to which the owner
33 of the facility was a party was an owner or controlling stockholder of the
34 facility at the time the agreement was made; or

35 (b) The rental, price or rate of interest required to be paid under the
36 agreement was substantially above a reasonable rental, price or rate of
37 interest at the time the contract or agreement was concluded,
38 the court may order that the receiver not honor the agreement.

39 2. If the receiver is in possession of any property subject to a lease,
40 mortgage or security interest which the receiver has refused to honor
41 under a court order issued pursuant to subsection 1, and the property is
42 necessary for the continued operations of the facility, the receiver may
43 obtain an order from the court setting a reasonable rental, price or rate
44 of interest to be paid by the receiver during the receivership.

45 3. The receiver shall give notice of his application for an order pur-
46 suant to this section to each owner of property involved in an agreement
47 which he proposes not to honor at least 10 days before the scheduled
48 time of the hearing before the court upon the application. The court shall

1 set a date for the hearing which is not more than 15 days after the appli-
2 cation is filed, unless a later date is necessary in order to meet the
3 requirement of notice pursuant to this subsection.

4 4. Payment by the receiver of an amount determined by the court to
5 be reasonable and set forth as such in its order is an affirmative defense in
6 any action against the receiver for payment or for possession of the prop-
7 erty during the receivership, but it does not relieve the owner of the
8 facility from his liability to pay the difference left unpaid by the receiver
9 at the end of the receivership.

10 5. This section does not apply to a lease, mortgage, secured transac-
11 tion or any other agreement between the owner of the facility and any
12 financial institution regulated by an agency of this state or the United
13 States.

14 SEC. 9. Each receiver shall prepare a written report of his receiver-
15 ship during the previous 3 months and submit it to the court during the
16 first 7 days of January, April, July and October of each year. The report
17 must:

18 1. Be signed and contain his oath or affirmation, executed before an
19 officer authorized to administer oaths, that the information contained in
20 the report is true to the best of his knowledge and belief;

21 2. Contain a statement of all orders of the court issued during the
22 period covered by the report; and

23 3. A statement of the condition and prospects of the facility in his
24 charge.

25 The court shall conduct a hearing to determine the accuracy and com-
26 pleteness of the report, and if it finds the report to be substantially accu-
27 rate and complete, it may accept the report.

28 SEC. 10. The court may, upon the motion of the receiver or the
29 owner of the facility, terminate the receivership if it finds that:

30 1. The facility has been rehabilitated so that the conditions or viola-
31 tions which resulted in the appointment of the receiver no longer exist; or

32 2. The residents have been transferred to another facility and the
33 facility which is being operated by the receiver can be closed.

34 SEC. 11. NRS 449.001 is hereby amended to read as follows:

35 449.001 As used in NRS 449.001 to 449.248, inclusive, and sections
36 2 to 10, inclusive, of this act, unless the context otherwise requires, the
37 words and terms defined in NRS 449.002 to 449.018, inclusive, have the
38 meanings ascribed to them in those sections.

S. B. 168

SENATE BILL NO. 168—SENATORS NEAL AND FORD

FEBRUARY 3, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Simplifies organizational structure for providing library services. (BDR 33-438)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Effect less than \$2,000.

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

AN ACT relating to public libraries; simplifying the organizational structure for providing library services; providing for a study of methods of providing those services; 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 379.005 is hereby amended to read as follows:
2 379.005 As used in [NRS 379.010 to 379.060, inclusive,] *this*
3 *chapter*, unless the context otherwise requires:
4 1. "City library" means a library existing pursuant to NRS 379.070.
5 2. "County library" means a library established pursuant to NRS
6 379.010.
7 [2.] 3. "District library" means a library [established] existing
8 pursuant to NRS 379.021.
9 [3.] 4. "Public library" means a county, district, city or town
10 library or library system or other library predominantly supported by
11 public money.
12 5. "Town library" means a library existing pursuant to NRS
13 379.023.
14 SEC. 2. NRS 379.021 is hereby amended to read as follows:
15 379.021 1. [Whenever in any county a petition or petitions praying
16 for the formation of a county library district and the establishment of a
17 free public library therein setting forth the boundaries of the proposed
18 library district, certified by the district judge of any judicial district as
19 being signed by 10 percent of the taxpayers or by taxpayers representing
20 10 percent of the taxable property in the proposed county library dis-
21 trict, as shown by the last-preceding assessment roll of the county, is
22 presented to the board of county commissioners of the county in which
23 the territory of the proposed county library district is situated, accom-
24 panied by an affidavit or affidavits of one or more of the signers thereof

