

Summary Bulletin
of
Reports of the Legislative Commission
to the 72nd Session of the
Nevada Legislature



Legislative Counsel Bureau
Bulletin No. 03-2

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BULLETIN NO. 03-2

**SUMMARY BULLETIN OF REPORTS
OF THE LEGISLATIVE COMMISSION TO THE
72ND SESSION OF THE NEVADA LEGISLATURE**

INTRODUCTION

This bulletin summarizes 19 study reports that were completed during the 2001-2002 Legislative Interim for consideration by the 2003 Nevada Legislature. The Summary Bulletin serves two primary purposes:

1. It provides a brief outline of the work of each interim committee or subcommittee so that legislators and interested parties may become familiar with the various studies, issues, and resulting recommendations; and
2. It is a reference tool to facilitate and encourage the use and understanding of the individual reports it summarizes.

Interim studies included in this bulletin were mandated by one of four methods: (1) by a special act of the Legislature; (2) by a concurrent or joint resolution adopted by both the Senate and the Assembly; (3) by a law appearing in the *Statutes of Nevada* or *Nevada Revised Statutes* (NRS); or (4) by direction of the Legislative Commission.

Of the 19 study reports in this publication, the study on the Incorporation of Towns (Assembly Bill 381) was initiated by special act of the Legislature. Four studies were directed by concurrent or joint resolutions approved during the 2001 Legislative Session. Eleven studies were authorized by laws appearing in NRS, including studies conducted by the Committees on Children, Youth and Families; Education; Health Care; High-Level Radioactive Waste; Local Government Taxes and Finances; Local Governments and Private Enterprises; Marlette Lake; and Public Lands. Three studies were initiated at the request of the Legislative Commission, including the Subcommittee on Industrial Explosions, the Subcommittee to Study Medical Malpractice, and Subcommittee on Public Lands' Wilderness and Wilderness Study Areas.

For each study, an abstract and summary of the recommendations, if any, are provided. Some committee summaries are more detailed than others, depending upon the nature of the study. The bill, resolution, or statutory provisions that mandated the studies are included for each study, where applicable. In addition, committee members and staff are listed to assist legislators and others in identifying those who may help in their understanding of issues or recommendations.

The Summary Bulletin is a guide to the contents of the regular study reports. For additional information regarding a particular study, interested parties should refer to the bulletin cited on the initial page of each section. These publications may be obtained from the Legislative Counsel Bureau's Publications Office (telephone: 775/684-6835) and are identified by bulletin number.

LEGISLATIVE COMMISSION

Assemblyman Richard D. Perkins, Chairman
Assemblywoman Barbara E. Buckley, Vice Chairwoman

SENATE

Senator Mark Amodei
Senator Mark A. James¹
Senator Michael A. (Mike) Schneider
Senator Dina Titus
Senator Maurice Washington
Senator Valerie Wiener

ASSEMBLY

Assemblyman Bernie Anderson
Assemblyman David Brown
Assemblyman David E. Humke²
Assemblyman Dennis Nolan³

¹ Senator Mark A. James resigned on May 29, 2002. His position was subsequently filled with an alternate member.

² Assemblyman David E. Humke did not run for re-election and consequently vacated his position following the November 5, 2002, General Election. His position was subsequently filled with an alternate member.

³ Assemblyman Dennis Nolan was elected to the Senate on November 5, 2002, and consequently vacated his position following the November 5, 2002, General Election. His position was subsequently filled with an alternate member.

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BULLETIN NO. 03-3

**LEGISLATIVE COMMISSION'S STUDY TO DEVELOP AND RECOMMEND
PROPOSED ENABLING LEGISLATION FOR
THE CREATION OF AN INCORPORATED TOWN**

Assembly Bill No. 381
(Chapter 538, *Statutes of Nevada 2001*)

Members

Assemblyman Douglas A. Bache, Chairman
Senator Ann O'Connell, Vice Chairwoman
Senator Michael Schneider
Assemblyman P.M. "Roy" Neighbors
Assemblyman David E. Humke

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Assembly Bill No. 381–Assemblymen Bache, Neighbors, Giunchigliani, de Braga, Gibbons, Anderson, Berman, Brown, Buckley, Carpenter, Chowning, Freeman, Hettrick, Lee, Leslie, Manendo, Mortenson, Ocegüera, Parks, Parnell, Smith, Tiffany and Von Tobel

Joint Sponsors: Senators Amodei and Carlton

CHAPTER.....

AN ACT relating to local governments; revising the provisions relating to the incorporation and organization of cities; directing the Legislative Commission to conduct an interim study to develop and recommend proposed enabling legislation for the creation of an incorporated town; and providing other matters properly relating thereto.

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

Section 1. NRS 265.010 is hereby amended to read as follows:

265.010 No city or town in this state may be organized into an incorporated city unless *there were* more than ~~[250 electors]~~ **1,000 inhabitants** residing within the limits of the city or town ~~[cast ballots at the general election last]~~ **as determined by the last federal decennial census or the population certified by the governor pursuant to NRS 360.285, whichever is most recent,** preceding the application for incorporation.

Sec. 2. NRS 266.055 is hereby amended to read as follows:

266.055 Municipal corporations organized under the provisions of this chapter ~~[shall be, and the same are,]~~ **must be** divided into three classes:

1. Those cities having ~~[20,000]~~ **50,000** or more inhabitants ~~[shall be known as]~~ **are** cities of the first class.

2. Those cities having ~~[more than 5,000 and less than 20,000 inhabitants shall be known as]~~ **5,000 or more but less than 50,000 inhabitants are** cities of the second class.

3. ~~[All other cities shall be known as]~~ **Those cities having less than 5,000 inhabitants are** cities of the third class.

Sec. 3. NRS 266.060 is hereby amended to read as follows:

266.060 1. Whenever any city of the second class attains the population of ~~[20,000]~~ **50,000** or more, or any city of the third class attains the population of 5,000 or more, and that fact is ascertained:

(a) By actual census taken and certified to the governor by the mayor; or

(b) At the option of the city council, by the governor, pursuant to NRS 360.285, for 2 consecutive years,

the governor shall declare, by public proclamation, that city to be of the first or second class, ~~[as the case may be,]~~ and the city thus changed is governed by the provisions of this chapter ~~[,]~~ applicable to cities of the higher class.

2. An authenticated copy of the governor’s proclamation must be filed in the office of the secretary of state.

Sec. 4. 1. The Legislative Commission shall appoint a subcommittee consisting of six legislators to conduct an interim study to develop and recommend proposed enabling legislation for the creation of an incorporated town. The subcommittee must consist of:

(a) Two members appointed by the Majority Leader of the Senate from the membership of the Senate Standing Committee on Government Affairs during the immediately preceding session of the legislature;

(b) One member appointed by the Majority Leader of the Senate from the membership of the Senate Standing Committee on Taxation during the immediately preceding session of the legislature;

(c) Two members appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Government Affairs during the immediately preceding session of the legislature; and

(d) One member appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Taxation during the immediately preceding session of the legislature.

2. The subcommittee may appoint an advisory committee to assist the subcommittee in carrying out its duties. Such an advisory committee must include a member of the Committee on Local Government Finance and representatives of the Nevada League of Cities and Municipalities, the Nevada Association of Counties and the Nevada Taxpayers Association, or their successor organizations. Members of the advisory committee serve without compensation, but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the advisory committee. The per diem allowance and travel expenses must be paid from the legislative fund.

3. The subcommittee may form such subcommittees of its members as are necessary to study specific issues within the jurisdiction of the subcommittee.

4. The subcommittee shall meet as frequently as necessary to complete the recommendations for the proposed legislation.

5. In conducting the study, the subcommittee shall:

(a) Determine appropriate procedures for the incorporation of and the governmental structure of an incorporated town;

(b) Identify and analyze the appropriate mandatory and optional powers that the governing body of an incorporated town may exercise;

(c) Consider the consolidation of any taxing district that may overlap with the boundaries of an incorporated town; and

(d) Consider existing statutes governing incorporated cities and unincorporated towns, including, without limitation, population data, governmental structure and operations, and any other matter that the subcommittee determines is relevant to the study.

6. The subcommittee may submit recommended legislation that is approved by a majority of the members of the Assembly appointed to the subcommittee and a majority of the members of the Senate appointed to the subcommittee to the Legislative Commission.

7. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 72nd session of the Nevada Legislature.

Sec. 5. This act becomes effective on passage and approval.

ABSTRACT

THE LEGISLATIVE COMMISSION'S STUDY TO DEVELOP AND RECOMMEND PROPOSED ENABLING LEGISLATION FOR THE CREATION OF AN INCORPORATED TOWN

Assembly Bill No. 381
(Chapter 538, *Statutes of Nevada 2001*)

The Legislative Commission's Study to Develop Enabling Legislation for the Creation of Incorporated Towns was established as a result of Assembly Bill 381 (Chapter 538, *Statutes of Nevada 2001*). The subcommittee was required to develop legislation to create a third level of local government in the state that would be subordinate to a county form of government. Current law in the state provides that a city may be incorporated, and a town may be unincorporated. Further, there are no population requirements to form either type of government.

The subcommittee met four times with meeting sites alternating between Carson City and Las Vegas, Nevada. In addition, an advisory committee that was formed by the subcommittee met three times. All public hearings were conducted through simultaneous videoconferences with the exception of one meeting that was held in Pahrump, Nevada.

At the last meeting of the subcommittee, members conducted a work session at which no recommendations were adopted. Although members did not adopt a recommendation, the chairman of the subcommittee indicated that he would bring bill draft request #249 to the 2003 Session of the Nevada Legislature that would establish a mechanism to provide for the incorporation of towns in Nevada.

SUMMARY OF RECOMMENDATIONS

**THE LEGISLATIVE COMMISSION'S STUDY TO DEVELOP
AND RECOMMEND PROPOSED ENABLING LEGISLATION
FOR THE CREATION OF AN INCORPORATED TOWN**

Assembly Bill No. 381
(Chapter 538, *Statutes of Nevada 2001*)

The Legislative Commission's Study to Develop and Recommend Proposed Enabling Legislation for the Creation of an Incorporated Town, established by Assembly Bill 381 (Chapter 538, *Statutes of Nevada 2001*) did not adopt any recommendations for submittal to the 72nd Session of the Nevada Legislature.

BULLETIN 03-4

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
CATEGORIES OF MISDEMEANORS**

Assembly Concurrent Resolution No. 2
(File No. 6, *Statutes of Nevada 2001 Special Session*)

Members

Assemblyman Mark A. Manendo, Chairman
Senator Terry Care
Senator Mike McGinness
Senator Maurice E. Washington
Assemblyman Bernie Anderson
Assemblyman John C. Carpenter

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Assembly Concurrent Resolution No. 2—Joint Rules Committee

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study concerning misdemeanors.

WHEREAS, During the 1995 Legislative Session, legislation was enacted to provide categories for felonies; and

WHEREAS, The Nevada Revised Statutes currently provides for only two categories of misdemeanors that are designated as misdemeanors and gross misdemeanors; and

WHEREAS, A study needs to be conducted to determine whether providing categories for misdemeanors and penalties commensurate with those categories would provide more consistency in the criminal statutory scheme; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a committee consisting of three members of the Assembly, two of whom are members of the Assembly Standing Committee on Judiciary and three members of the Senate, two of whom are members of the Senate Standing Committee on Judiciary, to conduct an interim study concerning misdemeanors; and be it further

RESOLVED, That the study must include, without limitation, an analysis of:

1. The existing statutes concerning misdemeanors to determine whether it is feasible to categorize misdemeanors and provide penalties commensurate with the categorization;
2. Whether it is beneficial to amend the Nevada Revised Statutes to categorize misdemeanors in such a manner;
3. The effect that categorizing misdemeanors in such a manner would have on the courts of this state, including, without limitation, any increase in the volume of cases handled by the courts and any necessary changes to the jurisdiction of the lower courts; and
4. Any other matter related to misdemeanors, as deemed necessary by the committee; and be it further

RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the committee; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 72nd session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY CATEGORIES OF MISDEMEANORS

Assembly Concurrent Resolution No. 2
(File No. 6, *Statutes of Nevada 2001 Special Session*)

The 2001 Nevada Legislature adopted Assembly Concurrent Resolution No. 2 (File No. 6, *Statutes of Nevada 2001 Special Session*), which directed the Legislative Commission to conduct an interim study concerning misdemeanors. Specifically, the study was ordered to determine if having categories of misdemeanors and penalties commensurate with Nevada's categories of felonies would provide more consistency in criminal statutory provisions. The Commission appointed a subcommittee of six legislators (three Senators and three Assembly members) to carry out the provisions of the resolution.

The Subcommittee held four meetings, including a work session, during the course of the study. One of the meetings took place in Las Vegas, and the other three were held in Carson City. These public hearings were conducted through simultaneous videoconference between meeting rooms at the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas.

The Subcommittee considered the following:

- The existing statutes concerning misdemeanors to determine whether it would be feasible to categorize misdemeanors and provide penalties corresponding with the categorization;
- Whether it is beneficial to amend the *Nevada Revised Statutes* to categorize misdemeanors in such a manner;
- The effect that categorizing misdemeanors in such a manner would have on the courts of this state, including, without limitation, any increase in the volume of cases handled by the courts and any necessary changes to the jurisdiction of the lower courts; and
- Other matters related to misdemeanors.

The consideration and deliberation of these matters were integral to understanding whether it would be feasible to change the categorization of misdemeanors in Nevada. Formal presentations, staff reports, and public testimony provided information to the Subcommittee members and meeting attendees.

At its final meeting and work session, the Subcommittee adopted six recommendations, including four bill draft requests (BDRs), for consideration by the 2003 Legislature. The recommendations address the following major topics:

- Crimes committed in prison;
- Domestic violence;
- Graffiti;
- Outdated laws; and
- Prosecutorial responsibility for state boards and commissions.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY CATEGORIES OF MISDEMEANORS

Assembly Concurrent Resolution No. 2
(File No. 6, *Statutes of Nevada 2001 Special Session*)

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Study Categories of Misdemeanors (Assembly Concurrent Resolution No. 2, [File No. 6, *Statutes of Nevada 2001 Special Session*]). The Subcommittee will submit these proposals to the 72nd Session of the Nevada Legislature.

Crimes Committed in Prison

Send a letter on behalf of the Subcommittee to the Chairmen of the Senate Committee on Finance, Assembly Committee on Ways and Means, and Senate and Assembly Committees on Judiciary, with a copy to the sheriff and county commissioners of White Pine County, informing them of the problem of ex-prisoners sent to county jails to serve time for misdemeanor crimes committed in prison.

Domestic Violence

Send a letter on behalf of the Subcommittee to the Committee on Domestic Violence in the Office of the Attorney General explaining that judges find the enforcement of mandatory treatment the most difficult element of the domestic violence laws. In the rural communities, treatment services are costly and only available at great distances, in some cases. The Subcommittee supports greater flexibility for the treatment of first-time offenders in rural communities.

Graffiti

Draft legislation to increase penalties for the crime of graffiti. **(BDR 15-191)**

Outdated Laws

Draft legislation to eliminate various crimes. **(BDR 15-190)**

Draft legislation to repeal the prohibition against a cosmetological establishment engaging primarily in the business of cutting men's hair or advertising that it primarily engages in the business of cutting men's hair. **(BDR 54-189)**

Prosecutorial Responsibility for State Boards and Commissions

Draft legislation to provide the Office of the Attorney General with prosecutorial responsibility for criminal violations pertaining to certain licensing boards and commissions. **(BDR 54-188)**

BULLETIN NO. 03-5

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
THE DEATH PENALTY AND RELATED DNA TESTING**

Assembly Concurrent Resolution No. 3
(File No. 7, *Statutes of Nevada 2001 Special Session*)

Members

Assemblywoman Sheila Leslie, Chairwoman
Senator Mark A. James*
Senator Mike McGinness
Senator Joseph M. Neal, Jr.
Senator Maurice E. Washington
Assemblyman Bernie Anderson
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Assembly Concurrent Resolution No. 3—Joint Rules Committee

FILE NUMBER 7

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of issues regarding the death penalty and related DNA testing.

WHEREAS, It has been 25 years since the United States Supreme Court allowed the death penalty to resume in the United States under certain circumstances; and

WHEREAS, There have been almost 700 executions in the United States since the reinstatement of the death penalty, eight of those have been in Nevada; and

WHEREAS, The death row population in this country has continued to grow, reaching over 3,700 prisoners in the year 2000; and

WHEREAS, Recent national studies have found that capital trials and sentences cost more than noncapital ones and the time and expense involved in curing errors in capital cases imposes a terrible cost on taxpayers, victims' families, the judicial system and persons wrongly condemned; and

WHEREAS, The determination of genetic markers, commonly referred to as "DNA testing," was not widely available in criminal cases tried before 1994; and

WHEREAS, In the last several years, DNA testing has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene; and

WHEREAS, Post-conviction exoneration of more than 75 innocent men and women, including some incarcerated under a sentence of death, has been achieved through DNA testing; and

WHEREAS, Because collection of a DNA sample from an inmate consists simply of obtaining a swab of saliva and costs approximately \$100, it is now less costly and less burdensome to make DNA testing available to inmates in appropriate cases; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a committee to conduct an interim study of issues regarding the death penalty and related DNA testing; and be it further

RESOLVED, That the committee to conduct the study consists of eight members of the 71st Legislative Session to be appointed by the Legislative Commission as follows:

1. Four members of the Assembly, at least two of whom are members of the Assembly Standing Committee on Judiciary; and

2. Four members from the Senate, at least two of whom are members of the Senate Standing Committee on Judiciary; and be it further

RESOLVED, That the chairman of the committee may appoint a technical advisory committee to assist the committee in carrying out the study; and be it further

RESOLVED, That the interim study must include, without limitation, consideration of the following issues regarding the death penalty:

1. The costs in Nevada of prosecuting capital cases and incarcerating a person under the death penalty versus the cost of prosecuting a noncapital case and sentencing a person for life without the possibility of parole;

2. The number of prisoners actually executed compared with the number of those who were sentenced to death;

3. The impact of race, color, religion, national origin, gender, economic status and geographic location of defendants in capital cases with respect to decisions concerning charging, prosecuting and sentencing;

4. Whether defendants who are under 18 years of age or who are mentally retarded at the time of committing an offense should be sentenced to death;

5. The competency and expertise of counsel to defendants in capital cases;

6. The adequacy of resources provided to defendants in capital cases;

7. Whether jurors have a proper and adequate understanding of the application of the law and of jury instructions in capital cases;

8. Whether rules pertaining to arguments during any phase of a trial are an impediment in capital cases;

9. Whether capital punishment serves as an effective deterrent against the commission of murder;

10. The expertise of judges that hear capital cases; and

11. The process of appealing a sentence of death; and be it further

RESOLVED, That the study must also include, without limitation, consideration of the following issues concerning DNA testing:

1. The availability, cost and extent of its use, both in Nevada and in the rest of the country;

2. Current policies regarding the use of DNA testing in Nevada compared with policies in the remainder of the states;

3. The manner for storing and using such DNA information;

4. Post-conviction DNA testing, criteria for requests by prisoners and procedures for handling those requests; and

5. Any Fifth Amendment or other constitutional issues related to the use of DNA evidence in capital cases; and be it further

RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the committee; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 72nd session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE DEATH PENALTY AND RELATED DNA TESTING

Assembly Concurrent Resolution No. 3
(File No. 7, *Statutes of Nevada 2001 Special Session*)

The 71st Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 3 (File No. 7, *Statutes of Nevada 2001 Special Session*), which directed the Legislative Commission to conduct an interim study of the death penalty system and related deoxyribonucleic acid (DNA) testing in Nevada. The Commission appointed a subcommittee of eight legislators (four members of the Senate and four members of the Assembly).

The subcommittee held six meetings, including a work session, during the course of the 2001-2002 Legislative Interim. Three meetings were held at the Grant Sawyer State Office Building in Las Vegas, and three meetings were held at the Legislative Building in Carson City. During the course of the study, the subcommittee received extensive expert testimony from both well-known national experts and local practitioners. In addition, the subcommittee heard from members of the public and interested persons.

Due to the extensive nature of the subject matter, each meeting was scheduled to address specific agenda topics within the call of the resolution. The first meeting was largely informational and provided an overview for the study. The second meeting focused on the impact of race, color, religion, national origin, gender, economic status, and the geographic location of defendants on decisions concerning charging, prosecuting, and sentencing in capital cases. In addition, the subcommittee reviewed the aggravating and mitigating circumstances for capital offenses, the competency and funding of counsel, and juror issues in capital cases. The third meeting addressed the appeals process and error rates in capital cases. Other issues on that agenda included judicial functions, the use of three-judge panels, criminal trial procedure, the deterrent effect of the death penalty, and the perspective of victims of violent crime. Meeting four reviewed the potential uses, procedures, costs, and storage of DNA evidence. The fifth substantive meeting focused on the imposition of a death sentence on persons who are mentally retarded or under the age of 18 at the time of the offense. In addition, the subcommittee heard testimony on the discovery process and the costs of capital cases.

At the final work session meeting, the subcommittee adopted 17 recommendations, including 7 that will be combined into bill draft requests (BDRs) for consideration by the 2003 Legislature. The recommendations address the following major topics:

- Racial, bias, gender, and economic discrimination, including statistical reporting in death penalty and homicide cases;
- Aggravating and mitigating circumstances;

- Competency and funding of counsel;
- Juries and jury instructions;
- Judicial functions and three-judge panels;
- Rules of procedure and argument;
- DNA evidence;
- Defendants diagnosed with mental retardation; and
- Costs of the capital punishment system.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE DEATH PENALTY AND RELATED DNA TESTING

Assembly Concurrent Resolution No. 3
(File No. 7, *Statutes of Nevada 2001 Special Session*)

Following is a summary of the recommendations adopted by the Legislative Commission's Subcommittee to Study the Death Penalty and Related DNA Testing at its June 14, 2002, meeting. These recommendations will be forwarded to the Legislative Commission and ultimately to the 2003 Session of the Nevada Legislature, as appropriate.

RACIAL/BIAS/GENDER/ECONOMIC DISCRIMINATION

RECOMMENDATION NO. 1 — Draft a letter, on behalf of the Assembly Concurrent Resolution (A.C.R.) 3 Subcommittee, to the Supreme Court of Nevada urging the Court to consider the issues of prejudice and economic bias in capital cases and to consider imposing a proportionality review of similar cases in which the death penalty was and was not sought.

RECOMMENDATION NO. 2 — Draft legislation to require reporting of statistical information in all death penalty and homicide cases. (BDR 14-197)

This recommendation, adopted in concept form, contains two parts: (1) the first component requires an annual reporting by the district attorney for all non-negligent homicides; and (2) the second component requires that the trial court submit a report in all first-degree murder cases where a penalty hearing is conducted.

AGGRAVATING AND MITIGATING CIRCUMSTANCES

RECOMMENDATION NO. 3 — Draft legislation to eliminate the “great risk of death to more than one person” aggravating circumstance (subsection 3 of *Nevada Revised Statutes* [NRS] 200.033). (BDR 14-198)

RECOMMENDATION NO. 4 — Draft legislation to amend the current list of mitigating factors under NRS 200.035:

- By adding a specific mitigating factor to NRS 200.035 that the defendant suffers from mental illness or has a history of psychological disturbance; and
- By adding a requirement that the court list all of the “other” mitigating factors under NRS 200.035 individually and submit them in writing to the jury. (BDR 14-198)

COMPETENCY AND FUNDING OF COUNSEL

RECOMMENDATION NO. 5 — Draft a letter, on behalf of the A.C.R. 3 Subcommittee, to the Supreme Court of Nevada urging the Court to consider creating an independent authority to recruit, select, train, monitor, support, and assist attorneys who represent defendants charged with a capital crime.

