

Summary Bulletin
of
Reports of the Legislative Commission
to the 73rd Session of the
Nevada Legislature



January 2005



*Legislative Counsel
Bureau*

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05-2*

BULLETIN NO. 05-2

**SUMMARY BULLETIN OF REPORTS
OF THE LEGISLATIVE COMMISSION TO THE
73rd SESSION OF THE NEVADA LEGISLATURE**

INTRODUCTION

This bulletin summarizes 24 study reports that were completed during the 2003-2004 Legislative Interim for consideration by the 2005 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 24 study reports in this publication, four studies were initiated by special acts of the Legislature. Six studies were directed by concurrent or joint resolutions approved during the 2003 Legislative Session. One study was directed by a concurrent resolution approved during the 20th Special Session 2003. Thirteen studies were authorized by laws appearing in NRS, including studies conducted by Committees on Children, Youth and Families; Education; Commission on Special License Plates; Education; Health Care; Health Insurance Expansion Options; High-Level Radioactive Waste; Local Government Taxes and Finance; Nevada Silver Haired Legislative Forum; Persons with Disabilities; Public Lands; Review and Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System; and Task Force for the Fund for a Healthy Nevada.

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
(Nevada Revised Statutes 218.660)

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BULLETIN NO. 05-3

COMMITTEE TO EVALUATE HIGHER EDUCATION PROGRAMS

Assembly Bill 203
(Chapter 443, *Statutes of Nevada 2003*)

Voting Members (12)

Senator Warren B. Hardy II, Chairman
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Senator Terry J. Care
Assemblyman John Ocegüera
Assemblyman Marcus L. Conklin
Assemblyman John W. Marvel*
Regent Thalia Dondero*
Regent Marcia Bandera
Regent Jill Derby
Dr. George Ann Rice, Associate Superintendent, Clark County School District
Jennifer Satre, Trustee, UNR Foundation
Mickey Stratton, Executive Vice President, Sterling S Development

Non-Voting Members (4)

Jim Manning, Department of Administration
Dr. James T. Richardson, Nevada Faculty Alliance
Dr. Kerry Romesburg, President, Nevada State College
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**Assemblyman Josh Griffin resigned and was replaced by Assemblyman John W. Marvel*

**Regent Stavros Anthony was replaced by Regent Thalia Dondero*

Assembly Bill No. 203

CHAPTER 443

AN ACT relating to higher education; creating the Committee to Evaluate Higher Education Programs; providing for its organization, powers and duties; making an appropriation; and providing other matters properly relating thereto.

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

Section 1.1. The Committee to Evaluate Higher Education Programs, consisting of 12 voting members and 4 nonvoting members, is hereby created.

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

- (a) Three members of the Senate, appointed by the Majority Leader of the Senate;
- (b) Three members of the Assembly, appointed by the Speaker of the Assembly;
- (c) Three members of the Board of Regents, appointed by the Chairman of that Board; and
- (d) Three members appointed by the Governor.

3. The Governor shall appoint the following persons to serve as the nonvoting members of the Committee:

- (a) One person who is employed in the Budget Division of the Department of Administration;
- (b) Two persons who are employed by the University and Community College System of Nevada; and
- (c) One student who is currently enrolled in an institution within the University and Community College System of Nevada.

4. The Chairman of the Legislative Commission shall designate one of the members as Chairman of the Committee.

5. The Director of the Legislative Counsel Bureau shall provide the necessary professional staff and a secretary for the Committee.

6. For each day or portion of a day during which they attend a meeting of the Committee or are otherwise engaged in the business of the Committee:

(a) The voting members of the Committee who are Legislators are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

(b) The voting members of the Committee who are members of the Board of Regents are entitled to receive travel expenses and a per diem allowance at the rates established in NRS 396.070.

(c) The voting members of the Committee appointed by the Governor are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 2. The Committee shall:

1. Examine and evaluate the need in this state for existing and potential higher education programs to ensure economic progress and development within the State of Nevada and to ensure that the educational needs of its residents are being met;
2. Identify areas of high priority where needs are not currently being met, including, without limitation, the areas of educational programs for students who desire to become nurses or teachers;
3. Determine whether it is feasible to reallocate existing resources within institutions to meet the critical needs of the State of Nevada that are not currently being met;
4. Determine whether appropriations from the State of Nevada and student fee revenues are being efficiently distributed internally at each campus of the University and Community College System of Nevada; and
5. Recommend to the Board of Regents and the Legislature such action as may be needed for the efficient and effective operation of higher education in Nevada if the State is to progress economically and socially.

Sec. 3. The Committee may hold public hearings at such times and places as it deems necessary to afford the general public and representatives of governmental agencies and of organizations interested in higher education an opportunity to present relevant information and recommendations.

Sec. 4. The Committee may employ such educational and financial consultants as it deems necessary for this study.

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

Sec. 6. 1. There is hereby appropriated from the State General Fund to the Legislative Commission the sum of \$250,000 for the purpose of conducting an evaluation of higher education programs as provided in this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after December 31, 2004, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 7. The Committee shall submit to the Board of Regents, Legislative Committee on Education and Legislative Commission a report of its findings and any recommendations for legislation before the commencement of the 73rd Session of the Legislature.

Sec. 8. This act becomes effective on July 1, 2003, and expires by limitation on February 1, 2005.

ABSTRACT

COMMITTEE TO EVALUATE HIGHER EDUCATION PROGRAMS

Assembly Bill 203
(Chapter 443, *Statutes of Nevada 2003*)

The 72nd Session of the Nevada Legislature approved Assembly Bill 203 (Chapter 443, *Statutes of Nevada 2003*) which established the Committee to Evaluate Higher Education Programs. The Committee comprised 12 voting members and four non-voting members. The goals of the Committee as outlined in A.B. 203 were as follows:

- Examine and evaluate the need for existing and potential higher education programs to ensure economic progress and development within the state to ensure that the educational needs of residents are being met.
- Identify areas of high priority where needs are not currently being met, including the areas of educational programs for students who desire to become nurses or teachers.
- Determine whether it is feasible to reallocate existing resources within institutions to meet the critical needs of the state that are not currently being met.
- Determine whether General Fund appropriations and student fee revenues are being efficiently distributed internally at each campus.
- Recommend to the Board of Regents and the Legislature such action as may be needed for the efficient and effective operation of higher education if the state is to progress economically and socially.

The Committee established that the examination scope would include in priority order, review of instructional, research and public service functions. Similarly, the examination of state-supported operating budgets was given the highest priority followed by the review of self-supported and grant/contract-funded activities. The Committee met seven times with the first meeting on November 3, 2003, and the final meeting on July 7, 2004. A Subcommittee met on December 10, 2003, to make recommendations on selection of a Committee consultant.

To assist in the evaluation, the Committee selected as consultants a consortium led by the National Center for Higher Education Management Systems (NCHEMS) that included the Western Interstate Compact for Higher Education (WICHE) and the State Higher Education Executive Officers (SHEEO). The Committee was also assisted in its efforts by a working group comprised of professional staff from the University and Community College System of Nevada (UCCSN), the Legislative Counsel Bureau, the Commission on Economic Development, and regional economic development authorities. The Treasurer's Office provided support on matters related to the Millennium Scholarship Program. The Nevada Policy Research Institute (NPRI) provided suggestions for funding educational reform in Nevada. The Northern Nevada Literacy Council provided information on adult literacy and adult education.

As a foundation for the Committee's evaluation, work began with a discussion of enrollment and population trends and key statewide demographics; the UCCSN master plan; descriptions of state supported programs and the UCCSN budget; and a discussion of academic programs including new programs and the process for program approval and review. The UCCSN provided an overview of accountability and measures of student success and described the linkage between accountability and performance indicators. The UCCSN demonstrated recent improvements in Nevada's college continuation rates.

The Committee engaged in lengthy discussions about articulation and offered examples where articulation policies appeared to have hindered the academic progress of student constituents. The UCCSN defended the system's articulation policies and cited recent improvements including core curriculum credit reductions, development of common course numbering systems and databases which allow for seamless transition between institutions (currently covers 6,000 courses system-wide), policies to improve seamless transitions, and inter-institutional committees that meet to address transition.

Considerable testimony was heard on the shortage of nurses and reports that Nevada has the lowest ratio of nurses to patients in the nation. The UCCSN explained that population growth is outpacing nursing school supply and noted that between 2000 and 2008, 662 nurses per year would be needed. The UCCSN enrolled 683 students and graduated 288 nurses in FY 2003. As a result of the nursing initiative, the UCCSN plans to increase nursing student capacity by 650 students, to a total enrollment of 1,333 nursing students by FY 2005.

The Committee thoroughly discussed the shortage of teachers. UCCSN reported that the number of new K-12 teachers employed in Nevada was expected to increase by 33 percent between 2000 and 2010 with approximately 2,000 teachers needed per year. In FY 2003, UNLV and UNR conferred roughly 700 Bachelor of Science or Arts degrees in education. The UCCSN described efforts taken to alleviate the teacher shortage including the establishment of collaborative programs between the universities and community colleges (2+2 programs); creation of the Nevada State College; addition of distance education and off-campus sites; and joint initiatives with local school districts.

As a cornerstone of their evaluation, the consultants provided data on various topics including: population; per capita income; poverty; educational attainment and graduation rates; college-going rates; import/export ratios of students and adults; degrees awarded; employment and earnings in various occupations; occupations with large annual projected openings; development report cards; ability to produce, attract and keep graduates; and research and development expenditures. The consultants observed that postsecondary education issues facing Nevada include: Accommodating growth; getting more students through the education pipeline; responding to immediate workforce needs; developing a workforce for the future; and diversifying the economy.

The consultants identified a group of peer institutions for each UCCSN campus and used those peers as benchmarks for various comparison criteria including adequacy of funding, utilization of existing resources and cost effectiveness. The consultants noted the following:

- Expenditure patterns at Nevada's institutions are very similar to those of its peer institutions;

- With the exception of CCSN, Nevada institutions are comparatively well staffed, especially regarding clerical and administrative/professional staff;
- Faculty salaries are very competitive, especially at the two universities. Faculty are not tenured at abnormally high levels;
- Nevada institutions teach relatively few course sections with low enrollments; and
- Of the students enrolling in higher education as freshmen, particularly at the community colleges, relatively low percentages exit with credentials.

The principal finding of the consultant, and ultimately the Committee, was that Nevada's higher education institutions are operating efficiently at the institutional level when compared to their national peers but the system as a whole is a relatively high-cost enterprise. As noted by the consultant, with the exception of CCSN which is generally at the lower end of the comparison ranges, UCCSN institutions compare favorably with similar institutions nationally when examining revenue allocations and functional expenditures. The consultant found that none of the UCCSN institutions are spending inordinate amounts on administration.

According to the consultant report, substantially more than half the full-time equivalent (FTE) undergraduate enrollments are in Nevada's two universities and only five states have a higher proportion of students enrolled in their research universities. The consultant opined that managing enrollment patterns will have a far greater impact than attempts to squeeze greater efficiencies out of institutions that, in the main, are operating quite efficiently now. The consultant also noted that the search for efficiencies is more productively focused at the system level rather than the institutional level. As noted by the consultant, the key decision is the tradeoff between continuing to funnel large numbers of (not necessarily well-prepared) students into the research universities, especially UNLV, and the alternative of limiting enrollments at the universities and creating capacity at baccalaureate teaching institutions to handle the growth in demand for four-year programs.

At the final two meetings, based upon review of consultant findings and suggestions and independent evaluation, the Committee developed a total of 24 formal recommendations which included one Bill Draft Request (BDR). As required by A.B. 203, copies of the final Committee report were distributed to the Legislative Commission, the Legislative Committee on Education and the Board of Regents.

SUMMARY OF RECOMMENDATIONS

COMMITTEE TO EVALUATE HIGHER EDUCATION PROGRAMS

Assembly Bill 203
(Chapter 443, *Statutes of Nevada 2003*)

The Committee adopted a majority of the recommendations promulgated by the consultant and developed numerous recommendations based upon independent discussion and evaluation. The final recommendations approved by the Committee are listed below. Only the first recommendation to establish the Committee to Advance Higher Education resulted in a recommendation for legislation.

1. The Committee recognizes that many of its recommendations will require a significant amount of time to evaluate and/or implement. During the presentation of their final report, the consultant remarked that the issues faced by Nevada cannot be solved in a two to four-year period. Rather, Nevada must embark on a 20-year journey to make significant improvements. With this in mind, the committee recommends that the 2005 Legislature establish the Committee to Advance Higher Education in Nevada during the 2005-2007 interim to evaluate plans developed in response to the Committee's current recommendations. The evaluation should include an examination of the costs and funding sources associated with the plans. It is recommended that the membership of the new committee be similar to the membership of the current committee. When developing and evaluating plans, the Committee recommends that all bodies (Regents, Chancellor's Office, Interim Committee, etc.) should seek input from as many stakeholders as possible and ensure that students have a strong voice in matters under consideration (**BDR S-182**).
2. The consultant report stated that while there will continue to be requirements to add new programs, funding at most of the UCCSN institutions is currently sufficient to allow funding through internal reallocation. To the extent possible, the goal of the Committee was to promulgate recommendations that would result in revenue neutrality through reallocation of existing resources. However, to promote opportunities for creative funding alternatives, the Committee encourages the Chancellor's Office and the Board of Regents to explore all funding options exclusive of General Fund when developing a strategic financing plan.
3. The Board of Regents and the Legislature should develop and agree upon a plan for accommodating growth including the following:
 - a. Limit enrollment at the universities and create four-year program capacity at baccalaureate teaching institutions for reasons of both cost and responsiveness to the defined needs of the state.
 - b. If UNLV is to emerge as a research university, it will have to become more selective and admit only students who are prepared for, and can take advantage of, an academic institution focused more on research and economic development.

- c. Growth in Nevada, especially Clark County, will drive demand for many more openings at both the two- and four-year levels. The Committee recommends the following:
 - Nevada State College should accommodate the bulk of the growth in four-year enrollments, and eventually accommodate the growth with one or more additional institutions, similar to Nevada State College.
 - Do not create four-year institutions as branches or other organizational extensions of research universities. This solution is more cost-effective and serves to keep the focus of the research universities on their unique contributions to state needs.
 - CCSN can continue to expand by adding new campuses as it has in the past although this will eventually force the question of how best to provide governance and oversight of a very large and complex enterprise.
4. The Board of Regents and the Legislature, under the leadership of the Chancellor's Office, should develop and reach agreement on a strategic-level financing plan for the higher education system of Nevada. The financing plan should:
 - a. Reflect the strategy for dealing with the growth accommodations described above.
 - b. Indicate the minimum level of funding required to allow each institution to fulfill its mission at high levels of performance. To the extent that institutions are below this level of funding, the plan should indicate a process for eliminating the deficiency. To the extent that institutions are more than 10 percent over this level, a process for rectifying this condition should be indicated.
 - c. Create a performance funding pool from existing formula funding to improve educational output, and to address the leaky K-16 pipeline noted by the consultant.
 - d. Include provisions for one or more investment funds, the resources in which should be systematically allocated in furtherance of the limited number of state priorities of economic development, K-12 improvement, etc. This should be a permanent feature of the budget, not a fair weather fund.
 - e. Include recommendations regarding shares of each institution's budget that will be borne by the state and by students. This requires specific attention to both tuition policy and institutional practices regarding waivers of tuition and fees.
 - f. Provide for the creation of a need-based financial aid program to ensure continued affordability of a college education to the most economically needy of Nevada's citizens.

8. The Board of Regents and Chancellor's Office should take proactive leadership in conducting a thorough assessment of the state's need for pharmacists. If a need is identified, recommend a response that is cost effective (with effectiveness being defined in terms of the broader needs of the state). In making this recommendation, private partnerships and independent private operations, outside the state as well as within the state should be investigated as should solutions that involve clinical, but not classroom work at sites in Nevada.
9. The Treasurer's Office should report Millennium Scholarship revenue and expenditure estimates to the Interim Finance Committee in advance of the September 2004 meeting. The report should include a contingency plan in the event that revenues fall short of program needs.
10. Continue efforts to improve the articulation and 2+2 processes to provide seamless transitions for transferring students and to reduce costs to the student and the system. The UCCSN should consider including transfer courses when calculating the overall grade point average at the universities.
11. Encourage the UCCSN and K-12 to continue efforts to improve public and private facility utilization partnerships. The Board of Regents and the Legislature should seek ways to encourage more private-public partnerships to build research space that can be used by UCCSN institutions.
12. Avoid the creation of four-year programs at Community Colleges as a general rule, but recognize there are circumstances where four-year programs could be justifiably offered by two-year institutions. As noted by the consultant, once the door is opened by placing a four-year program in a two-year institution, it is almost inevitable that pressure will build for more and more such programs. Further, the consultant noted that when four-year programs are offered by an institution, it is hard to sustain an emphasis on occupational programs, especially those in the blue-collar skilled trades (auto mechanics, construction trades, etc.). Over time, emphasis on such programs diminishes and they may be phased out completely. The committee also recommended that all UCCSN institutions, not just the community colleges, should operate within defined missions.
13. The UCCSN should address inadequacies related to information/data systems. Also, systems capabilities should be improved to provide longitudinal tracking of students' progress. Tracking should include all stages of a student's or graduate's progress including educational (K-12 and UCCSN) and employment (by specific occupation).
14. The Committee supports the following recommendations prepared by the Commission on Economic Development in consultation with the regional economic development authorities:
 - a. The research and development and the industry partnering roles of UCCSN should be focused on the economic development strategies of the state and its regional development authorities.

- b. The model of the state of Georgia's Research Alliance should be emulated. Strong partnerships between the research entities at UCCSN and private industry will have profound long-term economic benefit to the state. Georgia has moved to the forefront of growth in technology employment and technology business creation by linking companies to the state-of-the art resources at Georgia research universities.
 - c. The core competencies analysis of UNR, UNLV and DRI should be undertaken with the intent to identify the synergies among the researchers to develop high quality projects worthy of national recognition. Incentives for program cooperation within UCCSN should be considered.
 - d. Entrepreneurial education and training at UCCSN to include the development of more incubation services and programs should be expanded. The investment in a start-up oriented technology transfer system should be emphasized.
 - e. Internships and cooperative programs across UCCSN with particular relevancy to technology industries should also be expanded.
15. The Board of Regents should examine the following recommendations to address space shortfalls (especially research space) prepared by Dr. James Richardson. The Board should report its findings for consideration by the Committee to Advance Higher Education:
- a. The Board of Regents and the Legislature should establish research space as a high priority, and should work with the Governor to give research space needs reasonable primacy in the allocation of funds available to the state for capital projects.
 - b. The Board of Regents and the Legislature should work together with the Office of the Governor to find new ways to fund more capital construction that will directly benefit the research space needs of UCCSN institutions.
 - c. The Board of Regents and the Legislature should find more ways to encourage partnerships between UCCSN institutions and private entities in start-up companies that attempt to develop products and processes that have market potential. Particularly there is a need for "gap funding" which can be used to prove-up a concept, develop prototypes, and do pilot and feasibility studies to encourage the incubation of start-up companies built around novel technologies that have been invented or developed within UCCSN institutions.
 - d. The Legislature should expand the Applied Research Initiative that has been helpful and productive of research grants for UCCSN institutions, as well as helping establish relationships between UCCSN institutions and some incubator companies.
16. The UCCSN should expend additional effort in partnering with K-12, especially grades 6-12, to encourage eventual participation in higher education.

17. The UCCSN should improve the effectiveness of its teaching programs to avoid the need to retrain teachers upon completion of their formal education. The UCCSN should develop a program evaluation process to ensure that students in the teacher education program are learning the required subject matter.
18. Exit interviews should be conducted with teachers who leave the teaching profession. The exit interviews would enable school districts and the UCCSN to proactively address barriers to retaining qualified teachers. To the extent possible, the results of the exit interviews should be made available as public documents. Additionally, graduates with education degrees should be periodically tracked to determine whether they entered the teaching profession.
19. The UCCSN should establish performance measurement criteria for programs designed to fast track teachers.
20. The Board of Regents and Chancellor's Office should examine the role of higher education in addressing adult literacy, especially the basic literacy skills of young adults.
21. The Legislature should appoint from among its members a committee to work with the Board of Regents to develop the Public Agenda for Nevada—that list of priorities that will guide strategic decision making about higher education in the State of Nevada. The Board of Regents and Chancellor's Office should provide the leadership for the process of developing the Public Agenda.
22. The Legislature should require the Board of Regents and the Chancellor's Office to propose to the Legislature within a specified timeframe an accountability plan consistent with monitoring progress toward achieving the Public Agenda.
23. The Board of Regents and Chancellor's Office should develop written compacts with each institution indicating the expected nature of their development over the next five years and the kinds of support to be provided by the Board of Regents in furtherance of the agreed-upon developmental objectives.
24. The Board of Regents and Chancellor's Office should develop the protocols and incentive mechanisms for ensuring that all resources of the system can be utilized to service needs in all parts of Nevada.

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
THE ALLOCATION OF LIMOUSINES**

Assembly Bill 518 (Section 10)
(Chapter 488, *Statutes of Nevada 2003*)

Members

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Senator Maggie A. Carlton
Senator Warren B. Hardy II
Senator Joseph M. Neal, Jr.
Assemblyman Walter Andonov
Assemblyman Bob Beers
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Assembly Bill 518 (Section 10)

(Chapter 488, *Statutes of Nevada 2003*)

Sec. 10. 1. The Legislative Commission shall direct a study of issues relating to the allocation of limousines.

2. The study must consider:

(a) Whether an allocation system is appropriate for the issuance of certificates of public convenience and necessity for limousines operated in a county whose population is 400,000 or more;

(b) Whether the budgetary needs of the Transportation Services Authority are being met at a level that will ensure optimum regulation of limousines, combined with an assessment of the probable effect on operators of any additional regulatory fees; and

(c) Such other issues regarding the regulation of limousines as the Commission deems appropriate.

3. The Commission may apply for any available grants and accept gifts, grants or donations to assist the Commission in conducting the study.

4. The Commission may contract with or enter into an agreement with a public or private agency that has the experience necessary to conduct a study of the type described in subsection 2.

5. The Commission shall, on or before April 30, 2004, submit the final results of the study to the Transportation Services Authority. The Commission shall submit a report of the results of the study and any recommendations for legislation to the 73rd Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE ALLOCATION OF LIMOUSINES

Assembly Bill 518 (Section 10)
(Chapter 488, *Statutes of Nevada 2003*)

The 2003 Nevada Legislature adopted Assembly Bill 518 which, in Section 10 of the bill, required the Legislative Commission to direct a study of issues relating to the allocation of limousines. The bill specified that the study must consider the appropriateness of an allocation system, the budgetary needs and effects of regulation, and other issues concerning the regulation of limousines.

The Subcommittee held three hearings to receive information and testimony, review study reports, and conduct a work session to determine its recommendations. Since the issue was focused on the allocation of limousines in Clark County, all of the meetings were held in Las Vegas.

At its first meeting, the Subcommittee received testimony from representatives of the Transportation Services Authority (TSA) concerning its role in regulating limousines. In addition, the Administrator of the Taxicab Authority furnished information about the allocation system for taxicabs and highlighted problem areas between the operations of taxicabs and limousines. A representative of the limousine industry discussed the allocation and regulation issue, and the industry's willingness to finance an independent study.

The Subcommittee approved a gift paid for, and contracted for, by the limousine industry of a limited, independent study by the Center for Business and Economic Research at the University of Nevada, Las Vegas (UNLV), on whether an allocation system for limousines in Clark County is appropriate. The Subcommittee directed that a provision be included that the contract price (approximated to be \$20,000) be paid in advance to ensure preservation of the independent judgment and conclusions of the study.

The Subcommittee also requested Legislative Counsel Bureau (LCB) staff to work with the Fiscal Analysis Division and TSA personnel on the budgetary aspects of the study and other issues relating to the regulation of limousines.

The Subcommittee allowed time for research activities and met several months later to receive information and study reports. The Director of the Center for Business & Economic Research at UNLV presented the results of an independent study on the economic status of the limousine industry and concluded that an allocation system for the regulation of limousines in Clark County would be appropriate.

The TSA presented updated information on disciplinary actions and enforcement activities of the agency. The TSA also responded to questions on its budgetary needs for optimum regulation of limousines, as well as its minimum requirements.

LCB Fiscal staff provided a comparison of funding sources and the budgets of the TSA and Taxicab Authority. Subcommittee staff also provided information on the regulation of limousines in other jurisdictions. Representatives of the limousine industry furnished public comment on the information presented and other aspects of the limousine business.

In the Subcommittee's final meeting, representatives of the TSA clarified their minimum funding requirements for enforcing an allocation system, and several members of the limousine industry testified in favor of regulation under an allocation system and the proposed increase in the annual limousine licensing fee.

The Subcommittee then agreed to advise the Legislative Commission to provide to the TSA its recommendation that the TSA should establish by regulation a system of allocations for carriers holding certificates for charter service by limousine as defined by *Nevada Administrative Code* (NAC) 706.036. The Subcommittee provided three recommendations to ease the transition to an allocation system, and also recommended that the Legislative Commission have legislation drafted to increase the annual limousine license fee to \$600.

At its meeting on May 24, 2004, the Legislative Commission voted not to accept the recommendations of the Subcommittee. At its subsequent meeting on August 25, 2004, the Legislative Commission considered, but did not approve a motion to reconsider this action.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE ALLOCATION OF LIMOUSINES

Assembly Bill 518 (Section 10)
(Chapter 488, *Statutes of Nevada 2003*)

The Subcommittee finds that legitimate concerns and problems exist between the operations of limousines and taxicabs in Clark County which include incidents of price gouging, staging of limousines, uncertificated and uninsured operators, and other regulatory violations. The Subcommittee further finds that an allocation system **is appropriate** for the issuance of certificates of public convenience and necessity for limousines operated in a county whose population is 400,000 or more.

In accordance with Section 11 of A.B. 518, the Subcommittee advises the Legislative Commission to provide to the Transportation Services Authority (TSA) its recommendation that the TSA **should establish** by regulation a system of allocations for carriers holding certificates for charter service by limousine as defined by NAC 706.036.

The Subcommittee also finds that the budgetary needs of the TSA are not being met at a level that ensures optimum regulation of limousines, and that limousine operators could support reasonable, additional regulatory fees for the administration of an allocation system. The Subcommittee, therefore, recommends that the Legislative Commission should have legislation drafted to increase the annual limousine license fee to \$600.

The Subcommittee further recommends that the Legislative Commission should:

1. Advise the TSA to work with the Executive Budget Office and the Fiscal Analysis Division of the Legislative Counsel Bureau to identify an appropriate funding source in the amount of \$50,000, for the TSA to conduct a study to establish the criteria for an allocation system for the regulation of limousines in a county whose population is 400,000 or more. If any such funding is through an appropriation, the appropriation shall be made contingent upon repayment of that amount, if the annual limousine license fee increase is approved by the 2005 Legislature.
2. Advise the TSA to adopt regulations to maintain the current allocation system under Section 9 of A.B. 518, and encourage the TSA to use the time between July 1, 2004, and the beginning of the 2005 Session of the Nevada Legislature to conduct the criteria study and develop regulations to fully implement an allocation system if and when the annual limousine license fee is increased.
3. Have legislation drafted to clarify that the annual limousine license fee in NRS 706.465 applies to a charter service by limousine as defined by NAC 706.036.

NOTE: The recommendations of the Subcommittee were not accepted by the Legislative Commission.

BULLETIN 05-5

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE
TO STUDY TELECOMMUNICATION SERVICES IN NEVADA**

Assembly Concurrent Resolution No. 2
(File No. 10, *Statutes of Nevada 2003, 20th Special Session*)

Members

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Senator Maggie A. Carlton
Senator Warren B. Hardy II
Senator Randolph J. Townsend
Assemblyman David F. Brown
Assemblyman David E. Goldwater

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Assembly Concurrent Resolution No. 2

FILE NUMBER 10

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of telecommunication services in this state.

WHEREAS, The development and availability of telecommunication services continue to improve and enrich the quality of life for the residents of this state; and

WHEREAS, Providing telecommunication services efficiently and economically is essential for maintaining a strong and vibrant economy in this state; and

WHEREAS, The regulation and taxation of telecommunication companies affect economic growth in this state; 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 an interim committee, composed of three members of the Assembly and three members of the Senate, one of whom must be appointed as Chairman of the committee, to conduct a study of telecommunication services in this state; and be it further

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

1. The methods presently used to determine the rates for telecommunication services provided in this state;

2. The feasibility of eliminating any implicit subsidies based upon the type and location of the telecommunication services provided in this state;

3. The feasibility of determining rates for telecommunication services provided in this state without the use of implicit subsidies based upon the type and location of telecommunication services provided in this state;

4. The current competition and future competitive trends for telecommunication services in the Northern Nevada and Southern Nevada markets;

5. The pricing trends to various customer classes of telecommunication services after the enactment of Senate Bill No. 400 by the 70th Session of the Nevada Legislature;

6. Methods to promote deployment of affordable broadband services to all classes of consumers; and

7. Before regulatory action is taken that is not otherwise required as a result of changes made by the 72nd Session of the Nevada Legislature or as result of federal laws and regulations, the appropriate scope of future legislative or regulatory policies regarding telecommunication services and products to promote an orderly transition to a functionally competitive telecommunications market in a manner that will most benefit the consumers and economy of this state; and be it further

RESOLVED, That any recommended legislation proposed by the interim 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 73rd Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY TELECOMMUNICATION SERVICES IN NEVADA

Assembly Concurrent Resolution No. 2
(File No. 10, *Statutes of Nevada 2003, 20th Special Session*)

The 2003 Nevada Legislature adopted Assembly Concurrent Resolution No. 2 which directed the Legislative Commission to conduct an interim study of telecommunication services in Nevada. In passing this resolution, the Legislature acknowledged that the availability and development of telecommunication services in Nevada not only affects the quality of life of the residents of this state, but is also essential for maintaining a strong and vibrant economy.

The Subcommittee held five meetings, including a work session. All meetings were held in Las Vegas. These public hearings were conducted through simultaneous videoconferencing between meeting rooms at the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas.

During the course of the study, formal presentations, expert testimony, staff reports and public testimony were provided on various topics, such as the background of the telecommunications industry, federal and state universal service, competition in the telecommunications marketplace, implicit and explicit subsidies, broadband deployment, Voice over Internet Protocol, and Broadband over Power Lines. In addition, the Public Utilities Commission of Nevada provided two independent consultants for the purpose of collecting data and performing analysis of telecommunication services in Nevada.