1 that the signatures thereto are genuine, the board of county commission-
2 ers shall, at their next regular meeting after the petition or petitions are
3 so presented:

4 (a) Pass a resolution to the effect that a county library district with
5 properly defined boundaries is to be established and cause to be pub-
6 lished a notice thereof in a newspaper of general circulation within the
7 district once a week for a period of 2 weeks; and

8 (b) Allow 30 days after the first publication of the notice during
9 which all taxpayers of the district in which the district library is to be
10 situated shall have the right to file protests with the county clerk.

11 2. If the aggregate of protests is less than 10 percent of the taxpay-
12 ers voting in the last general election, the board of county commissioners
13 shall order the creation of such county library district and the establish-
14 ment of a free public library therein and levy taxes in support and contin-
15 ued maintenance of such library in accordance with subsection 5.

16 3. If the aggregate of protests is more than 10 percent of the taxpay-
17 ers voting in the last general election, the board of county commissioners
18 shall:

19 (a) Proceed no further with reference to the establishment of a county
20 library district without submitting the question to the voters; and

21 (b) Hold the election as soon as practicable and as nearly as may be
22 in accordance with the general election laws of the state.

23 4. If the majority of votes cast at such election is against the estab-
24 lishment of the county library district, it shall be deemed lost and the
25 board of county commissioners shall proceed no further. If the majority
26 of votes is in favor of the county library district, the board of county
27 commissioners shall, within 10 days after such election, order the crea-
28 tion of the county library district and establishment of a free public
29 library therein.

30 5. Upon the creation of a county library district and establishment
31 of a free public library therein,] *Any county library district existing on*
32 *July 1, 1981, which was established pursuant to the provisions of chap-*
33 *ter 389, Statutes of Nevada 1967, may be maintained pursuant to the*
34 *provisions of this chapter.*

35 2. *So long as the county library district is so maintained, the board*
36 *of county commissioners shall [, at the next time for levying taxes and*
37 *in each year thereafter,] each year, at the time and in the manner other*
38 *taxes are levied, levy a tax upon all taxable property in the county*
39 *library district of not more than 15 cents on each \$100 valuation thereof,*
40 *for the purpose of creating and maintaining a fund known as the library*
41 *fund.*

42 SEC. 3. NRS 379.070 is hereby amended to read as follows:

43 379.070 1. Any free public library which [has been] was estab-
44 lished in a city pursuant to chapter 90, Statutes of Nevada 1895, or any
45 other law prior to July 1, 1967, or which [is] was established [after]
46 between July 1, 1967, and June 30, 1981, may be maintained and [shall
47 be] is governed by the provisions of NRS 379.070 to 379.120, inclusive.

48 2. *No new city library may be established after June 30, 1981.*

49 SEC. 4. NRS 379.005 is hereby amended to read as follows:

1 379.005 As used in this chapter, unless the context otherwise
2 requires:

3 1. "City library" means a library existing pursuant to NRS 379.070.
4 2. "County library" means a library established, or library services
5 provided, pursuant to NRS 379.010.

6 3. "District library" means a library existing pursuant to NRS
7 379.021.

8 4. "Public library" means a county, district, city or [town] regional
9 library or library system. [or other library predominantly supported by
10 public money.

11 5. "Town library" means a library existing pursuant to NRS 379.-
12 023.] 5. "Regional library" means a library established pursuant to
13 NRS 379.143 to 379.146, inclusive.