RECOMMENDATION NO. 6 — Draft a letter, on behalf of the A.C.R. 3 Subcommittee, to the Supreme Court of Nevada urging the Court to consider amending *Supreme Court Rule* (SCR) 250 to increase the minimum qualifications of counsel in capital cases to:

- Require that *trial counsel* meet the following minimum requirements: has (1) acted as defense counsel in no less than seven felony trials, at least two of which involved violent crimes and including one open murder case tried before a jury; (2) acted as defense co-counsel in at least two death penalty trials to verdict; (3) been licensed to practice law for at least three years and within the previous eighteen months; and (4) completed a minimum of eight hours of continuing legal education on the subject of defending capital cases.
- Require that *appellate counsel* meet the following requirements: has (1) acted as defense counsel in no less than seven felony appeals, at least two of which involved violent crimes and including one murder case; (2) acted as defense counsel in at least one death penalty case; (3) been licensed to practice law for at least three years; and (4) completed a minimum of eight hours of continuing legal education on the subject of defending capital cases.
- Require that *post-conviction relief counsel* meet the following requirements: has (1) acted as defense counsel in no less than seven post-conviction proceedings, at least two of which involved violent crimes and including one murder case; (2) previously acted as defense co-counsel in at least one death penalty trial, on appeal, or in post-conviction proceedings; (3) conducted at least two evidentiary hearings in post-conviction proceedings; (4) been licensed to practice law for at least three years; and (5) completed a minimum of eight hours of continuing legal education on the subject of defending capital cases.

RECOMMENDATION NO. 7 — Draft a letter, on behalf of the A.C.R. 3 Subcommittee, to the Supreme Court of Nevada urging the Court to consider amending SCR 250 by adding “Due to the unique severity of capital sentences and the complexity of capital litigation, the Supreme Court of Nevada shall not apply procedural default rules to bar consideration of constitutional issues on direct appeal or in collateral proceedings.”

RECOMMENDATION NO. 8 — Draft legislation to require that a defense team on a capital case not handled by a public defender’s office include: (1) two attorneys (in compliance with SCR 250); (2) an investigator; (3) a mitigation specialist or reasonable equivalent; (4) a forensic psychiatrist or forensic psychologist; and

(5) other defense team members as deemed necessary, upon motion of defense counsel. The legislation is also directed to amend the presumptive limits on attorney fees prescribed by NRS 7.125 to \$20,000 and to raise the limit on ancillary expenses under NRS 7.135 to \$500. (BDR 1-201)

RECOMMENDATION NO. 9 — Draft a letter, on behalf of the A.C.R. 3 Subcommittee, to the Nevada Association of Counties and to the Office of the State Public Defender urging that payments for attorney fees and ancillary expenses be paid promptly.

JURIES AND JURY INSTRUCTIONS

RECOMMENDATION NO. 10 — Draft a letter, on behalf of the A.C.R. 3 Subcommittee, to the Supreme Court of Nevada urging the Court to consider adopting a rule requiring individual voir dire and sequestering in capital cases.

RECOMMENDATION NO. 11 — Draft a letter, on behalf of the A.C.R. 3 Subcommittee, to the Supreme Court of Nevada urging the Court to consider adopting a rule requiring written jury questionnaires in capital cases.

JUDICIAL FUNCTIONS AND THREE-JUDGE PANELS

RECOMMENDATION NO. 12 — Draft legislation to eliminate three-judge panels in capital cases where the sentencing jury is hung. In cases where the sentencing jury does not unanimously vote for death, the judge shall enter a sentence of life without the possibility of parole or shall empanel a new sentencing jury. (BDR 14-197)

RECOMMENDATION NO. 13 — Draft a letter, on behalf of the A.C.R. 3 Subcommittee, to the Supreme Court of Nevada urging the Court to consider adopting a rule to require all judges who are going to preside over a death penalty case to receive a minimum of eight hours of continuing legal education on the subject of presiding over death penalty litigation.

RULES OF PROCEDURE AND ARGUMENT

RECOMMENDATION NO. 14 — Draft legislation to amend NRS 175.554 to revise the order in which arguments must be presented during the penalty hearing in capital cases. (BDR 14-198)

The proposed legislation would require that the prosecutor open the argument, defense counsel may then respond, the state may then argue in rebuttal, and then defense counsel may conclude the argument in surrebuttal.

DNA EVIDENCE

RECOMMENDATION NO. 15 — Redraft Assembly Bill 354 of the 2001 Legislative Session, allowing persons under a sentence of death to file a post-conviction petition requesting genetic marker analysis of evidence within the possession or custody of the state. The legislation should also include additional provisions related to the preservation of evidence. (BDR 14-200)

DEFENDANTS WITH MENTAL RETARDATION

RECOMMENDATION NO. 16 — Redraft Assembly Bill 353 from the 2001 Legislative Session, prohibiting the imposition of a death sentence on individuals diagnosed with mental retardation. (BDR 14-199)

COSTS OF THE CAPITAL PUNISHMENT SYSTEM

RECOMMENDATION NO. 17 — Draft a letter, on behalf of the A.C.R. 3 Subcommittee, to the Administrative Office of the Courts (AOC) requesting the AOC to seek a project grant (through the State Justice Institute or similar entity) and to contract with a consulting firm or a university for the study of the costs of processing murder cases and capital cases.

BULLETIN NO. 03-6

**LEGISLATIVE COMMISSION'S COMMITTEE TO CONTINUE
THE REVIEW OF PROGRAMS AND ACTIVITIES
IN THE LAKE TAHOE BASIN (2001-2002)**

Assembly Concurrent Resolution No. 5
(File No. 124, *Statutes of Nevada 2001*)

Members

Senator Lawrence E. Jacobsen, Chairman
Senator Mark E. Amodei
Senator Margaret A. Carlton
Assemblyman Greg Brower
Assemblywoman Vivian L. Freeman
Assemblyman John J. Lee

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Assembly Concurrent Resolution No. 5—Committee on Natural Resources,
Agriculture, and Mining

FILE NUMBER 124

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to appoint a committee to continue the review of the Tahoe Regional Planning Compact.

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

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

WHEREAS, The Legislature of the State of Nevada is vitally concerned with achieving regional goals in conserving the natural resources of the entire Lake Tahoe Basin and with the programs and activities of the Tahoe Regional Planning Agency that affect these goals; and

WHEREAS, As a necessary corollary to this vital concern and for the protection of Lake Tahoe, the Legislature of the State of Nevada is also concerned with the role and efforts of those federal and state agencies that have authority to regulate activities in the Lake Tahoe Basin and their interactions with and effect upon the Tahoe Regional Planning Agency and the Lake Tahoe Basin; and

WHEREAS, Subcommittees of the Legislative Commission have successfully reviewed the programs and activities of the Tahoe Regional Planning Agency on previous occasions; and

WHEREAS, Senate Concurrent Resolution No. 16 of the 70th Legislative Session directed the Legislative Commission to appoint a committee of six legislators composed of three members of the Senate and three members of the Assembly to continue the review of the Tahoe Regional Planning Compact and to oversee the Tahoe Regional Planning Agency; and

WHEREAS, The review and oversight of the programs and activities of the Tahoe Regional Planning Agency and the role of each federal and state agency having authority and responsibility in the Lake Tahoe Basin continue to be necessary to ensure the proper functioning of those agencies; and

WHEREAS, It is vital to remain in communication with members of the Legislature of the State of California to continue to achieve the goals set forth in the Tahoe Regional Planning Compact; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a committee of six legislators composed of three members of the Senate and three members of the Assembly to continue the review of the Tahoe Regional Planning Compact and to oversee the Tahoe Regional Planning Agency and each federal and state agency having authority to regulate activities in the Lake Tahoe Basin; and be it further

RESOLVED, That the committee is directed to:

1. Review the budget, programs, activities, responsiveness and accountability of the Tahoe Regional Planning Agency; and

2. Study the role and activities of each federal and state agency having authority to regulate activities in the Lake Tahoe Basin, including, without limitation, their role in the protection of Lake Tahoe and their interactions with and effect upon the Tahoe Regional Planning Agency and the Lake Tahoe Basin; and be it further

RESOLVED, That the committee is directed to communicate with members of the Legislature of the State of California to achieve the goals set forth in the Tahoe Regional Planning Compact; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Executive Director of the Tahoe Regional Planning Agency, each member of the California delegation to the Tahoe Regional Planning Agency, the President pro Tempore of the Senate of the State of California and the Speaker of the Assembly of the State of California.

ABSTRACT

LEGISLATIVE COMMISSION'S COMMITTEE TO CONTINUE THE REVIEW OF PROGRAMS AND ACTIVITIES IN THE LAKE TAHOE BASIN (2001-2002)

Assembly Concurrent Resolution No. 5
(File No. 124, *Statutes of Nevada 2001*)

The 2001 Nevada Legislature adopted Assembly Concurrent Resolution No. 5 (File No. 124, *Statutes of Nevada 2001*), which directed the Legislative Commission to appoint a committee to continue the review of programs and activities in the Lake Tahoe Basin. The committee was specifically directed to continue the review of the Tahoe Regional Planning Compact and provide oversight of the Compact's implementing body, the Tahoe Regional Planning Agency (TRPA). The measure further directed the committee to review the programs of federal and state agencies having authority to regulate activities in the Basin. Similar resolutions reestablishing this committee have been approved for every legislative interim except one since 1985, and the committee's role has evolved into one of continuing legislative oversight for a broad range of programs and activities in the Lake Tahoe Basin.

The current committee held four regular meetings and one special meeting during the 2001-2002 biennium. The regular meetings addressed the full spectrum of public and private programs and activities while the special meeting was devoted to the single topic of the TRPA's scenic threshold program. As a result of these hearings, the committee adopted ten recommendations that address:

- Implementation of projects contained in the Environmental Improvement Program (The Environmental Improvement Program defines the specific projects, funding needed, and sources of money to implement these projects within a ten-year time frame.);
- The TRPA's implementation of previous committee recommendations and independent audit of the Agency's programs;
- Support for fire service programs in the Basin;
- Support for creation of a bistate Community Housing Development Office to facilitate and implement efforts to provide affordable housing in the Lake Tahoe Basin; and
- Reestablishment of the legislative oversight committee during the next (2003-2004) biennium.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S COMMITTEE TO CONTINUE THE REVIEW OF PROGRAMS AND ACTIVITIES IN THE LAKE TAHOE BASIN (2001-2002)

Assembly Concurrent Resolution No. 5
(File No. 124, *Statutes of Nevada 2001*)

Following is a summary of the recommendations adopted by the Legislative Commission's Committee to Continue the Review of Programs and Activities in the Lake Tahoe Basin at its meeting of May 10, 2002. These recommendations will be forwarded to the Legislative Commission and ultimately to the 2003 Session of the Nevada Legislature, as appropriate.

IMPLEMENTATION OF PROJECTS CONTAINED IN THE ENVIRONMENTAL IMPROVEMENT PROGRAM (EIP)

The following recommendations address federal, state, and local funding to implement projects contained in the EIP:

1. Transmit a letter to the members of Nevada's Congressional Delegation urging them to actively support appropriation of funds to implement federal EIP projects as outlined in the Lake Tahoe Transportation and Water Quality Coalition's "Environmental Improvement Program Request for Congressional FY '03 Appropriations."
2. Enact legislation:
 - a. Highlighting that Subsection 3 of Section 1 of Assembly Bill 285 (Chapter 514, *Statutes of Nevada 1999*) provides for the periodic issuance of general obligation bonds in a total face amount of not more than \$53.2 million between July 1, 2001, and June 30, 2007, to implement EIP projects identified in a schedule established by the Administrator of the Division of State Lands and approved by the Legislature or the Legislature's Interim Finance Committee;
 - b. Authorizing the issuance of state bonds and the use of revenue in the amount of approximately \$12.9 million for EIP projects during the 2003-2005 biennium; and
 - c. Outlining the schedule of EIP projects for which the revenue may be used.
(BDR S--174)

3. Transmit a letter to the members of the Nevada Legislature’s “money committees” urging them to continue to provide adequate and appropriate levels of funding to support the activities of the State agencies involved in the Nevada Tahoe Resource Team or otherwise involved in implementation of the Nevada EIP projects.
4. Transmit a letter to the members of Nevada’s Congressional Delegation and the Nevada Legislature’s “money committees”: (1) explaining that the local governments in the Lake Tahoe Basin have accepted the responsibility for long-term maintenance of local EIP projects but have no dedicated funding source to support this function and are severely constrained in their ability to independently obtain new revenue; and (2) urging these public officials to work with the local entities in efforts to identify the necessary funding sources and assist in implementing recommended actions resulting from these efforts.

TAHOE REGIONAL PLANNING AGENCY (TRPA) ACTIVITIES

5. Transmit a letter to the TRPA Governing Board requesting that the Agency provide a report to the “Legislative Oversight” Committee at its initial meeting of the 2003-2005 biennium concerning implementation of the Committee’s recommendations relating to priorities and administration of the Agency’s responsibilities and programs.
6. Transmit a letter to the TRPA Governing Board requesting that the Board consider retaining an outside firm to conduct an independent program audit of the TRPA designed primarily to prepare analyses and make recommendations concerning obstacles hindering the Agency from achieving the goals provided in the Tahoe Regional Planning Compact; staffing allocations in relation to Agency goals and programs; activities associated with implementation, compliance, and/or enforcement responsibilities; and efficiency of the Agency’s regulatory process.

FIRE SERVICE PROGRAMS IN THE LAKE TAHOE BASIN

7. Include in the final report a commendation and a statement of support for continued coordination and cooperation among the fire service agencies in the Basin and expressing a recognition of the financial issues that continue to face these fire service agencies.
8. Transmit a letter to the members of Nevada’s “money committees” highlighting the value of inmate crews to the fire service programs in the Lake Tahoe Basin and requesting that maintenance of and access to these inmate crews be considered a priority.

HOUSING PROGRAMS IN THE LAKE TAHOE BASIN

9. Transmit a letter to the U.S. Department of Housing and Urban Development: (1) expressing support for the creation of a bistate Community Housing Development Office to facilitate and implement efforts to provide affordable housing within the Lake Tahoe Basin; (2) requesting the Department's active participation in the Federal Interagency Partnership on the Lake Tahoe Ecosystem and the Lake Tahoe Federal Advisory Committee; and (3) expressing support for the Department's efforts to include the relevant Nevada and California housing agencies as joint participants in the housing programs in the Basin.

CONTINUATION OF LEGISLATIVE OVERSIGHT COMMITTEE

10. Provide, by resolution, for the continued existence of the "Legislative Oversight" Committee (during the 2003-2005 biennium) in a similar manner as prescribed in Assembly Concurrent Resolution No. 5 (File No. 124, Statutes of Nevada 2001). **(BDR R--175)**

BULLETIN NO. 03-7

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
COMPETITION BETWEEN LOCAL GOVERNMENTS
AND PRIVATE ENTERPRISES**

Members

Senator Michael A. Schneider, Chairman
Senator Ann O'Connell, Vice Chairwoman
Senator Randolph J. Townsend
Assemblyman Wendell P. Williams
Assemblyman David R. Parks
Assemblywoman Dawn Gibbons

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ABSTRACT

COMPETITION BETWEEN LOCAL GOVERNMENTS AND PRIVATE ENTERPRISES

During the 2001 Legislative Session, the Senate Committee on Government Affairs and the Senate Committee on Legislative Affairs and Operations considered and approved Senate Bill 355. The full Senate approved the measure on June 4, 2001, the final day of the regular legislative session. Although the bill did not pass the Assembly due to the constitutional time limit on the session, Senate and Assembly leadership had already slated the topic for interim study. Therefore, in September 2001, the Legislative Commission created the Subcommittee to Study Competition Between Local Governments and Private Enterprises modeled loosely after S.B. 355.

The original version of S.B. 355 specified that if a local government provides goods or services, or both, to the general public in competition with a private entity, the local government shall comply with all laws, rules, and regulations of this state and any other local government with which the private entity would be required to comply. Some members of the Senate felt, given the complexity of the topic and the ramifications of the bill, that a more suitable approach would be to conduct an interim study on the matter. It was therefore amended to require the Legislative Commission to appoint a subcommittee to study the issue.

The Subcommittee held five meetings, including a work session, during the course of the study. The first three meetings were held in Las Vegas, the fourth meeting was held in Elko, and the final meeting and work session was held in Carson City. Videoconferencing of the meetings held in Las Vegas and Carson City was provided.

The Subcommittee discussed numerous topics during the course of its study. In particular, the Subcommittee examined potential competition in services generally provided to the public by state and local government agencies and their affiliates that might also be supplied, in some manner, by the private sector. Representatives of the private sector typically related concerns about possible advantages government might have in providing such services, particularly with regard to taxation and regulation. Meanwhile, representatives of state and local government service providers noted that they are responsible for meeting carefully defined public needs that are not generally met by the private sector. Topics addressed by the Subcommittee included:

- Competition, privatization, and outsourcing activities and provisions in other states;
- Potential competition in the delivery of health care services, especially those services provided in Clark County;
- Contracting and bidding procedures for public works contractors and construction companies;

- Potential competition in the delivery and provision of childcare services;
- Activities of Nevada’s Department of Motor Vehicles (DMV) and the Department’s involvement in public/private partnerships for certain services;
- Potential competition in the provision of telecommunications and cable television services;
- Management and ownership of convention facilities by local governments and the private sector;
- Impacts of privatization and outsourcing on services such as public safety, prisons, and public transportation;
- Effects on competition in the provision of health care as a result of insurance and medical malpractice issues;
- Role of government risk pools and their relationship with the competition issue;
- Activities of the Las Vegas Chamber of Commerce and its positions regarding the competition issue;
- Activities of local government and their efforts to outsource or privatize certain services; and
- Effects of competition in the provision of electric utility services in the State of Nevada.

Attendance at the Subcommittee meetings was high, and presentations during the course of the study included numerous recommendations. At its March meeting and at the final meeting and work session, the members voted to request the drafting of three bills and one resolution for consideration by the 2003 Nevada Legislature. These bill draft requests (BDRs) address: (1) bidding and contracting procedures for certain public works projects; (2) the creation of a guidebook regarding public/private competition; (3) public/private partnerships with DMV for fleet motor vehicle registration; and (4) an amendment to the Sales and Use Tax Act of 1955. Finally, the Subcommittee voted to send several letters and committee statements to various elected officials, legislative committee chairmen, state and local government agency personnel, and private individuals regarding a wide range of competition issues.

The final report of the Legislative Commission’s Subcommittee to Study Competition Between Local Governments and Private Enterprises discusses, in detail, each of the Subcommittee’s recommendations.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY COMPETITION BETWEEN LOCAL GOVERNMENTS AND PRIVATE ENTERPRISES

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Study Competition Between Local Governments and Private Enterprises during the 2001-2002 legislative interim and at its final meeting held on June 26, 2002, in Carson City.

RECOMMENDATIONS FOR LEGISLATION

Bidding and Contracting Procedures for Certain Public Works Projects

1. Enact legislation making various changes to Chapter 338 of the *Nevada Revised Statutes* (NRS) ("Public Works Projects"). Specifically, the legislation would propose the following amendments:
 - I. Amend Chapter 338 of the NRS to allow local governments to use three informal bids for those public works projects between \$25,000 and \$100,000. Contract awards would be to appropriately licensed contractors who are the lowest responsible bidders.
 - II. Amend Chapter 338 of the NRS to require quarterly reporting to the governing boards for those projects between \$25,000 and \$100,000 that have been awarded to contractors. The quarterly report would state to whom the projects were awarded, the amount of the bid, and the description of the project.
 - III. Amend Chapter 338 of the NRS to require the local government official responsible for a project between \$25,000 and \$100,000 to document in his or her files the following:
 - A. An attestation to the best of his or her knowledge the estimated cost of the project being performed in-house;
 - B. A general statement why the project was performed in-house; and
 - C. A general statement that the project follows the same specifications as is required of the private sector.
 - IV. Amend Chapter 338 of the NRS to allow local governments to use informal bids by soliciting at least three contractors. Currently, the law requires a local government to solicit bids from not more than three contractors.

- V. Delete provisions in Chapter 338 of the NRS requiring public bodies to maintain and administer a list of properly licensed contractors who are interested in receiving offers to bid on certain public works projects.

(BDR 28--409)

Public/Private Competition—Legislative Declaration and Creation of Guidebook

2. Enact legislation which includes the following:
 - a. A legislative declaration specifying that the Nevada Legislature supports a state policy creating an atmosphere in which the needs of its residents are met primarily through the private sector. The declaration would also specify that if the private sector is unable to meet these needs, the government has a full and complete responsibility to provide service and products at the highest level of quality and at the lowest possible cost.
 - b. Language authorizing the Legislative Commission to create (either on its own or through the appointment of a subcommittee or interim study) a guidebook or manual for use by state and local government establishing specific criteria and assessments for use by these entities to evaluate services or activities that may compete with the private sector before procuring those services or entering into those activities.

(BDR 17--412)

Encouraging Public/Private Partnerships with Nevada’s Department of Motor Vehicles for Fleet Motor Vehicle Registration

3. Enact legislation authorizing in the NRS public/private partnership efforts between Nevada’s DMV, the rental car industry, and other companies with large vehicle fleets to provide for, among other similar programs, an optional program of internal, computerized motor vehicle registration. **(BDR 43--411)**

Proposed Amendment to the Sales and Use Tax Act of 1955

4. Enact legislation similar or identical to Assembly Bill 611 of the 1997 Legislative Session (Chapter 404, *Statutes of Nevada*), which proposes that an amendment to the Sales and Use Tax Act of 1955 be submitted to Nevada’s voters at the 2004 General Election to require state and local governments to collect sales taxes on sales of items purchased for resale to the public. **(BDR 32--410)**

RECOMMENDATIONS FOR COMMITTEE ACTION:
COMMITTEE STATEMENTS AND LETTERS

The members of the Legislative Commission's Subcommittee to Study Competition Between Local Governments and Private Enterprises voted to send the following letters to:

5. Representatives of Churchill County Communications and Charter Communications asking for their cooperation in reaching an agreement in the establishment of rules and regulations attractive to both parties and advising them that the Senate and Assembly Committees on Commerce and Labor will likely address this and other topics relating to the provision of telecommunication services during the 2003 Legislative Session.
6. Representatives of the Eighth Judicial District Court (the drug court), Clark County's Traffic/DUI (driving under the influence) School, and the Clark County Court Education Program requesting a presentation to the Senate Committee on Transportation or the Senate or Assembly Committees on Government Affairs during the 2003 Legislative Session highlighting the role and operations of the county's traffic/DUI school and how the school assists in the funding and operation of drug courts in Clark County.
7. The chairman of all Boards of County Commissioners and representatives of television districts in Nevada clarifying and giving impetus to provisions in Nevada law prohibiting the rebroadcast of FM radio signals by television districts in cities or towns already served by local radio. The letter serves to address concerns raised by certain members of the Nevada Broadcasters Association and radio station owners in rural Nevada.
8. The chair of the Senate Committee on Governments Affairs requesting that a mandate to consider the use of independent project managers for all government projects within a specific cost range be incorporated into state law through an existing or new bill draft request.
9. Governor Kenny Guinn, the chair of the Legislative Subcommittee to Study Medical Malpractice, the Nevada Trial Lawyers Association, the Doctor's Group, Nevada's Commissioner of Insurance, and to James Wadhams, who represents various insurance groups, expressing support for their examination of the issue and setting forth an explanation from the Subcommittee to Study Competition Between Local Governments and Private Enterprises regarding the possible impacts on competition stemming from recent insurance and medical malpractice issues.
10. Representatives of the Nevada Recreation and Park Society, Gary Vause, Owner, Lit'l Scholar Academy (Clark County), and Carol Hall, Owner, Creative Kids (Clark County), encouraging continued dialogue between these parties in addressing real and perceived competition in the provision of childcare services.