During the final meeting and work session, the Subcommittee adopted one recommendation as a bill draft for consideration by the 2005 Legislature. The bill draft provides for specified information to be confidential for the purpose of creating reports for Legislative committees and studies. This recommendation is a result of the difficulty that the independent consultants experienced in gathering data that certain companies deemed to be confidential and proprietary.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY TELECOMMUNICATION SERVICES IN NEVADA

Assembly Concurrent Resolution No. 2
(File No. 10, *Statutes of Nevada 2003, 20th Special Session*)

This summary presents the recommendation and actions approved by the Legislative Commission's Subcommittee to Study Telecommunication Services in Nevada. The Subcommittee submits the following proposal for consideration by the 73rd Session of the Nevada Legislature.

RECOMMENDATION FOR LEGISLATION

1. Provide for specified information to be confidential for the purpose of creating reports for Legislative committees and studies. **(BDR 470)**

In addition to any other method available to a Legislative committee or study for obtaining information, a Legislative committee or study may obtain information using the following statutory process.

- a. The Legislative committee or study may designate an outside consultant to receive information, including confidential information, and to create a report for the Legislative committee or study based upon that information.
- b. A person providing information to this outside consultant may designate as confidential any of the information he provides to the outside consultant.
- c. The outside consultant may include such confidential information in the report only if the confidential information is aggregated or otherwise combined with other information so the confidential information cannot be identified as the confidential information of the person who provided it. Pursuant to this statutory process, the outside consultant must not release the confidential information to the Legislative committee or study or to any other person except for the employees or staff of the outside consultant who are necessary to create the report. The report itself may be released to the Legislative committee or study, and the Legislative committee or study may release the report to the public.
- d. The outside consultant must destroy the confidential information by a date designated by the Legislative committee or study after the report is completed.

All information designated as confidential pursuant to this process shall be deemed confidential for all purposes related to this statutory process.

SUBCOMMITTEE ACTIONS

In addition, the Subcommittee passed the following items:

1. Requesting that the Chairman of the Public Utilities Commission of Nevada appear before a joint hearing of the Senate and Assembly Standing Committees on Commerce and Labor during the first weeks of the 2005 Legislative Session. The Subcommittee requests that the Chairman give a brief report on the current status of Federal Communications Commission dockets and their implications on the State of Nevada and to report on the changing telecommunications marketplace.
2. Directing that the report compiled by the independent consultants not be accepted as the Subcommittee's final report, and thereby not be included in the Subcommittee's report to the Legislative Commission. Further, the report shall be submitted to the Public Utilities Commission of Nevada for further review and analysis.

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
THE JUVENILE JUSTICE SYSTEM**

Assembly Concurrent Resolution No. 18
(File No. 92, *Statutes of Nevada 2003*)

Members

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Senator Terry J. Care
Senator Maurice E. Washington
Senator Valerie Wiener
Assemblyman Bernie Anderson
Assemblyman John C. Carpenter

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Assembly Concurrent Resolution No. 18-Committee on Judiciary

FILE NUMBER 92

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

WHEREAS, The juvenile court system was created in the United States in the early 20th century on the philosophy that children are inherently different from adults and that states should take on the responsibility of protecting and rehabilitating young offenders; and

WHEREAS, The fundamental difference between the juvenile justice system and the criminal justice system is that rehabilitation is considered to be the primary goal for young offenders and, despite actual declines in youth crime rates, research indicates an increasing emphasis on punishment and detention and a decreasing emphasis on treatment and rehabilitation; and

WHEREAS, Institutionalization of young offenders has proven expensive and Nevada spends an average of \$95 to \$105 per day, or almost \$40,000 per year, on each such offender, which is more than four times the cost of full-time enrollment at a state university for 1 year; and

WHEREAS, Serious concerns have been raised regarding the resources available to rehabilitate young offenders and the quality of supervision and treatment of such youth in state juvenile correctional facilities; and

WHEREAS, The Legislative Commission's Subcommittee to Study the System of Juvenile Justice in Nevada (A.C.R. 13, *Statutes of Nevada* 1999) identified numerous areas of concern and recommended that the 2001 Legislature create a statutory committee to continue its study of the juvenile justice system, but this committee was not created; and

WHEREAS, Because the Legislature is responsible for funding the State's juvenile justice system and addressing the needs of young offenders, continued study of the juvenile justice system will assist the Legislature in making informed decisions concerning such funding and care; 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 and three members of the Senate who are representative of the various geographical areas of this state to conduct an interim study of the juvenile justice system in Nevada; and be it further

RESOLVED, That the study must include, without limitation, consideration of:

1. A coordinated continuum of care wherein a broad array of community-based program and service options are combined to ensure that health services, substance abuse treatment, education, training and care are compatible with each youth's specific needs;

2. Individualized supervision, care and treatment to accommodate the individual needs and potential of the youth and his family, and treatment programs which integrate such youth into situations of living and interacting that are consistent with a healthy, stable and family-like environment;

3. Aftercare and reintegration wherein youth continue to receive the support of treatment services following their active rehabilitation in a facility to prevent the relapse or regression of progress achieved during the recovery process;

4. Overrepresentation and disparate treatment of minority youth in the juvenile justice system, including a review of the various places where bias may influence decisions concerning minority youth;

5. Gender specific services, including programs that consider female development in their design and implementation and that address girls' needs, including victimization and abuse issues, substance abuse, mental health and educational needs, and vocational and skills training that may provide a meaningful life and livable wage following release;

6. Quality of care in state facilities, including staff qualifications and training, documentation of agency and facility performance, coordination and collaboration of agencies, availability of services relating to mental health, substance abuse, education, vocational training, and treatment of sexual offenders and violent offenders, and the feasibility and necessity for independent monitoring of state facilities; and

7. Programs utilized by different states such as Missouri which has developed a system of community-based residential and non-residential programs that allow young offenders to be placed in more specialized programs according to their needs and which has produced recidivism rates as low as 11 percent; and be it further

RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of the members of the Assembly and a majority of the members of the Senate 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 73rd Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE JUVENILE JUSTICE SYSTEM

Assembly Concurrent Resolution No. 18
(File No. 92, *Statutes of Nevada 2003*)

The 72nd Session of the Nevada Legislature adopted Assembly Concurrent Resolution (A.C.R.) No. 18 (File No. 92, *Statutes of Nevada 2003*), which directed the Legislative Commission to conduct an interim study of the juvenile justice system in Nevada. The Commission appointed a subcommittee of six legislators (three members of the Senate and three members of the Assembly).

The subcommittee held five meetings, including a work session, during the course of the 2003-2004 Legislative Interim. Four meetings were held at the Legislative Building in Carson City, and one meeting was held at the Grant Sawyer State Office Building in Las Vegas. All meetings were simultaneously videoconferenced between the two locations. During the course of the study, the subcommittee received extensive expert testimony from 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 meeting recapped earlier recommendations from the A.C.R. 57 (File No. 152, *Statutes of Nevada 1997*) and A.C.R. 13 (File No. 139, *Statutes of Nevada 1999*) interim studies on juvenile justice.

The second meeting provided an update from the Bureau of Alcohol and Drug Abuse on the progress of recommendations from the last study and on the client information system, federal reporting requirements, current prevention and treatment programs and policies for curbing substance abuse in Nevada. The subcommittee also received an update from the Department of Human Resources, on the Civil Rights of Institutionalized Persons Act (CRIPA) report filed in response to conditions at the Nevada Youth Training Center in Elko. The subcommittee was informed that safeguards such as new policies, training, and additional staff were being instituted, and that Nevada was close to signing a memorandum of understanding with the Department of Justice.

Finally, at the second meeting, the subcommittee heard a presentation from the Juvenile Justice Commission's Work Study Group. Members of the group spoke on substance abuse treatments, stressed the need for increased collaboration with the Nevada school system and agencies providing youth services, addressed over-representation of minorities and females in the juvenile justice system, discussed alternative education programs and the need for work study group involvement in planning these programs, and further explained the mental health needs of children in the juvenile justice system.

The third meeting addressed a national perspective on juvenile detention alternatives, an overview of blended sentencing and juvenile transfer/certification as adult offender issues, the integration of juvenile and child welfare systems, and the study of resources devoted to legal representation of youth in Clark County. Finally, the subcommittee considered an overview of issues at the federal level.

At the fourth meeting, the subcommittee heard testimony on a number of topics including: the need for independent oversight at detention centers; state and local funding ratios and the Community Corrections Partnership Block Grant; an update on juvenile detention alternatives and blended sentencing; quality of care in state facilities; employee safety at the youth training centers; standards for quality assurance; transitional/independent living for youth exiting the juvenile justice system; mental health status of juveniles; juvenile justice issues affecting tribal communities; overrepresentation and disparate treatment of minority youth; gender specific services; and, truancy and teen prostitution in Nevada.

At the fifth and final meeting, the subcommittee held a work session, wherein they considered 26 recommendations. Ultimately, the subcommittee approved 22 total recommendations, including two recommendations for the drafting of letters that were previously approved at prior meetings. Of the total recommendations approved, two of the final recommendations were for the drafting of legislation, seven authorized the drafting of a letter to certain agencies, and 13 recommended including a statement in the final report.

The final recommendations address the following major topics:

- Creating a statutory committee on juvenile justice, with ongoing oversight and performance review of juvenile facilities;
- Mental health and substance abuse screening;
- Information sharing at the federal level;
- Juvenile detention alternatives;
- Substance abuse treatment for juveniles;
- Mental health issues, including services in the rural areas, for juveniles;
- Collaboration and information sharing between agencies in the juvenile justice field;
- Juvenile justice issues in tribal communities;
- Further research and study on blended sentencing; and,
- A review of funding sources and programs.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE JUVENILE JUSTICE SYSTEM

Assembly Concurrent Resolution No. 18
(File No. 92, *Statutes of Nevada 2003*)

Following is a summary of the recommendations adopted by the Legislative Commission's Subcommittee to Study the Juvenile Justice System at its June 18, 2004, meeting. These recommendations will be forwarded to the Legislative Commission and ultimately to the 2005 Session of the Nevada Legislature, as appropriate.

RECOMMENDATIONS TO DRAFT LEGISLATIVE MEASURES

1. Draft legislation, to create a statutory committee on juvenile justice. The committee would have jurisdiction over all juvenile justice issues.

Additionally, the measure would establish an independent oversight authority within the Audit Division of the Legislative Counsel Bureau. This position would provide oversight and periodically review juvenile facilities and court ordered treatment programs under the jurisdiction of the juvenile court system. Any findings would be reported to the statutory committee on juvenile justice issues. **(BDR 193)**

2. Draft legislation, to require mental health and substance abuse screening (such as the MAYSI-2) for all juveniles upon admission to a juvenile detention facility. **(BDR 194)**

RECOMMENDATIONS TO DRAFT A LETTER ON BEHALF OF THE SUBCOMMITTEE

3. Draft a letter to Nevada's Congressional Delegation indicating the need to receive information from individuals directly impacted by legislative policy. (This recommendation was previously adopted at the April 1, 2004, meeting)
4. Draft a letter to the Annie E. Casey Foundation, recognizing and supporting the efforts of the Juvenile Detention Alternatives Initiative. (This recommendation was previously adopted at the May 18, 2004, meeting)
5. Draft a letter to the Division of Child and Family Services (DCFS), the Elko and Caliente Youth Training Centers, and available resources (Nevada's Department of Transportation and Division of Forestry), to study the feasibility of teleconference and/or videoconference capabilities to enable the youth at remote training centers to communicate with their families.
6. Draft a letter to the Bureau of Alcohol and Drug Abuse and the Juvenile Justice Commission's Work Study Group, advocating the continued investigation of the service

delivery gaps and related funding resource issues in providing substance abuse treatment services for youths in the juvenile justice system.

7. Draft a letter to juvenile justice agencies, mental health providers, children's services, school districts and welfare administrators, directing the parties to work collaboratively to deliver and fund mental health services in a coordinated, non-duplicative and unified manner, and to make certain that all youths in the juvenile justice system have a treatment plan.
8. Draft a letter to the appropriate entities (school districts and detention facilities), and include a statement in the final report, urging that greater collaboration and information sharing be included on the paperwork sent to the youth training centers. This should include school records and completed information on the background of the youth, to assure that the youth training centers receive full information packages from the previous detention centers and service providers.
9. Draft a letter to Nevada's Congressional Delegation, and to the Bureau of Indian Affairs, voicing a concern for allowing the state to provide greater collaboration and a continuum of care for juvenile Native Americans in Nevada, while recognizing tribal sovereignty.

RECOMMENDATIONS TO INCLUDE A STATEMENT IN THE FINAL REPORT

10. Include a statement in the final report, encouraging service providers and juvenile justice agencies, to utilize memorandums of understanding, to coordinate the integration of case management and to facilitate the sharing of case information.
11. Include a statement in the final report supporting further research and study on the issue of blended sentencing. The study should include juvenile, adult community, and institutional correctional organizations.
12. Include a statement in the final report supporting further study on possible revenue streams for transitional living for children (ages 17 to 20) aging out of the juvenile justice system. The information studied should include an examination of the number of youth that are potentially affected, and the fiscal impact.
13. Include a statement in the final report encouraging the exploration of funding sources to provide integrated case management and school-based wraparound services.
14. Include a statement in the final report, recognizing the necessity and encouraging state agencies to find appropriate solutions to providing mental health services in the rural areas of the state.
15. Include a statement in the final report, recognizing the need to review the Community Corrections Partnership Block Grant and to consider future increases in the amount appropriated to the counties.

16. Include a statement in the final report encouraging and supporting continued communication and consensus building between the Division of Child and Family Services, the Youth Training Centers, management, staff, and correctional officers.
17. Include a statement in the final report encouraging the Department of Corrections to continue efforts to expand programs for youth to provide better education, training, and treatment programs for youth in the adult system.
18. Include a statement in the final report expressing support for the DCFS to create a cost allocation plan amendment to seek funding for allowable Title IV-E program costs for juvenile services.
19. Include a statement in the final report encouraging the continued study of available revenue sources for indigent juvenile defense.
20. Include a statement in the final report supporting the need for, and directing agencies to continue the dialogue regarding increasing social, wraparound, and transitional services for teens at risk of engaging in prostitution and teens who have ceased or are attempting to cease engaging in prostitution.
21. Include a statement in the final report: (1) recognizing the need for community based alternatives to incarceration for American Indian youth offenders; (2) encouraging counseling and treatment programs for American Indian youth in the juvenile justice system which draw upon the strengths of tribal culture; (3) recognizing tribal sovereignty, and the importance of policymakers working with Tribal Councils to reduce jurisdictional boundaries; (4) providing incarcerated youth access to quality education, life skills training, mental health treatment, and rehabilitative experiences; and (5) encouraging policymakers, police, officers of the court, and correctional providers to work together to remove racial inequalities from the juvenile court system.
22. Include a statement in the final report encouraging further study, data development, provision of care, referral services, and assessment on the level of care for available mental health services.

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY
NEVADA'S INDUSTRIAL INSURANCE PROGRAM**

Senate Bill 292
(Chapter 433, *Statutes of Nevada 2003*)

Members

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Assemblyman John Ocegüera, Vice Chairman
Senator Maggie A. Carlton
Senator Warren B. Hardy II
Assemblyman Ron Knecht
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CHAPTER 433

AN ACT relating to insurance; directing the Legislative Commission to appoint a committee to study the impact of Nevada’s industrial insurance program on injured workers, employers and insurers; authorizing the Commissioner of Insurance to conduct a study to review pricing mechanisms for medical professional liability insurance; and providing other matters properly relating thereto.

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

Section 1. The Legislative Commission shall appoint a committee consisting of six Legislators to conduct an interim study of the impact of Nevada’s industrial insurance program on injured workers, employers and insurers.

2. The Legislative Commission shall appoint to the committee three members of the Senate and three members of the Assembly who are acquainted with the statutory program for industrial insurance in this state.

3. The study must include, without limitation:

(a) An examination of the procedures for resolving contested industrial insurance claims filed by injured workers, the costs to injured workers, employers and insurers in litigating such claims, the effect of the benefit penalty on the resolution of such claims, and the timeliness of resolving such claims;

(b) Consideration of whether it is appropriate to reimburse injured workers for time off of work when they are receiving medical treatment for compensable industrial injuries or illnesses, including the cost of such reimbursement to employers and insurers and the impacts on injured workers of not making such reimbursement;

(c) Consideration of whether it is appropriate to increase benefits retroactively to a claimant or dependant of a claimant who is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability caused by an industrial injury or a disablement from an occupational disease that occurs before July 1, 2004, and if so, consideration of the sources for paying for such increased benefits; and

(d) A review of the impact of legislation enacted during the 2003 Legislative Session on injured workers, employers and insurers.

4. In conducting the study, the committee shall seek information and suggestions from experts in the area of industrial insurance and from various representatives of injured workers, employers and insurers.

5. 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 who are appointed to the committee.

6. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 73rd Session of the Nevada Legislature.

Sec. 2. 1. The Commissioner of Insurance may conduct a study to review pricing mechanisms for medical professional liability insurance.

2. If the Commissioner of Insurance conducts a study pursuant to this section, the Commissioner shall submit a report of the results of the study to the Governor and the Legislative Commission.

Sec. 3. This act becomes effective on July 1, 2003.

ABSTRACT

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY NEVADA'S INDUSTRIAL INSURANCE PROGRAM

(Senate Bill 292, Chapter 433, *Statutes of Nevada 2003*)

The Legislative Commission's Committee to Study Nevada's Industrial Insurance Program was established as a result of Senate Bill 292 (Chapter 433, *Statutes of Nevada 2003*). Among other things, the bill directs the Legislative Commission to appoint a committee to study impact of Nevada's industrial insurance program on injured workers, employers, and insurers. The study must include, without limitation:

- An examination of the procedures for resolving contested industrial insurance claims filed by injured workers, the costs to injured workers, employers and insurers in litigating such claims, the effect of the benefit penalty on the resolution of such claims, and the timeliness of resolving such claims;
- Consideration of whether it is appropriate to reimburse injured workers for time off of work when they are receiving medical treatment for compensable industrial injuries or illnesses, including the cost of such reimbursement to employers and insurers and the impacts on injured workers of not making such reimbursement;
- Consideration of whether it is appropriate to increase benefits retroactively to a claimant or dependant of a claimant who is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of *Nevada Revised Statutes* for a permanent total disability caused by an industrial injury or a disablement from an occupational disease that occurs before July 1, 2004, and if so, consideration of the sources for paying for such increased benefits; and
- A review of the impact of legislation enacted during the 2003 Legislative Session on injured workers, employers and insurers.

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

During the course of its work, the Committee considered testimony from members of the public in addition to testimony from experts in the area of industrial insurance as required by S.B. 292. After considering the issues presented, the Committee adopted recommendations to draft legislation concerning the following topics:

- Automatic Claim Reopening
- Compensation While Receiving Medical Treatment

- Consolidated Insurance Programs
- Documentation on Checks
- Licensing of Claims Adjusters
- Mandatory Vocational Assessments
- Permanent Total Disabilities
- Presumptive Benefits

The Committee also directed that letters be sent to:

- The Division of Industrial Relations (DIR), Nevada's Department of Business and Industry, requesting that DIR continue to gather information that could be used in considering a cost of living increase for Permanent Total Disability (PTD) claimants with dates of injury prior to January 1, 2004;
- DIR requesting assistance with a study of presumptive benefits that is being conducted by representatives of the Nevada Self Insurers Association and the Professional Firefighters of Nevada. The Committee would like DIR to send a questionnaire to self-insured public entities and compile the data;
- All workers' compensation insurers licensed to operate in Nevada encouraging them to process claims expeditiously; and
- DIR suggesting that the timeliness of claims acceptance be included in the audits of insurers that are conducted by DIR.

Finally, the Committee directed that LCB staff conduct research concerning how age affects the amount of a Permanent Partial Disability (PPD) award in Nevada and the western states.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY NEVADA'S INDUSTRIAL INSURANCE PROGRAM

(Senate Bill 292, Chapter 433, *Statutes of Nevada 2003*)

This summary presents the recommendations approved by the Legislative Commission's Committee to Study Nevada's Industrial Insurance Program (Senate Bill 292, Chapter 433, *Statutes of Nevada 2003*) at its July 6, 2004, meeting.

Permanent Total Disabilities (PTD)

1. Draft legislation to provide a one-time payment to permanent total disability (PTD) claimants with dates of injury prior to January 1, 2004. This proposed legislation would be similar to Section 3 of Senate Bill 193 (Chapter 452, *Statutes of Nevada 2003*). In addition, provide for an interim study of how to provide for ongoing increases in compensation for permanently and totally disabled workers injured before January 1, 2004. **(BDR 251)**
2. Send a letter to the Division of Industrial Relations (DIR), Nevada's Department of Business and Industry, requesting that DIR continue to gather information that could be used in considering a cost of living increase for PTD claimants with dates of injury prior to January 1, 2004.

Presumptive Benefits

3. Send a letter to DIR requesting assistance with a study of presumptive benefits that is being conducted by representatives of the Nevada Self Insurers Association and the Professional Firefighters of Nevada. The Committee would like DIR to send a questionnaire to self-insured public entities and compile the data.

Documentation on Checks

4. Draft legislation to amend Chapter 616C of *Nevada Revised Statutes* (NRS) to require that certain information be included on check stubs for recipients of PTD benefits. The information to be included on the check stub must identify the total amount of the benefit payment before deductions or offsets, the amount of any deductions or offsets (including a reference to the claim number in the case of a deduction to pay back a prior permanent partial disability [PPD] award), and the net amount of the current PTD payment. Additionally, the check stub must include the balance of all prior PPDs that are being paid back so that the claimant will know the current amount of any remaining offsets. **(BDR 249)**

Licensing of Claims Adjusters

5. Draft legislation to provide that adjusters who handle workers' compensation claims be licensed by the Division of Insurance, Nevada's Department of Business and Industry, in a manner similar to licensing requirements for non-attorney hearing representatives by the Department of Administration pursuant to NRS 616C.325. **(BDR 250)**

Automatic Claim Reopening

6. Draft legislation to amend Chapter 616C of NRS to provide that a claim can be automatically reopened for payment of a PPD award, if the claim previously had been closed without a PPD examination and the claimant can clearly show that he had a permanent impairment at the time the claim was closed. **(BDR 249)**

Mandatory Vocational Assessments

7. Draft legislation to amend NRS 616C.550, which currently provides that, under certain circumstances, if benefits for a temporary total disability will be paid to an injured employee for more than 90 days, a vocational rehabilitation counselor shall, within 30 days after being assigned to the claim, make a written assessment of the injured employee's ability or potential to return to gainful employment. Provide that vocational assessment is no longer mandatory, yet leave the insurer with the discretion to order an assessment and the injured worker the option to request one. **(BDR 249)**
8. Draft legislation to amend NRS 616C.550 to prohibit a vocational rehabilitation counselor who is an employee of an insurer from being assigned to provide vocational rehabilitation services on a case administered by his employer. **(BDR 249)**

Claims Acceptance

9. Send a letter to all workers' compensation insurers licensed to operate in Nevada encouraging them to process claims expeditiously.
10. Send a letter to DIR suggesting that the timeliness of claims acceptance be included in the audits of insurers that are conducted by DIR.

Compensation While Receiving Medical Treatment

11. Draft legislation to amend Chapter 616C of NRS to require that, in addition to any other benefits an injured worker is entitled to receive pursuant to Chapters 616A to 617, inclusive, of NRS, an injured worker also is entitled to payment of temporary total disability benefits for each hour he is temporarily absent from work for the purpose of receiving medical treatment for his industrial injury or occupational disease after he has been released by his treating physician to return to work if he:

- a) Must travel more than 20 miles from his place of work to receive the medical treatment; and
- b) Is not paid by his employer for the time taken off to receive the medical treatment.

Provide that an injured employee may not be required to use sick leave, annual leave, compensatory leave or any other leave for his absence from work for the purpose of receiving the subsequent medical treatment. These provisions should apply only to medical treatment that an injured employee receives on or after the effective date of the bill, regardless of when the injury occurred. Also amend NRS 616C.400 to provide that the period prescribed in subsection 1 of NRS 616C.400 does not apply if the conditions outlined herein are met. **(BDR 250)**

Calculation of PPD Awards

- 12. Direct LCB staff to conduct research concerning how age affects the amount of a PPD award in Nevada and the western states.

Consolidated Insurance Programs (CIPs)

- 13. Draft legislation to amend Chapter 616B of NRS concerning Consolidated Insurance Programs (CIP) to increase fines, and enhance regulatory authority for violations of safety requirements. **(BDR 252)**

THE NEVADA MENTAL HEALTH PLAN IMPLEMENTATION COMMISSION

Senate Bill 301
(Chapter 445, *Statutes of Nevada 2003*)

Members

Senator Randolph J. Townsend, Chairman
Assemblywoman Sheila Leslie, Vice Chairman
Senator Bob Coffin
Senator Raymond D. Rawson
Assemblyman Joseph P. Hardy, M.D.
Assemblyman William Horne
Jone M. Bosworth, Administrator, Division of Child and Family Services,
Department of Human Resources (DHR)
Carlos Brandenburg, Ph.D., Administrator, Division of Mental Health
and Developmental Services, DHR
Maria Canfield, Chief, Bureau of Alcohol and Drug Abuse, DHR
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CHAPTER 445

AN ACT relating to mental health; creating the Nevada Mental Health Plan Implementation Commission to develop an action plan for implementing the recommendations of the President’s New Freedom Commission on Mental Health in this state; and providing other matters properly relating thereto.

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

Section 1. 1. The Nevada Mental Health Plan Implementation Commission is hereby created.

2. The Commission consists of:

- (a) Three members of the Senate who are appointed by the Majority Leader of the Senate;
- (b) Three members of the Assembly who are appointed by the Speaker of the Assembly;
- (c) The Administrator of the Division of Mental Health and Developmental Services of the Department of Human Resources, or his designee;
- (d) The Chief of the Bureau of Alcohol and Drug Abuse within the Health Division of the Department of Human Resources, or his designee;
- (e) The Administrator of the Division of Health Care Financing and Policy of the Department of Human Resources, or his designee; and
- (f) The Administrator of the Division of Child and Family Services of the Department of Human Resources, or his designee.

3. At its first meeting, the members of the Commission shall elect a chair from among its members.

Sec. 2. 1. The members of the Nevada Mental Health Plan Implementation Commission serve on the Commission for 6 months beginning on the day the President’s New Freedom Commission on Mental Health Report is made public.

2. A vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment.

3. The Commission shall meet at the times and places specified by a call of the Chair of the Commission.

4. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Commission.

Sec. 3. 1. Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of the Commission who is a Legislator attends a meeting of the Commission or is otherwise engaged in the work of the Commission, 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 Commission must be paid from the Legislative Fund.

2. Members of the Nevada Mental Health Plan Implementation Commission who are not Legislators serve without compensation, except that a member of the Commission is entitled, while engaged in the business of the Commission, to receive the per diem allowance and travel expenses provided for state officers and employees generally.

3. Each member of the Commission who is an officer or employee of the State of Nevada or a local government must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or local governmental entity shall not require an officer or employee who is a member of the Commission to make up the time that he is absent from work to carry out his duties as a member of the Commission or to use annual vacation or compensatory time for the absence.

Sec. 4. 1. The Nevada Mental Health Plan Implementation Commission shall:

(a) Determine how Nevada will implement the recommendations of the President's New Freedom Commission on Mental Health to enable adults with serious mental illnesses and children with serious emotional disturbances to live, work, learn and participate fully in their communities; and

(b) Develop an action plan for implementing the recommendations in this state.

2. The Commission shall submit a report setting forth the action plan developed pursuant to this section to the Interim Finance Committee, the Subcommittee to Study Mental Health Issues of the Legislative Committee on Health Care and the Governor on or before January 1, 2005.

Sec. 5. This act becomes effective on July 1, 2003, and expires by limitation on January 1, 2005.

ABSTRACT

THE NEVADA MENTAL HEALTH PLAN IMPLEMENTATION COMMISSION

Senate Bill 301

(Chapter 445, *Statutes of Nevada 2003*)

The 72nd Session of the Nevada Legislature adopted Senate Bill 301 (Chapter 445, *Statutes of Nevada 2003*), establishing the Nevada Mental Health Plan Implementation Commission. The Commission was required to determine a plan for Nevada's implementation of the recommendations of President George W. Bush's New Freedom Commission on Mental Health. As provided in S.B. 301, in addition to members of the Legislature, the Commission membership included specific executive agency administrators and bureau chiefs.

The Commission held seven meetings during the course of the 2003-2004 Legislative Interim: five meetings at the Legislative Building in Carson City and two meetings at the Grant Sawyer State Office Building in Las Vegas. During the course of the study, the Commission received extensive expert testimony from national experts, many of whom had served on the New Freedom Commission on Mental Health, as well as from local representatives.

The meetings of the Commission were organized around the following six goals contained in the final report of the New Freedom Commission on Mental Health, titled *Achieving the Promise: Transforming Mental Health Care in America*:

- Goal 1: Americans understand that mental health is essential to overall health.
- Goal 2: Mental health care is consumer- and family-driven.
- Goal 3: Disparities in mental health services are eliminated.
- Goal 4: Early mental health screening, assessment, and referral to services are common practices.
- Goal 5: Excellent mental health care is delivered and research is accelerated.
- Goal 6: Technology is used to access mental health care and information.

Following the final substantive meeting on New Freedom goals, all interested constituencies who had participated in the work of the Commission were asked to submit their recommendations for actions. Suggestions made by invited speakers were extracted from the minutes. The Commission publicized the list of recommendations; any interested person was invited to identify top priorities in each category of goals. The three recommendations in each goal receiving the most endorsements were considered for action by the Commission at its work session.

The full Commission adopted several recommendations, deferring others that were projected to have a fiscal impact if implemented. To avoid a conflict for members of the Commission who

were division and bureau directors, a subcommittee of the Commission consisting of the legislator members was formed to deliberate those recommendations with a fiscal impact. The Nevada Mental Health Plan Implementation Commission Subcommittee to Continue the Work of the Commission acted on the deferred recommendations at its only meeting held in Carson City.

SUMMARY OF RECOMMENDATIONS

THE NEVADA MENTAL HEALTH PLAN IMPLEMENTATION COMMISSION

Senate Bill 301
(Chapter 445, *Statutes of Nevada 2003*)

This summary presents the recommendations approved by the Nevada Mental Health Plan Implementation Commission and its Subcommittee to Continue the Work of the Commission, established by the Commission at its work session on January 26, 2004. All bill draft requests were adopted by the full Commission. All other recommendations for actions were adopted by the full Commission, unless noted as an action by the Subcommittee.