14 Sec. 5. NRS 379.010 is hereby amended to read as follows:

15 379.010 1. [Each] Except as otherwise provided by law for any
16 county where adequate library services are available to all persons in the
17 county under existing organizational structures, the board of county
18 commissioners of [the several counties may] each county shall set apart
19 a sum of money to be used in the establishment and maintenance of a
20 free public library in the [county seat of each] county [; and each] , for
21 contracts or interlocal agreements for the provision of library services in
22 the county or in establishing and maintaining a regional library. Each
23 year [thereafter] the board of county commissioners [may] shall set
24 apart an amount of money [adequately sufficient to maintain the same.]
25 for the purpose of operating and maintaining the county or regional
26 library or providing the services.

27 2. The fund so created [shall be known as] is the county library
28 fund.

29 3. A board of county commissioners shall not establish a new county
30 library unless the area to be served has a population of at least 6,000. If
31 no county library exists in the county and establishment of a new county
32 library is prohibited by this subsection, library services must be provided
33 by contract or interlocal agreement or the county must join with one or
34 more other counties in establishing a regional library.

35 4. An interlocal agreement for the provision of library services pur-
36 suant to this section may provide, without limitation:

37 (a) An arrangement whereby the services of one or more existing city
38 libraries or county library districts are made available to all persons
39 throughout the county regardless of the libraries' respective jurisdictional
40 boundaries, if the board of county commissioners determines that the
41 services so provided are adequate to meet the county's needs for library
42 service. The services may be provided with or without charge to the
43 county, and under such an arrangement the county shall be deemed to
44 have met the financial requirements of subsection 1.

45 (b) An arrangement whereby the services of one or more existing city
46 libraries or county library districts are maintained for all persons within
47 their respective jurisdictions and the board of county commissioners
48 determines that the services so provided are adequate to meet the needs
49 for library service within those portions of the county. The services may
50 be provided with or without charge to the county, and under such an

1 *arrangement the county shall be deemed to have met the financial*
2 *requirements of subsection 1 except for the cost of providing library*
3 *services in the remainder of the county.*

4 5. *If a county library is established, the board of county commis-*
5 *sioners is responsible for providing the facilities necessary to house the*
6 *library.*

7 SEC. 6. NRS 379.020 is hereby amended to read as follows:

8 379.020 1. [The] *If a county library is established in the county, the*
9 *board of county commissioners shall appoint five competent persons who*
10 *are residents of the county [, who shall be known] to serve as county*
11 *library trustees. Three trustees shall hold office for the terms of 1, 2 and*
12 *3 years respectively, and two trustees shall hold office for terms of 4*
13 *years. Annually thereafter, the board of county commissioners shall*
14 *appoint one trustee who shall hold office for a term of 4 years, except that*
15 *in those years in which the terms of two trustees expire, the board of*
16 *county commissioners shall appoint two trustees for terms of 4 years.*
17 *County library trustees shall hold office until their successors are*
18 *appointed and qualified.*

19 2. *No trustee may be appointed to hold office for more than two con-*
20 *secutive 4-year terms.*

21 3. *All vacancies which may occur at any time in the office of county*
22 *library trustee [shall] must be filled by appointment by the board of*
23 *county commissioners.*

24 4. *County library trustees shall serve without compensation.*

25 5. *The board of county commissioners may remove any trustee who*
26 *fails, without cause, to attend three successive meetings of the trustees.*

27 SEC. 7. NRS 379.022 is hereby amended to read as follows:

28 379.022 1. [After ordering the creation of a county library district
29 and the establishment of a free public library therein as provided in
30 NRS 379.021, the] *The board of county commissioners of a county in*
31 *which a county library district exists shall appoint five competent per-*
32 *sons who are residents of [such] the county library district [who shall*
33 *be known] to serve as district library trustees.*

34 2. *The term of office of the trustees [appointed after July 1, 1971,*
35 *pursuant to subsection 1 is as follows:*

36 (a) *Three persons shall be appointed for a term of 2 years.*

37 (b) *Two persons shall be appointed for a term of 4 years.*

38 *Thereafter the offices of district library trustees shall be filled for terms*
39 *of 4 years in the order in which the terms expire.] is 4 years. No person*
40 *may be appointed to hold office for more than two consecutive 4-year*
41 *terms.*

42 3. [A vacancy occurring because of the expiration of the term in any
43 office of district library trustee filled by election or appointment prior to
44 July 1, 1971, shall be filled by an appointment by the board of county
45 commissioners for a term of 4 years.