11. Member's of Nevada's Congressional delegation, the Secretary of the United States Department of the Interior (DOI), and the Director of the Bureau of Land Management (BLM), encouraging the full funding of the Payments in Lieu of Taxes (PILT) program administered by the BLM. Specify in the letter that many local governments in Nevada do not have adequate operating budgets due to the lack of private, taxable land base for the collection of revenue, and that at a minimum, full funding of PILT by the United States Congress as requested by the DOI would greatly improve the fragile economic status of several rural Nevada counties.
12. The chairmen of the Senate and Assembly Committees on Government Affairs requesting that they examine, during the 2003 Legislative Session, the issue of ongoing and continued costs associated with certain local ballot questions that are not necessarily set forth in the required fiscal notes for those ballot questions.
13. Various executive state agencies notifying them of the requirements set forth in NRS 233B.066. This provision requires all adopted regulations submitted to the Legislative Counsel Bureau or filed with Nevada's Office of the Secretary of State to include a statement of the estimated economic impact the regulation may have on the public and on the business, which it is to regulate.

The members of the Legislative Commission's Subcommittee to Study Competition Between Local Governments and Private Enterprises also requested staff to provide a summary and historical analysis of the operations of the Nevada State Motor Pool Division, Nevada's Department of Administration. The summary should include a history of motor pool traffic during the previous ten years and an overview of internal studies performed by the State Motor Division regarding efforts to privatize or outsource certain motor pool operations.

BULLETIN NO. 03-08

**LEGISLATIVE COMMISSION'S
SUBCOMMITTEE ON INDUSTRIAL EXPLOSIONS**

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Senator Dina Titus
Assemblyman Bernie Anderson
Assemblywoman Kathy A. (Von Tobel) Martin

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ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE ON INDUSTRIAL EXPLOSIONS

On September 17, 2001, an explosion occurred at the Minden, Nevada, plant of Depressurized Technologies International, Inc. Five employees were critically burned as a result of the blast, one of whom died eight days after the incident. Less than one month later, on October 15, 2001, a fire destroyed a model rocket plant operated by AeroTech, Inc., in Las Vegas, Nevada. The fire burned for over 24 hours and destroyed the 60,000-square-foot building occupied by AeroTech and five smaller businesses located in the same building. Four AeroTech employees were transported to local Las Vegas hospitals for treatment of burns. One employee died. Three employees of the Clark County Fire Department were treated for smoke inhalation.

As a result of these unfortunate events, the Legislative Commission on December 14, 2001, directed that Research Division staff perform an initial investigation regarding recent industrial explosions and provide that information to a subcommittee that would further study the issue of industrial explosions. The four-member Subcommittee consisted of Senator Randolph J. Townsend as chairman, Senator Dina Titus, Assemblyman Bernie Anderson, and Assemblywoman Kathy A. (Von Tobel) Martin.

The Subcommittee held three meetings, including a work session. The March 6, 2002, meeting was held in Carson City, Nevada, while the July 28, 2002, and August 13, 2002, meetings were held in Las Vegas. All meetings were conducted through simultaneous videoconferences between meeting rooms at the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas.

During the course of its work, the Subcommittee heard from representatives of victims of the recent tragedies. The Subcommittee also considered extensive expert testimony from representatives of various state agencies, including the Division of Environmental Protection, State Department of Conservation and Natural Resources; the Radiological Health Section, Health Division, Department of Human Resources; the Nevada Highway Patrol, Department of Public Safety; the Division of Industrial Relations, Department of Business and Industry; the Department of Information Technology; and the State Fire Marshal Division, Department of Public Safety. In addition, representatives of Clark and Douglas Counties testified before the Subcommittee along with members of various organizations with an interest in workplace safety and several members of the general public.

Much of the Subcommittee's discussion focused on the adequacy of current regulatory oversight of businesses that transport, store, or use hazardous materials. At its final meeting and work session, the Subcommittee adopted six recommendations for changes to *Nevada Revised Statutes* that are intended to provide better regulatory oversight of the

transportation and handling of hazardous materials and greater incentives for enhanced workplace safety.

The Subcommittee also asked that all agencies with hazardous materials regulatory and fining authority analyze their current citation procedures and fine levels and report any needed changes to the Legislature in February 2003. In addition, the Subcommittee asked that local governments and appropriate state agencies create a task force to determine the best way to share information about businesses that use or store hazardous materials.

Finally, the Subcommittee directed that letters be sent to:

- Governor Kenny C. Guinn and U.S. Senator Harry Reid urging the establishment of a federal/state coordinated system to provide for the notification to an appropriately trained person or agency in Nevada of the location of trucks and trains transporting hazardous and radioactive waste through the state;
- The Governor urging support for an Interim Finance Committee request by the Department of Information Technology for additional funds to ensure that implementation of the hazardous materials database is not delayed; and
- The Senate Finance Committee, the Assembly Committee on Ways and Means, and the Governor indicating support for the Governor's Blue Ribbon Committee Report on the reorganization of the State Fire Marshal's Office.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE ON INDUSTRIAL EXPLOSIONS

This summary presents the recommendations approved by the Legislative Commission's Subcommittee on Industrial Explosions for transmittal to the 72nd Session of the Nevada Legislature. The corresponding bill draft request (BDR) number follows each recommendation for legislation.

EXCLUSIVE REMEDY

1. Amend *Nevada Revised Statutes* (NRS) to provide a clear exception to the exclusive remedy provisions under NRS 616A.020 if an injury is caused by an employer's willful misconduct. **(BDR 53-632)**

DIVISION OF ENVIRONMENTAL PROTECTION PROGRAMS

2. Remove the list of highly hazardous substances from statute (NRS 459.3816) and enable Nevada's Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources, to amend the list in regulation, as necessary, through the State Environmental Commission. Also, authorize the Division, through the State Environmental Commission, to specify in regulation, materials deemed to be explosives. Prohibit NDEP from making the list less stringent in regulation than it currently is in statute. **(BDR 40-296)**
3. Clarify enforcement authority of Nevada's Chemical Accident Prevention Program (CAPP) by empowering NDEP to make findings and issue orders, particularly where an imminent and substantial threat is found. **(BDR 40-296)**
4. Establish explicit authority for NDEP, at its discretion, to conduct independent investigations to determine the root causes of chemical accidents and to recover costs of investigating those accidents. **(BDR 40-296)**
5. Clarify CAPP requirements and unify program processes by moving the technical requirements for conducting an assessment of risk through analysis of hazards from statute to regulation. **(BDR 40-297)**

WORKPLACE SAFETY

6. Amend NRS 618.685 to broaden the definition to include business owners who create conditions that lead to the death of an employee and to increase the fines under this section from \$20,000 to \$50,000 for a first offense, and from \$40,000 to \$100,000 for a second or subsequent offense. **(BDR 53-298)**

Members of the Subcommittee also asked that:

- All agencies with hazardous materials regulatory and fining authority analyze their current citation procedures and fine levels, and report any needed changes to the Legislature in February 2003; and
- Local governments and appropriate state agencies create a task force (that also includes federal representatives and representatives of the Nevada Association of Counties and the Nevada League of Cities) to determine the best way to share information about businesses that use or store hazardous materials to achieve the following goals: (a) to ensure that businesses are audited, reviewed, and inspected properly; and (b) to provide first responders to an emergency situation (such as a fire or industrial explosion) with accurate information about the materials that may be involved in the incident.

Finally, the Subcommittee directed that letters be sent to:

- The United States Department of Energy urging the establishment of a federal and state coordinated system to provide for the notification to an appropriately trained person or agency in Nevada of the location of trucks and trains transporting hazardous and radioactive waste through the state. In the letter, urge the allocation of sufficient funding to provide adequate training to respond to accidents that may occur;
- Nevada's Governor Kenny C. Guinn urging support for a request by Nevada's Department of Information Technology (DoIT) for additional funding to ensure that implementation of the hazardous materials database currently being developed by DoIT is not delayed; and
- The Senate Committee on Finance, Assembly Committee on Ways and Means, and Governor Guinn indicating support for the Governor's "Blue Ribbon" Committee Report on the reorganization of the State Fire Marshal Division, Department of Public Safety.

BULLETIN NO. 03-9

**LEGISLATIVE SUBCOMMITTEE TO
STUDY MEDICAL MALPRACTICE**

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ABSTRACT

LEGISLATIVE SUBCOMMITTEE TO STUDY MEDICAL MALPRACTICE

In 2002, Nevada experienced a crisis involving both the cost and availability of medical malpractice coverage for its physicians. Because of the skyrocketing premiums, physicians considered closing their practices or severely limiting the services they could provide, and the State's only Level I Trauma Center in Southern Nevada closed for a short period in July 2002. The ability of Nevadans to access health care was at risk, particularly in Southern Nevada.

The 2002 crisis involving the affordability and availability of medical malpractice coverage developed when the Nevada Legislature was not in Session. Constitutionally, the Nevada Legislature meets once every two years, and only the Governor is authorized to call a special session. Due to the urgency of the situation and the threatened shortage of health care providers, the Legislative Committee on Health Care and the Nevada Legislative Commission acted jointly in March and April 2002 to create the Subcommittee to Study Medical Malpractice to examine the situation in-depth, determine the steps necessary to address the crisis, and report its findings to the 2003 Session.

Between March and July 2002, the Subcommittee held three lengthy meetings. All meetings were open to the public and conducted through simultaneous videoconferences between legislative meeting rooms at the Grant Sawyer State Office Building in Las Vegas and the Legislative Building in Carson City.

During its three meetings, the Subcommittee received extensive testimony regarding the impact of rising medical malpractice premiums both in Nevada and nationwide, possible causes for the increases, and recommended solutions. The Subcommittee also monitored the creation of a joint underwriting association in Nevada (The Medical Liability Association of Nevada); reviewed civil justice laws in Nevada and in other states; examined the varying perspectives of the impact of imposing caps on damages based upon the experience of other states; and reviewed data on the State's Medical Malpractice Screening Panels and discussed their effectiveness. The Subcommittee also received testimony on the State Board of Medical Examiners' practices regarding the licensure and discipline of physicians, the creation of medical error reporting systems in other states, and the combined financial impact on physicians of problems involving reimbursement for services and the high cost of medical malpractice coverage in other states.

In May 2002, the Subcommittee prepared a "white paper" containing its preliminary findings on the medical malpractice situation in Nevada. The white paper includes the Subcommittee's preliminary findings regarding the insurance market and the impact of the withdrawal of the St. Paul Companies from the Nevada market in December 2001; proposals to limit damage awards; and potential recommendations for reform. A copy of the white paper and an

overview of the testimony received throughout the course of the study are available in the Subcommittee's final report.

There are no formal recommendations for legislation or other action by the Subcommittee. Its study of the issue concluded when the Eighteenth Special Session convened on July 29, 2002, pursuant to the proclamation issued by Governor Kenny C. Guinn on July 26, 2002.

The Legislature convened on the morning of July 29, 2002, and concluded its work early in the morning on August 1, 2002. After much testimony and debate, the Legislature passed Assembly Bill 1 (Chapter 3, *Statutes of Nevada 2002 Special Session*), which addresses many of the issues identified as contributing to the unstable medical malpractice insurance environment. This bill includes the following provisions:

- A limit on civil liability in certain emergency situations for care rendered gratuitously;
- A \$350,000 cap on noneconomic damages with certain exceptions;
- Changes to address the delays in bringing cases to trial and shorten the statute of limitations;
- Required pretrial settlement conferences and elimination of the medical/legal screening panel;
- Standards for expert testimony and mandatory training for district judges who hear malpractice cases;
- Requirements for physicians and dentists to carry malpractice insurance with minimum limits in certain circumstances;
- Submission of periodic reports on disciplinary action by the Board of Medical Examiners and the State Board of Osteopathic Medicine;
- Stronger requirements for physicians and dentists to report malpractice claims; and
- A system for reporting medical errors.

A detailed summary of Assembly Bill 1 is available in the Subcommittee's report. The bill and its history are available electronically on the Legislature's Web Site at: www.leg.state.nv.us and by request through the Legislative Counsel Bureau's Research Library.

BULLETIN NO. 03-10

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE
TO STUDY STATE PROGRAMS FOR PROVIDING
SERVICES TO PERSONS WITH DISABILITIES**

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ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY STATE PROGRAMS FOR PROVIDING SERVICES TO PERSONS WITH DISABILITIES

Senate Concurrent Resolution (SCR) No. 32 was introduced to the 2001 Nevada Legislature's Committee on Legislative Affairs and Operations on April 11, 2001. The resolution was debated and amended in committee on June 4, 2001. The resolution, as amended, would have directed the Legislative Commission to conduct in interim study of the state's compliance with and the impact of federal initiatives, such as the Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA), the Workforce Investment Act, the Rehabilitation Act, the Ticket to Work and Work Incentives Improvement Act, the Medicaid Act, the Protection and Advocacy for Mentally Ill Individuals Act, the Developmental Disabilities Act, and all federal block grants to the state. The study was also to have addressed possible options to improve the state's delivery system of services to the disabled. Services relating to employment, social services, medical, education, transportation, housing, childcare, respite services, as well as possible adjustments to existing state laws, were to be reviewed.

The purpose of the study was to produce a comprehensive set of recommendations that would form the foundation for redesigning the state's current delivery system of services to the disabled. This revised system would provide a more centralized, comprehensive and cost-efficient statewide delivery system of state services to the disabled community. The system would function to maximize available resources, consolidate duplicating and overlapping services, expand community-based services, increase consumer choice, input and review, increase cost efficiencies, unify advocacy and appeal processes, and increase cooperation between state and local programs and community providers. The system would ensure that qualified persons in Nevada with mental and physical disabilities and pervasive developmental disorders receive services in the most advantageous and least-restrictive setting appropriate to their needs.

Due to the time constraints resulting from redistricting and other critical issues of the 2001 Legislature, final passage of SCR 32 did not occur prior to adjournment of the 2001 Legislative Session. However, the Legislative Commission considered the issue of services to the disabled significant enough to warrant special considerations. Thus, the Commission appointed a subcommittee of six legislators (three Senators and three Assembly members) to carry out the major provisions of SCR 32, even though the resolution never received final approval.

The full Legislative Commission Subcommittee held five meetings in Las Vegas, with videoconferencing to Carson City, to conduct in-depth reviews of the major issues regarding the state's current delivery system of services to persons with disabilities. During the course of its work, the Subcommittee considered testimony from national, state, local and public entities and from members of the disabled community. The purpose of this testimony was to

gather information on the current state of Nevada's system of available services to persons with disabilities. The Subcommittee received testimony and recommendations from participants in the review process as to what would be needed to make the system more efficient and responsive to the disabled community's needs. The Subcommittee also coordinated its study with the Governor's four task forces to develop the four statewide strategic health care plans (2001 A.B. 513).

The Governor's task forces concentrated on developing four strategic plans on the following areas: senior health services, rural health services, disability services and service rates. The Governor's disability task force agreed to coordinate its findings and recommendations on services to persons with disabilities with those of the Legislative Commission's Subcommittee.

The legislative Subcommittee's final findings and recommendations reflect a coordinated effort among the Executive and Legislative Branches of government, private and public service providers, as well as valuable input from members of the disabled community. Given the economic realities being faced by the state, the Subcommittee realized that it would not be feasible to address and implement every recommendation or suggestion received from each of the review process participants. Therefore, the Subcommittee adopted the philosophy of developing short-term and long-term recommendations for changes to the state's system of providing services to persons with disabilities. Short-term recommendations would address issues concerning current delivery system processes and procedures, changes to existing statutes or administrative code, and changes to eligibility requirements that impede public-sector and private-sector service providers from efficiently getting disability services to those who need them. Short-term recommendations also address service changes to the current system (as prioritized by the Subcommittee) that are economically and administratively feasible to implement, given the economic limitation identified for the 2003-05 biennium. These would include, but are not limited to, expanded program services, new program proposals, and consolidation of services and service organizations.

The legislative Subcommittee recognized the vital importance of streamlining access to services for persons with disabilities to provide better coordination of services. The concept of "one-stop shopping" or "no wrong door" needs to be implemented to improve information and referral services for persons with disabilities in Nevada. The establishment of a 211-telephone line to assist citizens needing services would be a great improvement over the current fragmented system.

Long-term recommendations target additional needed changes to statutes, possible expanded program services, new programs, consolidation of services and service organizations, and the creation of a dedicated state agency to manage and administer the state delivery system of services to persons with disabilities. All recommendations would be contingent upon available funding in any given biennium. The legislative Subcommittee agreed improvements in the current service delivery systems to persons with disabilities are needed, with no reduction in services.

At its final meeting and work session, the Subcommittee adopted a total of 28 recommendations.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE
TO STUDY STATE PROGRAMS FOR PROVIDING
SERVICES TO PERSONS WITH DISABILITIES

A. Subcommittee Recommendation: Items Recommended for Bill Draft Request
(four BDRs).

1. Establish an ongoing statutory legislative committee and other related requirements (BDR would include the following four Subcommittee recommendations). (BDR 17-700)

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- i. Establish an ongoing Legislative Committee on Persons with Disabilities, similar to SCR 32 from the last regular session, as a statutory committee. This committee should also: comprehensively review, evaluate and recommend improvements to the state of Nevada's programs, including, without limitation, whether the state is complying with the American with Disabilities Act (ADA) in light of the Olmstead decision (see Appendix C) and the state's progress toward implementing its Olmstead Plan; assess the quality, effectiveness and need for changes to the policies and systems for providing long-term care services to adults and seniors with disabilities; assess the quality, effectiveness and need for changes to the policies and systems for providing long-term care services to children with disabilities and their families; ensure that data systems effectively provide consistent cross-agency information and meaningful outcomes specific to each service, as needed for the state to effectively make decisions, plan, budget, and track and monitor costs and outcomes of services; and examine the restructuring of services provided by state agencies to outsource all direct service, care and case coordination to non-profit or private entities to strengthen and add independence to the functions of planning, coordination and quality assurance at the state level.
- ii. Require the Department of Human Resources to examine the impact of assessments of persons with disabilities, including, without limitation, any savings in costs incurred as a result of such assessments, and report the results of its examination annually to the Legislative Committee on Persons with Disabilities before July 1 in even-numbered years and before October 1 in odd-numbered years.
- iii. Require the Department of Human Resources to report annually to the Legislative Committee on Persons with Disabilities on the expansion of the Medicaid Buy-In Program, and on its progress toward the goal of equitably providing, by 2008, medical insurance coverage or wraparound services to all persons with disabilities who, by virtue of becoming employed, have

established an income above poverty level, but cannot obtain the health care coverage and services needed to terminate reliance on public benefits. This report would be required to be provided to the Legislative Committee on Persons with Disabilities by July 1 in even-numbered years and by October 1 in odd-numbered years.

- iv. Require the Department of Human Resources to study the development of a rider to the Medicaid budgets, based on the model used in the state of Texas, where the money follows the person for children and adults who have been assessed and determined to be in unnecessarily restrictive residential environments, and report the results of its study to the ongoing Legislative Committee on Persons with Disabilities.

2. Changes in state agencies/ombudsman (BDR would include the following two Subcommittee recommendations). (BDR 40-701)

- i. Establish an Office of Disability Services within the Department of Human Resources. Transfer the Office of Community-Based Services from the Department of Employment, Training and Rehabilitation, Rehabilitation Division, to the Department of Human Resources. The Office of Disability Services should: coordinate planning across systems and agencies that provide services to persons with disabilities and across disability populations; monitor the implementation of strategic planning goals; ensure compliance with the provisions of the ADA; oversee the development of a comprehensive data system that works across agencies; and ensure that state and county resources are coordinated.
- ii. Fund, through legal services, an Office of Ombudsman Services for persons with disabilities, which will serve as a last resort for persons with disabilities to access after going through the Office of Disability Services. Appropriate \$130,000 each year to fund this office. The ombudsman will mediate issues related to integrated settings, the ADA, and the Individuals with Disabilities Education Act (IDEA), which remain unresolved after other remedies have been exhausted.

3. Develop and implement a statewide 211 universal access telephone communication system. (BDR 38-702)

Establish, develop and fund a 211 universal access line in the state of Nevada. Ensure that this is the one system that will be used by people to obtain information on social services. Require the Department of Human Resources to assist with the development and establishment of the 211 line.

4. Consolidate and streamline SSI/Medicaid application processes. (BDR 38-703)

Require the Department of Human Resources to establish a single eligibility application for SSI and Medicaid to ensure that all eligible at-risk children and adults quickly receive the assessments and Medicaid services they need.

B. Subcommittee Recommendation: Items Recommended for Legislative Resolution (six recommendations included in the Resolution). (R-699)

1. Encourage the Executive Branch, in planning budgets and making decisions concerning programs associated with services for persons with disabilities, to consider persons with disabilities and services in a more holistic manner so that decisions made concerning one population or service do not occur in isolation of decisions made concerning other populations or services. This goal should not lead to a reduction in services for any disabled population.
2. When planning budgets and making decisions concerning programs associated with services for persons with disabilities, current regulations and policies prohibit budgetary provision for persons with disabilities and their families whose incomes exceed current guidelines and limitations, regardless of the identified need for services. Without such services, undue economic and emotional hardship would fall upon these families. The Subcommittee encourages the Executive Branch to revise current guidelines and requirements and consider making budgetary provisions for needed disability services to include persons with disabilities, and their families, whose incomes exceed current guidelines.
3. Recognize the *Nevada Strategic Plan for People with Disabilities* developed pursuant to Assembly Bill 513 from the 2001 Legislative Session as the plan developed in this state to comply with Title II of the Americans with Disabilities Act (ADA) in light of Olmstead and the Olmstead plan. Also recognize the need for the Department of Human Resources to monitor, review and revise the plan as necessary to ensure that the state of Nevada complies with the ADA.

The 1999 United States Supreme Court case known as Olmstead v. L.C. and E.W. involved two ladies with mental retardation and mental illness who were patients at a state-operated hospital in Georgia. The ladies did not want to remain in the institution, and state treatment professionals felt they could live in a community setting with appropriate support. The state of Georgia refused to move the ladies because there were no community-based services placements available.

The U.S. Supreme Court ruled against the state of Georgia and determined that the women's continued institutionalization was a violation of their rights under the Americans with Disabilities Act (ADA) because the women were not in the most integrated setting possible and did not wish to be in an institution.

The court suggested two ways by which a state can show compliance with the Olmstead decision:

- A state may develop a comprehensive, effective working plan, including timetables and progress reports, for placing qualified people in community-based settings.
 - A state may maintain a waiting list for community-based services, but the list must move at a reasonable pace and may not be motivated by a desire to fill institutions.
4. Encourage the Executive Branch to identify and transfer persons in institutional care who can be served in the community, to the community if the persons do not oppose such transfer. This should include appropriate discharge planning, transitional supports and targeted services coordination. Also, encourage the Executive Branch to identify persons who are at risk of being improperly institutionalized and take action to prevent people from being improperly institutionalized. The Department of Human Resources should report to the Legislature, before the 2005 Session, the results of its efforts to transfer or divert persons with disabilities from institutions to community settings.
 5. State that the Legislature, when considering legislation that will impact children or adults with disabilities, recognize the importance of the potential effects of the legislation on the lives of such persons, including, without limitation, their ability to access services.
 6. Encourage the Governor to consider funding for programs that provide critical health, mental health, nutritional and personal assistance services to children and adults with disabilities, poor children, and frail seniors, as a high priority to the extent reasonably possible during times of budget shortfalls.

C. Statements of Intent and General Recommendations (14 recommendations).

1. Ensure that persons with disabilities are involved in the process of developing policies concerning services provided by the state to persons with disabilities, and in monitoring programs that provide such services.
2. Support the collection of accurate and meaningful data for planning, budgeting, measuring and monitoring services provided to persons with disabilities.
3. Encourage the Executive Branch to establish budgetary policies ensuring, within the limits of available funding, that adequate and continued funding is made available for services to persons with disabilities to reduce waiting lists and ensure that waiting lists move at a reasonable pace. The Legislative Commission's Subcommittee to Study State Programs for Services to Persons with Disabilities

would encourage establishing a target goal of a maximum of 90 days, subject to available funding, for waiting lists associated with services critical to community integration, medication clinics and treatment for mental illness, home and community based services (HCBS), and personal assistance for children and adults with disabilities.