RECOMMENDATIONS FOR LEGISLATION

The members of the Nevada Mental Health Plan Implementation Commission adopted the following recommendations for legislative measures:

Goal 2: Mental health care is consumer- and family-driven.

1. Request the drafting of legislation to establish a subcommittee of the Interim Finance Committee (IFC) to address housing in Nevada that is funded in whole or in part by public funds, including, but not limited to, housing for those persons who are mentally ill, elderly, disabled, low-income, or who otherwise need housing assistance, with special focus on persons reentering the community, including those from correctional institutions. Further, the creation of such a housing subcommittee of IFC would (1) establish a coordinated approach to all housing dollars entering Nevada; and (2) ensure there is a connection between housing and services. **(BDR 277)**
2. Request the drafting of legislation that would require consumers to be active participants in the development of their mental health treatment and care plans. **(BDR 280)**

Goal 3: Disparities in mental health services are eliminated.

3. Request the drafting of legislation requiring a consumer, past or present, of mental health services in the state system be included as a member of Nevada's Commission on Mental Health and Developmental Services. **(BDR 279)**

RECOMMENDATIONS FOR COMMISSION ACTION

The following recommendations for action were adopted by the full Commission, except where action by the members of the Subcommittee is noted.

Goal 1: Americans understand that mental health is essential to overall health.

1. Establish a subcommittee of the Nevada Mental Health Plan Implementation Commission to meet with designees appointed by the Governor, including representatives from the broadcast industry, radio, television, and newspaper publications to develop a plan for public service announcements in English and Spanish. Direct school districts to report on implementation of programs that focus on de-stigmatizing mentally ill persons. (Action by the Subcommittee)
2. Urge, in its report, the Governor to include in the Executive Budget funding for comprehensive, statewide suicide prevention and intervention programs that include survivors of suicide. Support and maintain a statewide suicide prevention plan that will include evaluation, prevention, and post-intervention services; education and training for gatekeepers, professionals, the media, and the public; youth suicide prevention in schools; and careful attention to the relationship between suicide and co-occurring disorders. (Action by the Subcommittee)

Goal 2: Mental health care is consumer- and family-driven.

3. Recommend, in its report, that the Governor provide for the development of a Comprehensive State Mental Health Plan. The plan will be designed to overcome the problems of fragmentation in the mental health delivery system and will provide important opportunities to leverage resources across multiple agencies that administer both state and federal funds. The Commission envisions a single entity coordinating the plan. The planning process should support a dialogue among all stakeholders and reach beyond the traditional state mental health agency to address the full range of treatment and support service programs that consumers and families need. The final result should be an extensive and coordinated state system of services that work to foster consumer independence and support consumers' ability to live, work, learn, and participate fully in their communities and provide for specific items such as standardized formularies to address co-occurring disorders.
4. Express, in its report, support for the concept of the Behavioral Health Plan System Redesign of the Division of Health Care Financing and Policy (DHCFP), Department of Human Resources (DHR), and urge the Executive Branch and DHR to go forward with the funding and implementation of the proposed redesign plan. The Behavioral Health Plan recommendations include, but are not limited to, standardizing the infrastructure of the system, developing specialty clinics, eliminating state-devised reimbursable codes for Nevada Medicaid, delivering targeted case management services through state agencies, and defining mechanisms for utilization management. The recommendation includes incremental costs that may come through DHCFP and the Division of Mental Health and Developmental Services (DMHDS). (Action by the Subcommittee)
5. Recommend, in its report, that Nevada should take steps to promote, encourage, and facilitate greater access to safe and affordable community-based housing and support services by using an array of resources within the United States Departments of Housing

and Urban Development (HUD), and Health and Human Services (HHS), and the Veterans Administration (VA) as leverage. To accomplish this, the Commission approved the following actions:

- a. Send a letter to Nevada's Congressional delegation urging the members to support restoration of Residential Substance Abuse Treatment funds in the federal budget.
 - b. Include this recommendation in the Commission's report along with a statement regarding the need for housing funds specifically for mentally ill persons.
 - c. Request the DMHDS, DHR to update the inventory of available housing that was completed two years ago.
6. Urge, in its report, the Executive Branch to research and provide to the Interim Finance Committee recommendations for a person or firm to provide contract services for the purpose of securing grants that lead to funding mental health, housing, and other health-related services. (Action by the Subcommittee)

Goal 3: Disparities in mental health services are eliminated.

7. Urge, in its report, DMHDS to develop a rural recruitment and retention program that acknowledges difficulties in hiring and retaining qualified professionals in rural Nevada. Include rural recruitment and retention in the state's cultural competency plan.
8. Urge, in its report, all state agencies and local governments to develop a cultural competency plan for the state and urge DHR to provide effective assistance for minorities, particularly those who face cultural barriers and lack English proficiency, to receive in-patient and out-patient mental health services.

Goal 4: Early mental health screening, assessment, and referral to services are common practices.

9. Express, in its report, support for the concept of increasing medical staff at the state's mental hospital to accommodate mentally ill patients with physical health issues, and allow DMHDS the flexibility to address the fiscal concerns in the agency's budget through contract services. (Action by the Subcommittee)
10. Express, in its report, support for the crisis triage center concept throughout the state, including the development and implementation of formalized training for staff that interacts with offenders with mental health disorders, including correctional officers and staff of the Division of Parole and Probation, Nevada's Department of Public Safety.
11. Express, in its report, support for funding of psychiatry fellows from the University of Nevada School of Medicine (UNSOM) and Adolescent Psychiatry Fellowship Training Program for the purpose of reducing the shortage of child and adolescent psychiatrists. (Action by the Subcommittee)

12. Express, in its report, support for the concept of maintenance of UNSOM's psychiatry residency training program in northern Nevada and support for the establishment of a new psychiatry residency training program in southern Nevada. (Action by the Subcommittee)
13. Express, in its report, support for the establishment of residency training, fellows, and paid internships that include alcohol and drug training to increase qualified mental health staff. To accomplish this, the Commission approved the following recommendations:
 - a. Broaden the pool of qualified geriatric clinicians through the licensing of professional counselors in Nevada;
 - b. Expand the scope of practice for licensed alcohol and drug counselors to assess for and oversee the treatment of Axis 2 mental health disorders;
 - c. Require certification of professional staff working with older adults, such as completion of a Providers Certificate of Specialization in Aging offered by the Geriatric Education Center at UNSOM; and
 - d. Enhance the state's ability to provide integrated substance abuse and mental health services to persons with co-occurring disorders.
14. Express, in its report, support for the enhancement of senior mental health services.

Goal 5: Excellent mental health care is delivered and research is accelerated.

15. Urge, in its report, the University and Community College System of Nevada (UCCSN) to assist governmental agencies with behavioral health data collection issues.
16. Urge, in its report, DMHDS to establish mechanisms to monitor the effectiveness of mental health services efforts.
17. Urge, in its report, DHR to establish funding mechanisms or incentives to implement an evidence-based practices agenda.
18. Urge, in its report, DHR to seek funding to purchase materials and train clinicians in evidence-based psychological practices.

Goal 6: Technology is used to access mental health care and information.

19. Urge, in its report, DMHDS to implement electronic medical records for all DMHDS clients and urge DMHDS and the Division of Child and Family Services (DCFS) to establish a computerized medical information system to increase coordination, communication, and continuity between and within state and private agencies.

20. Urge, in its report, DMHDS to develop telemental health capacity for rural Nevada for all disciplines, including psychiatry, psychology, social work, juvenile justice, marriage and family therapy, dually licensed (substance abuse and mental health) providers, service coordination, and nursing. Additionally, include in the final report a statement regarding the need to establish telehealth guidelines to protect the public health.
21. Urge, in its report, DCFS to establish telehealth-based psychiatric services at each of the three state-operated youth (correctional) training facilities: the Northern Nevada Youth Training Center in Elko, the Caliente Youth Center in Caliente, and the Summit View Youth Correctional Center in Las Vegas.

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

Senate Concurrent Resolution No. 7
(File No. 63, *Statutes of Nevada 2003*)

Members

Senator Dean A. Rhoads, Chairman
Assemblyman Jerry D. Claborn, Vice Chairman
Senator Bob Coffin
Senator Mike McGinness
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Senate Concurrent Resolution No. 7—Committee on
Natural Resources

FILE NUMBER 63

SENATE CONCURRENT RESOLUTION—Directing the Legislative Committee on Public Lands to continue the study of wilderness areas and wilderness study areas in this state.

WHEREAS, The provisions of 16 U.S.C. §§ 1131 et seq., commonly referred to as the Wilderness Act, establish the National Wilderness Preservation System, which consists of areas of federal public land that are designated by Congress as wilderness areas; and

WHEREAS, Congress has designated approximately 2 million acres of certain federal public lands in Nevada as wilderness areas; and

WHEREAS, If an area of federal public land is designated as a wilderness area, it must be managed in a manner that preserves the wilderness character of the area and ensures that the area remains unimpaired for future use and enjoyment as a wilderness area; and

WHEREAS, A reasonable amount of wilderness area in this state provides for a diverse spectrum of recreational opportunities in Nevada, promotes tourism and provides a place for Nevadans to escape the pressures of urban growth; and

WHEREAS, In conjunction with the provisions of the Wilderness Act, the Bureau of Land Management of the Department of the Interior manages approximately 3.86 million acres of federal public lands in Nevada identified as wilderness study areas; and

WHEREAS, Until a wilderness study area is designated by Congress as a wilderness area or released, the wilderness study area must be managed in a manner that does not impair its suitability for preservation as a wilderness area; and

WHEREAS, Because approximately 2 million acres of federal public land in Nevada have been designated as wilderness areas and approximately 8.6 percent of the federal public land in Nevada that is managed by the Bureau of Land Management has been identified as wilderness study areas and because such designation or identification is believed to impose significant restrictions concerning the management and use of such land, including land used for mining, ranching and recreation, the Legislative Commission appointed a subcommittee in 2001 to conduct an interim study of wilderness areas and wilderness study areas in this state; and

WHEREAS, During the 2001-2002 legislative interim, the subcommittee met several times throughout this state and facilitated important and wide-ranging discussions among many agencies, organizations and persons with diverse interests, perspectives and expertise concerning wilderness areas and wilderness study areas; and

WHEREAS, Although the subcommittee obtained valuable information concerning the selection, management and use of wilderness areas and wilderness study areas in this state, and although Congress recently enacted the Clark County Conservation of Public Land and Natural Resources Act of 2002, Public Law 107-282 (2002), which released approximately 224,000 acres in Clark County from its current status as a wilderness study area, additional study of these issues is still needed as a significant majority of the federal public land in Nevada that had been previously designated as a wilderness area or identified as a wilderness study area remains designated or identified as such; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Committee on Public Lands is hereby directed to continue

the study of wilderness areas and wilderness study areas in this state, and that the Legislative Commission is hereby directed to appoint two additional members of the Senate and two additional members of the Assembly who are representative of various geographical areas of this state to the Legislative Committee on Public Lands for the purposes of this study; and be it further

RESOLVED, That the study must include, without limitation:

1. An examination of the manner in which wilderness areas and wilderness study areas 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 areas of this state are suitable for possible designation by Congress as wilderness areas; and

3. A review of any other issues or subjects concerning the establishment, management or use of a wilderness area or wilderness study area in this state, as deemed necessary by the subcommittee; and be it further

RESOLVED, That in conducting the study, the Legislative Committee on Public Lands shall seek input from various governmental agencies, organizations and persons concerning wilderness areas and wilderness study areas in this state; and be it further

RESOLVED, That any recommendations that result from the study relating to the manner in which Congress designates wilderness areas or identifies wilderness study areas must be submitted to each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That the Legislative Committee on Public Lands shall submit a report of the results of the study and any recommendations for legislation to the 73rd Session of the Nevada Legislature.

ABSTRACT

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

Senate Concurrent Resolution No. 7
(File No. 63, *Statutes of Nevada 2003*)

The Legislative Committee on Public Lands' Wilderness and Wilderness Study Areas Subcommittee is the result of Senate Concurrent Resolution No. 7 introduced in the 72nd Session of the Nevada Legislature. 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 wilderness study areas (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.

The Subcommittee held five meetings during the course of the study. Meetings were held in Winnemucca, Caliente, Ely, Reno and Carson City. Extensive testimony regarding the impact of wilderness designations and WSAs was provided by state and federal agency representatives, local government officials, environmentalists, ranchers, miners, Native Americans, and the general public regarding the impact of wilderness designations and WSAs.

At its final meeting, the Subcommittee adopted recommendations for consideration by the Legislative Committee on Public Lands. The recommendations cover a variety of issues and are summarized in the "Summary of Recommendations."

More than two decades ago, approximately 5.1 million acres of Nevada land were designated as WSAs pursuant to federal law. As such, the Bureau of Land Management (BLM) 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, until recently, been unable to reach a consensus regarding the final disposition of the WSAs.

The first major progress occurred during 2001-2002 when Congress passed the "Clark County Conservation of Public Land and Natural Resources Act of 2002." The measure was signed into law by President George W. Bush on November 6, 2002, and is now Public Law 107-282.

Under the law, 444,000 acres of federal land were granted wilderness status. Additionally, the bill added 26,433 acres to the Desert National Wildlife Refuge and created the 48,438-acre Sloan Canyon National Conservation Area near Henderson, Nevada.

Further, the measure released 183,375 acres of BLM property throughout the county from WSA status and set aside about 6,000 acres for a planned community north of Jean, Nevada, near where Clark County plans to build a second airport. Moreover, the measure provided for corridors for power lines and a possible high-speed magnetic levitation rail in the area south of Las Vegas, Nevada. Finally, the bill provided for a land swap near Red Rock National Conservation Area involving 1,071 acres that were added to Red Rock in exchange for transferring 998 acres of federal land to the Howard Hughes Corporation. The legislation was viewed as a potential model for resolution of further WSA issues in Nevada.

On June 16, 2004, just five days after the S.C.R. 7 Subcommittee concluded its work, the Lincoln County Conservation, Recreation, and Development Act of 2004 (H.R. 4593; S. 2532) was introduced in both houses of Congress by the members of the Nevada Congressional Delegation. Among its principal provisions, the Act designates 769,611 acres as wilderness and releases 245,516 acres to general use. Additionally, the measure authorizes the sale of up to 87,005 acres of federal land through an auction process with forty-five percent of the proceeds being retained by Lincoln County for economic development, parks, trails, and natural areas. The bill also expands three state parks and establishes a 260-mile off-highway vehicle road trail. To date, the bills are still pending in Congress. Proponents are hopeful the measure will be acted on later this year.

SUMMARY OF RECOMMENDATIONS

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

Senate Concurrent Resolution No. 7
(File No. 63, *Statutes of Nevada 2003*)

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 June 11, 2004.

RECOMMENDATIONS FOR LEGISLATION

Please note: The bill draft request (BDR) referenced in this document will be available at the beginning of the 2005 Legislative Session.

The Subcommittee recommends that the 73rd Session of the Nevada Legislature adopt the following resolution:

1. Urging Congress to:
 - a. Encourage the Nevada Congressional Delegation to work with all interested Nevadans and in particular, Native Americans, land managers, affected stakeholders, local governments, special interest organizations, and the larger American public to work collaboratively together in a spirit of cooperation and mutual respect in pursuit of wilderness area designation for Nevada's public lands.
 - b. Continue the policy of releasing federal lands for conversion to state or private lands as wilderness areas are designated or released to general use, in accordance with stakeholder agreements.
 - c. Carefully consider the requirements of existing and future military operations on wilderness land and in the airspace over wilderness land and make appropriate provisions therefore.
 - d. Support adoption of a schedule for timely consideration of a plan to release lands not designated as wilderness areas.
(BDR R-432)

RECOMMENDATIONS FOR COMMITTEE ACTION

Additionally, the Subcommittee voted to:

Include a statement in the Subcommittee report urging all interested stakeholders to work cooperatively together on a county or regional basis to develop their own recommendations to the Congressional Delegation and additionally urge stakeholders to complete the process as soon as reasonably possible.

BULLETIN 05-10

**LEGISLATIVE COMMITTEE ON HEALTH CARE'S SUBCOMMITTEE TO STUDY
MEDICAL AND SOCIETAL COSTS AND IMPACTS OF OBESITY**

Senate Concurrent Resolution No. 13
(File No. 89, *Statutes of Nevada 2003*)

Members

Senator Valerie Wiener, Chairwoman
Senator Barbara K. Cegavske
Assemblyman Kelvin Atkinson
Assemblyman Garn Mabey, M.D.
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Senate Concurrent Resolution No. 13

FILE NUMBER 89

SENATE CONCURRENT RESOLUTION—Directing the Legislative Committee on Health Care to conduct an interim study concerning the medical and societal costs and impacts of obesity in Nevada.

WHEREAS, Obesity manifests itself as one of our nation's most significant public health concerns as proven by recent statistics from the Centers for Disease Control and Prevention which reveal that in the United States, approximately 38.8 million adults, 19.8 percent of adults in the United States, are classified as obese, and an estimated 9 million children and adolescents between the ages of 6 and 19 years, 15 percent of that age group, are categorized as overweight; and

WHEREAS, These statistics represent such an extremely rapid rise of obesity in our society over the last decade that members of the medical profession attach the word "epidemic" to the problem, a word usually reserved for massive outbreaks of infectious disease; and

WHEREAS, Obesity is a chronic disease, and studies show that about one half of children who are overweight by the time they are 6 or 7 years of age remain overweight as adults and 75 percent of adolescents who are overweight will remain overweight as adults; and

WHEREAS, Research has established that there is a direct causal relationship between obesity and heart disease, hypertension, stroke, elevated cholesterol, type 2 diabetes, gallbladder disease, arthritis, breathing problems, gout, and forms of cancer such as uterine, cervical, ovarian, breast, gallbladder, colorectal and prostate; and

WHEREAS, Statistics for the year 2000 from the Centers for Disease Control and Prevention disclose that 4,089 deaths in Nevada were the result of heart disease and that 3,763 deaths were caused by cancer, and obesity almost assuredly played a role in many of these deaths; and

WHEREAS, Not only does obesity affect physical health, but obese persons may also experience low self-esteem, social stigmatism, discrimination, poor body image and increased risk of emotional problems, and disorders such as chronic depression, anxiety and obsessive compulsive disorder have commonly been linked to obesity; and

WHEREAS, According to *The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity*, issued in 2001, an estimated 300,000 people die each year from illnesses directly caused or worsened by being overweight, a fact that prompted former Surgeon General David Satcher to warn that obesity may soon overtake tobacco as the leading cause of preventable death in America; and

WHEREAS, In 2000, the total costs of this epidemic in the United States rose to an estimated \$117 billion per year, consisting of \$61 billion in direct costs for preventive, diagnostic and treatment services for medical care and \$56 billion in losses relating to productivity in the workforce and the value of future earnings lost by premature death; and

WHEREAS, There is a compelling need for an aggressive program of prevention and treatment because the direct and indirect costs resulting from obesity are expected to increase rapidly as the problem worsens and because the prevention and amelioration of obesity could have a significantly positive impact on health care costs in this state; and

WHEREAS, Conquering the problem of obesity must begin with the process of accumulating sound scientific data as a foundation for fostering awareness of the role that

genetics, behavior and environment play in obesity and finding solutions to improve the quality of life; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Committee on Health Care is hereby directed to conduct a study of the medical and societal costs and impacts of obesity on the State of Nevada; and be it further

RESOLVED, That a subcommittee must be appointed for the study consisting of one Legislator appointed by the Majority Leader of the Senate, one Legislator appointed by the Minority Leader of the Senate, one Legislator appointed by the Speaker of the Assembly and one Legislator appointed by the Minority Leader of the Assembly, all of whom must have served on the Senate Standing Committee on Human Resources and Facilities or the Assembly Standing Committee on Health and Human Services during the 2003 Legislative Session; and be it further

RESOLVED, That one person assigned by the Health Division of the Department of Human Resources and one person assigned by the Department of Education shall also serve as voting members of the subcommittee; and be it further

RESOLVED, That the Legislative Commission shall appoint a chairman of the subcommittee from among the members of the subcommittee; and be it further

RESOLVED, That the study must include, without limitation:

1. An analysis of the fiscal impact of obesity on health care costs and productivity in Nevada and a determination of possible savings in health care costs resulting from the prevention and proper treatment of obesity;
2. The identification of programs and practices that have been established in Nevada and other states which are cost-effective and could be implemented throughout Nevada;
3. Recommendations for programs to increase public awareness regarding the causes, prevention, risks and treatment of obesity;
4. An examination of the particular effects of the 24-hour lifestyle and transient nature of some of the population of this state on obesity;
5. Recommendations for programs and practices that encourage healthy and balanced fitness and nutritional choices; and
6. Any other proposals for legislation relating to health care for obesity that the committee may receive or develop; and be it further

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

RESOLVED, That the Legislative Committee on Health Care shall submit a report of the results of the study and any recommendations for legislation to the 73rd Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMITTEE ON HEALTH CARE'S SUBCOMMITTEE TO STUDY MEDICAL AND SOCIETAL COSTS AND IMPACTS OF OBESITY

Senate Concurrent Resolution No. 13
(File No. 89, *Statutes of Nevada 2003*)

The Legislative Committee on Health Care's Subcommittee to Study Medical and Societal Costs and Impacts of Obesity was established by Senate Concurrent Resolution No. 13, File No. 89, *Statutes of Nevada 2003*.

The Subcommittee met three times. All public hearings were conducted through simultaneous videoconferences between Carson City and Las Vegas, Nevada.

The Subcommittee considered a number of significant issues related to obesity prevention. The Subcommittee did not adopt any recommendations for legislation, but it did adopt one recommendation that was forwarded to the Health Division in Nevada's Department of Human Resources for its consideration. In addition, the Subcommittee authorized the chairwoman to send seven letters to various parties about the activities of the committee and the desire of members to see certain changes related to obesity prevention.

Although no formal recommendations for legislation were adopted by the committee, this bulletin provides background information concerning the activities of the Subcommittee.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON HEALTH CARE'S SUBCOMMITTEE TO STUDY MEDICAL AND SOCIETAL COSTS AND IMPACTS OF OBESITY

Senate Concurrent Resolution No. 13
(File No. 89, *Statutes of Nevada 2003*)

This summary presents the recommendations approved by the Legislative Committee's Subcommittee to Study Medical and Societal Costs and Impacts of Obesity (Senate Concurrent Resolution No. 13, File No. 89, *Statutes of Nevada 2003*) at its May 22, 2004, meeting. The Subcommittee submits the following proposals to the 73rd Session of the Nevada Legislature:

Statewide Plan and Resource List Concerning Obesity

1. Recognizing both that obesity is a major public health issue and that the Health Division in the state's Department of Human Resources serves as the state's leader in public health, the division was asked to continue the work of the Subcommittee. The Subcommittee approved two primary requests for the division: (a) convene a planning group or steering committee to develop a statewide strategic plan concerning the prevention of obesity; and (b) maintain and update the "Obesity Resource List" that the Subcommittee developed during the course of its study.

Letters

The members authorized the Subcommittee chairwoman to send the following letters on behalf of the Subcommittee:

2. A letter to Nevada's Congressional representatives urging them to enact legislation such as the Improved Nutrition and Physical Activity (IMPACT) Act, which was referred to the House Committee on Energy and Commerce on January 20, 2004. This legislation will provide more funding to states to help them pursue initiatives to reduce the prevalence of obesity.
3. A letter to the United States Food and Drug Administration and the U.S. Department of Agriculture urging these agencies to simplify the nation's food labeling system and to undertake a more comprehensive promotional effort to educate consumers about the use of the Nutrition Facts Panel and its application to their daily diet and the Food Pyramid.
4. A letter to billboard companies in Nevada urging them to allow obesity prevention advertising without charging a fee whenever a billboard is not in use.
5. A letter to Nevada's Department of Transportation urging the department to find grant funding to develop safe biking and walking routes to schools.

6. A letter to representatives of the nation's packaged foods industry urging them to package snack foods in single serve packages and to include labeling that reflects the packaging.
7. A letter to the superintendent of the State Department of Education asking him to request information from the state's school districts about their use of vending machines, snack boxes, and candy stores in each of their respective schools. The request should ask for the amount of funding that is raised from vending machines in each school, an identification of the contract requirements for each school, and information identifying how the money is used by each school.
8. A letter to the chancellor of the University and Community College System of Nevada urging the UCCSN to include obesity training in the health curriculums of the medical school and for teachers who instruct in nutrition and health at elementary, middle, and high schools.

**LEGISLATIVE COMMITTEE ON PUBLIC LANDS' SUBCOMMITTEE TO STUDY
THE FEASIBILITY AND DESIRABILITY OF A CHANGE IN THE
BOUNDARY LINE BETWEEN NEVADA AND UTAH**

Senate Concurrent Resolution No. 20
(File No. 82, *Statutes of Nevada 2003*)

Members

Senator Dean A. Rhoads, Chairman
Senator Michael A. Schneider
Assemblyman John C. Carpenter

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Senate Concurrent Resolution No. 20–Senator Rhoads
(by request)

FILE NUMBER 82

SENATE CONCURRENT RESOLUTION—Directing the Legislative Committee on Public Lands to conduct an interim study of the feasibility and desirability of changing the state boundary line along the border with Utah.

WHEREAS, In a local referendum on November 5, 2002, the residents of the cities of West Wendover, Nevada, and Wendover, Utah, voted to approve a merger of the two cities; and

WHEREAS, The annexation of Wendover, Utah, to the State of Nevada will result in a change in the boundary line between the two states; and

WHEREAS, The consulting firm Applied Development Economics of Berkeley, California, recently conducted a limited study for the cities of West Wendover and Wendover, funded in part by the United States Department of Agriculture, that indicated a merger would provide benefits for both cities; and

WHEREAS, A change in the boundary line between Nevada and Utah must be agreed upon by the two states in an interstate agreement or compact enacted by the Legislature of each state; and

WHEREAS, There are several issues that must be examined and evaluated before the step of redrawing a long-standing state boundary can be taken; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Committee on Public Lands is hereby directed to conduct an interim study of the feasibility and desirability of a change in the boundary line between Nevada and Utah; and be it further

RESOLVED, That the Legislative Commission shall appoint one additional member of the Senate and one additional member of the Assembly to assist in conducting the study; and be it further

RESOLVED, That the study must include a review of the 2002 Wendover Annexation Study conducted by Applied Development Economics of Berkeley, California; and be it further

RESOLVED, That the study must include, without limitation, an examination and evaluation of the potential impact of such a merger upon the economic, educational, fiscal, professional and social health and well-being of the two communities; and be it further

RESOLVED, That the Legislative Committee on Public Lands may appoint and consult with an advisory committee for the purposes of this study; and be it further

RESOLVED, That the members of the advisory committee serve without compensation and per diem allowances, travel expenses or other reimbursement; and be it further

RESOLVED, That the members of the Legislative Committee on Public Lands are directed to meet, communicate and work cooperatively with members of the Utah State Legislature to achieve the goals set forth and, if appropriate, prepare a draft of language to be used in an interstate agreement or compact to change the boundary; and be it further

RESOLVED, That on or before September 1, 2004, the Legislative Committee on Public Lands shall prepare and submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission.

ABSTRACT

LEGISLATIVE COMMITTEE ON PUBLIC LANDS' SUBCOMMITTEE TO STUDY THE FEASIBILITY AND DESIRABILITY OF A CHANGE IN THE BOUNDARY LINE BETWEEN NEVADA AND UTAH

Senate Concurrent Resolution No. 20
(File No. 82, *Statutes of Nevada 2003*)

The Legislative Committee on Public Lands' Subcommittee to Study the Feasibility and Desirability of a Change in the Boundary Line Between Nevada and Utah (S.C.R. 20 [File No. 82, *Statutes of Nevada 2003*]) held its final meeting on August 13, 2004, in West Wendover, Nevada. The Subcommittee previously met on January 9, 2004, also in West Wendover. Additionally, numerous communications occurred between Subcommittee staff and officials in both Wendover, Utah; West Wendover, Nevada; Elko County, Nevada; and Tooele County, Utah.

The Subcommittee was created by S.C.R. 20 of the 2003 Session. As its name indicates, the Subcommittee was established to study the feasibility and desirability of annexing the city of Wendover, Utah, as part of the city of West Wendover, Nevada.

Facts Concerning the Two Wendovers

There has been interest in combining Wendover, Utah, and West Wendover, Nevada, for some years. Both communities are isolated from major population centers; Wendover, Utah, is 122 miles from Salt Lake City, approximately a two-hour drive by automobile. West Wendover is 109 miles from the county seat in Elko.

Wendover, Utah, has a population of approximately 1,500 citizens while West Wendover has about 4,800 residents. The two communities have separate school systems, municipal governments, and services such as police and fire protection. Some residents of both communities believe combining the two cities would result in better, less expensive public services and a stronger economic future for a united community.

Prior Congressional Efforts at Annexation

On June 5, 2001, Utah Congressman James V. Hansen, now retired, introduced a bill in Congress, H.R. 2054. This bill provided for the consent of Congress to a compact between Utah and Nevada regarding a change in boundaries in the Wendover area. The measure was cosponsored by Nevada Congressman Jim Gibbons.

Shortly before the bill was introduced in Congress, the West Wendover city council voted not to endorse the measure. Concern was expressed about the ability to assume existing debts from Utah for a new elementary school and the airport. The day after H.R. 2054 was introduced in Congress, the Elko County Commission voted 3-2 in favor of studying annexation.

On September 2, 2001, the city councils of both communities voted to ask Congress to allow citizens of the affected cities to vote on the issue of annexation. As a result, H.R. 2054 was amended to include a requirement for such a vote. Ultimately, the bill passed the House and was referred to the Senate Committee on the Judiciary where it expired when no action was taken.

Briefly, the version of H.R. 2054 that passed the House of Representatives provided that Congress consented to a compact or agreement between Utah and Nevada that met the following requirements;

- The agreement must be consented to by the legislatures of the two states not later than December 31, 2006;
- The agreement must not conflict with any federal law or change any other state boundary;
- The transfer of land to Nevada must not exceed 10,000 acres; and
- The voters of both cities must approve the agreement or compact at the General Election in 2002.