46 4.] *A vacancy in the office of district library trustee which occurs*
47 *because of expiration of the term of office must be filled by appointment*
48 *by the board of county commissioners for a term of 4 years. A vacancy*
49 *which occurs other than by expiration of the term [shall] must be filled*

1 by appointment by the board of county commissioners for the unexpired
2 term.

3 [5.] 4. District library trustees shall serve without compensation.

4 [6.] 5. The board of county commissioners may remove any district
5 library trustee who fails, without cause, to attend three successive meet-
6 ings of the trustees.

7 SEC. 8. NRS 379.025 is hereby amended to read as follows:

8 379.025 1. The library trustees of any county [,] or district [or
9 town] library, and their successors, shall:

10 (a) Hold and possess the property and effects of the library and read-
11 ing room in trust for the public.

12 (b) In the case of a county library, submit annual budgets to the
13 board of county commissioners, containing detailed estimates of the
14 amount of money necessary for the operation and management of
15 the library for the next succeeding year.

16 (c) In the case of a district [or town] library, prepare annual budg-
17 ets in accordance with NRS 354.470 to 354.626, inclusive.

18 2. The library trustees may:

19 (a) Establish, supervise and maintain a library and reading room.

20 (b) Make purchases and secure rooms.

21 (c) Appoint a librarian and other officers and employ assistants.

22 (d) Establish bylaws and regulations for the management of the
23 library and their own management.

24 (e) Manage all the property, real and personal, of the library.

25 (f) Acquire and hold real and personal property, by gift, purchase or
26 bequest, for the library and reading room.

27 (g) Administer any trust declared or created for the library and read-
28 ing room.

29 (h) Maintain or defend any action in reference to the property or
30 affairs of the library and reading room.

31 (i) Authorize the merger of a [town or] city library with a county
32 library district.

33 (j) Do all acts necessary for the orderly and efficient management and
34 control of the library.

35 SEC. 9. NRS 379.026 is hereby amended to read as follows:

36 379.026 1. The library trustees of any county [,] or district [or
37 town] library [are authorized to] may establish with the county treas-
38 urer, as custodian, a special fund [, which fund shall] to be known as
39 the county library gift fund [,] or the district library
40 gift fund, [or the town library gift fund,] as the case
41 may be. The [moneys in such fund shall] money in the fund must be
42 derived from all or any part of any gift, bequest or devise, including the
43 interest thereon. [Such fund shall be] The fund is a separate and con-
44 tinuing fund and no [moneys in such fund shall revert] money in the
45 fund reverts to the general fund of the county at any time.

46 2. The [moneys] money in a library gift fund may be used for con-
47 struction of new library buildings, capital improvements to library build-
48 ings, special library services, or other library purposes. No expenditure
49 from a library gift fund [shall] may be made until authorized by the
50 library trustees.

1 3. The library trustees may invest or reinvest all or part of the
2 ~~money~~ *money* in the library gift fund in any investment authorized
3 for city and county ~~money~~ *money* under chapter 355 of NRS.

4 SEC. 10. NRS 379.027 is hereby amended to read as follows:

5 379.027 The librarian of any county ~~[,]~~ or district ~~[or town]~~
6 library shall administer all functions of the library and carry out the
7 policies established by the library trustees.

8 SEC. 11. NRS 379.030 is hereby amended to read as follows:

9 379.030 1. All claims for indebtedness incurred or created by the
10 library trustees of any county ~~[,]~~ or district ~~[or town]~~ library ~~[shall:]~~
11 *must*:

12 (a) Be audited by a majority of the library trustees; ~~[and]~~
13 (b) Be presented to and acted upon by the board of county commis-
14 sioners; and

15 (c) Be paid out of the appropriate library fund in the same manner as
16 claims against the county are presented, acted upon and paid.