4. Encourage the Executive Branch to work toward the state of Nevada funding all long-term care services provided to Medicaid-eligible persons in nursing facilities, instead of the county funding 50 percent and the state funding 50 percent of the services, to eliminate any bias or perceived bias of the state for institutionalizing persons.
5. Encourage the Executive Branch to develop, as part of the state of Nevada's Olmstead plan, quality assurance measures in all state programs that provide services to persons with disabilities, and ensure that persons with disabilities are involved in the development and implementation of such measures.
6. Encourage the Board of Regents of the University and Community College System of Nevada to provide programs for persons with disabilities that are accessible to such persons, including, without limitation, an AA degree in independent living and non-degree courses for persons with disabilities.
7. Encourage the state of Nevada and counties and other local governments to work with persons with disabilities and the Nevada Association of Counties (NACO) to ensure that buildings in this state are accessible to persons with disabilities, including, without limitation, ensuring that housing is accessible in all counties of the state, and that the state and local governmental entities are in compliance with the ADA and other relevant federal and state laws.
8. Encourage the Executive Branch and the Legislature to establish appropriate provider rates for personal assistance services for all state programs.
9. Encourage the Department of Human Resources to develop a pilot program to examine the feasibility of developing a statewide system of outsourced mobile units to provide services, including, without limitation, outreach, assessment, and referral services to persons with disabilities who are homeless and in crisis. The department's findings, conclusions, and recommendations should be presented to the 2005 Legislature.
10. Encourage the Task Force for the Fund for a Healthy Nevada to: (1) support programs which ensure that families providing primary care to a severely disabled family member receive respite within 90 days after applying for the respite; (2) seriously consider funding the Nevada Positive Behavioral Supports Program at a level that will at least support adequate training and service delivery to

1,500 children with autism and brain injuries, and others in need of such interventions; and (3) support programs which provide home and environmental modifications to allow persons with disabilities access to the community and the ability to return to the community from institutional care.

11. Encourage the Executive Branch to train persons who provide personal assistance to persons with autism, other pervasive developmental disabilities, and brain injury to ensure that the caregivers understand the special needs of the persons to whom they are providing services, and to ensure that the caregivers are adequately trained regarding the individual particular characteristics and special needs of the persons to whom they are providing services.
12. Encourage the Department of Human Resources, in developing a Medicaid Home and Community Based Services Waiver for Persons with Cognitive Impairments, to seriously consider the behavioral services needed by persons with brain injury, autism, and other pervasive developmental disabilities and mental illnesses to address their behavioral and independent living needs.
13. Encourage businesses to employ persons with disabilities.
14. Encourage the Executive Branch and the Legislature to expand funding to the Homeless Mentally Ill Outreach initiative, Homeless Outreach Pilot Education (HOPE) program, to implement ongoing programs providing intensive outreach and case management services, including, without limitation, immediate access to necessary medications and housing.

BULLETIN NO. 03-11

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE
TO STUDY SUICIDE PREVENTION**

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ABSTRACT

STUDY OF SUICIDE PREVENTION

The Legislative Commission, at its meeting on September 6, 2001, created an interim subcommittee, comprised of four Senators and four Assembly members, to study suicide prevention in Nevada.

The Subcommittee held a total of five meetings, including the final meeting and work session, during the course of the study. Except for a meeting held in Reno, these public hearings were conducted through simultaneous videoconferences between legislative meeting rooms at the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas.

During the course of this interim study, the Subcommittee obtained extensive expert and public testimony concerning Nevada's high rate of suicide, which is consistently the highest rate of any state in the nation, and the need for effective suicide prevention programs. It received testimony and correspondence from concerned citizens, clergy, educators, surviving family members of suicide victims, national and local suicide prevention advocates, medical researchers, licensed health care providers, law enforcement officials, emergency and fire service personnel, retired persons, and representatives from various public health and mental health agencies. Federal, state, and local officials contributed significant information and suggestions throughout the study.

At its final meeting and work session, the Subcommittee adopted 19 recommendations, including four bill draft requests (BDRs), for consideration by the 2003 Legislature. The recommendations address the following major topics:

- Developing and Implementing a Nevada State Suicide Prevention Plan and Program;
- Improving Local Suicide Prevention Services;
- Enhancing Suicide Prevention Education and Training for Key Gatekeepers;
- Addressing Suicide Prevention in Public Schools;
- Increasing State Mental Health Services; and
- Recognizing the Relationship of Substance Abuse and Other Co-Occurring Disorders to Suicide.

The Subcommittee's final report contains an overview of the interim study and a discussion of each of the topics under which the Subcommittee made its recommendations.

SUMMARY OF RECOMMENDATIONS

STUDY OF SUICIDE PREVENTION

This summary presents the recommendations approved by the Legislative Commission's Subcommittee to Study Suicide Prevention. The Subcommittee submits the following proposals for consideration by the 72nd Session of the Nevada Legislature:

RECOMMENDATIONS FOR LEGISLATIVE MEASURES - SUBCOMMITTEE BILL DRAFT REQUESTS (BDRS) FOR BILLS OR RESOLUTIONS

1. Draft and enact legislation requiring the development of a Nevada State Suicide Prevention Plan and establishing a Statewide Suicide Prevention Program within the Director's Office of Nevada's Department of Human Resources (DHR). The purpose of the state plan/program is to reduce the number of attempted and completed suicides in Nevada. The state plan should address the risk factors related to suicide and identify populations most at risk, and it should be distributed statewide and made available to the public not later than January 3, 2005.

The State Suicide Prevention Plan shall be modeled after existing state plans in Georgia and several other states, which incorporate goals from the United States Surgeon General's 2001 report, *National Strategy for Suicide Prevention: Goals and Objectives for Action*. Nevada's state plan should focus on the Surgeon General's goals relating to public awareness, building community networks, and implementing suicide prevention training programs for law enforcement, health care professionals, school employees, and others who are the first contacts with individuals at risk of suicide.

The Statewide Suicide Prevention Program will include the establishment and funding of two personnel positions to develop and implement suicide prevention programs in Nevada. One position would be the Statewide Suicide Prevention Coordinator based in the Director's Office of DHR in Carson City, and the other position would be a Suicide Prevention Trainer & Networking Facilitator based in the office of a government or nonprofit agency in Clark County. Funding for these positions may depend on a combination of government (federal, state, and local) and nongovernmental money. The Governor is urged to include this program as part of the DHR budget, and the Legislature is urged to approve a budget to support the program.

The Director of DHR shall be required to submit a copy of the state plan and a report on the program to the Governor and the Director of the Legislative Counsel Bureau (for distribution to the Legislature) on or before January 3, 2005.

Statewide Suicide Prevention Coordinator

Under the direction of the Director of DHR, the Statewide Suicide Prevention Coordinator will be responsible for developing, disseminating, and implementing a statewide suicide awareness and prevention plan and program throughout Nevada, including public education activities, gatekeeper training, and enhancement of crisis services. The Coordinator will conduct suicide prevention public awareness and media campaigns in all 17 Nevada counties, beginning first in Clark County.

Furthermore, the Coordinator will link suicide assessment and intervention trainers to schools, community centers, nursing homes, and other facilities serving persons most at risk of suicide. The position will coordinate the establishment of local advisory groups in each county to offer additional support to the program's efforts. Working with suicide prevention advocacy groups, community coalitions, managers of existing nationally accredited/certified crisis hotlines, and staff of mental health agencies in the state, the Coordinator will identify and address the barriers that interfere with providing services to at-risk groups, such as the elderly, Native Americans, youth, and residents of rural communities. The Coordinator will also develop and maintain a state suicide prevention Internet Web site with links to appropriate resource documents, accredited/certified suicide hotlines, licensed professionals, state and local mental health agencies, and national organizations.

The Coordinator will review current research on data collection for factors related to suicide, and develop recommendations for improved surveillance systems and uniform data collection. In addition, the position will develop and submit proposals for funding from federal government agencies and nongovernmental organizations. Finally, the Coordinator would provide oversight and technical assistance to the Suicide Prevention Trainer & Networking Facilitator based in Clark County.

Suicide Prevention Trainer & Networking Facilitator

Under the oversight of the Statewide Suicide Prevention Coordinator, the Suicide Prevention Trainer & Networking Facilitator will assist in disseminating and implementing the state suicide prevention plan and program in Clark County. This position will provide suicide prevention information and training to mental health agencies, social service agencies, churches, public health clinics, school districts, law enforcement agencies, emergency medical personnel, health care providers, and various community organizations. In addition, the position will assist in developing and carrying out public awareness and media campaigns targeting Clark County groups at risk of suicide.

The Trainer & Facilitator will assist in developing a network of community-based suicide prevention programs in Clark County, including the establishment of one or more local suicide prevention advisory groups. This position will facilitate sharing

information and consensus building among multiple constituent groups in the county, including public agencies, community organizations, suicide prevention advocacy groups, mental health providers, and various representatives of the at-risk population groups. **(BDR 40--288)**

2. Urge, by drafting and adopting a resolution, governmental and nongovernmental agencies in Clark County to cooperate in establishing a Clark County suicide prevention program to provide effective and diverse suicide prevention programs for its communities. Funding for these programs should include a combination of government (federal, state, and local) and nongovernmental money. The proposed suicide prevention program would include the following:

- Evidence-based programs to reduce risk factors and enhance protective factors for suicidal behavior across the life span of individuals;
- Distribution of awareness and educational materials to reduce the stigma associated with suicide;
- A 24-hour suicide hotline accredited or certified by a nationally recognized organization in the field of suicide prevention (and supported by a continuation and increase in the Clark County local governments' existing funding for suicide prevention programs);
- Service referral for at-risk individuals;
- Development of a Clark County Resource Directory and/or Internet Web site for suicide prevention and survivor assistance;
- Effective and accessible suicide intervention training for gatekeepers and first responders, including school district personnel;
- Media education and guideline distribution; and
- Suicide survivor services.

(BDR R--289)

3. Urge, by drafting and adopting a resolution, that each community in Nevada form a coalition of agencies and service providers to address suicide prevention, education, response, and treatment (adapted to community resources and needs), with the goals of reducing suicides in each community and providing survivor support. **(BDR R--291)**

4. Urge, by drafting and adopting a resolution, that the Clark County Health District: (1) plan and coordinate a public information campaign on suicide prevention; and (2) expand community injury prevention efforts and increase the corresponding financial commitment. **(BDR R--290)**

**RECOMMENDATIONS FOR POSSIBLE LEGISLATIVE ACTIONS OR MEASURES
TO BE CONSIDERED BY OTHER LEGISLATIVE COMMITTEES**

5. Draft and send a letter to the Legislative Committee on Education recommending that it consider requesting legislation requiring all public school teachers, including elementary education teachers, to complete certain courses in suicide prevention prior to license renewal. Such legislation could require that Nevada's Regional Training Programs for the Professional Development of Teachers and Administrators provide teachers and administrators with information and training specific to suicide issues, including identifying and intervening with pupils at high risk of suicide.
6. Draft and send a letter to the Legislative Committee on Education requesting that it consider requesting legislation for an appropriation of state funds to provide additional counseling positions in public middle schools and high schools, and state funds for counselors at the elementary school level.
7. Draft and send letters to the Legislative Committee on Health Care and its Subcommittee to Study Mental Health Issues recommending consideration of requesting that the Governor and the Legislature approve increased funding for mental health services throughout Nevada and particularly for rural mental health agencies to provide emergency response and ongoing services to suicide survivors, those who have attempted or threatened suicide, and those determined to be at high risk for suicide.
8. Draft and send letters to the Legislative Committee on Health Care and its Subcommittee to Study Mental Health Issues requesting consideration of the following recommendations from the Task Force on Emergency Room Overcrowding (also known as the Chronic Public Inebriate [CPI] Task Force) and the Southern Nevada Mental Health Coalition:
 - Allow more people in crisis to have access to treatment and allow first responders, police, fire, and paramedics, a timely return to service by: (1) creating a centralized drop-off location for triage with funding provided by state and local governments and area hospitals; (2) developing a mechanism for providing permanent, long-term funding to support CPI and mental health services such as increasing the tax on the sale of liquor; (3) considering changing NRS 433A.330, which requires the mentally ill to be transported to hospitals for medical screening or authorize paramedics to transport patients, who meet specific criteria, directly to a MHDS facility or other qualified facilities for treatment; and (4) funding mobile crisis units that can make assessments in the field and reduce the need for transporting patients to hospitals.
 - Increase services to the seriously mentally ill in southern Nevada by: (1) adding sufficient crisis observation beds and adequate staff to care for the increasing number of patients who need mental health care, including those with

co-occurring disorders; (2) adding sufficient in-patient beds and staffing for treatment after patients have been assessed and stabilized at a triage facility, emergency room, or MHDS facility; (3) establishing a client data base to provide easy access to available services, track patients through various programs and prevent duplication of services; (4) providing centralized and coordinated case management and outpatient services; (5) contracting with the Program for Assertive Community Treatment to perform personalized, intensive case management; and (6) ensuring that all possible federal funding has been accessed.

- Establish and fund a mental health court in southern Nevada.

The letters from the Subcommittee should also include a statement in support of providing funding for mental health courts in northern Nevada and throughout the state.

9. Draft and send letters to the Legislature's Standing Committees on Judiciary recommending their consideration of requesting legislation to amend the statutes pertaining to minors and alcohol. Although current law makes it unlawful for a minor to be purchasing, consuming, or possessing an alcoholic beverage, testimony indicated that law enforcement cannot arrest minors who have already consumed, but are not at the time consuming, an alcoholic beverage. Amend the statutes with provisions similar to the Reno Municipal Code whereby it is unlawful for a person under the age of 21 to "be impaired to any degree by the use of an alcoholic beverage." The purpose of this amendment is to require that such minors be required to undergo evaluation and possible treatment for alcohol and/or drug abuse.
10. Draft and send letters to the Legislature's Standing Committees on Judiciary recommending their consideration of the recommendation from the Task Force on Emergency Room Overcrowding (also known as the Chronic Public Inebriate [CPI] Task Force) and the Southern Nevada Mental Health Coalition requesting legislation to expand the civil protective custody statute (NRS 458.270) to pertain to persons with substance abuse and mental illness.

**STATEMENTS TO BE INCLUDED IN
THE SUBCOMMITTEE'S FINAL REPORT**

11. Include a statement in the Subcommittee's final report recommending that the Governor and the Legislature approve the necessary state funding to provide Nevada's Division of Mental Health and Developmental Services (MHDS) with the computer equipment and related software necessary to collect and analyze data regarding suicide rates for MHDS clients and their family members.
12. Include a statement in the Subcommittee's final report recommending that the Governor and the Legislature support state funding for the Reno Crisis Call Center to establish, in Clark County, a service similar to its existing crisis call center and suicide prevention hotline.
13. Include a statement in the Subcommittee's final report recommending that the Board of Regents of the University and Community College System of Nevada (UCCSN), the UCCSN Chancellor, and the President of the University of Nevada, Las Vegas (UNLV) assist in providing university faculty, staff, and students to help coordinate and staff suicide prevention programs in Clark County.

One possible plan would be to coordinate educational, survivor support, and crisis line services through the Psychology Department at UNLV. A faculty member could serve in a coordinating role, responsible for overseeing the various support programs and supervising graduate students who would provide direct services. Services provided by graduate students could include educational programming for gatekeepers, at-risk groups and concerned community members, support groups for survivors, and coverage for the suicide crisis line. Additionally, graduate students could recruit volunteers from the community and from the undergraduate psychology program who would be trained to provide crisis intervention services and would assist with the crisis line work. Crisis line training and coverage would be specifically developed to meet accreditation/certification requirements with a short-term goal of obtaining crisis line accreditation/certification. This plan would provide continuity of preventative and intervention services as well as provide long-term stability in the delivery of ongoing services.

14. Include a statement in the Subcommittee's final report recommending enhancing community gatekeepers' education and training by requiring two hours of continuing education in suicide prevention, including identification, diagnosis, referral, and treatment, as a requirement for renewal of license for health care professionals.
15. Include a statement in the Subcommittee's final report recommending that the DHR Health Division's Emergency Medical Services Program develop a formalized education and training program in suicide prevention for emergency medical services (EMS) managers and personnel. Among other things, the program should raise

awareness of EMS personnel at risk for suicide. In addition, the program should provide EMS personnel with a directory of suicide prevention agencies and programs to leave at scenes of trauma.

16. Include a statement in the Subcommittee's final report recommending that Nevada school districts address adolescent suicide by adherence to a theoretical framework which incorporates three levels of intervention: (1) primary intervention – when a suicide occurs; (2) secondary intervention – treatment activity with survivors, other students, parents, school personnel, and so forth; and (3) tertiary intervention – suicide prevention activities and programs.

In addition, recommend that the school districts consider hiring additional trained professionals, including counselors, school psychologists, and social workers, to: (1) conduct assessments, implementation, follow-up, and to provide treatment (including primary, secondary, and tertiary interventions); (2) perform interventions in school settings; (3) establish relationships with parents, students, and other professionals; (4) maintain effective networks with the community; (5) address the mental health of troubled students; and (6) support the school student services staff.

17. Include a statement in the Subcommittee's final report recognizing the importance of including substance abuse and other co-occurring disorders in a Nevada statewide suicide prevention plan. In addition, the statement should recognize that the enhancement of the delivery of co-occurring treatment and services may assist in reducing Nevada's suicide rate.
18. Include a statement in the Subcommittee's final report recognizing that any state suicide prevention program should address the relationship between youth suicide and the use of alcohol and drugs by minors.
19. Include a statement in the Subcommittee's final report supporting the work of the President's New Freedom Commission on Mental Health. Also include in the final report a summary of the Commission's findings and recommendations regarding suicide prevention.

BULLETIN NO. 03-12

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218.5352

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Senator William J. Raggio, Chairman
Assemblyman Wendell P. Williams, Vice Chairman
Senator Bernice Mathews
Senator Ann O'Connell
Senator Maurice E. Washington
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NRS 218.5352 Legislative committee on education: Creation; membership; chairman and vice chairman; vacancies.

1. The legislative committee on education, consisting of eight legislative members, is hereby created. The membership of the committee consists of:

(a) Four members appointed by the majority leader of the senate, at least one of whom must be a member of the minority political party.

(b) Four members appointed by the speaker of the assembly, at least one of whom must be a member of the minority political party.

2. After the initial selection, the legislative commission shall select the chairman and vice chairman of the committee from among the members of the committee. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. The chairmanship of the committee must alternate each biennium between the houses of the legislature. If a vacancy occurs in the chairmanship or vice chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

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

4. A vacancy on the committee must be filled in the same manner as the original appointment.

(Added to NRS by 1997, 1775)

ABSTRACT

LEGISLATIVE COMMITTEE ON EDUCATION

(Nevada Revised Statutes 218.5352)

In 1997, the Legislature enacted Senate Bill 482 (Chapter 473, *Statutes of Nevada 1997*), creating a statutory committee – the Legislative Committee on Education. The bill, known as the Nevada Education Reform Act (NERA), established a permanent eight-member Legislative Committee on Education to provide for legislative review of the education reform process. The Committee is charged with reviewing statewide programs in accountability, the statewide management of automated record transfer (SMART) program, class size reduction, and any other fiscal or policy concerns associated with public education. The Committee has met for three interim periods since its creation.

The Committee held a total of 12 meetings this interim: one in 2001, ten in 2002, and one in January of 2003. The members heard a series of in-depth briefings on the Federal No Child Left Behind Act of 2001 and presentations by the National Conference of State Legislatures and the Education Commission of the States. Members received a series of presentations and policy briefings concerning other national and state education reform activities, including the Federal Reading Excellence Act, American Diploma Project, the Tennessee Value-Added Assessment System (TVAAS), the Milken Family Foundation teacher advancement program (TAP), the Grow Network test score reports, education data systems such as Maryland's Web site for school accountability and Just for the Kids, and research on reading and literacy.

The members also reviewed Nevada's current accountability and school improvement programs, the impact of remediation funds on at-risk schools, the state's Class Size Reduction Program, Elko's pilot program, the In\$ite financial reports, as well as the status of the SMART program. Other issues on which the Committee heard testimony included teacher education programs in Nevada, teacher licensing, an evaluation of charter schools, distance education regulations, the Millennium Scholarship Program, closed campus policies, test development activities, the Nevada Association of School Superintendents funding proposal – iNVEST, achievement level tests, parental involvement, and school construction. As required by statute, the Committee recommended a list of remedial education programs that have proven to be successful in increasing the academic achievement of pupils and forwarded that list to the Nevada Department of Education for adoption.

The Committee also received regular progress reports from two other entities created by NERA: (1) the Council to Establish Academic Standards for Public Education; and (2) the Commission on Educational Technology. Regular reports from the Regional Professional Development Programs (RPDPs) also were received, including updates on the Nevada Early Literacy Intervention Program (NELIP).

Members of the Committee adopted 33 proposals with regard to public education in Nevada, including compliance with the Federal No Child Left Behind Act of 2001, training and

recruitment incentives for teachers, a P-16 Council, smaller schools, class size reduction, educational technology, homeless students, the Millennium Scholarship Program, and testing. Major recommendations adopted include proposals to:

- Revise the state’s accountability and assessment system to comply with federal education law, including annual tests in grades 3 through 8, the provision of funds for educational technology and the financial analysis model, and school, district, and state level reports;
- Continue funding for the regional professional development programs, including the NELIP, and expand the authority of the Statewide Coordinating Council;
- Appropriate funds to continue to provide remedial programs for students in low-performing schools and for individual students needing assistance;
- Implement class size reduction through grade 6 by permitting a student-teacher ratio of 22:1;
- Encourage teachers to become certified by the National Board for Professional Teaching Standards;
- Provide an alternative route to teacher licensing;
- Encourage recruitment and licensing of teachers in certain subject areas;
- Fund a pilot program in Clark and Washoe County School Districts for test score reporting and related services, including linkages to academic standards;
- Revise the membership provisions of the Council to Establish Academic Standards and the Commission on Educational Technology;
- Update school transportation provisions;
- Revise certain charter school and distance education statutes;
- Make provision for suicide awareness training; and
- Permit early admission to kindergarten for certain students and authorize access to certain classes for exceptionally gifted students.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON EDUCATION

(Nevada Revised Statutes 218.5352)

The following is a summary of the recommendations for bill draft requests (BDRs) adopted by the Legislative Committee on Education for transmittal to the 72nd Session of the Nevada Legislature.

RECOMMENDATIONS FOR LEGISLATION

1. Amend the statutes to provide for revisions to the educational accountability system, to the statewide achievement and proficiency testing system, and to the teacher licensing provisions, and to add minimum requirements for the qualifications and licensing of educational paraprofessionals, and related matters, in order to comply with the Federal No Child Left Behind Act of 2001 insofar as it requires a single statewide system of school accountability; annual testing in reading or language arts and mathematics; periodic testing in science; a supporting data management system; state and district report cards; teacher quality requirements; financial accountability systems; remedial programs, sanctions, and rewards; and other matters. **(BDR 34-635)**
2. Appropriate to the Nevada Department of Education from the Distributive School Account, for transfer to schools, for funding in the amount of \$6.75 million to be allocated as follows:
 - a. \$5.25 million for each of the fiscal years for the 2003-05 biennium, for continued state support of remedial programs for schools needing improvement (see NRS 385.389) and other eligible schools; and
 - b. \$1.5 million for each of the fiscal years for the 2003-05 biennium, for continued state support of approved remedial education or tutoring programs outside the school day for pupils at any grade level who need additional instructional time to pass or reach a level considered proficient. Programs provided under this section must be conducted before or after school, on weekends, during summer, or between sessions in schools with year-round calendars.