Utah Legislation on Annexation

During the Utah Legislature's Fifth Special Session in 2002, House Bill 5003 was enacted. This measure authorized a local election if required or authorized by federal law, to vote on whether or not Utah's legal boundaries should be changed. Pursuant to this bill, an issue was placed on the ballot in Wendover, Utah, during the General Election in November 2002. At the same time, voters in West Wendover, Nevada, considered a similar advisory question regarding annexation. Citizens of both communities passed the advisory question approving annexation. The vote was:

Wendover Utah — “yes” 110 / “no” 61

West Wendover — “yes” 248 / “no” 191 [55.11% to 42.44%]

Prior Study of Annexation

To help clarify the many complex issues surrounding annexation, the two cities commissioned a study by Applied Development Economics, Inc., of Berkeley, California. The study was funded by grants from the United States Department of Agriculture, Rural Business Opportunity Grant Program. This is the study mentioned in S.C.R. 20, which created this interim legislative subcommittee. The study examined a wide range of issues, including among others:

- Land use and zoning;
- Public services such as police and fire, recreation, community development, and public works;

- Infrastructure such as sewers and storm drainage, streets and lighting, and waste disposal;
- Municipal debt, infrastructure finance, and taxes;
- Social services such as schools, employment, health, and recreation; and
- Professional licensing of medical providers, teachers, lawyers, and other business professionals.

As far as future efforts to achieve annexation, staff's understanding is that both Utah and Nevada would have to agree to a compact or agreement, which in turn would have to be approved by Congress.

Overview of S.C.R. 20 Study

Public testimony before the Subcommittee indicated support for annexation but concern over the cost to Elko County if the two communities were in fact combined. According to a review conducted by the Legislative Counsel Bureau Audit Division, annexation could cost Elko County approximately \$27 million between 2004 and 2020 just for assumption of debt and operating losses associated with the Wendover, Utah, airport; debt for Tooele County schools located in Wendover; and the cost of hiring additional teachers for new students currently living in Wendover, Utah.

The Audit review is careful to note that these are not all the potential costs associated with annexation and that the \$27 million is based on certain stated assumptions. If the assumptions change, the amount of estimated costs would also change, potentially decreasing if Tooele County waived some or all of the debt assumption for the airport and schools.

The Subcommittee adopted a recommendation at its final meeting advising the local governments that it would be necessary for them to reach agreement on certain fundamental issues affecting annexation before any formal resolution could be forwarded to Congress supporting the process.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PUBLIC LANDS' SUBCOMMITTEE TO STUDY THE FEASIBILITY AND DESIRABILITY OF A CHANGE IN THE BOUNDARY LINE BETWEEN NEVADA AND UTAH

Senate Concurrent Resolution No. 20
(File No. 82, *Statutes of Nevada 2003*)

This summary presents the recommendation approved by Nevada's Legislative Committee on Public Lands' Subcommittee to Study the Feasibility and Desirability of a Change in the Boundary Line Between Nevada and Utah at its final meeting on August 13, 2004, in West Wendover, Nevada, as modified by the Legislative Committee on Public Lands' at its final meeting in Carson City, Nevada, on August 27, 2004.

RECOMMENDATION FOR COMMITTEE ACTION

The Subcommittee recommends the following action, and the Public Land's Committee adopts the recommendation, to wit:

1. Recommend that a letter be sent from the Committee to the Nevada Congressional Delegation, with copies to the city councils of West Wendover Nevada, and Wendover, Utah, urging support for legislation authorizing the proposed annexation of Wendover, Utah, by West Wendover, Nevada, on condition that:
 - a. The United States Congress provide adequate financial assistance to cover the costs of annexation for the next fifty years, including but not limited to, restoration or removal of the dilapidated portions of the Wendover airport;
 - b. The Utah Legislature, Tooele County, Utah, and Wendover, Utah, agree to deliver to West Wendover, Nevada, all the physical assets of Wendover, Utah, including but not limited to, the Wendover airport and existing public facilities such as schools, free and clear of any and all debt and other encumbrances, and provide sufficient funding to renovate blighted areas of Wendover, Utah, and cover reasonably necessary costs for the social welfare needs of residents; and
 - c. Affected local governments present a detailed plan for annexation, mutually acceptable to elected local officials, which is also acceptable to the Nevada and Utah Legislatures and is embodied in an interstate compact that addresses, at a minimum, the following issues:
 - (1) The specific acreage and areas to be annexed;
 - (2) Terms and conditions for acquisition of the Wendover Airport;

- (3) Terms and conditions for acquisition of the school facilities of Wendover, Utah, and a plan for retiring existing outstanding debt on the Anna Smith Elementary School;
- (4) Consolidation and integration of police and fire services, including handling of retirement benefits for officers who previously worked in Wendover, Utah;
- (5) Resolution of litigation regarding water systems and a plan for provision of water and sewage services to the unified city, including responsibility for and payment of municipal debt for existing improvements serving Wendover, Utah;
- (6) Treatment of different graduation requirements for Nevada and Utah high school graduates;
- (7) Ability of former Utah residents of Wendover, Utah, to attend Utah post-secondary institutions without incurring nonresident fees;
- (8) Credentialing of former Utah-licensed teachers who continue to teach in Wendover schools after annexation;
- (9) Benefits, if any, for former Utah-licensed teachers who remain in Wendover schools after annexation, including pay scales and retirement credits for time worked under the Utah educational system;
- (10) Proposed handling of professional licensing for existing Utah practitioners and facilities;
- (11) Benefits, if any, for former Wendover, Utah, employees who remain city employees after annexation, including retirement credits for time worked under the Utah system;
- (12) Potential credits for fees paid on motor vehicles previously registered in Utah;
- (13) Disposition of pending matters in the court;
- (14) Integration of building codes and handling of potential nonconformance with applicable Nevada codes through grandfathering or otherwise;
- (15) Whether gaming will be allowed in the areas formerly belonging to the State of Utah, and if so, what type of gaming will be allowed and what conditions or restrictions, if any, will apply;

- (16) Assistance, financial and otherwise, to the Elko County Assessor's Office for calculating the assessed valuation of property formerly part of Utah; and
- (17) Local officials provide quarterly reports to the Legislative Committee on Public Lands respecting progress on the foregoing items.

**FEASIBILITY OF LONG-RANGE MASS TRANSIT
WITHIN STATE AND TO URBAN AREAS OF NEIGHBORING STATES**

Senate Concurrent Resolution No. 31
(File No. 90, *Statutes of Nevada 2003*)

Members

Senator Joseph M. Neal, Jr., Chairman
Senator Warren B. Hardy II
Senator Mike McGinness
Senator Dina Titus
Assemblyman Kelvin Atkinson
Assemblyman Chad Christensen
Assemblyman Harry Mortenson
Assemblyman David R. Parks
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Senate Concurrent Resolution No. 31

FILE NUMBER 90

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct a preliminary feasibility study of long-range mass transit within the State of Nevada and to large urban areas in neighboring states.

WHEREAS, With the rapidly increasing population of our state, alternative methods of transportation must be considered to deal effectively with the problems that arise from such an increase; and

WHEREAS, Because of the recent changes in the economic climate of our country and our state, and the security concerns of travelers, it would be beneficial to expand the methods of transportation to bring tourists and business people to the State of Nevada; and

WHEREAS, Our state is unique in that one must sometimes travel long distances between communities, and alternate transportation suitable to that environment would allow those distances to be traversed in a very short period; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to appoint a committee to conduct a preliminary feasibility study of the long-range mass transit needs of the State of Nevada and its communities, including, without limitation:

1. Buses and other motor vehicles that travel on the streets and highways of this state;
2. Light rail service between urban, suburban and rural communities;
3. Magnetic levitation trains and other forms of rapid mass transit, both within this state and extending to large urban areas in neighboring states;
4. Commuter trains;
5. Monorail systems; and
6. Other forms of mass transit; and be it further

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

1. Alternative future transportation systems;
2. Factors such as public safety, environmental protection and efficiency;
3. Economic concerns; and
4. Infrastructure needs; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the preliminary feasibility study and any recommendations for legislation to the 73rd Session of the Nevada Legislature.

ABSTRACT

FEASIBILITY OF LONG-RANGE MASS TRANSIT WITHIN STATE AND TO URBAN AREAS OF NEIGHBORING STATES

Senate Concurrent Resolution No. 31
(File No. 90, *Statutes of Nevada 2003*)

The 72nd Session of the Nevada Legislature adopted Senate Concurrent Resolution No. 31 (File No. 90, *Statutes of Nevada 2003*), which directed the Legislative Commission to conduct a preliminary feasibility study of long-range mass transit within the State of Nevada and to large urban areas in neighboring states. The committee was charged with evaluating alternative future transportation systems; factors such as public safety, environmental protection, and efficiency; economic concerns; and infrastructure needs. Ten legislators (five from the Senate and five from the Assembly) were appointed to carry out the provisions of the legislation.

The committee received extensive expert testimony regarding various transportation systems. State and local representatives contributed information regarding buses and other motor vehicles that travel on the streets and highways of this state; light rail service between urban, suburban, and rural communities; magnetic levitation (maglev) trains and other forms of rapid mass transit, both within Nevada and extending to large urban areas in neighboring states; and monorail systems.

The committee held five meetings, including one work session, during the course of the study. Four of the meetings were held in Las Vegas, Nevada, and 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. The other meeting was held in Ely, Nevada.

At the final meeting and work session, the committee adopted nine recommendations, including five bill draft requests for consideration by the 73rd Legislature (2005 Legislative Session). The Committee's recommendations addressed the following major topics:

- Funding for transportation programs;
- Continuing the study of long-range mass transit needs in Nevada;
- Magnetic Levitation Technology;
- Providing transportation services for senior citizens; and
- Supporting bike and pedestrian safety.

SUMMARY OF RECOMMENDATIONS

FEASIBILITY OF LONG-RANGE MASS TRANSIT WITHIN STATE AND TO URBAN AREAS OF NEIGHBORING STATES

Senate Concurrent Resolution No. 31
(File No. 90, *Statutes of Nevada 2003*)

Following is a summary of the recommendations adopted by the Legislative Commission's Interim Study Concerning the Feasibility of Long-Range Mass Transit Within State and to Urban Areas of Neighboring States. These recommendations will be forwarded to the Legislative Commission and ultimately to the 2005 Session of the Nevada Legislature, as appropriate.

FUNDING FOR TRANSPORTATION PROGRAMS

1. Draft legislation to appropriate from the State General Fund, \$761,391 for each year of the 2006-2007 biennium, for Rural Transit Operations. The allocation from the State General Fund would be used to match local money for specific federal transportation programs. **(BDR 1046)**
2. Draft legislation to amend *Nevada Revised Statutes* 408.271 to allow Nevada's Department of Transportation (NDOT) to use money earned from interest from the State Highway Fund, when approved by the Legislature, to match money apportioned by the federal government for transit operations in the rural and urban areas of Nevada. **(BDR 1047)**
3. Draft legislation to amend the *Constitution of the State of Nevada* to allow revenue collected from license or registration fees, gasoline taxes, or other motor vehicle fuel to be utilized for other transportation needs, in addition to road construction, maintenance, and repair. **(BDR 1048)**
4. Include in the final report a statement of support directing the Department of Motor Vehicles (DMV) to charge and collect a new fee for every newly issued driver's license, including a motorcycle license, to fund public transportation programs if Section 5 of Article 9 of the *Constitution of the State of Nevada* is amended.
5. Include in the final report a statement of support directing the DMV to charge and collect a new fee for each registered vehicle to fund public transportation operations if Section 5 of Article 9 of the *Constitution of the State of Nevada* is amended.

**CONTINUING THE STUDY OF
LONG-RANGE MASS TRANSIT NEEDS IN NEVADA**

6. Draft legislation to direct the Legislative Commission to continue studying the feasibility of long-range mass transit needs of Nevada. The study would concentrate on the transportation needs within and between communities in the urban and rural areas of the state. It must also consider technological advancements in transportation and the need for the state to utilize these advancements. The study must include a comprehensive evaluation of the available transportation options, such as vehicle types, routes, and frequency of service. The Commission and NDOT must utilize this information as a basis for public transit services throughout the state. **(BDR 1044)**

MAGNETIC LEVITATION TECHNOLOGY

7. Draft legislation to express support for the California-Nevada Super Speed Ground Transportation Commission's efforts in constructing the 269 mile California-Nevada Interstate Magnetic Levitation (Maglev) Project between Anaheim, California, and Las Vegas, Nevada. **(BDR 1045)**

TRANSPORTATION SERVICES SENIOR CITIZEN

8. Include in the final report a statement of support encouraging NDOT, the Regional Transportation Commission (RTC) of Southern Nevada, the Regional Transportation Commission of Washoe County, and other transportation organizations to provide transportation services for senior services between the rural and urban areas of Nevada.

BIKE AND PEDESTRIAN SAFETY

9. Include in the final report a statement of support for the RTC of Southern Nevada's Alternative Mode Plan. This is a master plan for bikes and for pedestrians in urbanized southern Nevada.

BULLETIN NO 05-13

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE CRIMINAL
JUSTICE SYSTEM IN RURAL NEVADA AND TRANSITIONAL HOUSING FOR
RELEASED OFFENDERS**

Senate Concurrent Resolution No. 32
(File No. 93, *Statutes of Nevada 2003*)

Members

Senator Mike McGinness, Chairman
Assemblyman John W. Marvel, Vice Chairman
Senator Dean A. Rhoads
Senator Maurice E. Washington
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FILE NUMBER 93

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the criminal justice system in rural Nevada and of transitional housing for released offenders.

WHEREAS, The present budget crisis in Nevada is being keenly felt in the rural counties of this state; and

WHEREAS, The relatively sparse populations and the great distances between population centers increase the difficulties faced by the judicial system in this state’s rural areas; and

WHEREAS, The State has mandated programs in areas where there are no providers of such programs within several hundred miles; and

WHEREAS, It has become necessary that steps be taken to ensure equal justice for all residents of Nevada; and

WHEREAS, The Judicial Council of the State of Nevada empanelled the Commission on Rural Courts which has worked diligently to identify and propose solutions for the problems within the criminal justice system in rural Nevada; and

WHEREAS, More than 2 million people are now incarcerated in the United States, a four-fold increase over the past 25 years, and statistics show that two-thirds of those released will be rearrested within 3 years and that 40 percent will be returned to custody; and

WHEREAS, One of the greatest challenges facing American society today is the reintegration of the more than 600,000 inmates who leave state and federal prisons to return home each year, with far-reaching consequences; and

WHEREAS, In the State of Nevada, the Department of Corrections releases over 4,800 inmates every year to return to communities that are ill-equipped to handle the many demands this places on the limited resources available; and

WHEREAS, While states and the Federal Government have allocated increasing shares of their budgets to building and operating prisons, transitional housing is an alternative that has proven to be more cost-effective and to have a positive impact on the released offenders; and

WHEREAS, When an offender is released directly back into the community from which he came, he is often returning to the friends and environment that contributed to his criminal conduct and too easily falls back into destructive patterns of behavior, which may include alcohol or drug abuse, domestic violence and gang activity, and he may not be welcomed back into his own home because of the chaos he has caused in his family; and

WHEREAS, Many released offenders are uneducated, have poor life-management skills, and have little or no job skills, resulting in bleak futures upon their release; and

WHEREAS, Many of those released have infectious diseases, such as tuberculosis, hepatitis, HIV and AIDS, and 16 percent of offenders have some form of mental illness; and

WHEREAS, Studies have shown that offenders released into transitional housing, which provides them with food and shelter, a supportive environment, peer review, mentors, counseling, job skills and education, have fewer problems reintegrating into their communities and have a much lower rate of recidivism; and

WHEREAS, Since many released offenders have not had to make their own decisions for years and may have feelings of rage, hostility and shame, transitional housing provides the

offender with a controlled environment where he is held accountable for his actions while learning how to adjust to a new living situation, thus easing his transition from prison life to community life and allowing him to become a productive member of society; and

WHEREAS, Since more than 1.5 million children in the United States have a parent in prison and a child of an inmate is five times more likely than the average child to serve time in prison as an adult, it is essential that those offenders who are parents successfully reintegrate back into their communities; and

WHEREAS, The State of Nevada recognizes the economic and social importance of transitional housing and similar programs for offenders who are released back into the community after confinement; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to appoint a committee to conduct an interim study of:

1. The criminal justice system and associated services and agencies in the rural areas of Nevada; and

2. The feasibility of implementing a program for transitional housing for felony offenders released on probation or parole or released after discharge from the Department of Corrections; and be it further

RESOLVED, That the committee must be composed of six Legislators as follows:

1. Two members appointed by the Majority Leader of the Senate from the membership of the Senate Standing Committee on Judiciary during the immediately preceding session of the Legislature;

2. One member appointed by the Majority Leader of the Senate from the membership of the Senate Standing Committee on Finance during the immediately preceding session of the Legislature;

3. Two members appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Judiciary during the immediately preceding session of the Legislature; and

4. One member appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Ways and Means during the immediately preceding session of the Legislature; And be it further

RESOLVED, That the members of the committee shall elect a Chairman from one house of the Legislature and a Vice Chairman from the other house; and be it further

RESOLVED, That the Legislative Commission shall appoint an advisory group of 13 nonvoting members to assist the committee with that portion of the interim study which pertains to the criminal justice system and associated services and agencies in the rural areas of Nevada. The advisory group must consist of the Director of the Administrative Office of the Courts and the following persons serving in rural counties in this state:

1. Two district court judges;
2. One justice of the peace and one municipal court judge;
3. Two persons who serve in the capacity of court clerk to courts;
4. Two district attorneys;
5. Two persons representing local law enforcement; and
6. Two county commissioners;

And be it further

RESOLVED, That at least one-half of the members of the advisory group must be appointed from the current membership of the Commission on Rural Courts; and be it further

RESOLVED, That the members of the committee and advisory group shall comply with the provisions of Chapter 241 of NRS; and be it further

RESOLVED, That the interim study must include, without limitation:

1. A comprehensive review and evaluation of the following areas relating to the criminal justice system and judicial operations in the rural counties of this state:

(a) The adequacy of present judicial facilities, including, without limitation, courthouses, courtrooms, jails and juvenile detention facilities, with respect to size, age, security, overcrowding and number of facilities available;

(b) The shortage of staff, including, without limitation, circuit court clerks and justices of the peace, and the need for additional education and training for existing judicial staff;

(c) The shortage or lack of service providers, including, without limitation, alcohol and drug abuse counselors, mental health counselors and other professionals who provide specialized treatment to persons with certain physical and mental disorders;

(d) The lack of attorneys and the lack of assistance for residents who represent themselves in court, and the limited number of available and eligible jurors because of sparse populations;

(e) Geographical constraints because of great distances between population centers and adverse weather conditions at certain times;

(f) Inadequate technology, including, without limitation, state-of-the-art telecommunications services and a user-friendly case management system;

(g) The availability of interpreters, consular corps and other persons or groups who can provide legal assistance to racial or ethnic minorities; and

(h) The effect of unfunded mandates on rural courts;

2. The specific problems to be addressed while an offender is living in transitional housing, such as employment, alcohol and drug abuse, domestic violence and health issues, and the community resources available to address these problems;

3. The evaluation of other programs for transitional housing that have been successful, including, without limitation:

(a) Programs that require offenders to give back to their communities by volunteering, such as building houses for Habitat for Humanity or counseling young people in trouble with the law; and

(b) Programs such as the Delancey Street Foundation and the Altamont Program, where offenders are trained in such careers as culinary arts, catering, building trades, and motel and restaurant operations;

4. A cost comparison of keeping an offender in confinement versus releasing him to transitional housing;

5. The development of reentry plans for offenders scheduled for release and methods to be used to identify likely candidates for transitional housing;

6. The costs of building and operating a transitional housing facility, by size, by scope of service and by location;

7. The standards to be required of a transitional housing facility, such as organization, house rules and consequences for negative behavior, to ensure a structured, positive environment, and the varying degrees of restrictions and monitoring required for certain offenders;

8. Specific requirements that must be met by a transitional housing facility to receive licensing, including a review of the related requirements of state and federal agencies;

9. Identification of any unique or specific issues to be addressed for youthful offenders, women and the mentally ill;

10. Solutions to best address transitional housing for sex offenders because of the safety concerns of the community in having these offenders living in their neighborhoods and the hostility of persons in the community towards these offenders;

11. Methods to be used to ensure communication between transitional housing facilities and the Division of Parole and Probation of the Department of Public Safety, such as reports and methods of monitoring facilities and offenders; and

12. A review of the practices and resources of the Department of Corrections and the Division of Parole and Probation of the Department of Public Safety concerning the release of offenders into the community; And be it further

RESOLVED, That, on or before February 1, 2004, the committee shall submit a report of its progress on the study to the Legislative Commission; 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, on or before September 1, 2004, the committee shall submit a final report of the study to the Legislative Commission; 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 73rd Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE CRIMINAL JUSTICE SYSTEM IN RURAL NEVADA AND TRANSITIONAL HOUSING FOR RELEASED OFFENDERS

Senate Concurrent Resolution No. 32
(File No. 93, *Statutes of Nevada 2003*)

The 72nd Session of the Nevada Legislature adopted Senate Concurrent Resolution No. (S.C.R.) 32 (page 3762), which directed the Legislative Commission to conduct an interim study of the criminal justice system in rural Nevada and the feasibility of implementing a program for transitional housing for felony offenders released on probation or parole or released after discharge from the Department of Corrections. The Senate Majority Leader and the Speaker of the Assembly appointed six Legislators (three members of the Senate and three members of the Assembly) to serve on the Committee.

The Committee held five meetings, including a work session. Four of the meetings were held in Carson City with video conferencing to Las Vegas and one meeting was held in Ely. The Advisory Committee met one time.

During the course of its hearings, the Committee heard testimony from various members of the Advisory Committee regarding problems and issues associated with the criminal justice system in rural Nevada. Members of the Advisory Committee presented an overview of a report of the Commission on Rural Courts, empanelled by the Judicial Council of the State of Nevada. The report singled out several issues reviewed by the Committee including:

- Inadequate safeguards at the White Pine County Courthouse to securely hear trials of maximum security inmates from the Ely state prison;
- The lack of juvenile detention facilities within reasonable driving distances of certain rural counties throughout the state;
- The lack of counseling services for citizens requiring alcohol abuse, drug abuse or domestic violence counseling in rural counties;
- Limited legal assistance for residents of rural Nevada due to small numbers of attorneys practicing in rural locations;
- The lack of courtroom security training for bailiffs and deputy sheriffs who provide security to the courts; and
- The shortage of court interpreters available to rural courts.

The Committee also heard testimony from representatives of the Departments of Corrections, Public Safety and Human Resources regarding the feasibility for implementing a transitional

housing facility for offenders in Nevada. The Committee reviewed issues related to a transitional facility including offender background, programming services, length of stay, job availability and the operational impact on the Department of Corrections and Department of Public Safety.

The Committee adopted seven recommendations at its June 22, 2004 meeting, which included five bill draft requests (BDRs) for consideration by the 2005 Legislature. The recommendations address the following issues:

- Construction of a new courthouse facility in White Pine County;
- Establishing regional juvenile detention facilities within reasonable driving distances in rural areas of Nevada;
- Establishing a rural court coordinator position in the Administrative Office of the Courts;
- Providing flexibility in evaluation and counseling requirements to address the lack of treatment providers in rural counties;
- Improving the availability of legal services in rural Nevada through incentive programs to students at the Boyd School of Law;
- Establishing courtroom security training in the Peace Officer Standards and Training Commission academy curriculum; and
- Establishing a transitional housing facility for offenders prior to release and study issues related to transitional housing facilities including statutory definitions, the application process and local issues regarding licensing.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE CRIMINAL JUSTICE SYSTEM IN RURAL NEVADA AND TRANSITIONAL HOUSING FOR RELEASED OFFENDERS

Senate Concurrent Resolution No. 32
(File No. 93, *Statutes of Nevada 2003*)

Following is a summary of the recommendations adopted by the Legislative Commission's Subcommittee to Study the Criminal Justice System in Rural Nevada and Transitional Housing for Released Offenders at its June 22, 2004 meeting. These recommendations have been forwarded to the Legislative Commission and will be ultimately forwarded to the 2005 Session of the Nevada Legislature as appropriate.

WHITE PINE COUNTY COURTHOUSE

1. Draft a letter, on behalf of the Senate Concurrent Resolution (S.C.R.) No. 32 Subcommittee, to the Governor expressing security concerns associated with the White Pine county courthouse and to encourage funding to be included in the 2005-2007 Executive Budget, to the extent available, for a new courthouse in White Pine County. A new courthouse was estimated to cost approximately \$9 million.

JUVENILE DETENTION FACILITIES

2. Draft a letter, on behalf of the S.C.R. 32 Subcommittee, to the Nevada Association of Counties (NACO) to encourage financial participation in the construction of regional juvenile detention facilities by multiple county governments and federal and private grants be sought by the counties to help offset the construction expense of a regional juvenile detention facility.
3. Draft a letter, on behalf of the S.C.R. 32 Subcommittee, to the Governor encouraging an appropriation to be included in the 2005-2007 Executive Budget, to the extent funding is available, to be used as matching funds to obtain federal or private grants or to be used as seed money for the construction of a regional juvenile detention facility.

RURAL COURT COORDINATOR

4. Draft a letter, on behalf of the S.C.R. 32 Subcommittee, to the Chief Justice of the Supreme Court encouraging the inclusion of a position in the 2005-2007 biennial budget request of the Administrative Office of the Courts to coordinate the needs of the rural courts. Such a position could assist the rural courts by writing and administering grants, locating sources of funding for local needs, coordinating circuit counseling services and the coordinating of drug court services.

COUNSELING AND EVALUATION REQUIREMENTS

5. Draft legislation to revise the timeframe for compliance with required counseling from one and one-half hours per week to six hours per month for those persons convicted of battery which constitutes domestic violence (paragraphs (a) and (b) of subsection 2 of *Nevada Revised Statutes* [NRS] 200.485). **(BDR 185)**
6. Draft legislation to amend NRS 62E.620 to allow judges discretion in ordering a delinquent child to undergo an evaluation, for first time offenses only, in instances when a child committed the unlawful act of using, possessing, selling or distributing controlled substances (paragraph (b) of subsection 1) or the unlawful act of purchasing consuming or possessing an alcoholic beverage in violation of NRS 202.020 (paragraph (c) of subsection 1). **(BDR 186)**
7. Draft legislation to expressly allow counseling and evaluation requirements in NRS 200.485, NRS 62E.620 and NRS 484.37943 to be conducted through the use of videoconferencing for offenders where services are not available within 50 miles of their residence. **(BDR 188)**
8. Draft legislation to allow counseling and evaluation requirements in NRS 200.485, NRS 62E.620, and NRS 484.37943 to be satisfied in towns or cities in neighboring states if those towns or cities are closer to the residence of offenders than other Nevada locations. **(BDR 189)**

IMPROVE THE AVAILABILITY OF LEGAL SERVICES

9. Draft legislation that would establish a program of tuition reimbursement for law students at the Boyd School of Law who agree to provide legal services in legally underserved areas of the state upon graduation. **(BDR 184)**
10. Draft a letter, on behalf of the S.C.R. 32 Subcommittee, urging the Dean of the Boyd School of Law in Las Vegas to continue expanding the externship program in rural communities in Nevada.

DEVELOP AND IMPLEMENT COURTROOM SECURITY TRAINING

11. Draft a letter, on behalf of the S.C.R. 32 Subcommittee, to the Peace Officers Standards and Training (POST) Commission encouraging that courtroom security training be developed to be incorporated into category I and category II basic academies presented by the Commission and that cost estimates are developed to include such training in the Agency Request Budget of the Commission.
12. Draft a letter, on behalf of the S.C.R. 32 Subcommittee, to the Governor that encourages, to the extent that administrative assessments are available, inclusion of funding for courtroom security training in the 2005-2007 Executive Budget.

TRANSITIONAL HOUSING FOR RELEASED OFFENDERS

13. Include, in the final report of the S.C.R. 32 Subcommittee its determination that a transitional housing facility is a feasible option for the state to house inmates prior to release to ensure their successful transition back to society and to decrease the chances that released offenders will recommit unlawful acts that result in their reincarceration.
14. Draft a letter, on behalf of the S.C.R. 32 Subcommittee, requesting a study be conducted following the 2005 Legislature of transitional housing programs including a review of statutory definitions, the licensing process, local zoning issues and corresponding treatment programs. Such a study would include a review of the impact of such programs on recidivism and the prison system.

LEGISLATIVE COMMITTEE ON PERSONS WITH DISABILITIES

Nevada Revised Statutes 218.53791

Members

Senator Dina Titus, Chairwoman
Assemblywoman Vonne S. Chowning, Vice Chairwoman
Senator Barbara K. Cegavske
Senator Raymond D. Rawson
Assemblyman Mark A. Manendo
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Nevada Revised Statutes 218.53791

NRS 218.53791 Establishment; membership; Chairman; Vice Chairman; vacancies. [Effective through June 30, 2007.]

1. There is hereby established a Legislative Committee on Persons With Disabilities 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 persons with disabilities.

2. The members of the Committee shall select a Chairman and a 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 selection of a Chairman and a 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 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 next session of the Legislature convenes.

4. Vacancies on the Committee must be filled in the same manner as original appointments. (Added to NRS by 2003, [3071](#))

Nevada Revised Statutes 218.53796

NRS 218.53796 Establishment of advisory committee; membership; compensation. [Effective through June 30, 2007.]

1. There is hereby established an advisory committee to the Committee consisting of:

(a) The Superintendent of Public Instruction;

(b) The Administrator of the Aging Services Division of the Department of Human Resources;

(c) The Chief of the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation;

(d) The Chief of the Bureau of Services to the Blind and Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; and

(e) Any persons appointed by the Chairman of the Committee pursuant to subsection 2.

2. The Chairman of the Committee shall appoint representatives from local advocacy and provider groups to serve on the advisory committee, as the Chairman deems necessary.

3. Each member of the advisory committee described in paragraph (a), (b), (c) or (d) of subsection 1 may designate a representative to serve in his place on the advisory committee or to replace him at a meeting of the Committee or the advisory committee.

4. Each member of the advisory committee who is not an officer or employee of the State serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

5. Each member of the advisory committee who is an officer or employee of the State must be relieved from his duties without loss of his regular compensation so that he may attend meetings of the Committee or the advisory committee and is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid by the state agency that employs him. (Added to NRS by 2003, [3073](#))

ABSTRACT

LEGISLATIVE COMMITTEE ON PERSONS WITH DISABILITIES

(Nevada Revised Statutes 218.53791)

In 2003, the Legislature enacted Senate Bill 137 (Chapter 484, *Statutes of Nevada 2003*), creating a statutory committee – the Legislative Committee on Persons with Disabilities. The establishment of the statutory committee was a recommendation from the Legislative Commission’s Subcommittee to Study the State Program for Providing Services to Persons with Disabilities during the 2001–2003 interim. Senate Bill 137 established a six-member Legislative Committee on Persons with Disabilities to provide for legislative review of: (1) programs and services for persons with disabilities, including the Strategic Plan for People with Disabilities; (2) ways to enhance such programs or services and ensure that persons with disabilities are receiving services in the most appropriate setting; (3) federal and state laws concerning persons with disabilities, including compliance with such laws and ways to more fully implement the Federal Americans with Disabilities Act (ADA); (4) the availability of useful information and data to make decisions, plan budgets, and monitor cost and outcomes; (5) transition services for students with disabilities; and (6) the facilitation of service animal use in Nevada. In accordance with Section 11 of S.B. 137, the Committee will sunset on June 30, 2007.