17 2. No indebtedness in excess of the amount provided for in NRS
18 ~~[379.010,] 379.021 [or 379.023, respectively, shall]~~ *may* be incurred
19 by the *district* library trustees or allowed by the board of county com-
20 missioners. In no case ~~[shall]~~ *may* any claim except for library and
21 reading room purposes be allowed or paid out of the ~~[appropriate]~~
22 library fund ~~[,]~~ *of a county or district library.*

23 3. Any ~~money~~ *money* remaining in the county library fund on
24 June 30 of any year ~~[shall revert]~~ *reverts* to the general fund of the
25 county.

26 SEC. 12. NRS 379.040 is hereby amended to read as follows:

27 379.040 The library and reading room of any county ~~[,]~~ or district
28 ~~[or town]~~ library ~~[shall]~~ *must* forever be and remain free and accessible
29 to the public, subject to such reasonable ~~[rules and]~~ regulations as the
30 library trustees may adopt.

31 SEC. 13. NRS 379.050 is hereby amended to read as follows:

32 379.050 1. Whenever a new county library ~~[shall be]~~ *is* provided
33 for in any county having a population of 15,000 or more, ~~[persons,]~~ the
34 ~~[library]~~ trustees of any district library in the county ~~[previously estab-~~
35 ~~lished are authorized to]~~ *may* transfer all books, funds, equipment ~~[or]~~
36 *and* other property in ~~[the]~~ *their* possession ~~[of such trustees]~~ to the
37 new library upon the demand of the ~~[library]~~ trustees of the new library.

38 2. Whenever there are two or more county library districts in any
39 county having a population of 15,000 or more, ~~[persons, such]~~ *the* dis-
40 tricts may merge into one county library district upon approval of the
41 library trustees of the merging districts.

42 3. Whenever there is a city ~~[or a town]~~ library located adjacent to a
43 county library district, the city ~~[or town]~~ library may merge with the
44 county library district upon approval of the library trustees of the merg-
45 ing library and district.

46 4. All expenses incurred in making ~~[such]~~ *the* transfer or merger
47 ~~[shall]~~ *must* be paid out of the general fund of the new library.

48 SEC. 14. NRS 379.060 is hereby amended to read as follows:

49 379.060 1. The library trustees of any county or district library shall

1 cooperate with and enter into contracts with the board of county commis-
2 sioners of any other county, [or with any city or town in any other
3 county,] or with any school district, when necessary to secure to the resi-
4 dents of [such] the other county, [or to the residents of such city or
5 town in such other county,] or to the pupils of the school district, the
6 same privileges of the county or district library as are granted to or
7 enjoyed by the residents of the county or county library district, or such
8 privileges as may be agreed upon in the contract. The consideration
9 agreed upon [shall] *must* be specified in the contract, and [the same
10 shall] *must* be paid into the county or district library fund or a special
11 fund for library purposes of the county providing the service.

12 2. Any [contracting county, city, town or school district may ter-
13 minate any] such contract [which] may be entered into upon such terms
14 as may be agreed upon by the parties thereto. *Any contracting county or*
15 *school district may, after 2 years, terminate the contract.*

16 3. Any county [, city or town] wherein a library has been estab-
17 lished may cooperate with and contract with the library trustees of any
18 county [,] or district [or town] library to obtain for the residents of
19 such county [, city or town] an increase in library services or such privi-
20 leges as may be agreed upon.

21 4. The library trustees of any county or district library may cooper-
22 ate with and contract with the board of county commissioners of any
23 other county, relative to any phase of library service.

24 5. Any county [, city or town contracting for such] *having a popu-*
25 *lation of 6,000 or more which contracts for library service* may at any
26 time establish a library for the use of its inhabitants, whereupon its con-
27 tract for such service may be continued or terminated on such terms as
28 may be agreed upon by the parties thereto.

29 6. The [tax-levying body] *board of county commissioners* of any
30 county [, city or town] contracting to receive [such] library services
31 [is authorized to] *may* budget for and levy a tax [in an amount not to
32 exceed 10 cents per \$100 of assessed valuation] to meet the terms of the
33 contract. The board of trustees of a school district may budget to meet
34 the terms of the contract.