The Department is authorized to exercise flexibility in use of the funds for either: (a) school remediation under NRS 385.389; or for (b) programs of remedial education or tutoring for individual students who need additional instructional time to pass or reach a level considered proficient, although a minimum of \$1.5 million shall be allocated for subsection b. **(BDR 34-636)**

3. Include a statement of support in the final report of the Committee for inclusion in the statewide testing program components needed to implement a value-added reporting system. The components may include annual test data from either local assessments or statewide tests, or both. The components may be modeled on the Tennessee Value-Added Assessment System (TVAAS) as set forth in *Tennessee Statutes* § 49-1-601 et. seq. Further, include a statement of support for consideration of amendment of the statutes to provide that estimates of specific teacher effects are not public records (similar to *Tennessee Statutes* § 49-1-606[2]).

4. Appropriate from the State General Fund \$1.25 million for Fiscal Year 2003-04 and \$1.25 million for Fiscal Year 2004-05 to the Clark County School District and the Washoe County School District, for the purchase of test score reporting brochures and related services for the statewide norm-referenced tests in 4th, 7th, and 10th grades and the criterion-referenced tests in 3rd, 5th, and 8th grades, or selected grades subject to changes made to comply with the Federal No Child Left Behind Act and the availability of legislative funding. **(BDR 34-636)**

5. Appropriate from the Distributive School Account for funding in the amount of \$9,665,939 for Fiscal Year 2003-04 and \$9,788,445 for Fiscal Year 2004-05, to the Department for transfer to the four host school districts (Clark, Douglas, Elko, and Washoe) as follows:

| Regional Professional Development Programs | FY 2003-04 Combined | FY 2004-05 Combined |
|---|----------------------------|----------------------------|
| Southern (Clark County School District) | \$5,133,725 | \$5,133,725 |
| Western (Douglas County School District) | \$1,194,347 | \$1,229,475 |
| Northeastern (Washoe County School District) | \$1,314,597 | \$978,710 |
| Northwestern (Elko County School District) | \$2,023,270 | \$1,248,926 |
| LBEAPE Evaluation | \$100,000 | \$100,000 |
| Total Fiscal Year (with evaluation dollars) | \$9,765,939 | \$9,888,445 |

for the operation of the four Regional Professional Development Programs (RPDPs) and for the continuation of the Nevada Early Literacy Intervention Program. Further, appropriate \$100,000 in each year of the biennium from the Distributive School Account to the Legislative Bureau of Educational Accountability and Program Evaluation (LBEAPE) to contract for an evaluation of the RPDPs, to include an evaluation of the Nevada Early Literacy Intervention Program. **(BDR 34-636)**

6. Require by statute that the Regional Professional Development Programs facilitate and coordinate the provision of introductory level training in suicide signs to teachers and administrators. **(BDR 34-644)**
7. Provide the RPDPs with statutory authorization to enter into statewide partnerships and to allocate a portion of their budgets for the purpose of providing matching funds to permit the receipt of grant funds and to otherwise permit the receipt of grant funds from state, federal, or other sources, donations, or gifts. Note: Grant funds will be available to the states under the Federal No Child Left Behind Act to support certain professional development. **(BDR 34-636)**
8. Amend the statutes to provide for the compensation of Statewide Coordinating Council members for travel and per diem expenses provided to state officers and employees generally for attendance at Statewide Coordinating Council meetings and while otherwise engaged in the work of the Statewide Coordinating Council. The expenses will be paid from the budgets of the respective RPDPs. Further, add a representative to the Council selected by the Nevada State Education Association. **(BDR 34-636)**
9. Amend the statutes to require the boards of trustees of school districts to pay for a 5 percent salary increase for a secondary teacher who teaches mathematics or science and has an endorsement in the fields of mathematics or science, and for a teacher who is assigned to teach pupils with disabilities and who has an endorsement in that field. Also, require the State Board of Education to identify the endorsements in the fields of mathematics and science that qualify for the salary increase. Further, make the amendment effective on July 1, 2004. **(BDR 34-636)**
10. Appropriate \$207,000 over the biennium to the Nevada Department of Education for the purpose of reimbursing up to \$2,300 of the related costs incurred by a teacher in gaining national certification by the National Board for Professional Teaching Standards. Teachers wishing to obtain such reimbursement must file a statement of intent with the school district at least one year prior to anticipated certification; upon completion and certification, the school district shall notice the Department to reimburse the teacher up to \$2,300 of the costs directly related to applying for and receiving National Board for Professional Teaching Standards certification. **(BDR 34-636)**
11. Amend the statutes to direct the Commission on Professional Standards to adopt regulations providing for alternative routes to a teacher's license for qualified persons with a bachelor degree or higher in a subject area. The intent of the alternative certification procedure is to encourage qualified retired persons or persons desiring a career change to enter the teaching profession. Components of the alternative certification would include six to eight weeks of an intensive training seminar covering pedagogy, classroom management and related subjects, mentoring during the first year of teaching, and a short training seminar after the first year of teaching as follow-up.

The alternative certification program would still require licensing applicants to pass the examinations currently required of teachers. **(BDR 34-637)**

12. Include a statement in the final report of the Committee noting that there are issues that were brought to the Committee's attention by the Legislative Commission's Subcommittee to Study the Prevention of Suicide but were not adequately addressed during the 2001-03 interim due to a lack of time. At the request of the Subcommittee to Study the Prevention of Suicide, the Committee intends to review the issue of suicide prevention in schools in the 2003-05 interim. The issue is the potential need for additional personnel in public schools, at the elementary, middle, and secondary level, to work to prevent suicide, including consideration of the role of school social workers and psychologists.
13. Amend the statutes to clarify that the prohibition on retaining a pupil more than one time in the same grade does not apply to retention of pupils in the 8th grade who fail to meet the credit requirement for promotion to high school. This amendment is consistent with an opinion letter of the Nevada Attorney General, intended to resolve an apparent conflict primarily at NRS 392.033 and 392.125. **(BDR 34-639)**
14. Amend the statutes to permit early admission to kindergarten or first grade for students within six months of the pertinent age cut-off, upon the request of a parent or guardian, based upon an assessment by the school district of the student's readiness for school. **(BDR 34-639)**
15. Include a statement of support in the final report of the Committee and send a letter to Clark and Washoe County School Districts urging them to provide the services and support needed for homeless children to succeed in school and to make specialized services available to such children to address the unique needs of the homeless.
16. Amend the statutes to authorize school districts to provide access to community college courses and to offer independent study for exceptionally gifted students. Access to community college courses would include the arrangement of enrollment; reimbursement by the district to the community college for appropriate costs; and provision of appropriate instructional materials, supplies, and equipment. School districts would be directed to adopt policies for implementation of such access for exceptionally gifted students. **(BDR 34-640)**
17. Send a letter of support to the Senate Committee on Finance and the Assembly Committee on Ways and Means recommending that funding in the amount of \$20,000 per year be allocated within the budget for the Legislative Committee on Education, for the use of the Council to Establish Academic Standards for Public Schools in establishing and supporting teams to review and revise, as needed, the academic standards initially developed in 1998, with the understanding that the first subject area to be reviewed will be the science standards and that the other standards

will be reviewed consistent with the textbook adoption cycle. The allocated funds would be used for travel, per diem, and other costs of the teams established for the review and revision of one subject area per fiscal year. In addition, the letter would recommend continuation of current levels of funding for the operating budget of the Council within the budget of the Nevada Department of Education.

18. Amend the statutes to provide that the term of a member of the Council to Establish Academic Standards for Public Schools continues until the appointing authority makes a new appointment. **(BDR 34-638)**
19. Amend the statutes to provide that the term of each member of the Commission on Educational Technology is two years, commencing on January 1 of the year they are appointed and expiring on December 31 of the next calendar year. Five of the members shall be appointed in even numbered years and six of the members shall be appointed in odd numbered years. A member shall continue in his office until a successor is appointed. **(BDR 34-638)**
20. Send a letter of support to the Clark County School District for the purchase of laptop computers for disadvantaged students to use at home, on a temporary basis, during the school year. Further, include a statement of support in the final report of the Committee encouraging funding for educational technology.
21. Include a statement of support in the final report of the Committee for the implementation of a statewide initiative to provide broadband connections for all schools and school districts, as well as the higher education community, similar to the statewide systems in place in Iowa, South Dakota, and Utah.
22. Amend the statutes relating to school transportation as follows:
 - a. To provide an exception for physically disabled students from participation in practice drills for emergency evacuations, as defined by regulation of the State Board, and also require the State Board of Education to provide for alternative safety procedures for such students, by regulation.
 - b. To delete “or a bus used for extracurricular activities”; to increase the required training hours from 10 to 20 hours for both operating a vehicle and in the specified subjects; to add CPR leading to certification and student management to the required training subjects; and to delete the provision permitting student drivers.
 - c. To delete the exemption for vehicles used for extracurricular activities, thereby disallowing the use of 15 passenger vans.

- d. To provide exceptions to the requirement for flashing red lights, as defined by regulation of the State Board, for buses transporting students with special needs who are individually loaded and unloaded. Also delete the “to or from school” limitation so that the flashing red light system is activated at all times the bus is transporting students.
 - f. To require that trainers of school bus drivers be qualified as set forth in regulation by the State Board of Education.
 - g. To clarify that charter schools must comply with the school transportation statutes/regulations when transporting charter school students.
(BDR 34–641)
23. Amend the statutes to provide that the Nevada Department of Education shall make up the difference from the Distributive School Account between the statewide average per-pupil payment and the district per-pupil payment, for state-sponsored charter schools.
(BDR 34–642)
24. Amend the statutes to require nonlicensed employees at charter schools to be fingerprinted and subject to background checks prior to employment. Further, with regard to hiring a teacher or administrator with a felony conviction, allow the governing body to make an offer of employment if the conviction is unrelated to the employment position. **(BDR 34–642)**
25. Amend the statutes to require charter schools to pay for retesting of their students in the event of a failure to test a sufficient percentage of students or in the event of a testing irregularity. **(BDR 34–642)**
26. Include a statement in the final report of the Committee urging the superintendents of the school districts to review their district priorities in curricula to ensure that the districts’ efforts are focused on the most critical subject areas in order to promote student achievement, and to provide the Legislative Committee on Education in 2004 with a list of the state mandates and programs that the districts cannot reasonably accomplish due to funding or time constraints.
27. Amend the statutes to revise the licensure requirements related to distance education courses for public schools to permit university or college personnel to teach distance education courses in the core academic subjects. **(BDR 34–642)**
28. Amend the distance education statutes to permit a committee to form a charter school to file an application for approval of a distance education program. **(BDR 34–642)**
29. Amend the statutes to revise the September 1 and January 1 deadlines for filing written agreements regarding the enrollment of pupils in programs of distance education to October 1 and February 1, respectively. **(BDR 34–642)**

30. Include within the appropriation bill for the class-size reduction funds, provisions that allow school districts the additional option to use their class size reduction funds to implement class size reduction in kindergarten through grade 6 by permitting student-to-teacher ratios of up to 22 students per teacher. **(BDR 34-643)**
31. Send a letter from the Committee to the Board of Regents requesting their review of the scope of the costs of education and the expenditures of scholarship funds by recipients of a Millennium Scholarship.
32. Include a statement in the final report of the Committee noting there are issues that were not adequately addressed during the 2001-03 interim due to a lack of sufficient time and the imperatives of the No Child Left Behind Act of 2001. Although not addressed by the Committee during this interim, the Committee intends to make the issue of the creation of smaller high schools to address drop-out rates and to improve student achievement a priority in the 2003-05 interim.
33. Include a statement in the final report of the Committee noting there are issues that were not adequately addressed during the 2001-03 interim due to a lack of sufficient time and the imperatives of the No Child Left Behind Act of 2001. Although not addressed by the Committee during this interim, the Committee intends to make a priority in the 2003-05 interim of the following issue; namely, the effective implementation of a P-16 effort to reduce the gap between high school and postsecondary education, including the reduction of remediation at the college level, facilitating progression to postsecondary study, and improvements in workforce preparation.

BULLETIN NO. 03-13

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218.5363

Members

Senator Dean A. Rhoads, Chairman
Assemblyman John W. Marvel, Vice Chairman
Senator Terry Care
Senator Mark A. James*
Assemblyman Tom Collins
Assemblyman P. M. "Roy" Neighbors
Peter J. Goicoechea, Eureka County Commissioner

Alternate Members

Senator Mike McGinness
Senator Raymond C. Shaffer
Assemblyman John C. Carpenter
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* *Senator Mark A. James resigned on May 29, 2002, and did not participate in subsequent meetings of the Committee.*

Nevada Revised Statutes 218.5363

218.5363 Establishment; membership; chairman; vacancies.

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

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

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

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

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

ABSTRACT

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

(Nevada Revised Statutes 218.5363)

Nevada's Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 218 of the *Nevada Revised Statutes*. Created in 1983, this body is responsible for reviewing and commenting on proposed and existing laws and regulations that affect the 61 million acres of federally managed lands in Nevada. The committee also provides a forum for the discussion of public lands matters with federal, state, and local officials; representatives of special interest organizations; and other interested individuals.

A report of the committee's activities during the 2001-2002 Legislative Interim period. It reviews public lands legislation passed during the 2001 Nevada Legislative Session and summarizes the topics considered and acted upon by the Committee during the 2001-2002 Legislative Interim.

The Legislative Committee on Public Lands held nine meetings and two field excursions throughout Nevada. Additionally, the Committee conducted two informational tours of Washington, D.C., to converse with various elected officials, congressional staff, and federal agency officials involved in public lands policy matters.

The Committee typically considers or discusses more than 50 public lands-related issues during its meetings and tours throughout the interim. Of these, topics of particular interest include: (1) activities, policies, and regulations of the Bureau of Land Management (BLM), United States Department of the Interior (DOI); Environmental Protection Agency (EPA); U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA); and U.S. Fish and Wildlife Service (USFWS), DOI; (2) activities of numerous state agencies such as the State Department of Agriculture (SDA), State Department of Conservation and Natural Resources (SDCNR), Commission on Mineral Resources, and the SDCNR's Divisions of Environmental Protection, State Lands, Water Resources, and Wildlife; (3) the allocation of water rights and issuance of water permits; (4) county and city public land issues and concerns; (5) the Endangered Species Act of 1973 (ESA); (6) federal regulations affecting agriculture, mining, and water in Nevada; (7) grazing and related livestock issues; (8) the Great Basin Restoration Initiative (GBRI) and other range rehabilitation efforts; (9) the Humboldt River Basin; (10) impacts of federal court cases on public lands management in Nevada; (11) implementation of the Southern Nevada Public Lands Management Act of 1998 (SNPLMA), the Federal Land Transaction Facilitation Act of 2000 (FLTFA), and the Lincoln County Land Act of 2000; (12) invasive species and noxious weed abatement; (13) mining and the status of Nevada's mining industry; (14) Payment in Lieu of Taxes (PILT) and the federal payments made to Nevada counties; (15) public/private land exchanges; (16) renewable energy development on public lands; (17) sage grouse habitat and potential

listing as a threatened or endangered species; (18) vehicle access and right-of-way issues on public lands; (19) wildfire suppression; (20) wild horses and burros; and (21) wilderness issues.

Attendance at the Committee hearings was high with 30 to 60 people typically in attendance. During the course of these meetings, the Committee was presented with numerous recommendations and requests. The members voted to request the drafting of six bills and resolutions for consideration by the 2003 Nevada Legislature. The subjects of these requests concern: (1) state law providing for the issuance of stockwater permits; (2) federal regulations concerning the acquisition of stockwater permits by the Federal Government; (3) an appropriation for the local control and treatment of invasive and noxious weeds in Nevada; (4) grants to fund public lands and natural resource projects throughout the state; (5) the deadline by which funds must be available to construct the California National Historic Trail Interpretive Center in Elko County; and (6) the application of revenue derived from the sale of federal land for improvement and restoration projects on existing public lands.

Additionally, the Committee voted to send 14 letters and Committee statements to various elected officials, organizations, and federal, state, and local government representatives and agency personnel regarding a wide range of public lands and natural resources matters.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

(*Nevada Revised Statutes* 218.5363)

This summary presents the recommendations approved by Nevada's Legislative Committee on Public Lands during the 2001-2002 Legislative Interim and at its work session meeting held August 16, 2002, in Elko. The corresponding bill draft request number follows each recommendation for legislation. All place names mentioned in this bulletin are in Nevada unless otherwise noted.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

The members of Nevada's Legislative Committee on Public Lands adopted the following recommendations for legislative measures:

1. Enact legislation revising *Nevada Revised Statutes* 533.503 regarding restrictions on the issuance of stockwater permits and certificates of appropriation on public lands, to: (1) establish criteria for obtaining a stockwater permit that is related to the ownership of the livestock to be watered; and (2) specifically provide for the issuance of joint permits, including joint permits between a livestock operator and the Federal Government. **(BDR 48-670)**
2. Express, by resolution, encouragement for the Department of the Interior (DOI) to revise the federal regulation found in *Code of Federal Regulations* Title 43, Chapter II, Section 4120.3-9. Specifically, urge the Department to strike the last sentence, which reads: "To the extent allowed by the law of the state within which the land is located, any such water right shall be acquired, perfected, maintained, and administered in the name of the United States." **(BDR R-671)**
3. Enact legislation to provide for the administration of a program by the State Department of Agriculture (SDA) to provide grants for local treatment and control of noxious weeds and invasive species of weeds that are not native to Nevada. This measure shall include an appropriation of \$2 million per year for the 2004-2005 biennium to fund the grant program, and contain language similar to that found in Senate Bill (S.B.) 13 of the 2001 Legislative Session (which was indefinitely postponed). **(BDR S-672)**
4. Enact legislation making an appropriation of \$250,000 to Nevada's Legislative Committee on Public Lands for the purpose of awarding grants to applicants for public lands and natural resource projects. This measure shall contain language similar to that found in Section 6 of S.B. 560 of the 1999 Legislative Session (Chapter 544, *Statutes of Nevada 1999*) and S.B. 162 of the 2001 Legislative Session (which was indefinitely postponed). **(BDR S-673)**

5. Enact legislation changing the deadline for the federal contribution of \$6 million for the California National Historic Trail Interpretive Center in Elko County from June 30, 2003, to June 30, 2005 (originally enacted as S.B. 329, Chapter 577, *Statutes of Nevada 1999*). **(BDR S-674)**
6. Express, by resolution, support to amend the Southern Nevada Public Lands Management Act of 1998 and the Federal Land Transaction Facilitation Act of 2000, to allow funds generated from the land sales under these acts to be used for water and land improvements and restoration projects on existing federal lands in Nevada. **(BDR R-675)**

RECOMMENDATIONS FOR COMMITTEE ACTION

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters to:

1. United States Senators John Ensign (R-Nevada) and Harry Reid (D-Nevada), and U.S. Congressman Jim Gibbons (R-Nevada), expressing support of the Humboldt Project Title Transfer.
2. Nevada's Boards of County Commissioners, regarding sage grouse conservation planning in an effort to: (1) explain the impacts of a listing under the Endangered Species Act of 1973 and the benefits to counties for participating in planning efforts; and (2) encourage county participation in the statewide planning effort currently underway.
3. Members of Nevada's Congressional Delegation, expressing support for the Clark County Conservation of Public Land and Natural Resources Act of 2002 (S. 2612/H.R. 5200) sponsored in Congress by Senators Ensign and Reid, and Congressman Gibbons.
4. Members of Nevada's Congressional Delegation, expressing support for S. 1601/H.R. 2937, to convey certain public land in Clark County for use as a shooting range.
5. The President of the United States, the Secretary of the Interior, select Congressional representatives, and others, in support of S. 454, to take Payments in Lieu of Taxes (PILT) out of the annual congressional appropriations process and make full PILT payments automatic. The measure was introduced by Senator Jeff Bingaman (D-New Mexico). The short title of the measure is the "PILT and Refuge Sharing Permanent Funding Act."

6. The President of the United States, the Secretaries of Agriculture and the Interior, select Congressional representatives, and others, expressing support, in concept, for H.R. 3962, which would limit the authority of the Federal Government to acquire land for certain federal agencies in counties in which 50 percent or more of the total acreage is owned by the Federal Government. The measure was introduced by Congressman John E. Peterson (R-Pennsylvania). The short title of the measure is the “Good Neighbor Act of 2002.”
7. The President of the United States, the Federal Emergency Management Agency, and members of Nevada’s Congressional Delegation, expressing support, in concept, for S. 2528, which would establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes. The measure was introduced by Senator Pete V. Domenici (R-New Mexico). The short title of the measure is the “Drought Preparedness Act of 2002.”
8. The President of the United States, the Secretary of the Interior, select Congressional representatives, and others, requesting that Nevada’s Bureau of Land Management (BLM), DOI, operations receive funding which is at least equal to or greater than other states.
9. The BLM; U.S. Forest Service (USFS), U.S. Department of Agriculture; The Nevada Weed Action Committee; SDA; Cooperative Extension Service; and Natural Resources Conservation Service; expressing appreciation and support for their ongoing efforts to rid Nevada of noxious weeds and invasive species.
10. Robert V. Abbey, State Director, Nevada BLM, and Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, expressing appreciation for their willingness to appear before Nevada’s Legislative Committee on Public Lands and for the regular attendance at the Committee’s meetings by their respective agencies.
11. Robert V. Abbey, State Director, Nevada BLM; Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS; and Steve Robinson, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources; expressing appreciation for their coordination for fire suppression, fire prevention, and range rehabilitation efforts.
12. The BLM; Betsy Macfarlan, Project Coordinator, Eastern Nevada Landscape Coalition; and cooperative partners of the Great Basin Landscape Coalition; expressing support for the Great Basin Restoration Initiative and its efforts to promote restoration and maintenance of the biological and ecological conditions of the Great Basin in eastern Nevada.

13. Senators Ensign and Reid, Congressman Gibbons, the BLM, and the USFS, encouraging any efforts to obtain federal funding for facilities development, resource inventory, planning, and compliance activities for the select harvest of piñon-juniper in Lincoln County and eastern Nevada.
14. Governor Kenny C. Guinn and members of the Sage Grouse Conservation Team, expressing appreciation for their proactive efforts to preserve the sage grouse and avoid its listing under the Endangered Species Act of 1973.

BULLETIN 03-14

**LEGISLATIVE COMMITTEE ON PUBLIC LANDS' WILDERNESS AND
WILDERNESS STUDY AREAS SUBCOMMITTEE**

Members

Senator Dean A. Rhoads, Chair
Assemblyman P.M. "Roy" Neighbors, Vice Chair
Senator Mark Amodei
Senator Dina Titus
Assemblyman David Brown
Assemblyman Jerry D. Claborn

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ABSTRACT

LEGISLATIVE COMMITTEE ON PUBLIC LANDS' WILDERNESS AND WILDERNESS STUDY AREAS SUBCOMMITTEE

More than two decades ago, approximately 5.1 million acres of Nevada land were designated as Wilderness Study Areas (WSAs) pursuant to federal law. As such, the Bureau of Land Management administers these tracts as though they are Wilderness Areas. The original intent of the United States Congress was to have these lands evaluated for permanent status as Wilderness Areas or returned to more general use. However, in the ensuing years, the various groups interested in using these lands have been unable to reach a consensus regarding the final disposition of the WSAs.

At its September 6, 2002, meeting, the Legislative Commission established the interim study of Wilderness and Wilderness Study Areas in Nevada. The Commission appointed a subcommittee of six legislators (three Senators and three Assembly members) to review the status of and gather perspectives on these areas. The Subcommittee was charged with: (1) Examining the manner in which Wilderness Areas and WSAs are selected, managed, and used, and the laws, regulations, and policies of the Federal Government relating to that selection, management and use; (2) Consideration of whether any area of this state is suitable for possible designation by Congress as a Wilderness Area; and (3) A review of any other issues or subjects concerning the establishment, management, and use of a Wilderness Area or WSA in Nevada.