The Committee held a total of five meetings this interim: one in 2003, and four in 2004. The members received overview presentations by the Nevada Department of Education; Department of Employment, Training and Rehabilitation (DETR); and the Department of Human Resources (DHR). Other entities making presentations included the Governor’s Council on Rehabilitation and Employment of People with Disabilities and the Council’s Transition Forum Subcommittee, as well as the Regional Transportation Commission of Southern Nevada. The Committee heard in-depth briefings on the U.S. Supreme Court’s decision in *Olmstead v. L.C. ex rel Zimrig* (1999), the State Strategic Plan for People with Disabilities, the 2-1-1 telephone system, transition services for students with disabilities, ADA compliance, and early childhood issues.

An Advisory Committee appointed by the Committee (*Nevada Revised Statutes 218.53796*) held two meetings during the 2004 interim and received briefings on service animal issues and federal and state laws. The recommendations of the Advisory Committee were presented to the Committee for its consideration.

The Committee also received reports from the Strategic Plan Accountability Committee and, as required by Section 9 of S.B. 137 and *Nevada Revised Statutes (NRS) 218.53797*, from the DHR on the provision of health insurance to persons with disabilities, assessments of people with disabilities pursuant to the Strategic Plan for People with Disabilities, and changes to the State Medicaid Plan to cover the costs of community-based services to certain persons with disabilities.

Members of the Committee adopted 39 proposals with regard to persons with disabilities. Major recommendations adopted include proposals to:

- Support continued or increased funding for ongoing state programs for Personal Assistance Services, Traumatic Brain Injury (TBI) rehabilitation programs, respite care services, and various additions and enhancements to the State Medicaid Program;
- Adopt legislation to establish a 2-1-1 telephone system in Nevada and to allow the existing telecommunications relay surcharge to be used to fund a portion of the cost for implementation of the 2-1-1 telephone system;
- Urge the Governor and state agencies to provide budget support for community based services to eliminate waiting lists for persons with disabilities seeking services to support living in less restrictive environments consistent with the *Olmstead* mandate under ADA;
- Create a cross-agency independent advisory board to oversee and coordinate transition services provided to students with disabilities to ensure positive postsecondary outcomes;
- Urge the Department of Employment, Training and Rehabilitation; the Nevada Department of Education; the University and Community College System of Nevada; and others to better coordinate services and data collection for students with disabilities to facilitate the transition from high school to work or postsecondary education;
- Amend the NRS to permit the use of signature stamps by persons with motor disabilities that prevent them from signing their name;
- Urge state and local governments to facilitate or accelerate compliance with the ADA and to report to the Committee next interim;
- Amend the statutes to provide criminal penalties for fraudulent misrepresentation of pets as service animals and to provide civil liability for violation of certain statutes concerning access for persons with disabilities;
- Adopt a resolution designating the last Wednesday in April as Service Animal Recognition Day and urging the public, businesses, and governmental entities to learn about the issues related to the use of service animals and service animals in training; and
- Revise the *Nevada Revised Statutes* to update references regarding persons with disabilities and to delete obsolete provisions.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PERSONS WITH DISABILITIES

(Nevada Revised Statutes 218.53791)

The following is a summary of the recommendations for bill draft requests (BDRs) adopted by the Legislative Committee on Persons with Disabilities for transmittal to the 73rd Session of the Nevada Legislature.

I. RECOMMENDATIONS RELATED TO THE STRATEGIC PLAN FOR PEOPLE WITH DISABILITIES

1. Include a statement in the final report urging the Governor and the Legislature to support, throughout the budget process, sufficient state funding of community-based services to make reasonable progress towards the elimination of waiting lists for persons with disabilities seeking services to support living in less restrictive environments and to avoid or delay unnecessary institutionalization, consistent with the Americans with Disabilities Act as interpreted and mandated by the U.S. Supreme Court's decision in *Olmstead v. L.C. ex rel Zimrig* (1999). In 2003, the Legislature adopted Senate Concurrent Resolution No. 10 endorsing the implementation of the State Strategic Plan and urging the Governor and state agencies to take the appropriate steps to ensure that persons with disabilities are able to live in the least restrictive environment. The Committee wishes to emphasize the continued urgency of the issues addressed in S.C.R. 10 and the importance of continuing to implement the State Strategic Plan in an expeditious manner.
2. Include a statement in the final report urging the Governor to support the budget proposal for the Office of Disability Services (ODS), related to Personal Assistance Services (PAS). Since Nevada's PAS program was founded in 1985 it has grown in size by 2,000 percent, to over \$2,000,000 per year. Because it was initially a small program, the ODS was able to absorb the cost of managing it. However, the program now employs nearly 100 caregivers around the state and requires a significant staff commitment to manage and monitor the very personal and vital services it provides. Therefore, the ODS will be seeking \$68,000 to fund 0.95 full time equivalent (FTE) as minimal staffing for the PAS program. This funding would be distributed over six existing management, program, and fiscal positions.
3. Include a statement in the final report: (a) supporting the request of the State Medicaid Program and the recommendation of the Provider Rates Task Force, to increase the PAS rates from \$17 to \$18.50 per hour; (b) urging the Governor to support a similar increase proposed by the ODS related to provider rates for PAS services; and (c) recommending that the PAS provider rate be tied to the State Medicaid Plan rate to

ensure consistency. In 2002, the Provider Rates Task Force recommended the rate for PAS services be increased to \$18.50 per hour. Currently, the state PAS program is providing 132,500 annual care hours at a rate of \$17 per hour. Thus, the estimated cost of this maintenance increase is \$198,750 per year. The Strategic Plan Accountability Committee (SPAC) is concerned that a portion of the rate increase may not be passed along to those individuals who actually provide the service.

4. Include a statement in the final report urging the Governor to support the budget proposal by the ODS related to reducing the waiting list for the PAS programs. In accordance with subsection 2 of *Nevada Revised Statutes* (NRS) 426.729, the Department of Human Resources (DHR) is required to include funding in its budget request for any increase in the number of cases handled by the state PAS programs, provided those individuals on the waiting list meet certain criteria for severity of need. The PAS program waiting list currently has 23 individuals who meet the criteria. In light of the judicial mandate of the *Olmstead* decision, and the Strategic Plan's objective to reduce waiting lists for services that divert people from institutional care, the PAS programs should be included as a maintenance request in the budget. Using a calculation of 23 people x 1,300 annual hours of care x \$18.50 per hour, the estimated cost of this maintenance increase is \$553,150 per year.
5. Include a statement in the final report urging the Governor to support the budget proposal by the ODS relating to funding for the Advisory Committee on Personal Assistance for Persons with Severe Functional Disabilities. The provisions of NRS 426.731 call for the Advisory Committee to make recommendations to the state's three PAS programs. Funding for meetings has been provided through a federal systems change grant, but that grant will end in September 2004. The budget request will be for an enhancement appropriation to fund four meetings per year of the PAS Advisory Committee, at an annual cost of \$7,800.
6. Include a statement in the final report supporting DHR's proposal to amend the NRS to allow personal care tasks to be delegated by spouses, parents of minor children, and legal guardians. Currently, tasks can only be delegated by people with disabilities themselves and this causes problems for Medicaid in offering self-directed services because, as the statutes are currently written, minor children and those who are dependent on others (spouses and guardians) for their decisions have no means under the law to self-direct care.
7. Include a statement in the final report urging the State Medicaid Program to seek funding to support contract services for making disability determinations for state purposes. Currently, the Welfare Division is dependent upon disability determinations made in conjunction with supplemental security income (SSI) eligibility determinations through the Department of Employment, Training and Rehabilitation (DETR). By providing funding for contract services to make disability determinations for state purposes, persons with terminal conditions and urgent medical conditions could receive expedited

consideration and receive necessary services in a timely manner under criteria adopted by the state.

8. Include a statement in the final report supporting the State Medicaid Program's budget request to add behavioral services to the Mental Retardation/Related Conditions waiver. An additional 150 service slots (above regular caseload growth) will be proposed and many are expected to benefit children with Autism. The current estimate of the budget impact is \$2,000,000 per year in State General Funds. This issue is of high priority to the SPAC.
9. Include a statement in the final report supporting the budget request of the State Independent Living (SIL) Program to eliminate its four-year waiting list for home and vehicle modifications and other equipment. The one-time services provided by the SIL Program—such as ramps and wheelchair lifts—result in years of assistance to those in need. Approximately \$600,000 is needed annually over the next biennium (2005-2007) to eliminate the waiting list, with ongoing annual funding of approximately \$350,000. This issue is of high priority to the SPAC.
10. Include a statement in the final report supporting the State Medicaid Program's proposal to extend the waiver of patient liability, in certain cases, from 60 days to 180 days. In connection with the Money Follows the Person (MFP) grant, allowing waivers of patient liability for persons entering a nursing home or other institution, on a temporary basis, has been identified as an important means of avoiding unnecessary institutionalization. Enabling patients to retain sufficient funds to support their existing living arrangements during their temporary institutionalization, ensures that such persons can avoid the loss of their home and belongings during their temporary stay. Absent a waiver of patient liability, such persons may remain in an institution unnecessarily rather than take on the burden of establishing a new residence. Initial analyses indicate that extensions of waivers of patient liability will be either budget-neutral or have a minimal fiscal impact that can be absorbed within existing budgets.
11. Include a statement in the final report urging the incorporation of positive behavioral supports (PBSs) into programs that serve individuals with behavioral issues including Child and Family Services, Mental Health and Developmental Services, Education, and Vocational Rehabilitation. This issue is of high priority to the SPAC.

Incorporation of PBSs should be developed in accordance with federal law. Federal regulations under the Individuals with Disabilities in Education Act (IDEA), 34 C.F.R. 300.346.2(i) state "The IEP [individualized education plan] team shall, in the case of a child whose behavior impedes his learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies and supports to address that behavior." State regulations at *Nevada Administrative Code* (NAC) 388.284.2(a), 388.077 and 388.283(c) also address positive behavioral supports.

12. Include a statement in the final report recommending to the Interagency Coordinating Council and to the Director of the DHR, the adoption of the proposed new federal definition of eligibility for Early Intervention Services to ensure that at-risk children are eligible for services and to bring Nevada in line with other states. The proposed new federal definition would grant eligibility to a child who exhibits a minimum 35 percent delay in one area or 25 percent in any two areas. Currently, eligibility in Nevada requires a minimum 50 percent delay in one area or 25 percent in any two areas. This issue is of high priority to the SPAC.
13. Include a statement in the final report urging the Governor to support the budget proposals by the ODS relating to traumatic brain injury. Historically, the ODS has not been funded to manage the state's post-acute Traumatic Brain Injury (TBI) rehabilitation program, although the ODS' fiscal responsibility for the program is significant. Its program reviews are a key component in the continuing national accreditation of program facilities. The ODS is seeking 0.50 FTE as minimal staffing for the TBI program. This funding would be distributed over three management, program, and fiscal positions at an estimated annual cost of \$28,000.
14. Include a statement in the final report supporting the State Medicaid Program's review and consideration of a request to amend its disability waiver to include residential rehabilitation and behavioral adult day care for individuals with TBI. These measures are vital to Nevada's mandate under the *Olmstead* decision. Residential rehabilitation will open the door for individuals with severe behavioral issues to be moved from out of state, back to Nevada, and for others to remain in state. Behavioral adult day care will provide daytime support to families who are caring for family members with TBI; similar services are already provided to seniors and those with mental retardation under other Medicaid waivers. The fiscal impact of this proposal is currently being studied and may be significant. Nevertheless, the importance of providing these services is great and efforts to implement such services should be supported and pursued.
15. Include a statement in the final report supporting an enhancement appropriation of \$804,000 for each year of the biennium in the DHR budget to fund an additional 63 unserved indigent individuals. Current funding for TBI services has been targeted to helping those individuals deemed "indigent," or lacking other resources to fund their rehabilitation. In all cases, these individuals have no other service option, outside the state's TBI program. State funding for this care has not been increased in over a decade. Because TBI rehabilitation is a one-time service that yields lifetime benefits, it is an investment that yields a net savings to society. Currently, it is projected that 63 individuals—who are defined as indigent and having significant rehabilitation potential—will need TBI services during each year of the biennium. It is further estimated that their rehabilitation will cost \$17,000 per person, on average. Current funding for the program is \$267,000 annually, leaving an annual deficit of \$804,000.

16. Amend the NRS to permit members of the Advisory Committee on TBI to receive a per diem allowance and travel expenses as the budget of the Advisory Committee permits without limitations on the source of funding. Chapter 426A of the NRS calls for an Advisory Committee on TBI to serve in an advisory capacity but the Advisory Committee has not met in several years to the detriment of TBI services. **(BDR 686)**
17. Draft legislation to allow the existing telecommunications relay surcharge monies, as authorized by NRS 426.295, to be used to fund a portion of the cost for 2-1-1 services. Since the 2-1-1 program has obtained funding for a statewide coordinator and development of a business plan, the 2-1-1 program will soon be able to propose a specific implementation budget to the DHR. The DHR would then request the Public Utilities Commission of Nevada (PUCN) to approve an appropriate level of funding for 2-1-1 from the surcharge monies. The surcharge rate has been 8 cents per line, per month, charged to every phone line and wireless line in Nevada. Currently, the surcharge is used to fund social service programs including Relay Nevada, the Deaf Resource Centers, and the Telecommunications Equipment Distribution Program. The surcharge account has a substantial surplus balance of over \$1 million and the PUCN is considering reducing the surcharge to three cents. Each one cent of surcharge is estimated to produce \$240,000 in annual revenues. **(BDR 687)**
18. Draft legislation requiring the Director of the DHR to establish and maintain a statewide information and referral system to provide nonemergency information and referrals to the general public concerning health, welfare, human, and social services provided by public or private entities in the state. Further, the statewide system shall be accessible by dialing 2-1-1 on a telephone. In addition, the PUCN shall work with the DHR, as needed, in the development and implementation of the 2-1-1 system. Finally, include in the legislation, direction to the telephone and local exchange companies in Nevada to cooperate in the implementation of the 2-1-1 system. **(BDR 688)**
19. Draft legislation directing the Nevada Department of Education (NDE), DETR, and DHR, to form a cross-agency independent advisory board that would also report to the Legislative Committee on Persons with Disabilities, the Legislature, and the Governor, to oversee the transition of high school students with disabilities to ensure positive post school outcomes. The advisory board should consist of representatives from DHR, DETR, NDE, school districts (including Clark, Washoe, and one rural school district), advocacy organizations (Parents Encouraging Parents [PEP] and Nevada Disability Advocacy and Law Center), parents, students, former students, and service providers. **(BDR 689)**
20. Include a statement in the final report recommending that the cross-agency advisory board should: (a) oversee the implementation of all transition-related objectives in the Strategic Plan for People with Disabilities; (b) have oversight responsibility for the following (and possibly other) measures by DETR; (c) provide accurate, statewide data regarding transition-age individuals using DETR services; (d) maintain up-to-date

interagency agreements with community colleges, state universities, and local school districts, and ensure that those agreements are being implemented; and (e) examine and report on strategies needed to increase the number of transition-age individuals receiving DETR services.

Further, include a statement recommending that the advisory board oversee and ensure that NDE and Nevada's school districts: (a) develop written transition plans for every student with a disability, at least two years prior to graduation; (b) provide accurate, statewide data regarding transition-age students and the status of their transition plans; (c) track and report data on post-graduation outcomes for transition students; (d) monitor the implementation of inter-local agreements between school districts and DETR; (e) oversee the coordination of community systems of transition services, including post-secondary education and training institutions, community education programs, workforce investment programs, and community-based agency providers; and (f) develop cooperative agreements with Employment Networks for students with ticket-to-work options.

In addition, recommend that the Bureau of Vocational Rehabilitation, in the Division of Rehabilitation at DETR, examine its current infrastructure and build stronger relationships with the NDE and school district administrators through collaborative projects and written agreements, including: (a) continuing to provide statewide training on the skills needed in the local labor market; (b) using the Nevada Career Information System (NCIS) information to assist counselors with development of Individual Plans of Employment (IPE); (c) benefiting students by introducing them to career options and job shadowing; (d) developing strategies to foster parental involvement for students over the age of 18; (e) working with the NDE to provide in-service training to school counselors and teachers on vocational rehabilitation services; and (f) increasing outreach and marketing efforts to transition age individuals and their families.

Include a statement in the final report recommending the Bureau of Vocational Rehabilitation shall strengthen interagency agreements with institutions in the University and Community College System of Nevada (UCCSN) and encourage development of a pilot program in collaboration with the local colleges to provide high school students with career exploration, mentoring, and a job seeking skills class; and to initiate dialogue with UCCSN to explore, identify, and expand the use of classes offered at the institutions to help students with study skills, exposure to secondary education settings, and services available to transition age students with disabilities. The Bureau shall also examine alternative options to increase transition services to decrease the current workload on the 2.5 counselors available statewide and encourage the: (a) development of an online "map of Vocational Rehabilitation process" for transition age individuals and their families; (b) identification of and increase in the alternative community based providers for vocational rehabilitation support services; (c) identification of and application for grants to increase transition services; (d) support of alternative funding options through Medicaid waivers to include transition services; (e) collaboration with the Workforce

Investment Act grantees to expand services; (f) shift of some counselor responsibilities to alternative staff to allow counselors to focus more on client needs; and (g) establishment of a multi-media transition center for consumers, parents, and service providers.

Finally, include a statement in the final report directing the school districts and the Bureau of Vocational Rehabilitation to develop and implement agreements regarding transition issues including: (a) specific needs based on demographics of the geographical area; (b) where and how service activities would occur; (c) clear and specific responsibilities for each entity; (d) sharing data collection between parties; and (e) timely renewal of agreements.

21. Include a statement in the final report stressing the importance of local governments in the provision of housing and transportation, which are critical to enabling persons with disabilities to live in a less restrictive environment and further urging the counties to review their priorities and policies regarding the provision of housing and transportation to residents to ensure that persons with disabilities are being given access to such services to enable them to avoid institutionalization or other restrictive environments.
22. Include a statement in the final report emphasizing the critical importance of providing respite care services in the full range of programs for persons with disabilities in which respite care is needed, including the continuation of respite care services within Personal Assistance Services for terminally ill and other persons. Respite care services are vital to a wide range of persons with disabilities and those that assist them; therefore, continued funding for respite care services is a high priority need.
23. Include a statement in the final report directing the DHR to review the feasibility of changing the eligibility criteria for Medicaid to allow all institutionalized consumers to live and receive services in the community. As a result of such a policy change, individuals who are currently county-matched Medicaid recipients would have the same access to state-funded community based services as other Medicaid recipients. Further, include a statement in the final report directing the DHR to study the county/state match funding process and analyze the fiscal impact changing this process will have on the state, counties, and Medicaid funding for long-term care. Based on discussions with the Division of Health Care Financing and Policy staff and county administrators, the Northern Nevada Center for Independent Living (NNCIL) has determined that the long- and short-term fiscal impacts on the state and counties need to be established in order to formulate viable recommendations. Therefore, it is recommended that any study include a rigorous examination of: (a) the fiscal elements involved in county/state match processes; (b) the financial impact changing this process will have on the state and counties; as well as (c) an identification of cost neutral options, if appropriate.
24. Include a statement in the final report urging the Governor and state agencies to exempt critical health, mental health, nutrition, and personal assistance services to children and

adults with disabilities, and poor children and frail seniors, from budget cuts during economic downturns (Item No. 54 in the Strategic Plan for People with Disabilities).

25. Draft legislation to allow for the use of signature stamps by persons with disabilities with a motor disability that prevents them from being able to sign their name – modeled on *Minnesota Statutes* 645.44(14), which defines writing to include such signature stamps. **(BDR 690)**
26. Amend Chapter 426 of NRS to provide that expedited service permits for persons with a permanent disability, as authorized by NRS 426.441, be subject to a renewal period of ten years. **(BDR 691)**
27. Draft legislation requiring the Director of the DHR to enter into an agreement with the federal government to determine eligibility for Medicaid at the same time the federal government determines eligibility for the Supplemental Security Income Program. **(BDR 692)**
28. Include a statement in the final report encouraging the consideration of the Opening Doors concept to further Nevada’s Strategic Plan for People with Disabilities for children from birth to 21 years of age and their families. The Governor’s Council on Developmental Disabilities and the DHR are looking for federal grant opportunities to fund the Opening Doors pilot project as an independent partner and facilitator for state and community resources.
29. Include a statement in the final report urging the State Public Works Board and local jurisdictions to consider policies that would facilitate or accelerate compliance with the Americans with Disabilities Act (ADA), including but not limited to, adopting ordinances that require proof of compliance with the ADA at the time of permit applications for school buildings, certain types of housing, or a business license and, if the building is not compliant, then requiring a plan for achieving compliance within a reasonable time. Further, include a statement in the final report requiring the State Public Works Board and local jurisdictions to submit reports to the Legislative Committee on Persons with Disabilities during the next interim (2005-2006) on procedures and progress in complying with the ADA.

II. RECOMMENDATIONS FROM ADVISORY COMMITTEE **ON SERVICE ANIMALS**

30. Include a statement in the final report urging the Nevada Equal Rights Commission to:
(a) recognize the importance of access for service animal users and persons training service animals; (b) recognize the difficulties faced by such persons in resolving disputes with employers, landlords, and operators of places of public accommodation; (c) provide timely review and resolution of such complaints by the Commission; and (d) acknowledge the jurisdiction of the Commission as set forth in Chapter 233 of the

NRS, to accept, investigate, and resolve complaints of unlawful discriminatory practices in housing, employment, and public accommodations to the extent consistent with Nevada law. Further, the role of the Nevada Equal Rights Commission in enforcing service animal provisions should receive further consideration by the Committee during the next interim.

31. Include a statement in the final report that the Committee recognizes the serious nature of violations of statutes protecting service animal users and trainers of service animals and urges those entities responsible for enforcement of those statutes to promptly take action against persons who violate those statutes. Also, include a statement noting the right of persons with disabilities to full and equal enjoyment of places of public accommodation as set forth in NRS 651.070, thereby granting protection against segregation of a person with a disability with a service animal.
32. Adopt a resolution of the Legislature designating the last Wednesday in April as “Service Animal Recognition Day” in Nevada to heighten public awareness and provide opportunities for educating the public on the subject of service animals. Further, identify and designate an appropriate agency or organization to be responsible for organizing and commemorating the day on an annual basis. Further, include in the resolution, statements (a) stating the need for increased public awareness of the importance of service animals and service animals in training to persons with disabilities and the rights of service animal users; (b) urging chambers of commerce, local governments, local government organizations, and law enforcement agencies, to provide training on the rights of persons with disabilities with service animals to access to public accommodations and public transportation and to nondiscrimination in employment; (c) educating the public and alerting local governments, local government organizations, and law enforcement agencies about the harm caused by fraudulently misrepresenting pets as service animals or service animals in training and from pet owners failing to control their animals, including leashing of dogs, in the presence of a service animal or service animal in training; (d) educating the public and reminding local governments, local government organizations, and law enforcement agencies about the criminal penalties and potential civil liability for interference with, harming or killing a service animal or service animal in training, or for allowing animals to interfere with, injure, or kill a service animal or service animal in training, and for fraudulent misrepresentation of pets as service animals or service animals in training; (e) stressing the importance of enforcing existing local ordinances related to animal control to local governments, local government organizations, and law enforcement agencies; and (f) advising local governments and other organizations of the jurisdiction of the Nevada Equal Rights Commission over the resolution of complaints of unlawful discriminatory practices related to housing, employment, and public accommodations. **(BDR 693)**
33. Amend the NRS by repealing and amending provisions that inappropriately refer to persons as “the blind” or “the deaf” and amend NRS 613.330, 651.075, 704.145, and 706.366, to replace the references to “visual, aural, or physical disabilities” and

“visual or aural disabilities” with “persons with disabilities.” Further, repeal provisions in the NRS that: (a) require the use of blaze orange leashes while ensuring that any such repeal shall not remove or lessen any rights of persons with disabilities; and (b) refer to schools for guide dogs, hearing dogs, and helping dogs, and to such schools being approved by DETR. **(BDR 694)**

34. Amend the NRS, consistent with the ADA, to: (a) clarify that the operator of a public accommodation may ask if an animal is a service animal and what tasks the animal performs to assist the person with a disability (subsection 2 of NRS 651.075); and (b) allow the exclusion of service animals and service animals in training from public accommodations when: (i) the animal is out of control and the owner does not take effective action to control it; or (ii) the animal poses a direct threat to the health and safety of others. **(BDR 694)**
35. Amend the NRS to clarify that a landlord may only require evidence from a person with a disability using a service animal, in conformance with the Federal Fair Housing Act, which may include questions as to: (a) the person’s need for the service animal; and (b) the proper training of the service animal. **(BDR 694)**
36. Amend the NRS to prohibit: (a) demanding a deposit from a person with a disability using a service animal as a condition of accessing public transportation; (b) demanding an additional fee or a deposit from a person training a service animal, as a condition of accessing public transportation; (c) charging an additional fee or a deposit to a person training a service animal, as a condition of access to a place of public accommodation; and (d) demanding a fee or deposit from a person with a disability using a service animal as a condition of leasing housing. **(BDR 694)**
37. Amend Chapter 426 of the NRS to make it a gross misdemeanor to fraudulently misrepresent an animal as a service animal or a service animal in training and provide for a greater penalty (Category E felony) for a second subsequent offense. **(BDR 694)**
38. Amend NRS 426.790, 426.810, and 426.820, as needed, to make the provisions and penalties consistent including: (a) the restitution requirements in NRS 426.810(3) shall also apply to persons found guilty of violating the provisions of NRS 426.790; (b) the civil liability provided by NRS 426.820 shall also apply to persons found guilty of violating the provisions of NRS 426.790; (c) the addition of “other animals” after “dog” in the prohibition in NRS 426.790 against interfering with, beating, or killing a service animal; and (d) the provision of criminal penalties in NRS 426.790 for a person who allows their dog (or other animal) to interfere with a service animal in training or who beats or kills a service animal in training. **(BDR 694)**
39. Amend the NRS to provide civil liability for: (a) persons who demand a deposit from a person with a disability using a service animal, as a condition of access to a place of public accommodation; (b) persons who demand a fee or deposit from a person with a

disability using a service animal, or a person training a service animal, as a condition of accessing public transportation; (c) persons who unlawfully refuse to rent a dwelling to a person with a disability using a service animal; (d) persons charging an additional fee or a deposit to a person training a service animal, as a condition of access to a place of public accommodation; and (e) persons who unlawfully deny access to public transportation, to a person with a disability with a service animal or a person training a service animal, or who violate any other provision of NRS 704.145 and 706.366. Civil liability is defined in NRS 426.820 and includes actual damages, punitive damages of at least \$750, and reasonable attorney's fees, as determined by the court. **(BDR 694)**

THE LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218.5352

Members

Assemblyman Richard D. Perkins, Chairman
Senator William J. Raggio, Vice Chairman
Senator Bernice Mathews
Senator Ann O'Connell
Senator Maurice E. Washington
Assemblyman Jason D. Geddes
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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

Nevada's Legislative Committee on Education 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 1997 with the enactment of Senate Bill 482, known as the Nevada Education Reform Act (NERA) (Chapter 473, *Statutes of Nevada*), the Committee is responsible for reviewing statewide programs in accountability, the statewide student information system, class size reduction, progress toward achieving the goals of the federal No Child Left Behind (NCLB) Act of 2001, and any other fiscal or policy concerns associated with public education.

The Committee held eight meetings during the 2003-2004 Interim. In addition to one meeting at the Legislative Building in Carson City and one meeting at the Grant Sawyer State Office Building in Las Vegas, the Committee met at the following sites: Foothill High School in Henderson, Damonte Ranch High School in Reno, Community College of Southern Nevada High Tech Center in Pahrump, Southside Elementary School in Elko, Southern Nevada Vocational Technical Center in Las Vegas, and the University of Nevada, Reno, in Reno. Along with testimony from national and state education experts, at most of the sites the Committee invited area residents to discuss education issues in a panel format. Participants represented teachers, parents, students, and community leaders. Most of the meetings held at remote sites were carried over the Legislative Counsel Bureau's Web site.

The Committee gathered data on the gap in achievement performance documented by standardized test results, such as the National Assessment of Educational Progress mandated by NCLB, and the norm-referenced and criterion-referenced tests required by the Nevada Education Reform Act. It received testimony on the status of the compliance with NCLB and recommendations on state actions to close the achievement gap.

To gain information on Nevada's implementation of NCLB, the Committee heard testimony on highly qualified teachers, school leadership, rural issues, strategies to close the achievement gap, and the college performance of recent high school graduates. It received presentations from the Education Trust, the Education Commission of the States, the Grow Network, and Otis Educational Systems, Inc. It considered research relating to full-day kindergarten, class-size reduction, the changing role of public school administrators, and national board teacher certification.

Members of the Committee adopted 44 proposals with regard to public education in Nevada, including parental involvement, school leadership, educational personnel, kindergarten, academic standards, curriculum, testing and reporting, educational technology, NCLB, and transitions from high school to college. Major recommendations include proposals to:

- Require the State Board of Education and the school districts to include parental involvement strategies in their plans for improvement;
- Require the Nevada Department of Education to disseminate information in an annual handbook to all boards of trustees and governing boards of charter schools;
- Continue the signing bonuses for teachers;
- Include additional school personnel in the enhanced retirement benefit for those who work in hard-to-staff schools or in hard-to-staff positions;
- Provide an option of a cash stipend in lieu of the enhanced retirement benefit;
- Provide a stipend to personnel who work in isolated rural schools;
- Fund a mentor teacher pilot project;
- Provide funding for full-day kindergarten in Title I schools;
- Establish a task force to consider the high school proficiency examination, required courses for high school graduation, and the calibration of academic standards to instruction in the elementary grades; and
- Recommend that the Legislative Committee on Education study the transition from high school to postsecondary education or employment in the 2004-2005 Interim.