35 7. The library trustees of the county or district library providing
36 such services may expend any amounts received in consideration of any
37 such contract in addition to the amount budgeted for the county or dis-
38 trict library.

39 [8. Any law which conflicts with the financial provisions of this sec-
40 tion shall not apply to any contract entered into under the provisions of
41 this section.]

42 SEC. 15. NRS 379.143 is hereby amended to read as follows:

43 379.143 1. Any two or more [political subdivisions] *counties*
44 *whose combined population is 6,000 or more* may join in establishing
45 and maintaining a regional library through a written joint agreement of
46 their [governing bodies.] *boards of county commissioners.*

47 2. The agreement [shall] *must* provide for the fair apportionment
48 of expenses and that the treasurer [or other fiscal officer] of one of the
49 participating [political subdivisions shall] *counties will* be selected as

1 treasurer of the regional library and [shall] will have custody of the
2 funds of the regional library.

3 SEC. 16. NRS 379.144 is hereby amended to read as follows:

4 379.144 The treasurer [or other fiscal officer] of the other partici-
5 pating [political subdivisions] counties shall transfer to the treasurer of
6 the regional library all [moneys] money collected for regional public
7 library purposes in their respective [political subdivisions,] counties in
8 accordance with the joint agreement.

9 SEC. 17. NRS 379.145 is hereby amended to read as follows:

10 379.145 If one of the participating [political subdivisions] counties
11 withdraws from the agreement, it is entitled to a division of the property
12 of the regional library on the basis of its contribution.

13 SEC. 18. NRS 379.146 is hereby amended to read as follows:

14 379.146 1. Each regional library [shall] must be governed by a
15 regional library board appointed in accordance with a method jointly
16 agreed upon by the [governing bodies] boards of county commissioners
17 of the participating [political subdivisions,] counties, for a term of not
18 more than 4 years.

19 2. The regional library board [shall] must consist of not less than
20 [5] five nor more than 11 members.

21 SEC. 19. NRS 218.460 is hereby amended to read as follows:

22 218.460 1. All requests for mailing or distribution of bills and leg-
23 islative publications [shall] must be filed with the director of the legisla-
24 tive counsel bureau who shall request the superintendent of the state
25 printing and records division of the department of general services to
26 print a sufficient number of bills and legislative publications to supply
27 the requests, together with such number as may be necessary for legisla-
28 tive requirements. The superintendent of the state printing and records
29 division shall print only that amount of bills and legislative publications
30 necessary for such requests and requirements.

31 2. Except as otherwise provided in this section, no bill or other legis-
32 lative publication [shall] may be distributed without payment therefor of
33 a sum fixed by the director of the legislative counsel bureau. Any person,
34 office or organization, except for those for which provision is otherwise
35 made in this section, may receive upon request free of charge in any
36 one calendar year a maximum of two copies of each individual bill or
37 resolution specified by bill or resolution number or of each daily history,
38 daily journal or index.

39 3. There is no limitation upon the number of bills or of such other
40 legislative publications, or copies of either, that may be distributed, free
41 of charge, to:

42 (a) Members of the legislature.

43 (b) The secretary of the senate and the chief clerk of the assembly for
44 the proper functioning of their respective houses.

45 (c) The legislative counsel bureau.

46 4. Township [,] and school [and municipal] officials may have dis-
47 tributed, free of charge, the number of copies of any bill or of such other
48 legislative publication that is approved by the legislative functions commit-
49 tee of either the senate or assembly.

50 5. The following persons shall, automatically, receive free of charge

1 in any 1 calendar year two copies of any bill or resolution or of any
2 daily history, daily journal or index and additional copies upon approval
3 of the legislative functions committee of either the senate or assembly:

- 4 (a) Elected state officers.
- 5 (b) County clerks, district attorneys, sheriffs, treasurers, assessors,
6 recorders and auditors.
- 7 (c) Justices and the clerk of the supreme court.
- 8 (d) Judges and clerks of the district courts.