During the course of its work, the Subcommittee traveled to various locations around the state in an effort to gather information from federal, state, and local land management agencies, land-user/special interest groups, and concerned citizens. The Subcommittee held four meetings in the following Nevada locations: (1) Las Vegas with videoconferencing to Carson City; (2) Tonopah; (3) Reno; and (4) Ely. The final meeting and work session will be held in October in Carson City with videoconferencing to Las Vegas.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PUBLIC LANDS' WILDERNESS AND WILDERNESS STUDY AREAS SUBCOMMITTEE

This summary presents the recommendations approved by Nevada's Legislative Committee on Public Lands' Wilderness and Wilderness Study Areas Subcommittee at its final meeting on October 7, 2002. All place names mentioned in this bulletin are in Nevada unless otherwise noted.

RECOMMENDATIONS FOR LEGISLATION

The Subcommittee recommends that the 72nd Session of the Nevada Legislature adopt the following resolutions:

1. **Authorizing an interim study** to examine the issue of wilderness and Wilderness Study Areas (WSAs) in Nevada. The study would, in part, make formal recommendations to the Nevada Legislature, members of Nevada's Congressional Delegation, and others regarding suitable areas for formal wilderness designation by Congress. The study would also examine current policies regarding WSAs (selection, management, qualification, et cetera) and seek input from various governmental agencies, organizations, and individuals regarding wilderness topics. **(BDR R717)**
2. **Urging Congress to:**
 - A. Encourage the Nevada Congressional Delegation to work with all interested Nevadans, land managers, affected stakeholders, local governments, special interest organizations, and the larger American public to work together in a spirit of cooperation and mutual respect in pursuit of Wilderness Area designation for Nevada's public lands.
 - B. Encourage education at all levels of government and among all stakeholders to ensure facts are accurately presented when wilderness issues are debated and that proper interpretations of applicable laws are made when officials are implementing wilderness legislation.
 - C. Require development of accurate, consensus-based boundary maps for Wilderness Areas using technologies such as Geographic Information Systems.
 - D. Oppose the creation of buffer zones around Wilderness Areas and instead supporting the requirement of clear and concise boundaries based on recognizable features on the ground such as roads and drainage.
 - E. Support the position that existing roads not be closed to create Wilderness Areas.

- F. Support appropriate measures, including use of roads, to ensure elderly and disabled citizens have continued access to Wilderness Areas.
- G. Support access to historical roads, whether documented or undocumented, to preserve access to private property.
- H. Support “cherry stem” roads (dead-end roads extending into Wilderness Areas but excluded from designation as part of the Wilderness Area by drawing the boundaries of the Wilderness Area around and just beyond the edges of the road) to all ranching water diversions.
- I. Support appropriately managed grazing and logging as an integral tool for reducing potential fire danger in Wilderness Areas and WSAs.
- J. Consider future population growth and urban expansion when designating Wilderness Areas in view of the fact that Nevada is the state with the highest percentage population growth in recent years and public lands in the state are receiving increased impacts from human activity and development.
- K. Support the Sierra Pacific Resources Centennial Plan involving the release of utility corridors within the Sunrise Mountain Instant Study Area.
- L. Support the Bureau of Land Management (BLM), United States Department of the Interior, recommendation for designation as a Wilderness Area of 1,865 acres of land known as Marble Canyon, located adjacent to the Mt. Moriah Wilderness Area, left out of the 1989 Nevada Wilderness Protection Act, but otherwise not creating any additional Wilderness Areas in the vicinity.
- M. Support national and state legislation requiring explicit consideration of natural resource dependent communities in the public land use planning process for decisions that will affect private economic activity on public lands.
- N. Hold extensive hearings in Washington, D.C., and relevant locations in Nevada prior to any changes in WSA designations or other changes for Nevada public lands.
- O. Recommend designation of WSAs as Wilderness Areas be conducted through a collaborative process.
- P. Support precise specification of allowable activities within Wilderness Areas.
- Q. Recommend ranchers’ preexisting rights to access via “cherry stem” roads, grazing permits, and water permits be specifically outlined and guaranteed in Wilderness Area legislation. **(BDR R-715)**

3. Urging Congress to:

- A. Support fire suppression efforts that are not confined to “minimum tool necessary” requirements and support adequate access be afforded to combat fires.
- B. Oppose reinventorying Nevada lands for purposes of creating Wilderness Areas or additional WSAs.
- C. Recognize the BLM surveys and recommendations were conducted in a very short time with limited staff and mapping capability compared with today’s technology, and are outdated. Therefore, before acting on those recommendations, Congress should ensure more current information is included in the discussions.
- D. Support adoption of a schedule for timely consideration of a plan to release lands not designated as Wilderness Areas. **(BDR R-716)**

RECOMMENDATIONS FOR COMMITTEE ACTION

Additionally, the Subcommittee voted to:

1. **Send a Subcommittee letter** to Nevada’s Congressional Delegation supporting the position adopted June 4, 2002, by the Advisory Board on Natural Resources of the State Department of Conservation and Natural Resources (SDCNR) to endorse the recommendation of R. Michael Turnipseed, P.E., Director, SDCNR, as outlined in his May 24, 2002, letter to Nevada’s Congressional Delegation.

Please note: This recommendation was rendered moot by passage of the Clark County Conservation of Public Land and Natural Resources Act of 2002.

2. **Include a statement in the Subcommittee report** supporting the creation of a herd management viewing area in the Johnnie Herd Management Area of the Spring Mountain Range.
3. **Include a statement in the Subcommittee report** supporting the creation of designated areas in Clark County for off-road vehicle recreation to ease the burden on other areas.
4. **Send a Subcommittee letter** to the Nevada Legislature to encourage allocation of funds to coordinate state and local efforts to promote Wilderness Areas.

BULLETIN NO. 03-15

LEGISLATIVE COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

Nevada Revised Statutes 218.53723

Members

Assemblywoman Barbara E. Buckley, Chairwoman
Senator Valerie Wiener, Vice Chairwoman
Senator Bernice Mathews
Senator Joseph M. Neal, Jr.
Senator Raymond D. Rawson
Senator Maurice Washington
Assemblyman John C. Carpenter
Assemblyman Joseph E. Dini, Jr.
Assemblywoman Ellen M. Koivisto
Assemblywoman Sheila Leslie

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218.53723 Creation; membership; chairman and vice chairman; vacancies. [Effective through June 30, 2005.]

1. There is hereby established a legislative committee on children, youth and families consisting of:

(a) Five members appointed by the majority leader of the senate, at least two of whom were members of the committee on finance during the immediately preceding legislative session; and

(b) Five members appointed by the speaker of the assembly, at least two of whom were members of the committee on ways and means during the immediately preceding legislative session.

2. The members of the committee shall elect a chairman and vice chairman from among their members. The chairman must be elected from one house of the legislature and the vice chairman from the other house. After the initial election of a chairman and vice chairman, each of those officers holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the committee shall elect a replacement for the remainder of the unexpired term.

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

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

(Added to NRS by 2001 Special Session, 19)

ABSTRACT

LEGISLATIVE COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

(Nevada Revised Statutes 218.53723)

The Legislative Committee on Children, Youth and Families, in compliance with *Nevada Revised Statutes* 218.5372 through 218.53727, is responsible for studying and commenting on a broad range of issues relating to the provision of child welfare. The issues include programs relating to child welfare, licensing and reimbursement of foster care providers, mental health services, and compliance with federal requirements such as those under the Adoption and Safe Families Act of 1997. The Committee was created in 2001 under Assembly Bill 1 (Chapter 1, *Statutes of Nevada 2001 Special Session*), which provided for the integration of child welfare services in Clark and Washoe Counties. One of the Committee's primary responsibilities is to oversee this integration. The Committee is scheduled to sunset on June 30, 2005.

The Committee held a total of six meetings, including a work session, during the course of the study. All meetings were open to the public and conducted through simultaneous videoconferences between legislative meeting rooms at the Grant Sawyer State Office Building in Las Vegas and the Legislative Building in Carson City.

During the course of this interim study, the Committee received regular updates from representatives of the state's Division of Child and Family Services and child welfare agencies in Clark and Washoe Counties on the progress of ending bifurcation between the state and the two counties. In addition, the Committee closely monitored the progress on developing a plan for future funding of the child welfare system in Nevada, as required by Section 132 of Assembly Bill 1. Also as part of its duties, the Committee reviewed the annual plans submitted by the three mental health consortia created under the authority of Assembly Bill 1. Further, the Committee received testimony on the methods of improving the child welfare systems throughout the state from governmental representatives, child advocates, representatives of foster care providers, and licensed social workers.

During its last two meetings, the Committee adopted 18 recommendations, including eight recommendations for bill drafts, for consideration by the 2003 Legislature. The recommendations address the following major topics:

- Future funding of the provision of child welfare services;
- Procedures for granting permanent guardianships and opening certain hearings to the public;
- Assistance to youth "aging out" of foster care;
- Improvements in procedures governing child welfare investigations;

- Mental health services provided to children in the child welfare system; and
- Assistance for foster care providers and grandparents raising grandchildren.

The Committee's final report contains an overview of the study and a discussion of each of the topics under which the Committee made its recommendations.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

(Nevada Revised Statutes 218.53723)

This summary presents the recommendations approved by the Legislative Committee on Children, Youth and Families. The Committee submits the following proposals for consideration by the 72nd Session of the Nevada Legislature:

FUTURE FUNDING OF THE PROVISION OF CHILD WELFARE SERVICES

1. Draft legislation necessary to implement the plan for funding the provision of child welfare services in this state in counties whose populations are 100,000 or more. The plan will address the fiscal responsibility of the state and each county for such services, including any increases in the costs of providing the services. The plan includes a “swap” between the state and Clark and Washoe Counties of child welfare costs and Medicaid Long-Term Care County Match costs. **(BDR --687)**

MODIFICATIONS TO THE JUDICIAL SYSTEM

2. Draft legislation authorizing a court to grant a permanent guardianship in a proceeding held pursuant to Chapter 432B of NRS (Protection of Children from Abuse and Neglect). **(BDR 38-688)**
3. Draft legislation to amend NRS 432B.430 to provide that once a petition is filed, proceedings are open to the general public unless the judge or master determines that the hearing should be closed in the best interest of the child. **(BDR 38-689)**

ASSISTANCE TO YOUTH “AGING OUT” OF FOSTER CARE

4. Draft legislation to allow DCFS to continue to provide services to foster care children up to and including age 21 under certain circumstances. **(BDR 38-690)**
5. Draft legislation requiring the Director of the Department of Human Resources to include in the State Plan for Medicaid a provision that specifies young people between the ages of 18 and 21 years who were in foster care on their 18th birthday are eligible for Medicaid coverage, to the extent authorized pursuant to federal law. **(BDR 38-691)**

CHILD WELFARE INVESTIGATIONS

6. Draft legislation to require agencies that provide child welfare services to ensure that children under three years of age who are reported as possible victims of child abuse or neglect are examined by a medical professional who is trained in diagnosing child abuse and neglect. **(BDR 38-692)**
7. Send a letter to DCFS urging the division to develop regulations and hold related hearings on the issue of requiring that all Child Protective Services employees and employees of agencies that provide child welfare services and their supervisors receive mandatory training and demonstrate competence in using standardized safety assessment protocol. Ask that a written report on the progress of modifying the regulations be provided to the Senate Committee on Human Resources and Facilities, the Assembly Committee on Health and Human Services, and the Legislative Committee on Children, Youth and Families prior to the 2003 Legislative Session.

MENTAL HEALTH CONSORTIA RECOMMENDATIONS

8. Include a statement in the final report urging the Administrator of DCFS to include a representative of the Welfare Division on the mental health consortia.
9. Draft legislation amending NRS 433B.335 to change the deadline for each consortium to submit the annual plan to the Committee from January 15 to August 15. **(BDR 39-693)**
10. Include a statement in the report expressing the Committee's support of the recommendation from the three mental health consortia to maintain funding for services to severely emotionally disturbed children in the child welfare system, which was provided under Assembly Bill 1 (Chapter 1, *Statutes of Nevada, Seventeenth Special Session, 2001*), contingent upon a review of the amount of funding necessary to provide these services. Include in the statement the Committee's support for expanding mental health service accessibility by allowing master's level professionals to become Medicaid providers.
11. Include a statement in the report expressing support for expanding the funding of mental health services to additional children in the child welfare and juvenile justice systems identified as underserved, contingent upon a review of the amount of funding necessary to provide these services.
12. Include a statement in the report generally supporting the work of the three mental health consortia and the recommendations presented in their first annual plans.

ASSISTANCE FOR FOSTER CARE PROVIDERS

13. Include a statement in the report encouraging DCFS to work with the Foster Care and Adoption Association of Nevada (FCAAN) to explore methods of increasing the number of providers of respite care.
14. Send a letter to Governor Kenny C. Guinn urging the inclusion of an increase in The Executive Budget for the 2003-05 biennium for DCFS to fund foster parent respite care to allow foster parents 14 days of respite per fiscal year at a rate of \$30 a day for ages 1 through 12 years and \$35 a day for ages 13 through 18 years. In addition, urge the Governor to include authorization in the budget to use these funds for hourly respite (or part of the day or evening) instead of requiring an overnight respite placement.
15. Include a statement in the final report recognizing the need for resources (such as an ombudsman) to assist foster parents with problems and concerns while working within the foster care system. Encourage exploration of potential solutions to this problem, if necessary, in the future.
16. Include a statement in the report recognizing the cost of raising a child, as reflected in the USDA's 2001 Annual Report on Expenditures on Children by Families, and encouraging DCFS, the Department of Human Resources, the Office of the Governor, and the Legislature to consider these average costs when determining the reimbursement rates each biennium. In addition, recommend that the Legislature, the Department of Human Resources, and the Office of the Governor support raising the foster care reimbursement rate in rural Nevada and in Clark County to \$30 per day.
17. Draft legislation allowing employees of DCFS and county child welfare agencies to become foster parents for children who have not been on their caseload in the past three years and who are not currently on their caseload. Retain current authorization for an employee to provide services to any child pursuant to a court order or upon referral of appropriate law enforcement officials for emergency care. (--BDR 690)

KINSHIP CARE ISSUES

18. Include a statement in the final report supporting the areas of improvement for kinship care, and child welfare in general, identified through the course of the study by David Love, Executive Director of Bethel Renaissance Aging Council, and the Intergenerational Community Navigator Project for Grandparents Raising their Grandchildren Support Group.

In addition, as part of the statement, include encouragement for the DCFS and the Welfare Division to review these issues and, based upon the review, report any recommendations for legislation deemed necessary to implement improvements to the child welfare system to the Committee. Finally, include as part of the statement, support for restoration and

continuation of the funding for the Kinship Care program, as authorized by the 2001 Legislature.

BULLETIN NO. 03-16

**LEGISLATIVE COMMITTEE FOR
LOCAL GOVERNMENT TAXES AND FINANCE**

Nevada Revised Statutes 218.53881

Members

Assemblyman David R. Parks, Chairman
Senator Ann O'Connell, Vice Chairwoman
Senator Terry Care
Senator Mike McGinness
Senator Joseph M. Neal, Jr.
Assemblywoman Vivian L. Freeman
Assemblyman P.M. "Roy" Neighbors
Assemblywoman Sandra Tiffany

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218.53881 Establishment; membership; advisory committee; chairman and vice chairman; vacancies; annual reports. [Effective through July 1, 2005.]

1. There is hereby established a legislative committee for local government taxes and finance consisting of:

(a) Two members appointed by the majority leader of the senate from the membership of the senate standing committee on government affairs during the immediately preceding session of the legislature;

(b) Two members appointed by the majority leader of the senate from the membership of the senate standing committee on taxation during the immediately preceding session of the legislature;

(c) Two members appointed by the speaker of the assembly from the membership of the assembly standing committee on government affairs during the immediately preceding session of the legislature; and

(d) Two members appointed by the speaker of the assembly from the membership of the assembly standing committee on taxation during the immediately preceding session of the legislature.

2. The committee shall consult with an advisory committee consisting of the executive director of the department of taxation and 10 members who are representative of various geographical areas of the state and are appointed for terms of 2 years commencing on July 1 of each odd-numbered year as follows:

(a) One member of the committee on local government finance created pursuant to NRS 354.105 appointed by the Nevada League of Cities;

(b) One member of the committee on local government finance created pursuant to NRS 354.105 appointed by the Nevada Association of Counties;

(c) One member of the committee on local government finance created pursuant to NRS 354.105 appointed by the Nevada School Trustees Association;

(d) Three members involved in the government of a county appointed by the Nevada Association of Counties;

(e) Three members involved in the government of an incorporated city appointed by the Nevada League of Cities; and

(f) One member who is a member of a board of trustees for a general improvement district appointed by the legislative commission.

The members of the advisory committee are nonvoting members of the committee. When meeting as the advisory committee, the members shall comply with the provisions of chapter 241 of NRS.

3. The legislative members of the committee shall elect a chairman from one house of the legislature and a vice chairman from the other house. Each chairman and vice chairman holds office for a term of 2 years commencing on July 1 of each odd-numbered year.

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

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

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

(Added to NRS by 1997, 3305; A 2001, 1604, 1820; 2001 Special Session, 120)

ABSTRACT

LEGISLATIVE COMMITTEE FOR LOCAL GOVERNMENT TAXES AND FINANCE

(Nevada Revised Statutes 218.53881)

The Legislative Committee for Local Government Taxes and Finance is a statutorily created committee of the Nevada Legislature that consists of eight members. The Senate Majority Leader and the Speaker of the Assembly each appoint four members from their respective houses. Two of the members from each house must be selected from the membership of each of the respective standing committees on government affairs and taxation. The Committee consults with an 11-member advisory committee consisting of the Executive Director of the Department of Taxation and 10 other members appointed by groups representing local governments and representing various geographical areas of the State of Nevada. Pursuant to NRS 218.53884, the Committee is also required to appoint a subcommittee to study the cost to counties and cities of maintaining highways, roads, and streets and the practices of the counties and cities in maintaining those highways, roads, and streets.

The Committee conducted six meetings. Four of the meetings were held in Las Vegas with videoconferencing to Carson City and two of the meetings were held in Carson City with videoconferencing to Las Vegas. The Advisory Committee and the Subcommittee to Study the Costs of Maintaining Highways, Roads, and Streets each met five times.

During the course of its work, the Committee considered testimony from members of the Advisory Committee and the Subcommittee to Study the Costs of Maintaining Highways, Roads, and Streets and various other representatives of local governments, including school districts and general improvement districts. The Committee received a report regarding the condition of Nevada's roads and bridges from The Road Information Project, which is a transportation research firm from Washington, D.C. The Committee also heard testimony from representatives of the Nevada Taxpayer's Association, regional transportation commissions, and a group studying methods to improve the economies of rural areas in Nevada.

At its various meetings the Committee voted to approve bill draft requests in a number of areas affecting local government finances. The recommendations of the Committee address the following issues:

- Technical adjustments to the consolidated tax distribution and intercounty fuel tax distribution formulas.
- Indexing gasoline tax rates to the rate of inflation to enable revenues to keep pace with increased road maintenance and construction costs.

- Revising the statutory cap on property tax rates imposed by local governments.
- Statutory amendments to ensure that local governments continue to receive revenues from utilities in a deregulated market and in instances when local governments expand government-owned utilities or acquire private utilities.
- Authorizing the formation of tax increment districts to assist local governments with public infrastructure and redevelopment projects.
- Authorizing cities that own airports to impose and receive revenues from aviation fuel taxes.
- Technical adjustments regarding the distribution of the governmental services tax revenues and the ability of special districts to pledge consolidated tax distribution revenues for the payment of debt.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE FOR LOCAL GOVERNMENT TAXES AND FINANCE

(Nevada Revised Statutes 218.53881)

This summary presents the recommendations approved by the Legislative Committee for Local Government Taxes and Finance (NRS 218.5388 to 218.53886, inclusive). The Committee will submit these proposals to the 72nd Session of the Nevada Legislature.

FUEL TAX REVENUES

- Draft legislation to index state and local gasoline tax rates to a five-year average of the change in the Consumer Price Index, but ensure that gas tax rates do not increase by more than four percent in any given year. **(BDR 32-622)**
- Draft legislation to adjust the intercounty fuel tax distribution formula so that the formula:
 1. Is based two-thirds on population and one-third on roadway mileage; and
 2. Holds harmless counties that lose revenues under the formula by taking a proportionate share of the gains received by the counties that receive additional revenues under the formula and distributing them to the counties that lose revenues. **(BDR 32-622)**
- Draft legislation to clarify that road mileage means the mileage from one end of a roadway to the other without regard to the number of lanes the roadway has for the purposes of the intercounty and intracounty fuel tax distribution formulas. **(BDR 32-622)**
- Draft legislation to amend NRS 365.196 to require the Department of Motor Vehicles to apportion directly to local governments the receipts of the one-cent tax on motor vehicle fuels, except aviation fuel, imposed for the costs of maintaining existing local government roads, highways, and streets. **(BDR 32-622)**
- Draft legislation to authorize a local government to impose an additional tax on fuel for jet or turbine-powered aircraft and aviation fuel when that local government owns or operates an airport and to require that the revenues from any additional tax imposed on fuel for jet or turbine-powered aircraft be distributed back to the local government that owns or operates the airport. **(BDR 32-628)**

**ADJUSTMENTS TO THE CONSOLIDATED TAX
DISTRIBUTION FORMULA**

Draft legislation to adjust the consolidated tax distribution formula set forth in NRS 360.690 to:

1. Calculate allocation rates according to the lesser of the actual distribution or the prior's year's base, indexed to inflation, when a high-growth entity would receive a higher proportion of a deficit distribution based on the previous year's excess distribution;
2. Add a one to an entity's negative combined growth factor when all entities in a county have a negative excess distribution growth factor because population and assessed values have decreased; and
3. Use county population as a second growth factor for special districts when a county's population is declining at a greater rate than its assessed valuations are increasing to ensure that special districts do not receive all of the excess revenues. **(BDR 32-624)**

TAX REVENUES RECEIVED FROM UTILITIES

- Draft legislation to require a customer of a public utility or alternative seller to pay any tax, fee or assessment that would be due a governmental entity had the customer continued to purchase natural gas or electrical energy, capacity, or ancillary services from a public utility. **(BDR 58-626)**
- Draft legislation to mitigate the impacts to local governments that could result from counties, cities and general improvement districts acquiring or expanding certain facilities of a public utility by:
 1. Requiring a local government that purchases a public utility, other than a water or sewer utility, to pay an amount to other local governments "in lieu of taxes" that is equal to the taxes that would have been paid to those local governments by the public utility;
 2. Requiring the Department of Taxation to establish annually the assessed valuation attributable to a utility that has been purchased by a local government and requiring the use of that established valuation in distribution formulas that include assessed valuation; and
 3. Requiring local governments that acquire or expand the facilities of a water or sewer utility or that expand the facilities of any other utility to execute an

interlocal agreement with other local governments that may be impacted by the acquisition or expansion for the mitigation of those impacts. **(BDR 627)**

DISTRIBUTION OF GOVERNMENTAL SERVICES TAX REVENUES

Draft legislation to repeal provisions providing that any property tax rate authorized for school capital projects must be included as part of the property tax rate used to determine the school district's portion of the governmental services tax revenues. **(BDR 43-623)**

ADJUSTMENTS TO THE LOCAL GOVERNMENT PROPERTY TAX CAP

Draft legislation to decrease the statutory property tax cap for local governments from \$3.64 per \$100 of assessed value to \$3.14 per \$100 of assessed value and to exclude from the cap the levy imposed by the Legislature for bonded indebtedness of the State of Nevada, which has been set at \$0.15 in recent years, and the levy imposed for the support of public schools pursuant to NRS 387.195, which is currently \$0.75. **(BDR 32-625)**

AUTHORIZE THE CREATION OF TAX INCREMENT DISTRICTS

Draft legislation to authorize the creation of tax increment areas to provide counties with another mechanism to conduct infrastructure improvement projects and to provide cities with another method for financing economic development projects. **(BDR 22-629)**

REVISIONS TO AUTHORITY TO PLEDGE CONSOLIDATED TAX DISTRIBUTION REVENUES

Draft legislation to authorize special districts to pledge consolidated tax distribution revenues for the payment of bonds issued by special districts. (BDR 32-630)

REVISIONS TO THE MANNER IN WHICH THE COMMITTEE CONDUCTS BUSINESS

Draft legislation to eliminate the Subcommittee to Study the Costs of Maintaining Highways, Roads and Streets and authorize the Advisory Committee to perform the duties currently assigned to the Subcommittee, to authorize the Advisory Committee to appoint subcommittees, and to provide that the member of the Advisory Committee representing General Improvement Districts should be an employee of a district rather than a member of the Board of Trustees of a district. **(BDR 17-631)**

BULLETIN NO. 03-17

**THE MARLETTE LAKE WATER SYSTEM
ADVISORY COMMITTEE**

Nevada Revised Statutes 331.165

Members

Assemblyman Joseph E. Dini, Jr., Chairman

Senator Mark Amodei, Vice Chairman

Assemblywoman Bonnie Parnell

Robert E. Erickson, Research Director, Legislative Counsel Bureau (nonvoting member)

Mike Meizel, Buildings and Grounds Division, Department of Administration

Wayne R. Perock, Administrator, Division of State Parks,

State Department of Conservation and Natural Resources (SDCNR)

Steve Robinson, State Forester Firewarden, Division of Forestry, SDCNR

Gene Weller, Deputy Administrator, Division of Wildlife, SDCNR

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Nenita Wasserman, Senior Research Secretary

(775/684-6825)

Legal Division:

M. Scott McKenna, Principal Deputy Legislative Counsel

(775/684-6830)

Advisory committee: Creation; composition; officers; recommendations.