Further, the Committee formed a subcommittee to study school leadership at the state, district, and building level during the remainder of the Interim. The subcommittee is to report its findings to the full Committee before the beginning of the 2005 Legislature. The Committee also agreed to direct the Superintendent of Public Instruction to form a parental involvement advisory council to make recommendations to the Legislature for policies to increase parent participation in their children's education. Finally, the Committee agreed to draft several letters to various officials, organizations and the federal government concerning a wide range of education issues.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218.5352

Following is a summary of the recommendations adopted by the Legislative Committee on Education at its August 31, 2004, meeting. The corresponding bill draft request (BDR) number follows each recommendation for legislation.

PARENTAL INVOLVEMENT

The members of the Legislative Committee on Education adopted the following proposals relating to parental involvement in the public schools.

1. Provide for a transitory section that requires the Superintendent of Public Instruction to convene a statewide parental involvement advisory council that would make recommendations to the Legislature for policies to increase parental involvement. **(BDR 475)**
2. Amend the statutes to require the State Board of Education's plan for improvement to include strategies, consistent with the State Board's policy adopted pursuant to NRS 392.457, to promote effective involvement by parents and families of pupils in the education of their children. **(BDR 475)**
3. Amend the statutes to require a school district's plan for improvement to include strategies, consistent with the State Board of Education's policy adopted pursuant to NRS 392.457, to promote effective involvement by parents and families of pupils in the education of their children. **(BDR 475)**
4. Amend the statutes to allow the Regional Professional Development Programs (RPDPs) to provide training to teachers and administrators on communicating with parents about the education of their children. **(BDR 475)**
5. Provide an appropriation from the State General Fund to the Interim Finance Committee (IFC) to continue the contractual services to provide brochures for the reporting of test scores of pupils and related services for teachers and administrators. **(BDR 475)**

SCHOOL LEADERSHIP

The members of the Legislative Committee on Education adopted the following proposals relating to school leadership throughout the public school system.

6. Provide for a subcommittee of the Legislative Committee on Education to study the current effectiveness and structure of school leadership in Nevada. It would recommend to the full Committee changes that would improve the effectiveness of the state, district, and school building leadership, in closing the achievement gap in education, including the need for administrator education and professional development programs, training for board members, and induction and mentoring for new leaders.
7. Amend the statutes to require the Nevada Department of Education (NDE) to prepare annually a school board information manual, to include the following information: decision items resulting from newly enacted legislation; timelines to comply with NCLB and Senate Bill 1 (Chapter 1, *Statutes of Nevada 2003, 19th Special Session*); open meeting laws; school finance and management; and other topics as useful or necessary. **(BDR 476)**
8. Amend NRS 385.210 to include charter schools in receiving information from the NDE concerning statutes newly enacted by the Legislature and to require that the NDE provide the school districts and charter schools a memorandum describing all funding approved by the Legislature that affects the public schools. **(BDR 476)**
9. Amend the statutes to provide for professional development conferences for members of boards of trustees and charter school governing boards. Specific topics, designed as workshops or seminars for members of boards of trustees, would include training in management, school finance, testing and assessment, school law, special education, evaluation, school improvement, and community relations. **(BDR 476)**

EDUCATIONAL PERSONNEL

The members of the Legislative Committee on Education adopted the following proposals relating to school personnel.

10. Continue the appropriation to NDE from the Distributive School Account (DSA) for transfer to the school districts for funding in the amount of \$5 million for each of the fiscal years for the 2005-2007 biennium for the purpose of continued support of signing bonuses for newly hired teachers. **(BDR 477)**
11. Provide an appropriation to NDE from the DSA for transfer to the school districts for the continuation of the one-fifth retirement credit for certain teachers and for school psychologists, including teachers in schools designated as in need of improvement, in schools where 65 percent or more of the children are at risk, and in hard to staff positions such as math, science, special education, and English as a Second Language (ESL). Also, provide an appropriation to fund one-fifth retirement credit for certain principals and other pupil and school services personnel in at-risk schools, including deans, registrars, nurses, counselors, librarians, and other licensed administrative personnel. **(BDR 477)**

12. Amend the statutes to create an individual choice of the one-fifth retirement credit as provided or a monetary stipend for certain teachers who teach in specialty areas, such as math, science, special education, and ESL. **(BDR 477)**
13. Provide a fixed appropriation to NDE from the DSA for transfer to the school districts for stipends to post-probationary teachers and principals who staff isolated schools in rural or remote areas of school districts. Districts applying for these funds would be required to demonstrate reasons why a school is hard to staff. The applications to NDE would be reviewed in consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau and the Budget Division of the Department of Administration. **(BDR 477)**
14. Provide for a transitory section that requires each school district board of trustees to review the experience of each building principal throughout the district, comparing the average years of experience of principals administrating schools designated as failing to make Adequate Yearly Progress (AYP) with those that are achieving AYP. The board shall develop a plan to address any discrepancies found in the rate of assignment of principals based on years of experience. The plan should be submitted to the Legislative Committee on Education by September 2006. **(BDR 477)**
15. Provide for a transitory section directing the Commission on Professional Standards in Education and the Superintendent of Public Instruction to develop a plan to implement a teacher induction and mentoring program. The plan would be submitted to the Legislative Committee on Education in 2006 and to the 2007 Session of the Legislature. Provide an appropriation to the Commission on Professional Standards in Education and the Superintendent of Public Instruction to implement a mentor teacher program in the 2006-2007 school year. Within a fixed appropriation, the school districts could apply for grants to participate. A report and findings would be provided to the Legislative Committee on Education in 2007. **(BDR 478)**
16. Provide an appropriation from the State General Fund to the Western Interstate Commission for Higher Education to purchase teacher education professional slots at institutions of the University and Community College System of Nevada (UCCSN). Recipients would be required to teach in Nevada in areas of critical need, which can be both geographic areas of the state as well as subject areas that have proven to be hard to staff, such as mathematics, science, special education, and ESL. For each year of teaching in an area of critical need, one-third of the loan would be forgiven. **(BDR 479)**
17. State in the final report that the UCCSN should offer traditional teacher preparation programs in non-traditional ways, such as on the weekend, in seminar formats, and on location at elementary and secondary education sites. **(BDR 479)**
18. Provide an appropriation from the State General Fund to the NDE to reimburse teachers for costs associated with obtaining the ESL endorsement. **(BDR 479)**

19. Provide an appropriation from the state General Fund to the NDE to reimburse teachers for costs associated with obtaining national board certification. **(BDR 479)**
20. Provide an appropriation to NDE from the DSA for transfer to the four host school districts for the continuation of the four RPDPs. Provide an appropriation to the RPDP Statewide Coordinating Council for statewide administrator training. Amend the statutes to require the RPDPs to offer training to members of boards of trustees and boards of charter schools to the extent that money is appropriated or otherwise provided. Also provide an appropriation for the Legislative Bureau of Educational Accountability and Program Evaluation to evaluate RPDPs. **(BDR 479)**
21. State in the final report that the Commission on Educational Technology and the Commission on Professional Standards in Education should collaborate to integrate technology into standards for renewal of teaching licenses. **(BDR 479)**
22. Amend NRS 391.552 to change the reporting date for the RPDP annual reports to September 1 from the current date of July 1. The change in reporting date would provide time for compilation of data. **(BDR 479)**

KINDERGARTEN

The members of the Legislative Committee on Education adopted the following proposals relating to kindergarten.

23. Provide for a fixed appropriation to the NDE from the DSA for transfer to school districts to fund full-day kindergarten in certain schools, which would be ranked and funded for full-day kindergarten provided on the basis of need, assuring that each school district receives a proportionate share of the funding. Once individual schools receive funding, they would continue to be funded, as new schools are phased in each successive fiscal year. **(BDR 480)**
24. Amend the statutes to require the Council on Academic Standards in Education to ensure that the curriculum in kindergarten is appropriate to address factors influencing the achievement gap in education. The Council would report to the Legislative Committee on Education on the proposed kindergarten curriculum and its projected impact on closing the achievement gap. **(BDR 481)**

ACADEMIC STANDARDS, CURRICULUM, TESTING, REPORTING, AND TECHNOLOGY

The members of the Legislative Committee on Education adopted the following proposals relating to academic standards, curriculum, testing, reporting, and technology.

25. Provide for a task force consisting of Nevada teachers, parents, the Commission to Establish Academic Standards, and others to review and analyze the High School Proficiency Examination (HSPE) and to report to the Legislature. The task force is to calibrate academic standards in Grades 1 through 8 and analyze and compare the state academic standards in reading and mathematics to national standards that support the National Assessment of Education Progress (NAEP). It is also to review the mathematics and English courses required for receipt of a standard high school diploma. **(BDR 482)**
26. Provide an appropriation from the State General Fund to the IFC for contractual services to provide personalized study guides to pupils who have taken the HSPE. **(BDR 482)**
27. Amend the statutes to include the list of state-funded remedial and supplemental services programs at each school in school district accountability reports. **(BDR 482)**
28. Provide for a transitory section to require the NDE to study alternative funding mechanisms to equalize opportunities for distance education among the school districts, giving consideration to unmet need, costs of different options, and projected participation rates. The NDE will report recommendations to the Legislature and the Legislative Committee on Education. **(BDR 482)**
29. Provide an appropriation from the State General Fund to NDE to continue the grants to the school districts for educational technology. For the amounts not dedicated by appropriation, require the Commission on Educational Technology to set priorities for granting State General Funds to school districts to acquire and maintain educational technology systems and services. The Commission shall submit its list of priorities to the Legislative Committee on Education for approval prior to awarding any remaining funds. **(BDR 482)**
30. Provide an appropriation from the State General Fund to NDE for transfer to the Clark County School District (CCSD) for the development and expansion of co-teaching in secondary schools, which is the pairing of a special education teacher and a general education core content teacher. Together, these teachers plan instruction and content delivery of subject matter. **(BDR 482)**
31. Send a letter to the RPD Statewide Coordinating Council, urging it to study opportunities for all teachers to increase their expertise in utilizing the co-teaching approach to improve achievement of all students in the least restrictive environment.

THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001
AND SENATE BILL 1 (2003)

The members of the Legislative Committee on Education adopted the following proposals relating to participation in the federal No Child Left Behind Act of 2001 and Nevada's compliance legislation provided in S.B. 1.

32. Draft a letter to the United States Department of Education, expressing the concern of the Committee with regard to adequate federal funding for the programs and provisions of the No Child Left Behind Act of 2001.
33. Continue the \$10.2 million appropriation to NDE from the DSA for transfer to certain schools for funding remediation programs in low performing schools. Provide for ranking schools, and funding only those with greatest need, based upon failure to make AYP. Provide a transitory section authorizing all schools receiving state remediation funds to use up to \$10,000 of the funds for preparation of the plans for improvement. **(BDR 484)**
34. Continue the \$1.5 million annual appropriation to NDE from the DSA for transfer to non-Title I schools for funding supplemental services for at-risk pupils in low performing non-Title I schools. **(BDR 484)**
35. Amend NRS 385.3613 to revise the date by which NDE shall determine whether multi-track year-round schools are making AYP. **(BDR 484)**
36. Amend NRS 385.3623 to allow the school designations of *High Achievement* and *Exemplary Achievement* to be made prior to August 1, instead of July 1. Amend this section to allow any school to appeal up, not just those designated as demonstrating *Need for Improvement*. Add a fifth designation category of *Exemplary Turnaround School*. **(BDR 484)**
37. Repeal NRS 385.3621. This section requires that, if the number of pupils tested on the criterion-referenced tests (CRT) provided in NRS 389.550 is less than 95 percent of the pupils enrolled in the school, the school must retest at its own expense. **(BDR 484)**
38. Amend the statutes relating to the reporting of test scores, when a test irregularity occurs, to ensure compliance with the intent of NCLB. Such invalidated test scores must be reported as “not proficient.” **(BDR 484)**
39. Provide a transitory section to amend Section 107 of S.B. 1 to test pupils in science in Grade 10 in the 2007-2008 school year. **(BDR 484)**
40. Amend the statutes to move the writing test from Grade 4 to Grade 5. **(BDR 484)**
41. Amend the statutes relating to the State Board of Education’s annual report of accountability. The current complete report will be available on compact disk and on the NDE Web site. A summary state report card would be authorized that would include the minimum NCLB reporting elements and other elements as determined by NDE in consultation with the staff of the Legislative Counsel Bureau (LCB). Amend the statutes relating to the school districts’ annual reports of accountability. The complete district

reports will be available on compact disk and via the Internet. The summary district reports would meet the requirement to disseminate the report to parents and guardians of pupils enrolled in the district schools. The summary reports would consist of minimum NCLB elements and other elements as determined by NDE in consultation with the staff of LCB. Also, amend the statutes to provide for a school level annual summary report consisting of the minimum NCLB reporting elements and other elements as determined by NDE in consultation with the staff of LCB. **(BDR 484)**

TRANSITIONS FROM HIGH SCHOOL TO COLLEGE

42. Provide a transitory section requiring the Legislative Committee on Education to study the transition from high school to postsecondary education during the 2005-2007 Interim. **(BDR 482)**
43. Send a letter to the University of Nevada Board of Regents urging it to accept the HSPE scores in lieu of scores on the ACT college entrance examination or the Scholastic Assessment Test (SAT).
44. Send a letter to the President of the University of Nevada, Reno, expressing support for the goals of the Rural Academic Persistence Program and urging the expansion of the program to serve other demographic groups in need of assistance.

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218.5363

Members

Senator Dean A. Rhoads, Chairman
Assemblyman John W. Marvel, Vice Chairman
Senator Mark E. Amodei
Senator Terry Care
Assemblyman Jerry D. Claborn
Assemblyman Tom Collins
Tim Perkins, Lincoln County Commissioner

Alternate Members

Senator Bob Coffin
Senator Warren B. Hardy II
Senator Mike McGinness
Assemblyman John C. Carpenter
Assemblyman Jason D. Geddes
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NRS 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* (NRS). 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 offers a forum for the discussion of public lands matters with federal, state, and local officials; representatives of special interest organizations; and other interested individuals.

The Committee on Public Lands also monitors and discusses issues relating to livestock grazing, mining, recreation, wilderness, and wild horses. Furthermore, the Committee monitors endangered species issues, wildlife matters, and military activities, including military land and airspace proposals. The Legislative Committee on Public Lands is charged by NRS 218.5368 to actively participate in local, regional, and national efforts to increase state and local roles in the management of public lands; consequently, the Committee can always expect a very busy legislative interim.

Pursuant to Senate Bill 216 of the 2003 Legislative Session (Chapter 408, *Statutes of Nevada*), the Legislative Committee on Public Lands must also review the programs and activities of the Colorado River Commission of Nevada; all public water authorities, districts, and systems in the state; and all other public and private entities with which any county has an agreement regarding the planning, development, or distribution of water resources.

A report of the Committee's activities during the 2003-2004 legislative interim period has been prepared. This document reviews public lands legislation passed during the 2003 Nevada Legislative Session and summarizes the topics considered and acted upon by the Committee during the 2003-2004 legislative interim. Also included in the report is a summary of the reviews required under S.B. 216 of the 2003 Legislative Session.

The Legislative Committee on Public Lands held a total of nine regular meetings throughout the state and attended a mine tour near Lovelock, Nevada. The Committee also participated in two informational tours in 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 and discusses more than 50 public lands-related issues during its meetings and tours throughout the interim. Topics of particular interest during this interim period included:

- Air quality issues;
- Black Rock Desert-High Rock Canyon;

- Bureau of Land Management (BLM) activities and policies in Nevada;
- BLM law enforcement regulations;
- “Checkerboard” land issues;
- Colorado River Commission;
- County and city public land issues;
- Drought relief;
- Eastern Nevada Landscape Coalition;
- Elk management;
- Endangered Species Act of 1973;
- Federal and state land use permitting processes;
- Federal and state legislation (various pending measures);
- Fire suppression and prevention;
- Grazing issues;
- Humboldt Project Title Transfer;
- Interbasin transfer of water;
- Land sales and disposals;
- Lincoln County Land Act of 2000 and the Lincoln County Conservation, Recreation, and Development Act of 2004;
- Mine reclamation and bonding issues;
- Mining generally (including mineral exploration, millsite issues, permitting, abandoned mine lands, and federal and state regulation);
- Mining regulations;
- Mormon cricket and grasshopper infestations;
- Nevada Fire Safe Council;
- Northeast Nevada Stewardship Group;
- Noxious weed and invasive species abatement;
- Off-highway vehicle (OHV) use and possible regulation of OHVs;
- Payment in Lieu of Taxes (PILT);
- Pinion-Juniper harvest and thinning;
- Range rehabilitation issues;
- Rangeland Resources Committee;

- Renewable energy development on public lands;
- Sage Grouse and the possible listing of Sage Grouse as an endangered species;
- Southern Nevada Public Lands Management Act (SNPLMA) of 1998;
- Southern Nevada Water Authority;
- State agency activities review;
- State involvement in management of federal lands in Nevada;
- Stockwater permits;
- Threatened and endangered species in Nevada (possible listings);
- U.S. Department of Energy (DOE) activities on public lands (Caliente Railroad Corridor);
- U.S. Forest Service activities and policies in Nevada;
- Vidler Water Company activities in eastern Nevada;
- Water issues generally (usage, supply, water rights, litigation, mine dewatering, and activities of various water authorities and providers);
- Wild horses and burros;
- Wilderness and wilderness study areas;
- Wildfire Support Group; and
- Wildlife management.

Attendance at the Committee hearings was high with 30 to 60 people typically in attendance. During the course of its meetings, the Committee was presented with numerous recommendations and requests. At its final meeting and work session, the members voted to request the drafting of nine bills and resolutions for consideration by the 2005 Nevada Legislature. The Committee also adopted a recommendation for a legislative resolution as recommended by the Legislative Committee on Public Lands' Subcommittee to Study Wilderness Areas and Wilderness Study Areas (Senate Concurrent Resolution No. 7 [File No. 63, *Statutes of Nevada 2003*]). The subjects of these bill draft requests (BDRs) concern: (1) the issuance of special incentive elk tags to private landowners; (2) proposed changes to terminology and fees referenced in NRS 533.438 and 533.4385 (the interbasin transfer of water); (3) the registration of OHVs; (4) the authority of the Legislative Committee on Public Lands; (5) the protection of cultural and historic resources belonging to the State of Nevada; (6) an interim study regarding noxious weeds; (7) the possible listing of the Sage Grouse on the national endangered species list; (8) the usage of the annual pesticide registration fee administered by the State Department of Agriculture (SDA); (9) wilderness and wilderness study areas; and (10) an interim study regarding groundwater management.

Additionally, the Committee voted to send over two dozen letters and 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 2003-2004 legislative interim and at its work session meeting held on August 27, 2004, in Carson City, Nevada. The corresponding BDR number follows each recommendation for legislation.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

1. Enact legislation amending provisions in Chapters 502 and 504 of the NRS to permit the issuance of special incentive elk tags to a private landowner as part of the payment to that landowner for the mitigation of damage caused by elk. **(BDR 424)**
2. Enact legislation changing the language in NRS 533.438 and 533.4385 to replace the word "tax" with the word "fee" throughout both statutes and increase the amount of that fee (in NRS 533.438, subsection 1) from \$6 to \$10. **(BDR 425)**
3. Enact legislation to provide for the registration of OHVs. **(BDR 426)**
4. Enact legislation amending NRS 218.5367 to clarify the authority of the Legislative Committee on Public Lands to review and comment on any matter relating to the use and management of public lands that is specified by the Chairman of the Committee or by a majority of the members of the Committee. **(BDR 427)**
5. Enact legislation governing the protection of cultural and historic resources belonging to the State of Nevada. **(BDR 428)**
6. Request, by resolution, the authorization of an interim study concerning noxious weeds in Nevada. **(BDR 429)**
7. Express, by resolution, the concerns of the Nevada Legislature regarding the possible listing of the Sage Grouse on the national endangered species list. **(BDR 430)**
8. Enact legislation designating a portion of the annual pesticide registration fee for use to fund a new position within the SDA to coordinate weed control volunteers and programs. **(BDR 431)**
9. Urge, by resolution, the U.S. Congress to take certain actions regarding the designation of wilderness areas and the release of public lands not designated as wilderness areas. **(BDR 432)**

10. Request, by resolution, the authorization of an interim study regarding groundwater management issues, most notably in Nevada's rural areas. **(BDR 433)**

**RECOMMENDATIONS FOR COMMITTEE ACTION:
COMMITTEE STATEMENTS AND LETTERS**

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

11. The BLM expressing support for the acquisition under the SNPLMA of 1998 of land in the Clearwater Canyon area of Humboldt and Pershing Counties.
12. The BLM expressing opposition to changes proposed in the agency's law enforcement regulations for Nevada and requesting a 90-day extension to the comment period set for the proposal.
13. The Board of County Commissioners in White Pine and Lincoln Counties, the U.S. Forest Service (USFS), the BLM, and the Nevada Division of Forestry, expressing support for the "fuels for schools initiative," which uses pinion-juniper biomass to provide energy and heat for certain schools in the White Pine County School District. The letter shall include a statement encouraging the program's expansion into Lincoln County and other areas of Nevada where pinion-juniper are abundant.
14. Nevada's Congressional Delegation, the BLM, and the White House Office of Intergovernmental Relations expressing support for the development of renewable energy on public lands and encouraging Congress and the administration of United States President George W. Bush to extend tax credits for solar and geothermal energy development.
15. The state offices of the BLM and the USFS; the Boards of Commissioners in Elko, Lincoln, Nye, and White Pine Counties; and the Lincoln County Trails Coalition supporting the concept and development of the "Southeastern Nevada Trail System and Related Infrastructure" for OHVs as presented at the Committee's meeting in Caliente, Nevada, on January 22, 2004. The letter shall include language supporting the efforts of these groups in securing "Question 1" bond money for the development of the trails system.
16. The Eastern Nevada Landscape Coalition expressing support for the Coalition and complimenting their efforts in land management analysis, environmental protection, resource development, and public education. A copy of this letter shall be sent to Nevada's Congressional Delegation, the state offices of the BLM and the USFS, and the Boards of Commissioners in White Pine and Lincoln Counties.

17. The Nevada Department of Wildlife (NDOW) encouraging the Department to send letters, brochures, handouts and other informational items to ranchers and farmers throughout Nevada describing the wildlife mitigation and compensation programs offered by NDOW for landowners who experience property loss or damage due to wildlife.
18. Nevada's Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, the United States Department of Interior (DOI), and the BLM requesting support for legislation and policies that provide for a "no net loss" of private land in federal land exchanges and purchases. The letter shall include commentary concerning recent efforts by Senator Craig Thomas (R-Wyoming) to address this matter in S. 1038 of the 108th Congress.
19. Each of Nevada's Boards of County Commissioners, the Nevada Association of Counties, and the Nevada League of Cities encouraging the various local governments to continue working closely with the BLM and Nevada's Division of State Lands in identifying lands that might be suitable for disposal (sale into the private sector or for purchase by local government). The letter shall stress the importance of this action on facilitating land sales that will ultimately increase the tax base of rural counties and enhance rural economies.
20. Nevada's Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, the DOI, and the BLM explaining the delicate and rather tenuous wild horse situation in Nevada and requesting that federal funding for wild horses and burros to states be proportional to the actual number of wild horses and burros in each of those states.
21. Nevada's Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, and the Chairmen of the appropriations committees in the U.S. Senate and House encouraging the full funding of the federal PILT program.
22. Nevada's Congressional Delegation and the DOI expressing support for the Lincoln County Conservation, Recreation, and Development Act of 2004. The letter shall include a statement expressing the Committee's desire that provisions in the proposed Act remain sensitive to environmental concerns raised during the legislative interim.
23. The Federal Emergency Management Agency (FEMA) expressing support for Lincoln County's grant request to FEMA to help fund emergency fuel reductions and underbrush clearing around the Mt. Wilson area.

24. The Federal Emergency Management Agency expressing support for Lincoln County's request for a \$2 million grant to provide for "Pre-hazard Mitigation Flood Mapping" and map modernization in Lincoln County.
25. Congressman Jim Gibbons expressing the Committee's support for the "Lincoln County, Nevada, Pilot Project for the Purpose of Emergency Fuel Reduction, Public Safety and Environment Health," which (according to representatives from Lincoln County) involves a number of public/private partnerships to reduce an overabundance of pinion-juniper and other volatile fuels in eastern Nevada.
26. Nevada's County Commissions and City Councils in Nevada who have not yet partnered with the Nevada Fire Safe Council expressing support for the Council and encouraging their participation in the organization. The letter shall include language recommending the formation of Fire Safe Council "Chapters" in communities where wildfire risk is especially high.
27. The DOI and the U.S. Fish and Wildlife Service encouraging the Department and the agency to "delist" or rescind the endangered species listing of the Sierra Nevada Bighorn Sheep. The letter shall request further study of the economic impacts of this listing and specifically reference the concerns noted by Floyd Rathbun, Certified Range Management Consultant, as set forth in his prepared statement to the Legislative Committee on Public Lands on March 26, 2004.
28. Nevada's Congressional Delegation expressing support for any existing or future "checkerboard land" consolidation bill.
29. The Board of County Commissioners in Churchill, Elko, Eureka, Humboldt, Lander, Lyon, Pershing, and Washoe Counties (those counties containing some "checkerboard land" patterns) expressing support of the Nevada Land and Resource Company's efforts to survey, obtain legal descriptions of, and ensure legal access to county roads that cross checkerboard lands. The letter shall include language encouraging the counties to assist the Nevada Land and Resource Company in these efforts.
30. The Wildfire Support Group, the BLM, and the USFS expressing support for the programs and activities of the Wildfire Support Group.
31. The USFS and the USFS' State and Private Forestry Program in Washington, D.C., encouraging the continued funding for noxious weeds and requesting that the State and Private Forestry Program explore ways to increase the funding that goes to the states for noxious weed control programs.

32. The Northeastern Nevada Stewardship Group commending the Group's accomplishments in the areas of land use analysis, public education, and the study of wildlife and wildfire, and recognizing the broad interest of the Group in land management matters.
33. The DOI and the BLM requesting consideration of actively changing, upon the request of a grazing permit holder, the terms of the permit to allow for the grazing of horses. The letter shall also include a statement of support for the concept of allowing ranchers to contract with the BLM to run wild horses that have been gathered using existing grazing permits.
34. The State Director of the BLM and to the Chairman of the Lander County Commission requesting an expeditious resolution of efforts to transfer the title of the Austin airport from the BLM to Lander County.
35. The State Director of the BLM requesting that the BLM Battle Mountain Field Office expeditiously revise its resource/land management plans to reevaluate "Desert Land Entry" lands in the region to determine if those lands might fit into requirements set forth under the Federal Land Transaction Facilitation Act of 2000 (commonly referred to as the "Baca bill") for purposes of disposal.
36. Nevada's Congressional Delegation urging them to consider an amendment to the SNPLMA or any other similar bill affecting Nevada currently or in the future, which would allow the BLM to use money from land sales under the Act for the purposes of funding statewide Sage Grouse protection efforts, wild horse gathers, general range enhancements, reducing the costs of environmental assessments and studies associated with the purchase and sale of federal land, and for noxious weed abatement and control throughout Nevada.
37. Gale Norton, Secretary of the DOI, and Kathleen Clark, Director of the BLM, expressing the Committee's appreciation of the BLM's efforts and support of the Committee during the 2003-2004 legislative interim. The letter shall include a statement concerning BLM's consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.
38. Ann Veneman, Secretary of the United States Department of Agriculture and Dale Bosworth, Chief, USFS, expressing the Committee's appreciation of the USFS' efforts and support of the Committee during the 2003-2004 legislative interim. The letter shall include a statement concerning USFS' consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.
39. Gale Norton, Secretary of the DOI, and Kathleen Clark, Director of the BLM, and Nevada's Congressional Delegation and include a statement in the final report expressing the Committee's concerns regarding the increased number of last-minute legal challenges

to land sales under the various federal land management acts impacting Nevada. The letter and statement shall make reference to testimony indicating there are many instances where legal challenges are mounted to halt land actions after years of preparation, sometimes resulting in the land sale process reverting back to the initial stages of development.

40. The DOE concerning the Caliente Railroad Corridor for Yucca Mountain. The letter shall include a statement urging the DOE to ensure, if the construction of the railroad is approved, that current land uses remain unchanged. The letter shall also relay the concerns of some ranchers in the corridor who believe they were not properly notified of the DOE's action and who fear the loss of economic livelihood due to the potential alteration of grazing patterns.
41. Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS; Al Stenenger, Range and Ranch Management Consultant, Western Range Service; Mike Lattin, Lattin Livestock, LLC; and Quinton J. Barr, Range and Ranch Management Consultant, Western Range Service, encouraging their continued cooperation in seeking a resolution to the concerns raised by Mr. Stenenger at the Committee's meetings in Reno on March 26, 2004, and in Wells on June 25, 2004, and thanking the parties for their willingness to work toward a solution regarding the grazing allotment monitoring practices of the USFS in Elko County.
42. Don Henderson, Director, SDA, if the measure crafted under BDR 431 is passed by the Nevada Legislature (see Recommendation No. 8), requesting his assistance in amending subsection 1 of the *Nevada Administration Code* 586.011 to increase the annual pesticide registration fee from \$60 to \$80.

LEGISLATIVE COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

Nevada Revised Statutes 218.53723

Members

Senator Raymond D. Rawson, Chairman
Assemblywoman Barbara E. Buckley, Vice Chairwoman
Senator Maggie A. Carlton
Senator Bernice Mathews
Senator Maurice E. Washington
Senator Valerie Wiener
Assemblyman John C. Carpenter
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NRS 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 federal 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 continues to be the oversight of this integration.

The Committee held a total of five 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. The Committee also created two subcommittees to review issues involving Kinship Care and Adoption, respectively. Each subcommittee met once during the 2003-2004 interim.

Throughout the course of the study, the Committee received testimony from the Department of Human Resources and child welfare agencies identifying issues for the Committee's review or problems to be resolved with regard to ending the bifurcated child welfare system in Nevada. Progress reports were presented at each meeting from Clark County where integration had been delayed during the prior interim, and October 1, 2004, was the new date targeted for completing integration. In addition, the Committee also requested and reviewed information from the Department and the agencies regarding mental health services provided to children within the child welfare system. Additional child welfare issues were also identified for review by foster care providers, child advocates, members of the public, and other interested persons.