9 6. The following persons, offices or organizations, upon request, shall
10 receive free of charge in any one calendar year two copies of any bill or
11 resolution or of any daily history, daily journal or index and additional
12 copies upon approval of the legislative functions committee of either the
13 senate or assembly:

- 14 (a) Offices of other county officials.
- 15 (b) Offices of all state agencies and departments.
- 16 (c) Municipal officers.
- 17 (d) Districts and other governmental agencies.
- 18 (e) Justices of the peace.
- 19 (f) The Library of Congress.
- 20 (g) **County and city** Public libraries and libraries of the University
21 of Nevada System.
- 22 (h) The Nevada State Library.
- 23 (i) Accredited members of the press.

24 7. The director of the legislative counsel bureau shall fix the cost of
25 such bills and publications, including postage, and such **moneys**
26 *money* as may be received by him **shall** *must* be remitted to the legis-
27 lative counsel bureau for deposit in the legislative fund. **Prior to**
28 *Before* each session of the state legislature, the director of the legislative
29 counsel bureau shall reanalyze the cost of such bills and publications,
30 including postage, and establish a cost schedule that, as nearly as prac-
31 ticable, reflects the estimated cost to be incurred during the session.

32 8. The costs of such distributions, including postage, **shall** *must*
33 be paid from the legislative fund.

34 SEC. 20. NRS 378.190 is hereby amended to read as follows:

35 378.190 1. The state publications distribution center may enter into
36 depository agreements with any city, county, district, regional **[, town]**
37 or university library in this state.

38 2. The state librarian shall establish standards for eligibility as a
39 depository library under subsection 1. Such standards may include and
40 take into account:

- 41 (a) The type of library;
- 42 (b) Its ability to preserve such publications and to make them avail-
43 able for public use; and
- 44 (c) Its geographical location in order to assure that the publications
45 are conveniently accessible to residents in all areas of the state.

46 SEC. 21. 1. All town libraries are abolished effective July 1, 1985.

47 2. Unless otherwise required by contract or the terms of an accepted
48 gift, the governing body of each town library shall transfer the books,
49 equipment and other property in its possession to the county library of
50 the county in which the town is located if the county library trustees so

1 direct. If there is no county library in the county, the governing body
2 shall distribute the property as directed by the board of county com-
3 missioners.

4 3. If a county library receives the property of an abolished library,
5 it succeeds automatically to all rights and obligations of that library which
6 remain outstanding. If a board of county commissioners directs some
7 other disposition of such property, it shall at the same time provide for the
8 fulfillment or extinguishment of any such obligation and the exercise or
9 release of any such right.

10 SEC. 22. The legislature finds that adequate and extensive library
11 services are available to all persons in the County of Clark, where exist-
12 ing organizational structures include:

- 13 1. The Boulder City Library;
- 14 2. The Clark County Library District, Las Vegas;
- 15 3. The Henderson District Public Library; and
- 16 4. The North Las Vegas Public Library.

17 SEC. 23. The legislature having determined that adequate and exten-
18 sive library services are available to all persons in the County of Clark,
19 the board of county commissioners of that county is hereby exempted
20 from the requirements of subsection 1 of NRS 379.010, as amended by
21 section 5 of this act.

22 SEC. 24. 1. The legislative commission shall conduct a study of the
23 most efficient and effective methods for the provision of library services in
24 counties where:

25 (a) There is no countywide library system; and

26 (b) The legislature has not made a determination that adequate library
27 services are available to all persons in the county under existing organiza-
28 tional structures.

29 2. The study must include an examination of the mandatory provi-
30 sion of library service to the extent and in the manner required by the
31 provisions of this act, including but not limited to the effect of the
32 requirements in the various counties and proposals for carrying them out.

33 3. The legislative commission shall submit a report of the progress
34 of the study to the 62d session and a final report to the 63d session of
35 the legislature.