1. The Marlette Lake water system advisory committee is hereby created to be composed of:
 - (a) One member appointed by the Administrator of the Division of Wildlife of the State Department of Conservation and Natural Resources.
 - (b) One member appointed by the Administrator of the Division of State Parks.
 - (c) Three members from the State Legislature, including at least one member of the Senate and one member of the Assembly, appointed by the Legislative Commission.
 - (d) One member from the staff of the Legislative Counsel Bureau appointed by the Legislative Commission. The member so appointed shall serve as a nonvoting member of the advisory committee.
 - (e) One member appointed by the State Forester Firewarden.
 - (f) One member appointed by the Department of Administration.
2. The voting members of the advisory committee shall select one of the legislative members of the advisory committee as chairman and one as vice chairman. After the initial selection of a chairman and vice chairman, each such officer serves a term of 2 years beginning on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the person appointed to succeed that officer shall serve for the remainder of the unexpired term.
3. The director of the Legislative Counsel Bureau shall provide a secretary for the advisory committee.
4. Members of the advisory committee serve at the pleasure of their respective appointing authorities.
5. The advisory committee may make recommendations to the Legislative Commission, the Interim Finance Committee, the Department of Administration, the State Department of Conservation and Natural Resources and the Governor concerning any matters relating to the Marlette Lake water system or any part thereof.

(Added to NRS by 1971, 834; A 1973, 1380; 1975, 1815; 1979, 907; 1985, 415; 1991, 1918; 1993, 1563)

ABSTRACT

REPORT TO THE LEGISLATIVE COMMISSION BY THE MARLETTE LAKE WATER SYSTEM ADVISORY COMMITTEE

(Nevada Revised Statutes 331.165)

The Marlette Lake Water System Advisory Committee is a permanent committee authorized by *Nevada Revised Statutes* 331.165. For the 1999-2000 interim, the Legislative Commission appointed three legislators (two Senators and one Assemblyman) and one nonvoting representative of the Legislative Counsel Bureau. Pursuant to statute, the other four members represent the Division of Wildlife, Division of State Parks, Division of Forestry, and Department of Administration.

Comprehensive discussions of the history of the Marlette Lake Water System are contained in Bulletin No. 79 of the Legislative Counsel Bureau *The Marlette Lake Water System—A Report on the Feasibility and Desirability of its Retention*, February 1969 and Bulletin No. 01-20 *Continued Review of the Marlette Lake Water System*.

The Comstock Lode, one of the richest mining areas in the world, was discovered in 1859 on the eastern flank of Mount Davidson in the Virginia Range. The Virginia Mining District was the first mining district organized in western Utah Territory. The great mining town Virginia City was established nearby, with its post office dating from December 3, 1859. The nearby mining towns of Gold Hill (1859) and Silver City (1860) were soon established, and all three towns supported large populations in the 1860s, 1870s, and 1880s.

The provision of water to the mining towns on the Comstock posed a serious problem in early Nevada. Originally, several nearby springs and streams fed a series of tunnels, flumes, pipes, ditches, and reservoirs that were constructed. By the early 1870s, these supplies of water had become inadequate. As the area continued to grow, a decision was made by the Virginia and Gold Hill Water Company in August 1871 to develop a water system stretching over 21 miles to the west into the Carson Range, part of the Sierra Nevada Mountains. Surface water was plentiful in the Carson Range, but the key to the system was the inverted siphon, pressure pipeline designed by Hermann Schussler, a German-born engineer from San Francisco.

In August 1873, the first water from Hobart Creek in the Carson Range reached Virginia City and Gold Hill. Wild celebrations by residents of the area reverberated up and down the surrounding canyons and mountainsides. Originally, the system included: (1) a small diversion dam on upper Hobart Creek at Red House; (2) a 4.62-mile wooden flume to a tank that marked the start of the pipeline, at an elevation 351 feet higher than the outlet end of the pipeline in the Virginia Range; 3) a riveted, wrought iron, 11.5-inch, pressure pipeline extending seven miles, down to the lowest point on the system at Lakeview and back up to the high point in the Virginia Range; (4) a 4.04-mile flume to a point where Five-Mile Reservoir

was constructed; (5) a 5.66-mile flume to tanks located above Virginia City and Gold Hill. The pipe for the system was made of iron plates bent to a cylindrical shape and then riveted. The pipe was fabricated in San Francisco and shipped by train to Lakeview. The pipe came in 26-foot sections and the thickness of each pipe segment varied depending on where engineering calculations showed differences in internal pressure. The first pipe segments were laid on June 11, 1873, and just six weeks later (July 25, 1873) the last section was in place. There were 1,524 joints in the pipeline as laid, and 1 million rivets and 35 tons of caulking lead were used in its installation.

In 1875, a second flume and pipeline was installed adjacent to the original system to double the original maximum production of 2.2 million gallons per day. However, the flow of water in summer months from the Hobart drainage dwindled to about 700,000 gallons per day.

In 1887, a third pressure pipe was installed in substantially the same location as the first two pipelines. When completed, the water system included three reservoirs, a total of 21 miles of pressure pipes, approximately 46 miles of covered box flume, several structures and one three-quarter-mile tunnel. The total investment at that time was in excess of \$3.5 million.

With the decline of the Comstock in the years and decades to come, the fortunes of the water system suffered. In 1933, the water company's name was changed to the "Virginia City Water Company." By 1941, the company started to remove parts of the first (1873) and third (1887) pipelines to replace the flume between Five Mile Reservoir and Virginia City with pipes. Continued failures in the aging pipeline and a lack of funds caused the company to sell the water system to Curtiss-Wright Corporation in 1957. That corporation planned to use water from the system for a proposed missile test site on lands owned by that corporation in Storey County. However, the contract for the missile-testing program was never approved. After making certain improvements to the system, Curtiss-Wright subsequently sold it to the Marlette Lake Company. In 1963, the Marlette Lake Company offered to sell the water system to the State of Nevada for \$1.65 million of the state's general obligation bonds. Included in the sale, which was approved by the 1963 Legislature, were water rights, over 5,300 acres of land, easements, pipelines, flumes, Red House, the caretaker's house at Lakeview (Lakeview House, 1873), and other water facilities.

For many years following those transactions, the State of Nevada was able to provide water to its Capitol Complex and maximum-security prison. Subsequently, the State began selling water to Carson City, particularly during periods of peak demand.

Currently, most of the water provided by this system to Carson City, Gold Hill, Silver City, and Virginia City comes only from Hobart Reservoir. This shallow body of water is not a reliable resource in dry years, and pumping is required from Marlette Lake over a drainage divide into Hobart. During periods of pumping, state personnel must monitor the diesel generator and pump on a 24-hour basis. Also, there are environmental considerations that must be addressed as this area is within the Lake Tahoe Basin.

A 2000 study commissioned by the Carson Water Subconservancy District evaluated the various alternatives to this supplemental pumping out of Marlette. The study pointed out that over the long-term the most cost effective and environmentally sensitive method of conveying water from Marlette Lake to Hobart Reservoir would be to bore a hole through the drainage divide between these two bodies of water. The engineering costs are estimated at between \$4 million and \$6 million. However, the operating and maintenance costs after construction should be minimal. Also, the long-term environmental concerns are reduced under this option.

At its meeting of October 30, 2001, the Marlette Lake Water System Advisory Committee unanimously voted to endorse this concept and recommend that Federal funding be requested. It is important that an oversight body, made up of representatives of both Nevada's Legislative and Executive Branches be continued to guide important resource decisions in this geographical area. In addition to water resources, the area also is an important source of trout eggs for Nevada's fish hatcheries, forest resources and recreation activities ranging from mountain biking to cross country skiing.

The Marlette Lake Water System Advisory Committee submitted these proposals to the Governor of the State of Nevada and the members of the 71st Session of the Nevada Legislature for their consideration.

Among others, the committee recommended:

1. Continuation of the project of the Carson City Water Subconservancy District, including a cost benefit analysis and involvement of all stakeholders.
2. Cooperation of Washoe County and the United States Bureau of Land Management with Storey County officials on reinstatement of original right of way of the waterline from Lakeview to Virginia City.
3. Support for the commitment by the Department of Administration to perform additional metering of water transported and sold to Virginia City.

After its meeting of December 17, 2002, the Legislative Commission re-reviewed the reports made by the Marlette Lake Water System Advisory Committee and six other statutory legislative committees. The Commission approved a motion to recommend that the 72nd Session repeal NRS 331.165 (The Marlette Lake Water System Advisory Committee), but that the valuable oversight of this committee be continued by the ongoing Legislative Commission's Committee to Continue the Review of Programs and Activities in the Lake Tahoe Basin (Assembly Concurrent Resolution No. 5 [File No. 124, *Statutes of Nevada 2001*]).

SUMMARY OF RECOMMENDATIONS

**NEVADA LEGISLATURE'S MARLETTE LAKE
WATER SYSTEM ADVISORY COMMITTEE**

(Nevada Revised Statutes 331.165)

There were no recommendations made by the Commission's Marlette Lake Water System Advisory Committee.

RECOMMENDATIONS FOR LEGISLATION

There were no recommendations for legislation.

RECOMMENDATIONS FOR COMMITTEE ACTION

There were no recommendations for committee action.

BULLETIN NO. 03-18

NEVADA SILVER HAIRED LEGISLATIVE FORUM

Nevada Revised Statutes 427A.320 – 427A.410

Members

| | |
|---------------------------------|---|
| Mimi Rodden | Clark County Senatorial District No. 1 |
| Alice Adams | Clark County Senatorial District No. 2 |
| Vacant | Clark County Senatorial District No. 2 |
| Thelma Clark | Clark County Senatorial District No. 3 |
| Bonnie Bryan | Clark County Senatorial District No. 3 |
| Hazel Geran | Clark County Senatorial District No. 4 |
| Robert McCune, President | Clark County Senatorial District No. 5 |
| Vacant | Clark County Senatorial District No. 5 |
| Evelyn Cannestra, Secretary | Clark County Senatorial District No. 6 |
| Doris Balducci | Clark County Senatorial District No. 7 |
| Harriet Trudell | Clark County Senatorial District No. 7 |
| Vacant | Clark County Senatorial District No. 8 |
| Vacant | Clark County Senatorial District No. 8 |
| Margaret Spooner | Capital Senatorial District |
| Virgil M. Getto, Vice President | Central Nevada Senatorial District |
| Charles H. Knight | Northern Nevada Senatorial District |
| Phyllis Jackson | Washoe County Senatorial District No. 1 |
| Shirley Lawson | Washoe County Senatorial District No. 2 |
| Thornton Audrain, Treasurer | Washoe County Senatorial District No. 3 |
| Vacant | Washoe County Senatorial District No. 4 |
| Robert Pohlman | Western Nevada Senatorial District |

Ex Officio Forum Members

| | |
|---|---------------------------------|
| Dalton Wellman, Silver Senator | National Silver Haired Congress |
| Patricia Wilson, Silver Senator | National Silver Haired Congress |
| Ruth Mills, Silver Representative, District 1 | National Silver Haired Congress |
| Don Fuller, Silver Representative, District 2 | National Silver Haired Congress |

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(775) 684/6830

NEVADA SILVER HAired LEGISLATIVE FORUM

NRS 427A.320 Creation. The Nevada silver haired legislative forum is hereby created to identify and act upon issues of importance to aging persons.

(Added to NRS by 1997, 2724; A 2001, 3026)

NRS 427A.330 Nomination, appointment and terms of members.

1. The legislative commission shall appoint to the Nevada silver haired legislative forum a number of members equal to the number of state senators. The persons appointed to the forum must be the persons nominated pursuant to this section. Each member of the senate shall, after consulting with the members of the assembly who reside within his senatorial district, nominate a person who meets the requirements for appointment to the forum set forth in NRS 427A.340.

2. Appointments to the Nevada silver haired legislative forum must be made by the legislative commission before December 1 of an odd-numbered year. The term of a member begins on December 1 of the odd-numbered year of appointment.

3. The members of the Nevada silver haired legislative forum from Clark County senatorial districts 2, 3, 4, 7 and 8, Washoe County senatorial districts 1 and 3, the Capital senatorial district and the Western Nevada senatorial district serve an initial term of 1 year. The members of the Nevada silver haired legislative forum from the remaining senatorial districts serve an initial term of 2 years. After the initial terms, each member serves a term of 2 years.

(Added to NRS by 1997, 2724; A 2001, 3026)

NRS 427A.340 Qualifications of members. A member of the Nevada silver haired legislative forum must:

1. Have been a resident of this state for 5 years immediately preceding his appointment;
2. Have been a registered voter in the senatorial district of the senator who nominated him for 3 years immediately preceding his appointment; and
3. Be at least 60 years of age on the day that he is appointed.

(Added to NRS by 1997, 2724; A 2001, 3027)

NRS 427A.350 Ex officio membership national silver haired congress. Members of the national silver haired congress from this state shall serve as ex officio members of the Nevada silver haired legislative forum. If a member of the national silver haired congress ceases to be a member of the national silver haired congress, the ex officio membership of that person in the Nevada silver haired legislative forum terminates. An ex officio member of the Nevada silver haired legislative forum has the same rights and responsibilities as the members who are appointed.

(Added to NRS by 1997, 2724)

NRS 427A.360 Vacancies in membership.

1. A position in the Nevada silver haired legislative forum becomes vacant upon:
 - (a) The death or resignation of a member.
 - (b) The illness of a member that prevents him from attending three consecutive meetings of the Nevada silver haired legislative forum.

(c) The absence of a member for any reason from three consecutive meetings of the Nevada silver haired legislative forum.

2. If a vacancy occurs, the legislative commission shall appoint a person to serve the remainder of the unexpired term. The legislative commission may appoint a person whose membership in the national silver haired congress has ended to fill a vacancy in the Nevada silver haired legislative forum.

(Added to NRS by 1997, 2725; A 2001, 3027)

NRS 427A.370 Election, terms and duties of officers; assistance from legislative counsel bureau.

1. The Nevada silver haired legislative forum shall elect from among its members, to serve a term of 1 year:

(a) A president, who shall conduct meetings and oversee the formation of committees as necessary to accomplish the purposes of the Nevada silver haired legislative forum.

(b) A vice president, who shall assist the president and conduct meetings of the Nevada silver haired legislative forum if the president is absent or otherwise unable to perform his duties.

(c) A secretary, who shall:

(1) Prepare and keep a record of meetings, including, without limitation, the date, time, place and purpose of every meeting; and

(2) At the first meeting every year of the Nevada silver haired legislative forum, prepare a list of the dates of the meetings that are scheduled for the year.

(d) A treasurer, who shall, with the assistance of the director of the legislative counsel bureau, administer any account established pursuant to NRS 427A.395.

2. The director of the legislative counsel bureau shall provide such persons as are necessary to assist the Nevada silver haired legislative forum in carrying out its duties.

(Added to NRS by 1997, 2725; A 2001, 3027)

NRS 427A.380 Public hearings. The Nevada silver haired legislative forum may, within the limits of legislative appropriations and any gifts, grants or donations received by the forum:

1. During the period in which the legislature is not in a regular session, hold three public hearings in three different areas of this state and may hold an additional public hearing in any area of this state to prepare the report authorized by NRS 427A.390.

2. Comply with chapter 241 of NRS.

(Added to NRS by 1997, 2725; A 2001, 3028)

NRS 427A.390 Powers. The Nevada silver haired legislative forum may:

1. Submit a report containing recommendations for legislative action to the legislative commission and the governor before July 1 of each even-numbered year.

2. Accept gifts, grants and donations that must be deposited in an account established pursuant to NRS 427A.395.

3. Adopt procedures to conduct meetings of the Nevada silver haired legislative forum and committees thereof. Those procedures may be changed upon approval of a majority vote of all members of the Nevada silver haired legislative forum who are present and voting.

(Added to NRS by 1997, 2725; A 2001, 3028)

NRS 427A.395 Duties concerning money received and expenses incurred.

1. All money received by the Nevada silver haired legislative forum must be deposited in a bank, credit union or other financial institution in this state and paid out on its order for its expenses.

2. All expenses incurred by the Nevada silver haired legislative forum in carrying out the provisions of NRS 427A.320 to 427A.400, inclusive, must be paid from an account established pursuant to subsection 1.

(Added to NRS by 2001, 3026)

NRS 427A.400 Compensation of members. Within the limits of legislative appropriations, and any gifts, grants and donations, each member of the Nevada silver haired legislative forum is entitled to receive for attendance at a meeting of the Nevada silver haired legislative forum or a committee thereof the per diem allowance and travel expenses provided for state officers and employees generally.

(Added to NRS by 1997, 2726; A 2001, 3028)

NRS 427A.410 Regulations. Repealed. (See chapter 588, Statutes of Nevada 2001, at page 3030.)

ABSTRACT

NEVADA SILVER HAired LEGISLATIVE FORUM

(Nevada Revised Statutes 427A.320 – 427A.410)

The Nevada Silver Haired Legislative Forum was created during the 1997 Legislative Session with the enactment of Senate Bill 489 (Chapter 560, *Statutes of Nevada 1997*) to identify and act upon issues of importance to aging persons. This legislation, as amended by Assembly Bill 195 (Chapter 588, *Statutes of Nevada 2001*), provides that the Forum submit a report containing recommendations for legislative action to the Legislative Commission and the Governor before July 1 of each even-numbered year.

The Legislative Commission appointed 16 forum members. As of July 1, 2002, there were five vacant positions. In addition, Nevada's four representatives to the National Silver Haired Congress serve as ex officio members of the Forum. Pursuant to *Nevada Revised Statutes* (NRS), primary staff support to the Forum is provided by the Research Division of the Legislative Counsel Bureau (LCB).

The Forum held three public meetings in different parts of the state in accordance to requirements of Chapter 427A of the NRS. During the course of its work, the Forum considered testimony from members of the public, nonprofit organizations, private corporations, and public agencies.

An additional meeting was held in Las Vegas and videoconferenced to Carson City to adopt the recommendations that are included in the Forum's report to Governor Kenny C. Guinn and the Legislative Commission. The Forum adopted a total of 22 recommendations addressing the following issues:

- Affordable Housing
- Care Giving for Senior Citizens
- Elder Abuse, Neglect and Exploitation
- Funding of Services for Senior Citizens
- Geriatric Education
- Public Utilities
- Medical Malpractice Insurance
- National Silver Haired Congress
- Prescription Drug Benefit
- Services for Senior Citizens

NOTE: State law does not provide for the allocation of any Bill Draft Requests (BDRs) to the Forum. For any of the recommendations in the Forum report to become a BDR, an individual legislator, a standing committee of the Legislature, the Legislative Commission, or the Governor must request it. A legislator or eligible entity interested in any of the recommendations or who needs more information on any of the topics should contact Diane C. Thornton, Senior Research Analyst, Research Division, LCB staff to the Forum, at 775/684-6825.

SUMMARY OF RECOMMENDATIONS

NEVADA SILVER HAired LEGISLATIVE FORUM

(Nevada Revised Statutes 427A.320 – 427A.410)

This summary presents the recommendations approved by the Nevada Silver Haired Legislative Forum (*Nevada Revised Statutes 427A.320*). The Forum submits these proposals to the 72nd Session of the Nevada Legislature.

Affordable Housing

1. **Include a statement in the report for the Nevada Silver Haired Legislative Forum to encourage Nevada’s Housing Division, Department of Business and Industry, to develop programs that create an economic incentive for builders to produce low-income housing for seniors similar to the Low-Income Housing Tax Credit Program.**

Care Giving for Senior Citizens

2. **Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to amend Section 449.037 of *Nevada Revised Statutes* (NRS) to require paid in-home nonmedical service care providers to the elderly to receive accreditation through a nationally recognized company such as Accreditation Commission for Health Care, Inc. The accreditation requirements would ensure that there are written policies and procedures for paid nonmedical service care providers, and that caregivers receive the necessary training and background checks.**
3. **Include a statement in the report for the Nevada Silver Haired Legislative Forum recommending that Governor Kenny C. Guinn establish a task force to study and develop a training program for facility and residential caregivers to the elderly or disabled. A training program would augment *Nevada Administrative Code 449.196* by specifying a standard of education that caregivers would receive.**

Elder Abuse, Neglect, and Exploitation

4. **Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to require nursing homes to meet a minimum standard of nursing hours per resident per day. The proposed requirement of 3.2 nursing staff hours would include Registered Nurses, Licensed Practical Nurse/Licensed Vocational Nurses, and Certified Nursing Assistants.**
5. **Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to amend subsection 2 of NRS 200.5092 and subsection 4(b) of**

NRS 41.1395 to modify the definition of “exploitation” to more effectively protect Nevada’s senior population from financial exploitation.

- 6. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to amend the provisions of NRS 433A.160 to provide an emergency admission exemption of patients diagnosed with dementia in mental health facilities. Admission is not to exceed 72 hours.**

Funding of Services for Senior Citizens

- 7. Include a statement in the report for the Nevada Silver Haired Legislative Forum requesting the Legislative Commission and Governor Kenny C. Guinn review funding allocations available through the Tobacco Master Settlement Agreement to restore senior citizen programs and services that have been previously terminated.**
- 8. Include a statement in the report for the Nevada Silver Haired Legislative Forum recommending that additional funds be budgeted to the Bureau of Licensure and Certification, Department of Human Resources, enabling the Bureau to increase the number of investigators in the field monitoring the quality of care being provided to senior citizens in nursing homes.**
- 9. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to impose a one-half percent senior citizen health excise tax on food sales from “limited-service eating places” to provide additional funding to support a prescription drug benefit under Nevada’s Senior Prescription Drug Program (Senior Rx) and other senior citizen programs.**

Geriatric Education

- 10. Include a statement in the report for the Nevada Silver Haired Legislative Forum urging a requirement for all health care professionals to take geriatric training. In addition, the Forum recommends that geriatric training be included as a component of continuing education curricula of practicing physicians and nurses.**

Public Utilities

- 11. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to amend NRS 703.030 changing the effective date from October 1, 2003, to March 1, 2003. This change would increase from three to five the number of members of the Public Utilities Commission of Nevada (PUCN) seven months sooner than the law currently contemplates. In addition, this proposal would change the qualifications of members sooner than the law currently contemplates.**

12. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to amend the provisions of NRS 703.030 to prohibit the appointment of a person to the PUCN if that person has a conflict of interest at the time of the appointment. In addition, any person appointed to the PUCN shall be required to take an oath declaring that his or her appointment does not constitute, nor will it result in a conflict of interest.
13. Urge the Legislative Commission and Governor Kenny C. Guinn to request legislation to amend NRS 703.110 to require that if a majority of the PUCN commissioners are disqualified from hearing a case before the PUCN, the decision on that case may be postponed until the Governor appoints another commissioner or commissioners.
14. Include a statement in the report for the Nevada Silver Haired Legislative Forum to Governor Kenny C. Guinn urging that the electrical power industry in Nevada not be deregulated.