At the final meeting, the Committee adopted 21 recommendations, including 11 that will be combined into bill draft requests (BDRs) for consideration by the 2005 Legislature. The recommendations address the following major topics:

- Extension of the date on which the Committee on Children, Youth and Families is scheduled to sunset;
- Funding and structure of the child welfare system, including the development of a plan for funding such services in the future, creation of a unit to maximize collection of federal revenue, and rates for foster care providers;

- Assistance for children “aging out” of the foster care system;
- Mental health services for children within the child welfare system;
- Rights of foster children and placement of foster children with siblings; and
- Creation of post-adoptive services programs and access to medical information by adoptees.

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 73rd Session of the Nevada Legislature:

FUNDING AND STRUCTURE OF THE CHILD WELFARE SYSTEM

1. Development of a Funding Formula and Transfer of Responsibility for Higher Levels of Care – Draft legislation requiring the Division of Child and Family Services, Department of Human Resources, to develop a plan for funding child welfare services that includes a proposal for transferring responsibility of higher levels of care (generally defined as levels above family foster care) from the State to Clark and Washoe Counties. The plan must be submitted to the Legislative Committee on Children, Youth and Families, the Interim Finance Committee, and the Office of the Governor on or before August 1, 2006. In addition, revise the sunset for the Committee on Children, Youth and Families, from June 30, 2005, to June 30, 2007. **(BDR 666)**
2. Unit to Maximize Collection of Federal Revenue – Include a statement in the Committee’s final report supporting the Division of Child and Family Services’ (DCFS) plan to develop a cost allocation unit to maximize collection of federal revenue. The Committee recommends that unit be funded entirely with federal revenue, as the unit’s purpose is to augment this source of funding.

PROVIDERS OF CERTAIN CHILD WELFARE SERVICES

3. Performance Based Contracting – Include a statement in the Committee’s final report supporting the DCFS plan for a rate increase for contract group home providers, and to implement performance-based contracting.
4. Medicaid Providers – Send a letter to the Director of the Department of Human Resources urging him to designate a person to be responsible for ensuring that issues involving Medicaid coverage for abused or neglected children, including payment for providers, are addressed appropriately. The designated person should serve as the primary contact for inquiries from Medicaid providers involving children in the custody of a child welfare agency. Further, the designated person should be responsible for determining the number of Medicaid providers needed to serve the needs of children in the custody of a child welfare agency, and should report any shortages to the Director of the Department.

SUPPORT OF CHILDREN AGING OUT OF FOSTER CARE

5. Evidence of a Transition Plan – Draft legislation to require child welfare agencies to develop a transition plan in consultation with the youth that includes (without limitation) assisting the youth in obtaining the following:
 - a. A Social Security card;
 - b. A Nevada identification card or driver's license;
 - c. A work card, if applicable;
 - d. Health care coverage;
 - e. Social Security Disability approval, if applicable; and
 - f. An agreement with the Division of Mental Health and Developmental Services for housing and other services, if applicable.

In addition, the agency must inform the youth of the assistance available under NRS 423.137 (Assembly Bill 94 [Chapter 603, *Statutes of Nevada 2001*] funds) and include with the transition plan a copy of an application for the funds for the items the child needs. Finally, the child welfare agency must present the finalized transition plan to the court. **(BDR 667)**

6. Continued Services for Foster Youth - Redraft legislation from the 2003 Legislative Session to allow DCFS to continue to provide services to foster care children past the age of 18 years in certain circumstances (See Assembly Bill 25, as introduced). Send a letter to Governor Kenny C. Guinn urging the inclusion of the funds necessary for this recommendation in The Executive Budget for the 2005-2007 biennium. **(BDR 667)**
7. Extended Medicaid Coverage - Redraft legislation from the 2003 Legislative Session requiring the Director of the Department of Human Resources to include in the State Plan for Medicaid a requirement that young adults who have “aged out” of foster care are eligible for Medicaid (See Assembly Bill 5, as introduced). Send a letter to Governor Kenny C. Guinn urging the inclusion of the funds necessary for this recommendation in The Executive Budget for the 2005-2007 biennium. **(BDR 668)**

MENTAL HEALTH SERVICES

8. Provision of Services to Severely Emotionally Disturbed Children – Include a statement in the report supporting the DCFS plan to convert the Wrap-around in Nevada (WIN) program to a state program with appropriate infrastructure, including supervisors, case managers, clerical support, and operating costs.
9. Rate Structure for Higher Levels of Care - Include a statement in the report supporting an overhaul of the rate structure for higher levels of care. Note in the report, however, that the support of the members of the Committee may be withdrawn depending upon estimated fiscal impact to the State, which was not provided prior to the August 12, 2004, work session. Encourage child welfare agencies to initiate an examination of the rate structure for higher levels of care for the purpose of recommending a change in the rate structure to the Governor and to the 2005 Legislature.
10. Responsibility for Mental Health for Children – Draft legislation to transfer all responsibilities for mental health from DCFS to the Division of Mental Health and Developmental Services. Responsibilities to transfer include (but are not limited to) clinical services provided by therapeutic foster families. Require that discharge planning commence immediately upon admission to a facility and that a child be released to an appropriate placement no later than 48 hours after they have stabilized and are no longer in need of treatment. **(BDR 669)**
11. Expanded Services for Severely Emotionally Disturbed Children - Include a statement in the report supporting the expansion of services for severely emotionally disturbed children to include children across the child welfare system and not just those in foster care. Note in the report that the support of the members of the Committee for the recommendation may be contingent upon estimated fiscal impact to the State, which was not provided by the agencies at the time of the work session.

ADDITIONAL RECOMMENDATIONS RELATING TO THE OPERATION AND OVERSIGHT OF THE CHILD WELFARE SYSTEM

12. Siblings in the Child Welfare System – Draft legislation to add a presumption to *Nevada Revised Statutes* that it is in the siblings' best interests to be placed together. In addition, require that the child welfare agency's semiannual report (required by NRS 432B.580) include the following: **(BDR 670)**
 - a. A detailed report on the placement of the child in relation to his or her siblings, including any separation of the siblings and the reasons for the separation;

- b. The efforts by the agency to place the siblings together that includes the reasons the siblings are not currently placed together.
 - c. The actions taken by the agency to maintain contact between the siblings.
 - d. A plan for visitation if the siblings are not placed together that must be approved by the court. Once a visitation plan is approved, the child welfare agency must request a court order for visitation, which is subject to contempt of court for a violation.
13. Fast Track Parental Rights Cases – Draft legislation to require that termination of parental rights cases be “fast tracked” by the courts to achieve a final decision within six months. In addition, send a letter on behalf of the Committee to the Nevada Supreme Court requesting the Court to consider changing the necessary court rules to allow “fast tracking” of parental rights cases. **(BDR 671)**
14. Rights of Foster Children – Draft legislation setting forth the “rights” of children in foster care, including the following concepts: **(BDR 672)**
- a. To live in a safe, healthy, and comfortable home where he or she is treated with respect.
 - b. To be free from physical, sexual, emotional, or other abuse, or corporal punishment.
 - c. To receive adequate and healthy food, adequate clothing, and, for youth in group homes, an allowance.
 - d. To receive medical, dental, vision, and mental health services.
 - e. To be free of the administration of medication or chemical substances, unless authorized by a physician.
15. Sharing of Identifying Information for Research Purposes: Draft legislation creating an exception to the requirement to remove all identifying information. The exception would authorize the sharing of data or information concerning reports or investigations with a person engaged in bona fide research or an audit under the following conditions: **(BDR 673)**
- a. The identifying information must be maintained confidentially by the person to whom it is released for research or audit purposes;

- b. The identifying information is essential to the purpose of the research or audit; and
 - c. Each person identified in the record or an authorized representative has authorized such disclosure in writing.
16. Increase Daily Foster Care Rate - Include a statement in the report supporting an increase in the daily foster care rate to \$30 per day across the State. Note in the report that the support of the members of the Committee for the recommendation may be contingent upon estimated fiscal impact to the State, which was not provided by the agencies at the time of the work session.
 17. Respite Care - Include a statement in the report supporting foster parent respite care to allow foster parents 14 days of respite per fiscal year at a rate of \$30 a day. Note in the report that the support of the members of the Committee for the recommendation may be contingent upon estimated fiscal impact to the State, which was not provided by the agencies at the time of the work session.
 18. Foster Care Review Boards – Send a letter to the Director of the Department of Human Resources and the Administrator of the Division of Child and Family Services urging the establishment of a pilot program for voluntary foster care review boards.

ADOPTION

19. Access to Medical Information – Draft legislation establishing a procedure for birth parents to provide updated medical information or family history of medical problems to the district court. Require the district court to work confidentially through the appropriate adoption agency to try to locate the adopted child and provide the updated medical information to the adopted child or the child’s adoptive parents if the child is still a minor. The information must be provided without exchanging any identifying information. No fee will be charged to the birth parent for providing the information. **(BDR 883)**

20. State Register and Access to Medical Information – Draft legislation to require the State Register for Adoptions (NRS 127. 007, set forth below) to attempt to contact an adopted child (or the child's adoptive parents if the child is still a minor) when the Register receives updated medical history information from a birth parent. Such contact must only be for the purpose of relaying updated medical information and must not involve the release of identifying information, except as currently authorized by statute. **(BDR 674)**

21. Create New Program for Post-Adoption Services - Include a statement in the report supporting the development and funding of post-adoption services programs across the State. Note in the report that the support of the members of the Committee for the recommendation may be contingent upon estimated fiscal impact to the State, which was not provided by the agencies at the time of the work session.

BULLETIN NO. 05-18

Legislative Committee on Taxation, Public Revenue and Tax Policy

Nevada Revised Statutes 218.53741

Members

Senator Mike McGinness, Chair
Assemblyman David R. Parks, Vice Chair
Senator Bob Coffin
Senator William J. Raggio
Senator Randolph J. Townsend
Assemblyman David E. Goldwater
Assemblyman Lynn C. Hettrick
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**NRS 218.53741 Establishment; membership; Chairman; Vice Chairman; vacancies.
[Effective through June 30, 2005.]**

1. There is hereby established a Legislative Committee on Taxation, Public Revenue and Tax Policy consisting of:

(a) The Speaker of the Assembly, or a member of the Assembly designated by the Speaker of the Assembly;

(b) The Minority Leader of the Assembly, or a member of the Assembly designated by the Minority Leader of the Assembly;

(c) The Majority Leader of the Senate, or a member of the Senate designated by the Majority Leader of the Senate;

(d) The Minority Leader of the Senate, or a member of the Senate designated by the Minority Leader of the Senate;

(e) Two members appointed by the Speaker of the Assembly who were members of the Assembly Committee on Taxation during the immediately preceding legislative session; and

(f) Two members appointed by the Majority Leader of the Senate who were members of the Senate Committee on Taxation 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 2003, 20th Special Session, [188](#))

ABSTRACT

LEGISLATIVE COMMITTEE ON TAXATION, PUBLIC REVENUE AND TAX POLICY

(*Nevada Revised Statutes* 218.53741)

The Legislative Committee on Taxation, Public Revenue, and Tax Policy is a statutorily created committee of the Nevada Legislature that consists of eight members whose duties and responsibilities are set forth in Chapter 218 of the *Nevada Revised Statutes*. The Speaker of the Assembly and the Senate Majority Leader must each appoint two individuals who were members of the respective standing committees on taxation during the 72nd session of the Nevada Legislature. The other four members are the Speaker of the Assembly, the Minority Leader of the Assembly, the Majority Leader of the Senate, and the Minority Leader of the Senate or a member designated by each position from their respective houses. Under current statute, the Committee is set to expire on June 30, 2005.

The Committee conducted four meetings. Two of the meetings were held in Las Vegas with videoconferencing to Carson City and the other two meetings were held in Carson City with videoconferencing to Las Vegas.

At its meetings during the interim, the Committee received testimony from the Nevada Taxpayer's Association, the Las Vegas Convention and Visitor's Authority, the Laughlin Chamber of Commerce, Nevada Manufacturer's Association, Retail Association of Nevada, representatives of Nevada's banking industry, and other groups or individuals regarding issues for consideration and proposed adjustments to the various tax changes approved in Senate Bill 8 (Chapter 5, *Statutes of Nevada*) during the 20th Special Session. The Committee was also provided reports from the Department of Taxation, the Gaming Control Board, and the Secretary of State's office on the status of implementing the legislatively approved tax changes as well as updates on the revenue collections generated from the tax increases and new taxes approved during the 20th Special Session. The Committee also requested the preparation of a report by staff regarding the impact of the Live Entertainment Tax on entertainment events held in the state and the potential for certain events to relocate to another state due to the new entertainment tax.

At its August 24, 2004, meeting, the Committee voted to approve two bill draft requests recommending adjustments to three of the new taxes or fees approved during the 20th Special Session in Senate Bill 8. The recommendations of the Committee address the following areas:

- Technical adjustments and policy changes to the Business License Fee.
- Technical adjustments and policy changes to the Modified Business Tax.
- Technical adjustments and policy changes to the Live Entertainment Tax.

- Increasing the salaries of the members of the Nevada Tax Commission.
- Expanding the Taxpayers' Bill of Rights to the Insurance Premium Tax and the Short-term Car Rental Tax administered by the Department of Taxation and to the fuel taxes administered by the Department of Motor Vehicles. Changing the provisions for distributing information on the Taxpayers' Bill of Rights to taxpayer's and the general public.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON TAXATION, PUBLIC REVENUE AND TAX POLICY

(Nevada Revised Statutes 218.53741)

This summary presents the recommendations approved by Nevada's Legislative Committee on Taxation, Public Revenue and Tax Policy during the 2003-2004 legislative interim at its meeting on August 24, 2004, in Carson City. The Committee will submit these proposals to the 73rd Session of the Nevada Legislature.

BUSINESS LICENSE FEE

1. Draft legislation amending the statutes for the annual business license fee (*Nevada Revised Statutes* [NRS] Chapter 360) authorizing the Department of Taxation to:
 - a. Allow an individual with multiple businesses to establish a common anniversary date mutually agreed upon by the taxpayer and the Department of Taxation for the submission of the \$100 annual renewal fee for each business on that anniversary date;
 - b. Allow for the proration of the \$100 annual renewal fee for those businesses in which the \$100 business license fee has been paid for a partial year based on the anniversary date established for all businesses; and
 - c. Allow for the proration of the original \$100 business license fee required for any additional new businesses licensed by an individual who has established a common anniversary date with the Department of Taxation with the proration based on the established anniversary date. **(BDR 683)**
2. Draft legislation, amending the statutes for the business license fee (NRS Chapter 360), specifying that a natural person is required to obtain only one business license for multiple business activities reported to the Internal Revenue Service on the schedules cited in NRS 360.785. **(BDR 683)**
3. Draft legislation amending the statutes for the business license fee (NRS Chapter 360) that:
 - a. Eliminates NRS 360.770 which defines an employee;
 - b. Eliminates the provision in paragraph (c) of subsection 2 of NRS 360.780 requiring a business to report the estimate of the number of employees to the Department of Taxation when paying the annual business license fee; and

- c. Eliminate the provision in subsection 4 of NRS 360.795 that requires the Director of the Department of Taxation to report the number of employees to the Division of the Industrial Relations of the Department of Business and Industry. **(BDR 683)**
4. Draft legislation amending the statutes for the business license fee (NRS Chapter 360) that specifies that the term “earns” in paragraph (c) of subsection 2 of NRS 360.765 means “net earnings”. **(BDR 683)**
5. Draft legislation amending the statutes for the business license fee (NRS Chapter 360) that specifies:
 - a. A person or governmental entity that operates a facility at which craft shows, exhibitions, trade shows, conventions or sporting events are held is responsible for the payment of the business license fee for those persons who do not have a business license fee;
 - b. The entity operating the facility where the craft show, exhibition, trade show, convention or sporting event can pay the fee due in one of two ways:
 - (1) As an annual flat fee of \$5,000 on or before July 1 for all shows held at the facility during that fiscal year, and
 - (2) On a per show or event basis equal to the product of the total number of businesses taking part in the show or event who do not have a business license multiplied by the number of days the show or event is held multiplied by \$1.25, payable to the Department of Taxation on a quarterly basis. **(BDR 683)**
6. Draft legislation amending the statutes for the business license fee (NRS Chapter 360), providing an exemption from the business license fee for a person who derives rental income from four or fewer dwelling units. **(BDR 683)**
7. Draft legislation amending the statutes for the business license fee (NRS Chapter 360) removing the exemption for businesses that create or produce motion pictures (as defined in NRS 231.020) from the business license fee. **(BDR 683)**

MODIFIED BUSINESS TAX

8. Draft legislation amending the statutes for the modified business tax (NRS Chapter 363B) and the modified business tax on financial institutions (NRS Chapter 363A), indicating the tax does not apply to things the state is prohibited from taxing under the Constitution or laws of the United States or the Nevada Constitution. **(BDR 683)**
9. Draft legislation amending the statutes for the modified business tax (NRS Chapter 363B) and the modified business tax on financial institutions (NRS Chapter 363A), eliminating the requirement for a taxpayer to submit a copy of his or her quarterly unemployment insurance tax form along with the modified business tax form filed with the Department of Taxation each quarter. **(BDR 683)**
10. Draft legislation, amending the statutes for the modified business tax (NRS Chapter 363B) and the modified business tax on financial institutions (NRS Chapter 363A), to include in statute the following definitions adopted in regulation for implementing the health care deduction allowed under the modified business tax and the modified business tax on financial institutions:
 - a. “Claims” to mean claims for those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees;
 - b. “Direct administrative services costs” to mean, if borne directly by a self-insured employer and reasonably allocated to the direct administration of claims:
 - (1) Payments for medical or office supplies that will be consumed in the course of the provision of medical care or the direct administration of claims,
 - (2) Payments to third-party administrators or independent contractors for the provision of medical care or the direct administration of claims,
 - (3) Rent and utility payments for the maintenance of medical or office space used for the provision of medical care or the direct administration of claims,
 - (4) Payments for the maintenance, repair and upkeep of medical or office space used for the provision of medical care or the direct administration of claims,

- (5) Salaries and wages paid to medical, clerical and administrative staff and other personnel employed to provide medical care or directly to administer claims, and
 - (6) The depreciation of property other than medical or office supplies used for the provision of medical care or the direct administration of claims;
- c. “Employees” to mean employees whose wages are included within the measure of the excise tax imposed upon an employer by NRS 363A.130 and their spouses, children and other dependents who qualify for coverage under the terms of the health insurance or health benefit plan provided by that employer;
 - d. “Health benefit plan” to mean a health benefit plan that covers only those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees; and
 - e. “Any amounts paid by an employer to a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5) for participation in an employee welfare benefit plan” to mean any amounts which are:
 - (1) Paid by an employer to a Taft-Hartley trust which:
 - (a) Is formed pursuant to 29 U.S.C. § 186(c)(5); and
 - (b) Qualifies as an employee welfare benefit plan, as that term is defined in 29 U.S.C. § 1002;
 - (2) Considered by the Internal Revenue Service to be fully tax deductible pursuant to the provisions of the Internal Revenue Code. **(BDR 683)**
- 11. Draft legislation amending the statutes for the modified business tax (NRS Chapter 363B) to exempt the wages paid by individuals to employees who provide in-home domestic health care services to their employer or family member’s of the employer. **(BDR 683)**
 - 12. Draft legislation amending the statutes for the modified business tax on financial institutions (NRS Chapter 363A) replacing current statutory language for defining financial institutions relying on the North American Industrial Classification System (NAICS) definitions with language defining a financial institution based upon the licensing, registration, or other state or federal requirements for doing business. **(BDR 716)**

LIVE ENTERTAINMENT TAX

13. Draft legislation, amending the statutes for the Live Entertainment Tax (NRS Chapter 368A), to provide the Gaming Commission with the regulatory authority over the gaming portion of the Live Entertainment Tax. **(BDR 683)**
14. Draft legislation amending the statutes for the Live Entertainment Tax (NRS Chapter 368A) specifying that the tax is based on maximum occupancy of the facility, not maximum seating capacity. **(BDR 683)**
15. Draft legislation amending the statutes for the Live Entertainment Tax (NRS Chapter 368A) to provide an exemption for food and product demonstrations conducted at shopping malls, craft shows, membership stores, and similar facilities. **(BDR 683)**
16. Draft legislation amending the statutes for the Live Entertainment Tax (NRS Chapter 368A) exempting a nonprofit organization from the live entertainment tax on the purchase price of a ticket to a live entertainment event in the situation when a for-profit entity sells tickets to an event at a discount to the nonprofit organization for resale by the nonprofit with the difference benefiting the nonprofit organization. **(BDR 683)**

NEVADA TAX COMMISSION

17. Draft legislation amending NRS 360.050, to make the salary of the Chairperson of the Nevada Tax Commission \$55,000 per year and the other seven members of the Nevada Tax Commission salary \$40,000 per year. **(BDR 683)**

TAXPAYERS' BILL OF RIGHTS

18. Draft legislation amending the statutes for the Taxpayers' Bill of Rights (NRS Chapter 360), that:
 - a. Makes the provisions of the Taxpayers' Bill of Rights (NRS 360.291) applicable to
 - (1) The Insurance Premium Tax administered by the Nevada Tax Commission covered under Title 57, Chapter 680B of the NRS;
 - (2) The Short-Term Car Rental Tax administered by the Nevada Tax Commission covered under Title 43, Chapter 482 of the NRS; and
 - (3) The fuel taxes administered by the Department of Motor Vehicles covered under Title 32, Chapters 365 and 366 of the NRS.

- b. Changes the dissemination requirements for the Taxpayer's Bill of Rights in NRS 360.292 by:
- (1) Eliminating the provision requiring a pamphlet on the Taxpayers' Bill of Rights be distributed to each taxpayer on record; and
 - (2) Requiring the Taxpayers' Bill of Rights be made available to taxpayers and the public on the Web sites and at the offices of the Department of Taxation and the Department of Motor Vehicles, and at public libraries.
(BDR 683)

**LEGISLATIVE COMMITTEE FOR THE REVIEW AND OVERSIGHT OF
THE TAHOE REGIONAL PLANNING AGENCY AND
THE MARLETTE LAKE WATER SYSTEM**

Nevada Revised Statutes 218.53871

Members

Assemblyman Lynn C. Hettrick, Chairman
Senator Maggie A. Carlton, Vice Chairwoman
Senator Mark E. Amodei
Senator Dean A. Rhoads
Assemblyman Morse Arberry, Jr.
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218.53871 Creation; membership; Chairman; Vice Chairman; vacancies; annual report.

1. There is hereby created the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System consisting of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission with appropriate regard for their experience with and knowledge of matters relating to the management of natural resources. The members must be appointed to provide representation from the various geographical regions of the State.

2. The 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.

3. 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.

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

5. The Committee shall report annually to the Legislative Commission concerning its activities and any recommendations.

(Added to NRS by 2003, [2504](#))

ABSTRACT

LEGISLATIVE COMMITTEE FOR THE REVIEW AND OVERSIGHT OF THE TAHOE REGIONAL PLANNING AGENCY AND THE MARLETTE LAKE WATER SYSTEM

Nevada Revised Statutes 218.53871

The 72nd Session of the Nevada Legislature enacted Senate Bill 216 (Chapter 408, *Statutes of Nevada 2003* and codified as NRS 218.53871), creating a permanent statutory committee to provide oversight and review of the budget, programs, activities, responsiveness, and accountability of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System. The bill further directed the Legislative Commission to appoint three members of the Senate and three members of the Assembly to the Committee, chosen with regard to their experience with and knowledge of matters relating to the management of natural resources, and appointed to provide representation from various geographic regions of the State.

In previous interims, review and oversight of the TRPA and Marlette Lake Water Systems was conducted by two separate committees. The Marlette Lake Water System Advisory Committee was a permanent committee authorized by NRS 331.165, which was repealed by S.B. 216. The Committee to Continue the Review of Programs and Activities in the Lake Tahoe Basin (including the TRPA) was authorized during each Legislative Session as an interim study. With passage of S.B. 216, the permanent, statutory Committee was created with oversight responsibility for both the Marlette Lake Water System and the TRPA.

The Committee held five meetings, including a work session, during the 2003-2004 Legislative Interim. All meetings were open to the public, and three were conducted through simultaneous videoconferences between the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas. Two other meetings were held in the Lake Tahoe Basin where videoconferencing was not available.

The meetings addressed a variety of issues, programs, and activities pertaining specifically to the TRPA and Marlette Lake Water System, and relating generally to the Lake Tahoe Basin and the Carson Range. As a result of these hearings, the Committee adopted 15 recommendations, including three recommendations for bill drafts for consideration by the 2005 Legislature. The recommendations address the following major topics:

- Improvements to the Marlette Lake Water System;
- Nevada's ongoing participation in the Environmental Improvement Program (EIP), including completion and ongoing maintenance of the EIP projects;
- Status of the Pathway 2007 – Regional Plan update;

- Various funding needs of the TRPA;
- Public health and safety issues, particularly those relating to fire prevention and fire fuels reduction in the Lake Tahoe Basin; and
- Meaningful oversight by the Committee of TRPA policies and activities.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE FOR THE REVIEW AND OVERSIGHT OF THE TAHOE REGIONAL PLANNING AGENCY AND THE MARLETTE LAKE WATER SYSTEM

Nevada Revised Statutes 218.53871

The following is a summary of the recommendations approved during the 2003-2004 Legislative Interim by the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System. Requests for bill drafts will be submitted to the 73rd Session of the Nevada Legislature for its consideration in 2005.

RECOMMENDATIONS PERTAINING TO THE MARLETTE LAKE WATER SYSTEM

Recommendation Resulting in Legislation

1. Request legislation that would add language to the Marlette Lake Water System statutes (NRS 331.160 through 331.180) authorizing the sale of revenue or general obligation bonds to fund capital improvement projects associated with the Marlette Lake Water System. **(BDR 309)**

Recommendation Not Requiring Legislation

2. Transmit a letter to the Tahoe Regional Planning Agency (TRPA) Governing Board requesting its expeditious review of the Marlette Lake Water System project application (for improvements to that portion of the system within the Lake Tahoe Basin) and related Environmental Improvement Statement (EIS).

RECOMMENDATIONS PERTAINING TO THE TAHOE REGIONAL PLANNING AGENCY

Recommendations Resulting in Legislation

3. Request legislation that would release the next phase of bonds in an amount of \$16.8 million to fund Nevada's portion of the Environmental Improvement Program (EIP) for the 2005-2007 biennium. The preliminary list of projects that will be submitted for consideration with this legislation includes \$14 million for grants to local jurisdictions and the Nevada Department of Transportation for water quality projects, \$650,000 for continuation of forest restoration projects at Lake Tahoe Nevada State Park, \$1.5 million for certain stream restoration projects, and \$650,000 for project contingencies. **(BDR 308)**

4. Express, by resolution, support for the Healthy Forests Initiative by calling upon United States Congress, President George W. Bush, and Secretary Ann Veneman, U.S. Department of Agriculture, to fund the Healthy Forests Restoration Act of 2003 (Public Law 108-148), and other program authorities to address forest fuel reduction and desired future conditions for ecological forest health at Lake Tahoe. **(BDR 310)**

Recommendations Not Requiring Legislation

Budget-related Issues

5. Recommend that the Nevada Legislature's "Money Committees" (Senate Finance and Assembly Ways and Means) place restrictions on the Nevada portion of TRPA's budget to ensure successful completion of a series of specific performance objectives as defined by the Oversight Committee:
 - a. Necessary coordination of the Fuels Management Action Plan for the Lake Tahoe Basin; completion of those portions of the Lake Tahoe Basin Fire Plan for which TRPA is responsible and has control; and demonstration of reasonable efforts to enter into necessary fire agreements with local fire districts in Nevada such as a Memorandum of Understanding (MOU) with the Tahoe Douglas Fire Protection District similar to the current MOU signed with the North Lake Tahoe Fire Protection District;
 - b. Letter from the TRPA Executive Director to the TRPA Governing Board recommending that the four principles of public safety identified in John Singlaub's memo to the Board on February 17, 2004, be incorporated into the Pathway 2007 Regional Plan;
 - c. Adoption of a rule or policy by TRPA to address the issue of ex-parte communication (as described on pages 14 and 15 of the 2004 Strategica Report titled: *Independent Program/Operational Review of the Tahoe Regional Planning Agency*), including some form of disciplinary result if the rule or policy is violated;
 - d. Involvement of local government and private sector representatives (who are partners in implementing the EIP) as active and collaborative participants in the Pathway 2007 Regional Plan; and
 - e. Establishment of certain qualifications for the Regional Transit Staff position requested by TRPA in its special budget requests.

No later than February 1, 2005, TRPA will be directed to report to the Committee on its progress in meeting these objectives. No appropriated funds shall be withheld without first providing TRPA an opportunity to discuss the issue with the Committee.

6. Transmit a letter to the Nevada Department of Administration and the Nevada Legislature in support of several special budget requests by the TRPA for the 2005-2007 biennium. These requests will be included in TRPA's budget, for consideration by the Legislature in 2005.
 - a. Computer System Update - TRPA will request a total appropriation of \$138,500 from the State of Nevada (\$87,500 in Fiscal Year [FY] 2005-2006 and \$51,000 in FY 2006-2007) to be matched with a request for \$277,000 from the State of California.
 - b. GIS* Parcel-Based Automated Permit System – TRPA will request an appropriation of \$300,000 from the State of Nevada (in FY 2006-2007) to be matched with a request for \$600,000 from the State of California. (*GIS is the Geographic Information System.)
 - c. Pathway 2007: Phase III Regional Plan – TRPA will request an appropriation of \$200,000 from the State of Nevada (in each year of the biennium) to be matched with \$400,000 from the State of California to fund Phase III of the Regional Plan (commonly referred to as Pathway 2007). In addition to this appropriation, TRPA is requesting that this amount become part of TRPA's annual base budget, as was previously done by the State of California for its share (\$400,000 annually).
 - d. Regional Program Management Approach for EIP – TRPA will request an appropriation of \$144,500 (in each year of the biennium) from the State of Nevada to be matched with \$289,000 from either Federal or State of California funding (if Nevada will accept a Federal matching source), to support staff needed to facilitate or coordinate project development and regional capital programming for EIP projects from project planning through permitting and bidding phases.
 - e. Salary Comparability – TRPA is requesting an appropriation of \$88,000 from the State of Nevada (in FY 2005-2006) to be matched with a request for \$176,000 from the State of California, to maintain TRPA's salary comparability with other Nevada and California state agency salaries.
 - f. Funding for Regional Transit Staff to Assist TRPA and the Tahoe Transportation District (TTD) – TRPA will request an appropriation of \$120,000 from the State of Nevada (in each year of the biennium) to be matched with a request for \$240,000 from Federal funding sources, to fully fund a regional transit staff position and its administration.