36 SEC. 25. NRS 379.023 and 379.142 are hereby repealed.

37 SEC. 26. Sections 4 to 21, inclusive, sections 23 and 25 of this act
38 shall become effective on July 1, 1985.

S. B. 324

SENATE BILL NO. 324—SENATOR BILBRAY

FEBRUARY 27, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Increases salaries for boards of trustees of certain school districts. (BDR 34-1164)

FISCAL NOTE: Effect on Local Government: Yes. 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 boards of trustees of school districts; increasing the salaries of the clerk, president and other trustees in certain 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. NRS 386.320 is hereby amended to read as follows:
- 2 386.320 1. If the total pupil enrollment in the school district for
- 3 the immediately preceding school year is less than 1,000:
- 4 (a) The clerk and president of the board of trustees may each receive
- 5 a salary of \$20 for each board of trustees meeting they attend, not to
- 6 exceed \$40 a month.
- 7 (b) The other trustees may each receive a salary of \$15 for each board
- 8 of trustees meeting they attend, not to exceed \$30 a month.
- 9 (c) The board of trustees may hire a stenographer to take the minutes
- 10 of the meetings of the board of trustees, and such stenographer may be
- 11 paid a reasonable fee for each meeting attended.
- 12 2. If the total pupil enrollment in the school district for the immedi-
- 13 ately preceding school year is 1,000 or more:
- 14 (a) The clerk and president of the board of trustees may each receive
- 15 a salary of [~~\$40~~] \$55 for each board of trustees meeting they attend,
- 16 not to exceed [~~\$160~~] \$220 a month.
- 17 (b) The other trustees may each receive a salary of [~~\$35~~] \$50 for
- 18 each board of trustees meeting they attend, not to exceed [~~\$140~~] \$200
- 19 a month.
- 20 (c) The board of trustees may hire a stenographer to take the minutes
- 21 of the meetings of the board of trustees; and [~~such~~] *this* stenographer
- 22 may be paid a reasonable fee for each meeting attended.

S. B. 294

SENATE BILL NO. 294—SENATOR BILBRAY

FEBRUARY 25, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides for continuation of special education for handicapped persons who have completed public school program. (BDR 34-1030)

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 handicapped persons; providing for the continuation of special instruction and services for such persons after completion of the public school program; making provision for appropriate services for those persons from state departments and agencies; 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 396 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:

3 1. *As used in this section, "handicapped person" means any person*
4 *who deviates educationally, academically, physically, socially or emotion-*
5 *ally so markedly from normal growth and development patterns that he*
6 *cannot progress effectively in a regular school program and therefore*
7 *needs special instruction or special services.*

8 2. *The board of regents shall provide, within the community college*
9 *division of the University of Nevada System, continued special instruc-*
10 *tion and services for handicapped persons who have completed the*
11 *program of special education in the public schools provided pursuant to*
12 *NRS 388.440 to 388.520, inclusive, or the equivalent of that program.*

13 3. *The departments and agencies of the state shall assist the board*
14 *of regents, insofar as possible, by providing appropriate services to*
15 *handicapped persons participating in the program.*



S. B. 273

SENATE BILL NO. 273—SENATOR JACOBSEN

FEBRUARY 23, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Removes state officer from serving on Comstock historic district commission. (BDR 33-765)

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 historic districts; removing the administrator or an employee of the division of historic preservation and archeology of the department of conservation and natural resources from serving on the Comstock historic district commission; 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 384.040 is hereby amended to read as follows:
2 384.040 The Comstock historic district commission, consisting of
3 **[nine]** *seven* members appointed by the governor, is hereby created.
4 SEC. 2. NRS 384.050 is hereby amended to read as follows:
5 384.050 1. The governor shall appoint:
6 (a) One member who is a county commissioner of Storey County.
7 (b) One member who is a county commissioner of Lyon County.
8 (c) **[One member who is the administrator or an employee of the**
9 *division of historic preservation and archeology of the state department*
10 *of conservation and natural resources.*
11 (d) **Two** members who are persons licensed to practice architecture
12 *in the State of Nevada.*
13 **[(e) Four]** *(d) Three* members who are persons interested in the
14 protection and preservation of structures, sites and areas of historic inter-
15 est and are residents of the district.
16 2. The commission shall elect one of its members as chairman and
17 another as vice chairman, who shall serve for a term of 1 year or until
18 their successors are duly elected and qualified.
19 3. Each member of the commission is entitled to receive a salary of
20 \$40 for each day's attendance at a meeting of the commission and the
21 per diem allowance and travel expenses provided by law.