Medical Malpractice Insurance

15. Include a statement in the report for the Nevada Silver Haired Legislative Forum urging the Nevada Legislature to continue to study the issue of medical malpractice and to take appropriate action to resolve this important issue in Nevada.
16. Include a statement in the report for the Nevada Silver Haired Legislative Forum urging the Legislature to reform tort actions to address the current medical malpractice insurance problem facing health care providers in Nevada. Include a statement of support of the tort reform provisions of legislation as in Assembly Bill 17 sponsored by Assemblyman John W. Marvel in the 2001 Legislative Session (this bill was not enacted).

National Silver Haired Congress

17. Send a letter on behalf of the Nevada Silver Haired Legislative Forum to the National Silver Haired Congress expressing support for the top ten resolutions of the National Silver Haired Congress.

Prescription Drug Benefit

18. Include a statement in the report for the Nevada Silver Haired Legislative Forum recommending the Nevada Legislature send a resolution to the United States Congress urging them to take necessary action to amend Medicare to add a prescription drug benefit for all Medicare recipients.

Services for Senior Citizens

19. **Send a letter on behalf of the Nevada Silver Haired Legislative Forum to the Task Force for the Fund for a Healthy Nevada (NRS 439.625) in support of the work of the Office of Geriatric Medicine, Chronic Illness, and Disability, Sanford Center for Aging.**
20. **Include a statement in the report for the Nevada Silver Haired Legislative Forum recommending additional funding for the University of Nevada, School of Medicine, Reno, the Community College and the Nevada State College to allow for the hiring of additional faculty dedicated to teaching geriatrics.**
21. **Urge Governor Kenny C. Guinn to request legislation to amend Assembly Bill 474 (Chapter 538, *Statutes of Nevada 1999*) expanding the Senior Rx program to include the following health care services: vision care, dental care, hearing care, durable medical equipment, and medication management services.**
22. **Include a statement in the report for the Nevada Silver Haired Legislative Forum encouraging nonprofit agencies to seek grant assistance for organizations that offer independent living services to senior citizens. Examples of these services include transportation services, household chores, minor home repairs, and yard work. Such grants should be contingent on the provision that those programs become self-funded (through private/public partnerships) and sustainable.**

BULLETIN NO. 03-19

**LEGISLATIVE COMMITTEE ON
HEALTH CARE**

Nevada Revised Statutes 439B.200

Members

Senator Raymond D. Rawson, Chairman
Assemblywoman Ellen M. Koivisto, Vice Chairman
Senator Bernice Matthews
Senator Maurice E. Washington
Assemblywoman Merle A. Berman
Assemblywoman Bonnie Parnell

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

1. There is hereby established a legislative committee on health care consisting of three members of the senate and three members of the assembly, appointed by the legislative commission. The members must be appointed with appropriate regard for their experience with and knowledge of matters relating to health care.
2. No member of the committee may:
 - (a) Have a financial interest in a health facility in this state;
 - (b) Be a member of a board of directors or trustees of a health facility in this state;
 - (c) Hold a position with a health facility in this state in which the legislator exercises control over any policies established for the health facility; or
 - (d) Receive a salary or other compensation from a health facility in this state.
3. The provisions of subsection 2 do not:
 - (a) Prohibit a member of the committee from selling goods which are not unique to the provision of health care to a health facility if the member primarily sells such goods to persons who are not involved in the provision of health care.
 - (b) Prohibit a member of the legislature from serving as a member of the committee if:
 - (1) The financial interest, membership on the board of directors or trustees, position held with the health facility or salary or other compensation received would not materially affect the independence of judgment of a reasonable person; and
 - (2) Serving on the committee would not materially affect any financial interest he has in a health facility in a manner greater than that accruing to any other person who has a similar interest.
4. The legislative commission shall select the chairman and vice chairman of the committee from among the members of the committee. Each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. The chairmanship of the committee must alternate each biennium between the houses of the legislature.
5. Any member of the committee who does not return to the legislature continues to serve until the next session of the legislature convenes.
6. Vacancies on the committee must be filled in the same manner as original appointments.
7. The committee shall report annually to the legislative commission concerning its activities and any recommendations.

(Added to NRS by 1987, 863; A 1989, 1841; 1991, 2333; 1993, 2590)

ABSTRACT

LEGISLATIVE COMMITTEE ON HEALTH CARE

(Nevada Revised Statutes 439B.200)

The Legislative Committee on Health Care, in compliance with *Nevada Revised Statutes* (NRS) 439B.200 through 439B.240, oversees a broad spectrum of issues related to the quality, access, and cost of health care for all Nevadans. The committee was established in 1987 to provide continuous oversight of matters relating to health care. Since that time, the committee has addressed a variety of issues including health care cost containment, access to health care for the uninsured, Medicaid, managed care, the rural health service delivery system, and other health-related issues.

During the 2002-2003 legislative interim period, the committee met nine times at meeting sites alternating between Carson City and Las Vegas, Nevada. All public hearings were conducted through simultaneous videoconferences.

The members conducted four work sessions in which they adopted 12 recommendations. The recommendations address the following topics: (a) emergency room diversion; (b) licensure of certain mobile medical facilities; (c) access to health and human services providers and information; (d) indigent care costs and disproportionate share payments to hospitals; (e) an antibiotic resistance awareness program; (f) long-term strategic health care plans; and (g) detection and control of certain diseases. In addition, a number of recommendations for bills and resolutions were presented to the committee. Although members did not recommend that these proposals be drafted as legislative measures, they are referenced in the report of the committee. These proposals address issues such as the development of a system for reporting medical errors and the availability of inpatient medical care and long-term care to individuals with mental illnesses or disorders such as Alzheimer's disease and dementia.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON HEALTH CARE

(Nevada Revised Statutes 439B.200)

This summary presents the recommendations approved by the Legislative Committee on Health Care (*Nevada Revised Statutes 439B.200*) at its April 23, August 22, and October 28, 2002, meetings. The committee submits the following proposals to the 72nd Session of the Nevada Legislature:

Emergency Room Diversion

- 1. Require certain hospitals to charge a reduced rate for emergency hospital admissions that occur when a patient is transported to a hospital with which their insurance company is not contracted because of diversion from a contracted hospital. (BDR 40-679)**
- 2. Amend Chapter 458 of *Nevada Revised Statutes* (NRS) to include provisions that require peace officers to place an individual under the influence of drugs in civil protective custody when the individual is unable to exercise care of his health or safety, or the health or safety of other persons. Additionally, amend Chapter 433 of NRS to allow certain persons who are mentally ill to be transported directly to a mental health facility without examination by a licensed physician, physician assistant, or an advanced practitioner of nursing. The Division of Mental Health and Developmental Services, Nevada's Department of Human Resources (DHR), and Health Division, DHR, shall develop an algorithm to guide in determining individuals who safely may be transported directly to a mental health facility without certain medical screening. (BDR 39-745)**
- 3. Provide an appropriation of \$681,810 for each year of the biennium to WestCare to establish a mental health screening and stabilization component to a substance abuse community triage center. (BDR S-678)**
- 4. Transmit a letter to Assemblywoman Sheila Leslie expressing support for her bill draft to fund specialty courts, particularly mental health courts. (The Assembly Committee on Judiciary requested the drafting of this measure; therefore, the letter of support was addressed to the chairman of the Assembly Committee on Judiciary.)**
- 5. Transmit a letter to urgent care facility administrators informing them of the emergency room diversion problem and encouraging the facilities to work together with emergency medical services in their respective communities to resolve the issue, including consideration of coordinating their hours of operation with peak 911 times.**

Licensure of Certain Mobile Medical Facilities

6. Require the exemption of certain mobile medical facilities that are operated by medical facilities accredited by the Joint Commission on Accreditation of Healthcare Organizations or the American Osteopathic Association from licensure by the State Board of Health, DHR. (BDR 40-744)

Access to Health and Human Services Providers and Information

7. Adopt a resolution expressing the Legislative Committee on Health Care's support for the development of the abbreviated telephone code 2-1-1 within the State of Nevada. The abbreviated code will provide free access to health and human services information and referrals on a local and national level. (BDR R-680)
8. Provide an appropriation of \$6,775,000 for the first year of the biennium and \$4,450,000 for the second year of the biennium to the University of Nevada School of Medicine to expand its Rural Obstetrical Access Program. The expansion effort shall include provisions to encourage minorities to pursue careers in the health care field; and further, the list of data to be collected shall include information on public health programs such as Healthy Kids and Nevada Check Up. (BDR 40-743)

Indigent Care Costs and Disproportionate Share Hospital Payments

9. Amend NRS 422.380 through 422.390, which currently authorizes payment of certain hospitals for treatment of Medicaid, indigent, and other low-income patients, to revise the methodology and distribution of disproportionate share hospital payments and intergovernmental transfers as outlined in the *Report on Indigent Care Costs and Disproportionate Share* developed pursuant to Senate Bill 377 (Chapter 598, *Statutes of Nevada 2001*). (BDR 38-746)

Antibiotic Resistance Awareness Program

10. Adopt a resolution expressing the Legislative Committee on Health Care's support for Nevadans for Antibiotic Awareness in its effort to reduce the rate of antibiotic resistance through public education, provider education, promotion of increased adherence to infection control practices, and the development of a surveillance plan for tracking resistance rates and prescribing practices. (BDR R-681)

Long-Term Strategic Health Care Plans

11. Adopt a resolution expressing the Legislative Committee on Health Care's support for the long-term strategic health care plans developed by the Department of Human Resources regarding senior services, rural health, persons with disabilities,

and provider rates pursuant to Assembly Bill 1 (Chapter 3, *Statutes of Nevada 2002 Special Session*). The resolution should include language urging the continuous allotment of 10 percent of the tobacco settlement funds that are designated to address the needs of disabled persons for the purpose of: (a) home and environmental modifications and assistive technology to allow community access, independent living, or return from institutional care; (b) permanent funding of the state's positive behavioral support program; and (c) respite for families providing primary care to a severely disabled family member. The resolution should also include language conveying the committee's support for establishing permanent long-term funding, which may be a percentage of liquor tax revenue, for chronic public inebriate and mental health services. (BDR -742)

Detection and Control of Certain Diseases

12. Amend Chapters 439 and 441A of NRS, which currently authorize certain agencies and officers of the state and local governments to quarantine and isolate persons in certain circumstances, to specifically authorize these agencies and officers to quarantine and isolate a group of persons if necessary. Additionally, amend NRS to include due process protections for persons who are quarantined or isolated. Further, require the State Board of Health, DHR, to develop a syndromic reporting and active surveillance system to monitor public health in this state. The syndromic reporting and active surveillance system shall be implemented during certain major events or when determined appropriate and necessary by the district health officer in a district, or his designee, or if none, the State Health Officer, or his designee. The State Board of Health is further required to adopt regulations to carry out the system. (BDR 40-677)

BULLETIN 03-20

TASK FORCE FOR THE FUND FOR A HEALTHY NEVADA

Nevada Revised Statutes 439.625

Members

Senator Raymond D. Rawson, Chairman
Assemblywoman Vivian L. Freeman, Vice Chairman
Assemblywoman Kathy McClain
Maureen Brower
Dr. John Ellerton
Dr. Elizabeth Fildes
Ron Mestre
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NRS 439.625 Task force for fund: Creation; membership; selection and term of chairman and vice chairman; compensation of members; relief from regular duties of member who is officer or employee of local government; administrative support and technical assistance.

1. The task force for the fund for a healthy Nevada is hereby created. The membership of the task force consists of:

(a) Three members appointed by the majority leader of the senate, one of whom must be a senator and one of whom must be a member of a nonprofit organization dedicated to health issues in this state;

(b) Three members appointed by the speaker of the assembly, one of whom must be an assemblyman and one of whom must be a member of a nonprofit organization dedicated to health issues in this state; and

(c) Three members appointed by the governor, one of whom must have experience with and knowledge of matters relating to health care.

Each member appointed pursuant to this subsection must be a resident of this state and must not be employed in the executive or judicial branch of state government. Each person who appoints members pursuant to this subsection shall ensure that insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this state.

2. At its first meeting on or after July 1 of each odd-numbered year, the task force shall select the chairman and vice chairman of the task force from among the legislative members of the task force. Each such officer shall hold office for a term of 2 years or until his successor is selected. The chairmanship of the task force must alternate each biennium between the houses of the legislature.

3. For each day or portion of a day during which a member of the task force who is a legislator attends a meeting of the task force or is otherwise engaged in the work of the task force, except during a regular or special session of the legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the legislative members of the task force must be paid from the legislative fund.

4. Members of the task force who are not legislators serve without salary, except that they are entitled to receive travel expenses provided for state officers and employees generally. The travel expenses of:

(a) A member of the task force who is an officer or employee of a local government thereof must be paid by the local government that employs him.

(b) Each remaining member of the task force must be paid from the legislative fund.

5. Each member of the task force who is an officer or employee of a local government must be relieved from his duties without loss of his regular compensation so that he may perform his duties relating to the task force in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the task force to:

(a) Make up the time he is absent from work to fulfill his obligations as a member of the task force; or

(b) Take annual leave or compensatory time for the absence.

6. The legislative counsel bureau and the department shall provide such administrative support to the task force as is required to carry out the duties of the task force. The state health officer shall provide such technical advice and assistance to the task force as is requested by the task force.

(Added to NRS by 1999, 2757; A 2001, 2670)

ABSTRACT

TASK FORCE FOR THE FUND FOR A HEALTHY NEVADA

(Nevada Revised Statutes 439.625)

The 1999 Nevada Legislature enacted Assembly Bill No. 474 (Chapter 538, *Statutes of Nevada 1999*), which created the Fund for a Healthy Nevada and the Task Force to oversee the Fund and distribute the revenues as provided in the act. The revenues in the Fund represent 50 percent of the money received by Nevada pursuant to the tobacco Master Settlement Agreement reached between the State of Nevada and the manufacturers of tobacco products.

As provided in *Nevada Revised Statutes (NRS) 439.625*, the Task Force consists of nine members. The Governor, the Senate Majority Leader, and the Speaker of the Assembly each appoint three Task Force members. In addition to the Senator appointed by the Majority Leader and the Assemblymen appointed by the Speaker, each legislative leader appoints at least one member who represents a nonprofit organization dedicated to health issues. The Governor is to ensure among his appointees that one must be knowledgeable in matters relating to health care. Further, the chairmanship of the Task Force must rotate between the two legislative chambers biennially.

Nevada Revised Statutes 639.630 provides that the money in the Fund shall be distributed as follows:

- Not more than 30 percent for direct expenditures by the Department of Human Resources (DHR) to pay for prescription drugs and pharmaceutical services for senior citizens;
- Not more than 30 percent for allocation by the Aging Services Division, DHR, for programs that assist senior citizens with independent living;
- Not more than 20 percent for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco; and
- Not more than 20 percent for programs that improve health services for children and the health and well being of persons with disabilities.

The Task Force monitors the allocations of Fund money to the Senior Prescription Program (Senior Rx) and the independent living program. It awards the Fund money for tobacco cessation and treatment programs and for children's health and disability services through a competitive grant process.

To receive, evaluate, and award the grants for tobacco programs and health and disabilities programs, the Task Force held eight meetings, beginning in October 2001. Six of the

meetings were held in Las Vegas and two in Carson City. Videoconferencing was available at the secondary site.

In April 2002, the Task Force awarded grants for Fiscal Years (FY) 2003 and 2004. The Task Force granted tobacco projects \$4,787,748 in FY 2003 and \$4,657,176 in FY 2004. Health and disabilities related projects received allocations of \$5,161,214 in FY 2003 and \$4,572,088 in FY 2004.

In addition to determining competitive grants, the Task Force purview extends to the evaluation of the health and health needs of the residents of Nevada. The Task Force is required to establish a system to rank the health problems of Nevadans. The Task Force will continue to meet prior to the 2003 Legislative Session to consider health priorities, which will affect the future allocation of competitive grants.

During the course of its work, the Task Force considered testimony from state and local entities. Presentations to the Task Force were given by State Treasurer Brian K. Krolicki, State Health Officer Dr. Mary E. Guinan, and State Epidemiologist Dr. Randall Todd. In addition, representatives of the University and Community College System of Nevada, numerous nonprofit organizations, state departments, and law enforcement organizations testified before the Task Force.

At its work session in June 2002, the Task Force adopted four bill draft recommendations addressing the following:

- Administration and distribution of the grants; and
- Cigarette sales distribution, regulation, and taxation.

At its October 2002 meeting, the Task Force adopted findings and recommendations regarding the grant application process. The recommendations address the following:

- The timelines relating to the release of the requests for applications and the submission of grant applications;
- The format for submission of the applications;
- The eligibility of applicants to receive grants;
- The sustainability of grants beyond a biennial cycle; and
- A scoring protocol by which grant applications will be evaluated.

SUMMARY OF RECOMMENDATIONS

TASK FORCE FOR THE FUND FOR A HEALTHY NEVADA

(*Nevada Revised Statutes 439.625*)

This summary presents the recommendations approved by the Task Force for the Fund for a Healthy Nevada. The Task Force will submit these proposals to the 72nd Session of the Nevada Legislature. In addition, this summary presents the findings and recommendations of the Task Force regarding the grant application process. These recommendations have been included in the Task Force minutes of October 8, 2002.

RECOMMENDATIONS FOR LEGISLATION

Administration and Distribution of Grants

1. Draft legislation to clarify the Task Force for the Fund for a Healthy Nevada's practice of awarding biennial grants. *Nevada Revised Statutes 439.630* requires the Task Force to develop policies and procedures for the administration and distribution of grants. These procedures include "at least one competitive round of request for proposals per fiscal year." The Task Force currently awards competitive grants once per biennium. **(BDR 40 -258)**
2. Draft legislation to authorize the DHR to enter into "grant agreements" with recipients of grants from the Fund for a Healthy Nevada, rather than state contracts. Currently, neither the state statutes nor the *State Administrative Manual* provides guidance for the awarding of state funds through grants. As a default, DHR relies upon the state contract, which applies to independent contractors who are providing direct services to the state, rather than grantees who are providing services to the public. **(BDR 40--258)**

Cigarette Sales Distribution, Regulation, and Taxation

3. Draft legislation to authorize local governments or other governmental bodies to impose restrictions on use, sale, distribution, marketing, or promotion of tobacco or tobacco products that are more restrictive than state statutes. Currently, no agency, board, commission, or political subdivision of this state, including any agencies, boards, and commissions of any local government, may impose more stringent restrictions on use, distribution, or promotion of tobacco or tobacco products than the state imposes by statute. **(BDR 15--260)**
4. Draft legislation to increase the tax per pack of cigarettes. Current law provides for a tax of 17.5 mills per cigarette (\$0.35 per pack). Pursuant to NRS 370.260, those revenues are distributed as follows: (1) to the Department of Taxation in an amount set by the Legislature to cover expenses incurred in the collection of the cigarette tax; (2) to the State

General Fund at 12.5 mills per cigarette; and (3) to the local government distribution account in an amount equal to the balance remaining for distribution to the counties and Carson City pursuant to NRS 360.670. **(BDR 32--259)**

FINDINGS AND RECOMMENDATION REGARDING THE GRANT APPLICATION PROCESS

Timelines

1. The current process for receiving grant applications and for awarding grants is the same for both tobacco cessation projects and health care and disabilities projects. The timeline for each kind of project shall be separated and staggered to facilitate assistance from DHR to grant applicants.
2. The timeline for submission of applications shall become a two-step process with submission of the budget and executive summary due two weeks prior to the submission of the final completed application.

Submission

3. The final applications shall be submitted in hard copy only. Applications shall be accepted if postmarked by the due date. Hand-delivered applications will be accepted in Carson City and Las Vegas until 5 p.m. on the due date.

Eligibility

4. Funds to be awarded for basic research without a service delivery component shall be limited to not more than 10 percent of funds available for distribution in that grant cycle.

Sustainability

5. The grants from the Fund for a Healthy Nevada shall provide short-term support for programs and projects without an assumption that a current grantee will be funded in succeeding grant cycles.
6. At least 30 percent of funds available for distribution in each grant cycle shall be reserved for awards to qualified grantees that did not receive grants in the current fiscal year. If, after the deadline has been reached, insufficient new applications are received, funds shall be released to other grantees.

Scoring

7. Applications that are submitted in a format that follows the guidelines set forth by DHR, pursuant to the directions of the Task Force, shall receive extra points.
8. A scoring matrix that distinguishes between direct and indirect services shall be developed by DHR and approved by the Task Force prior to the issuance of the next request for applications.
9. A scoring matrix that distinguishes between outcomes and outputs shall be developed by DHR and approved by the Task Force prior to the issuance of the next request for applications.
10. Prior to the release of the request for applications for the cycle encompassing Fiscal Years 2005 and 2006, DHR shall refine the application scoring process and the Task Force shall review and approve such process to increase accountability and provide clarification to applicants and scorers.

BULLETIN NO. 03-21

LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada Revised Statutes 459.0085

Members

Assemblyman Harry Mortenson, Chairman
Senator Mike McGinness, Vice Chairman
Senator Lawrence E. Jacobsen
Senator Joseph M. Neal, Jr.
Senator Raymond C. Shaffer
Assemblyman John J. Lee
Assemblyman Robert E. Price
Assemblywoman Sandra J. Tiffany

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

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

- (a) Four members of the senate, appointed by the majority leader of the senate.
- (b) Four members of the assembly, appointed by the speaker.

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

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

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

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

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

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

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

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

(Added to NRS by 1985, 685; A 1987, 399; 1989, 1221; 1995, 1454).

ABSTRACT

COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

(Nevada Revised Statutes 459.0085)

Nevada's Legislative Committee on High-Level Radioactive Waste is a permanent committee of the Nevada Legislature whose authorization and duties are set forth under *Nevada Revised Statutes* 459.0085. Created in 1985, the Committee is responsible for performing legislative oversight responsibilities to study and evaluate the following:

- Information and policies regarding the location of a facility for the disposal of high-level radioactive waste in the State of Nevada;
- Any potential adverse effects from the construction and operation of a facility and the ways of mitigating those effects;
- Any other policies relating to the disposal of high-level radioactive waste; and
- Recommendations concerning appropriate legislation to be presented to the Legislature and the Legislative Commission.

The Committee held three meetings during the 2001-2002 Legislative Interim period. As well as performing its mandated oversight functions, the Committee has monitored the actions of the 107th Session of the United States Congress. Committee members participated in the National Conference of State Legislatures' (NCSL) Environmental Management Legislative Roundtables, which included site visits to the Idaho National Engineering and Environmental Laboratory in Idaho; the Rocky Flats Environmental Technology Site, in Colorado; and the Waste Isolation Pilot Project in New Mexico (the only operating nuclear waste repository in the United States). Additionally, members monitored meetings of the United States Nuclear Waste Technical Review Board, the Advisory Committee on Nuclear Waste of the United States Nuclear Regulatory Commission (NRC), Nevada's Commission on Nuclear Projects, and technical exchange meetings between the United States Department of Energy (DOE) and the NRC.

SUMMARY OF RECOMMENDATIONS

COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

(Nevada Revised Statutes 459.0085)

At this time, the Committee does not recommend legislative action. However, in addition to the Committee's legislative oversight responsibilities, it will continue to monitor: (1) the State of Nevada's legal cases against the Federal Government; and (2) other activities including transportation issues pertaining to the nation's high-level radioactive waste program. If deemed appropriate, the Committee will recommend relevant action to the Nevada Legislature or Legislative Commission.