Public Health and Safety / Fire Prevention

7. Transmit a letter to the TRPA Governing Board encouraging TRPA's (a) coordination of the Fuels Management Action Plan for the Lake Tahoe Basin; (b) completion of those portions of the Lake Tahoe Basin Fire Plan for which TRPA is responsible and has control; and (c) demonstration of reasonable efforts to enter into necessary fire agreements with local fire districts in Nevada such as a MOU with the Tahoe Douglas Fire Protection District similar to the current MOU signed with the North Lake Tahoe Fire Protection District.
8. Transmit a letter to local fire districts and fire-related entities in the Lake Tahoe Basin supporting the intent of the current MOU between the TRPA and the North Lake Tahoe Fire Protection District regarding defensible space, and encouraging other similar MOUs on the Nevada side of the Lake Tahoe Basin.
9. Transmit a letter to the Lahontan Water Quality Control Board and the U.S. Forest Service encouraging their full participation and cooperation in the Fuels Management Action Plan, the subsequent Lake Tahoe Basin Fire Plan, and related fuels reduction programs in the Lake Tahoe Basin.

Pathway 2007 Regional Plan and Environmental Improvement Program

10. Transmit a letter to the TRPA Governing Board recommending that TRPA evaluate and update the projected cost of completing the EIP.
11. Transmit a letter to the TRPA Governing Board, Governor Kenny Guinn, the State Department of Conservation and Natural Resources, and local governments in the Lake Tahoe Basin requesting an evaluation of possible funding mechanisms for maintenance of completed EIP projects, including the possibility of a regional revenue source.

Other Recommendations

12. Transmit a letter to the TRPA Governing Board urging it to exercise the lease option for purchase of the existing TRPA building, and expressing the Oversight Committee's support to maintain the Agency's location in Nevada.
13. Transmit a letter to the U.S. Department of Housing and Urban Development:
 - a. Expressing support for the creation of a bi-state Community Housing Development Office to facilitate and implement efforts to provide affordable housing within the Lake Tahoe Basin;

- b. Requesting the Department's active participation in the Federal Interagency Partnership on the Lake Tahoe Ecosystem and the Lake Tahoe Federal Advisory Committee; and
 - c. 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 Lake Tahoe Basin.
14. Transmit a letter to members of Nevada's Congressional Delegation requesting necessary language in the upcoming Federal transportation reauthorization bill that would provide Federal urban transit operating assistance to the Tahoe Metropolitan Planning Organization.
15. Transmit a letter to Secretary Gale Norton, U.S. Department of Interior, urging approval of Federal funding from land sales through the Southern Nevada Public Lands Management Act in support of an effort that would allow public agencies to acquire the Ponderosa Ranch at Incline Village, Nevada.

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

Nevada Revised Statutes 218.53881

Members

Senator Ann O'Connell, Chairwoman
Assemblyman David R. Parks, Vice Chairman
Senator Warren B. Hardy II
Senator Mike McGinness
Senator Joseph M. Neal, Jr.
Assemblyman Tom Grady
Assemblyman Joseph P. Hardy, M.D.
Assemblywoman Peggy Pierce

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NRS 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 represents 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](#); 2003, [78](#), [259](#), [832](#))

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, nine members appointed by groups representing local governments and representing various geographical areas of the State of Nevada, and one member representing general improvement districts appointed by the Legislative Commission.

The Legislative Committee conducted four meetings. One meeting was held in Carson City with videoconferencing to Las Vegas and three meetings were held in Las Vegas with videoconferencing to Carson City. The Advisory Committee met four times, and a subcommittee of the Advisory Committee appointed to study the distribution of revenues within redevelopment areas met once.

During the course of its work, the Committee considered testimony from members of the Advisory Committee and various other representatives of local governments. The Committee also heard testimony from representatives of the Nevada Taxpayer's Association, the Department of Transportation, the Nevada Association of Counties and the Nevada League of Cities. Finally, the Committee received testimony from various members of the public regarding the appraisal and valuation of agricultural and open-space real property.

At its final meeting on August 18, 2004, the Committee voted to approve three bill draft requests affecting local government finances. The recommendations of the Committee address the following issues:

- Extending the date on which the Legislative Committee for Local Government Taxes and Finance ceases to exist from June 30, 2005 to June 30, 2011.
- Amending the *Nevada Constitution* to provide requirements for the enactment of property and sales tax exemptions.
- Excluding the mileage of, and vehicle miles traveled on, roads that are not maintained by local governments from the formula for distributing fuel tax revenues among the local governments within a county.

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 73rd Session of the Nevada Legislature. The corresponding bill draft request (BDR) number follows each recommendation for legislation.

1. Draft legislation to extend the date on which the Legislative Committee for Local Government Taxes and Finance ceases to exist from June 30, 2005 to June 30, 2011. **(BDR 17-421)**
2. Draft legislation to amend the *Nevada Constitution* to provide requirements for the enactment of property tax and sales and use tax exemptions. **(BDR C-422)**
3. Draft legislation to exclude the mileage of, and the vehicle miles traveled on, roads that are not maintained by local governments from the formula for distributing fuel tax revenues among the local governments within a county. **(BDR 32-423)**

NEVADA SILVER HAired LEGISLATIVE FORUM

Nevada Revised Statutes 427A.320 through 427A.400

Members

Thelma Clark, Forum President	Clark County Senatorial District No. 10
Mary D. Roberts	Clark County Senatorial District No. 1
Alice Adams	Clark County Senatorial District No. 2
Carolyn Stephens	Clark County Senatorial District No. 3
Verlia Hoggard	Clark County Senatorial District No. 4
Vacant	Clark County Senatorial District No. 5
Vacant	Clark County Senatorial District No. 5
Ronald E. Stoller	Clark County Senatorial District No. 6
Bebe Hoffman	Clark County Senatorial District No. 7
Harriet Trudell, Forum Secretary	Clark County Senatorial District No. 7
Evelyn Cannestra, Forum Vice President	Clark County Senatorial District No. 8
Dee Wideen	Clark County Senatorial District No. 9
Scotty Gosh	Clark County Senatorial District No. 11
Mimi Rodden	Clark County Senatorial District No. 12
Robert E. Erickson	Capital Senatorial District
Margaret Spooner	Central Nevada Senatorial District
Dale Porter	Northern Nevada Senatorial District
Vacant	Washoe Senatorial District No. 1
Donald Kirkwood	Washoe Senatorial District No. 2
Vacant	Washoe Senatorial District No. 3
Jane Maxfield	Washoe Senatorial District No. 4

Ex Officio Forum Members

Patricia Wilson, Silver Senator	National Silver Haired Congress
Thelma Clark, Silver Senator	National Silver Haired Congress
Don Fuller, Silver Representative, District 1	National Silver Haired Congress
Virgil Getto, Silver Representative, District 2	National Silver Haired Congress
Robert Mohr, Silver Representative, District 3	National Silver Haired Congress
Herbert W. Perry, Forum Treasurer, Alternate	National Silver Haired Congress

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Nevada Revised Statutes 427A.320

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)

ABSTRACT

NEVADA SILVER HAired LEGISLATIVE FORUM

(Nevada Revised Statutes 427A.320 through 427A.400)

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.

Members of the Forum are appointed by the Legislative Commission. In addition, Nevada's five representatives to the National Silver Haired Congress serve as ex officio members of the Forum.

The Forum held nine public meetings in different parts of the state in accordance with the requirements of Chapter 427A of NRS. The meetings were held at the Legislative Building in Carson City, at the Grant Sawyer State Office Building in Las Vegas, and at the Truckee Meadows Community College in Reno and were conducted through simultaneous videoconferences. The Forum considered testimony from members of the public, nonprofit organizations, private corporations, and public agencies.

During the course of its study, the Forum addressed the following topics:

- Administration of the Forum;
- Appropriation;
- Public Utilities Commission;
- Poverty Level;
- Communications With Older Patients;
- Interim Study on Guardianships;
- Identity Theft Protection;
- Single Point of Entry System in Nevada;
- Health Care; and
- Transportation in the Rural Areas for Senior Citizens.

SUMMARY OF RECOMMENDATIONS

NEVADA SILVER HAired LEGISLATIVE FORUM

(Nevada Revised Statutes 427A.320 through 427A.400)

This summary presents the recommendations approved by the Nevada Silver Haired Legislative Forum.

Administration of the Forum

1. Draft legislation amending *Nevada Revised Statutes* (NRS) 427A.390, to read as follows: “The Nevada Silver Haired Legislative Forum may: Submit a report containing recommendations for legislative action to the Legislative Commission and the Governor before September 1 of each even-numbered year. Pursuant to Chapter 218 of NRS, the Legislative Commission may select up to five recommendations as bill draft requests for transmittal to the Legislative Counsel.” (NOTE: Replaces **BDR 17-370**.)
2. Draft legislation to amend subsection 1 of NRS 427A.380 to allow the Forum to hold three public hearings in any area of the state. (**BDR 38-447**)
3. Draft legislation to amend subsection 1 of NRS 427A.360 to allow a member to miss a meeting due to an illness without penalty if the member’s absence is excused by the Forum President. (**BDR 38-447**)
4. Draft legislation to amend subsection 1 of NRS 427A.360 to allow a member to miss a meeting for any reason without penalty if the member’s absence is excused by the Forum President. (**BDR 38-447**)

Appropriation

5. Draft legislation seeking a General Fund appropriation totaling \$10,000 to support travel and other expenses of the Forum during the 2005-2007 Biennium. The request will include the members’ in-kind donation, which will substantiate the request.

Public Utilities Commission

6. Draft legislation to amend subsections 1 and 3 of NRS 703.030 to change the Public Utilities Commission to five members. Further, amend subsection 2 of NRS 703.030 by deleting the requirement that one member be a professional engineer, and adding a requirement that one member be an individual who is a user of service provided by public utilities. (**BDR 58-625**)

Poverty Level

7. Draft legislation to amend subsection 3 of NRS 702.270 to increase from 150 to 175 percent, the federally designated level signifying poverty. This would allow increased eligibility for assistance from the Low-Income Energy Assistance Program and the Weatherization Program, and other programs. **(BDR 58-625)**

Communications With Older Patients

8. Draft legislation to amend Chapter 449 of NRS by adding a new section to read as follows:
 1. The person licensed to operate, a medical facility, a facility for the dependent or a home for residential care shall ensure that each employee of the facility or home who provides care to an older patient in the facility or home has the ability to communicate effectively with the older patient, unless the older patient is incapacitated or otherwise unable to communicate.
 2. As used in this section, “older patient” has the meaning ascribed to it in NRS 449.063.

Interim Study on Guardianships

9. Draft a resolution to create a legislative committee during the 2005-2006 interim to study guardianships in Nevada, particularly as they relate to the senior population.

Identity Theft Protection

10. Send a letter of endorsement to Nevada’s Congressional Delegation to support protection of seniors against identity theft. Additionally, the Forum will send a resolution to the majority leaders of the Nevada Legislature to support protection of seniors against identity theft.

Single Point of Entry System in Nevada

11. Send a letter to the Nevada Legislature expressing support for the establishment of a Single Point of Entry Program in Nevada. Under this program, callers to a statewide 2-1-1 telephone hotline would be connected to health care and other social service resources including acute and chronic care management services.

Establishment of an Office of Geriatric Medicine

12. Send a letter to the Legislative Commission and the Governor supporting funding for the necessary positions and expenses over a two-year period for the establishment of an Office of Geriatric Medicine within the University of Nevada School of Medicine.

Dementia Research

13. Send a letter to Nevada's Congressional Delegation recommending \$1 billion in funding for the National Institutes of Health to support all forms of dementia research designed to improve care for people suffering with the disease. Include in the letter, statements in support of adding prescription drug coverage to Medicare and changing Medicare's home care benefit to meet the chronic needs of people.

Mental Health Issues for Senior Citizens

14. Send a letter to the Chairman of the Mental Health Implementation Commission Senate Bill 301 (Chapter 445, *Statutes of Nevada 2003*) expressing support for legislation to care for mentally ill senior citizens in this state. Additionally, send a letter of support for increasing the number of beds in Nevada that are used to provide long-term care to persons with dementia, including without limitation, dementia caused by Alzheimer's disease.

Transportation in the Rural Areas for Senior Citizens

15. Send a letter on behalf of the Nevada Silver Haired Legislative Forum to the Members of the Legislative Commission's Interim Study Concerning the Feasibility of Long-Range Mass Transit Within State and to Urban Areas of Neighboring States (Senate Concurrent Resolution No. 31, [File No. 90, *Statutes of Nevada 2003*]), expressing support of increased bus transportation in the rural areas.

THE TASK FORCE FOR THE FUND FOR A HEALTHY NEVADA

Nevada Revised Statutes 439.625

Members

Assemblywoman Kathy McClain, Chairwoman
Senator Raymond D. Rawson, Vice Chairman
Assemblyman Joseph P. Hardy, M.D.
Dr. John Ellerton
Dr. Elizabeth Fildes
Greg Griffin
Ron Mestre
Dr. Vishvinder Sharma
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ADMINISTRATION OF PUBLIC HEALTH GENERAL PROVISIONS

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 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 senators 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 439.630 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;
- Not more than 10 percent for programs that improve health services for children;
- Not more than 7.5 percent for programs that improve the health and well being of persons with disabilities. As practicable, this funding must be allocated evenly between programs for: (1) respite services; (2) behavioral support; and (3) independent living; and
- Not more than 2.5 percent reserved for direct expenditure by the DHR to fund a program established by a Medicaid waiver that would extend certain coverage for prescription drugs and other related services to certain persons with disabilities, as outlined in NRS 422.2745.

The Task Force monitors the allocations of Fund money to the Senior Prescription Program (Senior Rx) and the independent living program. It awards 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 nine meetings, beginning in October 2003. All of the meetings were held in Las Vegas and were available for participation by videoconference in Carson City.

In April 2004, the Task Force awarded grants for Fiscal Year (FY) 2005 and FY 2006. The Task Force granted allocations of \$4,410,840 in FY 2005 and \$4,397,148 in FY 2006. Children's health related projects received allocations of \$2,013,664 in FY 2005 and \$2,013,664 in FY 2006 for tobacco projects. Finally, disability related projects received allocations of \$1,466,168 in FY 2005 and \$1,460,461 in FY 2006. The Task Force awarded funding to new grantees in the tobacco and disability related project categories. The second year of funding for new grantees is contingent upon a satisfactory performance evaluation, which is conducted by the DHR.

The Task Force adopted a proposal presented by the Grants Management Unit, DHR, to change the application review and grant allocation process. The Grants Management Unit, DHR, is within the Director's Office, and administers grants to local, regional, and statewide programs serving Nevadans. The Unit ensures accountability and provides technical assistance for the following programs:

- The Family-to-Family Connection, which provides information and support on health, safety, and development to families of infants and toddlers;
- The Family Resource Centers, which provides information and referral services along with a variety of support services to families;
- The Children's Trust Fund, which prevents child abuse and neglect;
- The Community Service Block Grant, which promotes economic self-sufficiency, family stability, and community revitalization;
- The Title XX Social Service Block Grant, which assists persons in achieving or maintaining self-sufficiency, and/or prevents or remedies neglect, abuse, or exploitation of children and adults; and
- The Fund for a Healthy Nevada, which provides grants to: (1) improve health services for children; (2) improve the health and well-being of persons with disabilities; and (3) prevent, reduce, or treat the use of tobacco and the consequences of the use of tobacco.

The Grants Management Unit staff proposed the formation of working groups based on areas of service. The four working groups presented would cover the following areas: (1) substance

abuse; (2) health, fitness, and nutrition; (3) child abuse prevention; and (4) independent living. The Task Force members are voluntarily assigned to participate in a working group with representatives from other funding sources administered by the Grants Management Unit. Although the working groups make certain recommendations regarding funding allocations for continued grants and new grant applications, the Task Force has final authority with regard to final allocations.

It was indicated that these changes would enhance the collaborative review and grant allocation process by: (1) reducing paperwork by providing a single application process for multiple funding sources; (2) offering continuing funding to encourage strong performance, incentive, and stability; (3) requiring continuing grantees to submit new budgets and timelines only, and not full narrative applications; and (4) requiring increased leveraging to support fiscal sustainability and long-term planning.

During the course of its work, the Task Force considered testimony from state, local, and private entities. In addition, representatives of numerous nonprofit organizations testified before the Task Force.

At its work session in August 2004, the Task Force adopted two bill draft requests (BDRs) addressing the following:

- Continuation grants; and
- Coverage of limited-scope dental and vision benefits for certain senior citizens.

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 73rd Session of the Nevada Legislature. In addition, this summary presents the listing of letters to be drafted on behalf of the Task Force and statements of support to be included in the final bulletin of the Task Force. These recommendations have been included in the Task Force minutes of September 14, 2004, and October 27, 2004.

RECOMMENDATIONS FOR LEGISLATION

1. Draft legislation to clarify language in NRS 439.635 paragraph 6 to exclude continuation grants from the requirement to submit proposed allocations to the Interim Finance Committee for approval before the grant is awarded.
2. Draft legislation to authorize the use of certain subsidies from the Fund for a Healthy Nevada for coverage of limited-scope dental and vision benefits for certain senior citizens.

Letters

As several issues came to the attention of the Task Force following the September 1, 2004, BDR deadline as outlined in NRS 218.2429(c), the Task Force requested several letters encouraging the drafting of and/or supporting certain legislation.

The Task Force authorized the chairwoman to draft the following letters on behalf of the Task Force:

3. A letter to members of the 73rd Session of the Nevada Legislature, expressing support of a BDR to protect children from second-hand smoke in childcare facilities, video arcades, and/or public buildings.
4. A letter to members of the 73rd Session, Assembly Committee on Health and Human Services, encouraging the Committee to draft a resolution recognizing asthma as a public health issue in Nevada.
5. A letter to the Clark County School Board, encouraging their active support of the Child Hunger Initiative Grant awarded to the Food Bank of Northern Nevada by addressing staff and faculty of schools where implementation of certain food programs has not been accomplished.

Statements of Support

The Task Force directed staff to provide statements of support in the bulletin for policies that would:

6. Protect children from second-hand smoke in childcare facilities, video arcades, and/or public buildings.
7. Ratify the State of Nevada's commitment to asthma prevention and the protection of children with asthma by proclamation, statute, or regulation, including language which specifically allows children to take certain asthma medication and inhalers to school and assurance that policies of insurance issued in Nevada, including Medicaid, cover major treatment modalities related to asthma care that may include counseling and/or certain drug treatments.
8. Examine the reality of Internet sales and shipping of tobacco products and encourage the development of suitable laws to regulate such sales and shipping. To include the assurance that appropriate state taxes are paid for tobacco products purchased in this manner.
9. Close the excise tax gap between higher taxed cigarettes and other tobacco products that are taxed at a lower rate.

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes 439B.200

Members

Assemblywoman Ellen M. Koivisto, Chairwoman
Senator Raymond D. Rawson, Vice Chairman
Senator Bernice Matthews
Senator Barbara K. Cegavske
Assemblywoman Kathy A. McClain
Assemblyman Joseph P. Hardy, M.D.

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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* 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.

The committee met six times, and three subcommittees of the committee met a total of ten times. In addition, an advisory committee and a technical work group met a total of eight times. All public hearings were conducted through simultaneous videoconferences between Carson City and Las Vegas, Nevada.

At the sixth meeting, members conducted a work session at which they adopted one recommendation for legislation. The recommendation concerns emergency mental health care issues in Clark County, Nevada. In addition, members authorized the chairwoman to send four letters on behalf of the committee, and members directed staff to address three specific points in the bulletin.

This bulletin provides background information addressing the Subcommittee to Study Staffing of the System for Delivery of Health Care in Nevada pursuant to Assembly Bill 313 (Chapter 410, *Statutes of Nevada 2003*). Activities of a second subcommittee, the Subcommittee to Study Current Challenges of Ensuring Adequate Health Care is Available to All Nevadans pursuant to Senate Bill 289 (Chapter 425, *Statutes of Nevada 2003*), were met by the Subcommittee to Study Health Insurance Expansion Options, which was authorized directly by the committee. The report from this subcommittee is a separate bulletin. A third subcommittee established by the 2003 Legislature, the Subcommittee to Study Medical and Societal Costs and Impacts of Obesity pursuant to Senate Concurrent Resolution No. 13 (File No. 89, *Statutes of Nevada 2003*), has a separate bulletin.

This bulletin contains additional background information on the following topics: children who are disabled; self-care for persons who are disabled; rural health care needs; and payments to Medicaid providers.

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 August 4, 2004, meeting. The Committee submits the following proposals to the 73rd Session of the Nevada Legislature:

EMERGENCY MENTAL HEALTH CARE IN CLARK COUNTY, NEVADA

1. Request legislation to appropriate funds for: (a) continued operation of mobile crisis teams; (b) staffing and operation of a renovated 28-bed facility; (c) recruitment of psychiatrists for the Division of Mental Health and Developmental Services, Nevada's Department of Human Resources (DHR); (d) the psychiatric residency program at the School of Medicine, University of Nevada, Reno; and (e) medical screening at the mental hospital in Clark County. **(BDR 725)**

LETTERS

The committee authorized the chairwoman to send the following letters on behalf of the committee:

2. A letter to the administrator of the Division of Health Care Financing and Policy, DHR, concerning eligibility and services related to persons with disabilities, particularly as such issues relate to the care of children who are disabled;
3. A letter to the director of the DHR, with a copy to the administrator of the Division of Health Care Financing and Policy, urging the department to submit a bill draft request to address certain issues related to home care for persons who are disabled. The letter should urge the department to: (a) resolve issues related to *Nevada Revised Statutes 629.091* and its existing limit to allow only persons with physical disabilities to self-direct their care; and (b) develop solutions that will allow a personal care assistant to administer medications in a home care setting.
4. A letter to the president of the Nevada Organization of Nurse Leaders urging the organization and its nurse executive members to open the lines of communication with nurses who provide direct patient care. The letter should encourage nurse managers to be receptive to requests for assistance from nurses who provide patient care when such nurses request assistance with their respective work loads during a shift.
5. A letter to the administrator of the Division of Health Care Financing and Policy, DHR, encouraging the division to resolve the issue of the late payment of Medicaid claims to providers.

STATEMENTS OF SUPPORT

The committee directed staff to provide statements of support in the bulletin for the following issues:

6. The establishment of a statewide office within the University and Community College System of Nevada (UCCSN) that would collect and analyze health care workforce data. In conjunction with the establishment of the office, the committee supports the suggestion by the UCCSN to create an advisory committee comprised of legislators, representatives of the state's licensing boards, individuals involved with education and training of health professionals in the state, and other stakeholders to direct the work of the office.
7. Consideration by administrators and managers of hospitals in Nevada to limit the ability of traveling nurses to be responsible for staffing assignments.
8. Recommendations made by the Governor's Strategic Plan for Rural Health Care Accountability Committee as such recommendations relate to: (a) health workforce data collection; (b) the establishment of a grant fund to support the development of services, equipment, and facilities that serve the needs of rural and frontier populations; (c) the development of a capital fund to support rural facility development, renovations, equipment, and start-up funding to support rural community needs; and (d) the development of primary care districts that may cross county and/or state boundaries for the purpose of addressing service area needs in rural and frontier Nevada.

**LEGISLATIVE COMMITTEE ON HEALTH CARE
SUBCOMMITTEE TO STUDY HEALTH INSURANCE EXPANSION OPTIONS**

Nevada Revised Statutes 439B.200

Members

Assemblywoman Barbara E. Buckley, Chairwoman
Senator Dennis Nolan
Senator Raymond D. Rawson
Senator Dina Titus
Assemblyman Joseph P. Hardy, M.D.
Assemblywoman Ellen M. Koivisto
Assemblywoman Sheila Leslie
Rory J. Reid, Clark County Commissioner

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NRS 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 SUBCOMMITTEE TO STUDY HEALTH INSURANCE EXPANSION OPTIONS

Nevada Revised Statutes 439B.200

The Subcommittee to Study Health Insurance Expansion Options was created by the Legislative Committee on Health Care to explore ways of using existing unmatched county or State money to expand health care coverage to certain uninsured individuals, especially to the working poor. With funds provided by the Task Force for the Fund for a Healthy Nevada, the Subcommittee engaged the services of EP&P Consulting, Inc. to assist in the development of a proposal to provide increased access to health care services. The Subcommittee also enlisted the volunteer services of interested parties from the insurance industry, local and state government, organized labor, hospitals, and several other entities who served as a Technical Working Group (TWG). Members of the TWG worked closely with EP&P by providing basic demographic information and other statistical data, and also helped formulate the proposal.

The Subcommittee held four meetings during the course of the study. All of the meetings were held in Las Vegas with videoconferencing to Carson City. The Technical Working Group held six meetings, all of which were videoconferenced between Las Vegas and Carson City.

The Subcommittee examined the feasibility of securing a Health Insurance Flexibility and Accountability (HIFA) initiative waiver to expand health insurance coverage to certain groups of low income Nevadans while maximizing federal reimbursement by using matching funds from previously state-funded health coverage programs. Coverage groups considered by the Subcommittee included:

- Employees of Small Businesses
- Pregnant Women
- Parents of Title XIX/XXI Children
- Children Aging Out of Foster Care
- Persons Transitioning Out of the Temporary Assistance to Needy Families Program
- Medically Needy
- Social Security Disability Income/Supplemental Security Income Recipients
- High Risk Individuals

The Subcommittee also considered various benefit options, possible service delivery mechanisms, administrative requirements, estimated costs of providing expanded coverage, and financing mechanisms. Special consideration was given to ensuring that expanding coverage to new groups of people did not result in loss of coverage to persons in existing county or state programs. Additionally, the Subcommittee examined approaches to financing expanded coverage that would not have significant adverse financial impacts on existing safety net health care providers or impose an excessive financial burden on employers, health care providers, local and state government entities, or the program's intended beneficiaries.

The proposal adopted by the Subcommittee recommends that coverage be extended to the following groups:

- **Pregnant Women**—Currently, Nevada's Medicaid program provides the minimum level of coverage that is mandated under federal law (133 percent of the federal poverty level [FPL]). This proposal would extend coverage under the Medicaid program to pregnant women with incomes up to 185 percent of the FPL, which is estimated to extend coverage to approximately 2,500 pregnant women each year.
- **Employees of Small Employers**—The Subcommittee identified a small employer (2 to 50 employees) insurance program under Medicaid as the most cost effective method of expanding coverage to uninsured Nevadans. This coverage element would provide a premium subsidy in an amount of \$100 per person per month to employees and their spouses with household incomes of less than 200 percent of the FPL. To ensure that employers do not reduce their levels of contribution, the program would require each employer to cover at least 50 percent of the premium cost and that there be a six-month period during which the employee was not covered by any form of insurance. This proposal calls for enrollment to be phased in over several years, beginning with 2,000 covered lives during the first year of the program and increasing to 8,000 covered lives by the fourth year of the program.
- **Medically Needy**—States may choose to cover individuals who do not meet the financial standards for Medicaid benefits but fit into one of the categorical groups and have income and resources within special "medically needy" limits established by the state. Individuals with incomes and resources above the "medically needy" standards may qualify by "spending down," i.e., incurring medical bills that reduce their income and/or resources to the necessary levels.

The recommended proposal includes an element of shared risk, where existing State funds would be used along with county funding from the Indigent Accident Fund (IAF) and the Supplemental Fund (SF). By design, only part of the IAF/SF resources would be used to extend insurance coverage, leaving a substantial portion of those county resources to serve as an important and viable funding source for safety net and rural health care providers.

At the final meeting of the Subcommittee, extensive public testimony was provided in support of the recommended HIFA waiver proposal. The members of the Subcommittee voted to support a bill draft request to proceed with a health insurance expansion waiver.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON HEALTH CARE SUBCOMMITTEE TO STUDY HEALTH INSURANCE EXPANSION OPTIONS

Nevada Revised Statutes 439B.200

This summary presents the recommendation approved by the Legislative Committee on Health Care's Subcommittee to Study Health Insurance Expansion Options at its July 14, 2004, meeting. The Subcommittee submits the following proposal for consideration by the 73rd Session of the Nevada Legislature:

1. Draft legislation to facilitate a Health Insurance Flexibility and Accountability initiative waiver to expand insurance coverage under the State's Medicaid program. The waiver is to include the following coverage groups:
 - a. Pregnant women with incomes between 133 percent of the federal poverty level (FPL) and 185 percent of the FPL;
 - b. Employees of businesses with 2 to 50 employees, who would receive a premium subsidy in an amount of \$100 per person per month for themselves and their spouses if their household incomes are less than 200 percent of the FPL; and
 - c. Individuals with incomes and resources above the Medicaid "medically needy" standards.

Further, it was agreed by the Subcommittee that there be joint house sponsorship for the bill.

LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada Revised Statutes 459.0085

Members

Senator Mike McGinness, Chairman
Assemblyman Harry Mortenson, Vice Chairman
Senator Joseph M. Neal Jr.
Senator Dean A. Rhoads
Senator Raymond C. Shaffer
Assemblywoman Sharron E. Angle
Assemblywoman Peggy Pierce
Assemblyman Rod Sherer

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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 2003-2004 Legislative Interim period. As well as performing its mandated oversight functions, the Committee monitored the actions of the 108th Session of the United States Congress, and the progress of the State of Nevada's legal challenges to the Yucca Mountain Project in the United States Court of Appeals for the District of Columbia Circuit. Committee members participated in the National Conference of State Legislatures' (NCSL) Environmental Management Legislative Roundtables, which included visits to the Hanford Site, in Washington State, 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 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.

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes 482.367004

Members

Assemblywoman Vonne S. Chowning, Chairwoman
Senator Raymond C. Shaffer, Vice Chairman
Senator Michael A. Schneider
Assemblyman Morse Arberry, Jr.
Assemblyman Don Gustavson
Ginny Lewis, Director, Department of Motor Vehicles
Scott Sisco, Interim Director, Department of Cultural Affairs
George Togliatti, Director, Department of Public Safety

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482.367004 Commission on Special License Plates: Creation; membership; terms; vacancies; service without salary or compensation; administrative support; duties.

1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission, one of whom is:

(1) The Legislator who served as the Chairman of the Assembly Standing Committee on Transportation during the most recent legislative session; and

(2) One of whom is the Legislator who served as the Chairman of the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or his designee.

(2) The Director of the Department of Public Safety, or his designee.

(3) The Director of the Department of Cultural Affairs, or his designee.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of [NRS 482.367002](#); and

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to [NRS 482.367002](#).

In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate.

(Added to NRS by 2003, [3065](#))

ABSTRACT

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes 482.367004

The Commission on Special License Plates is a permanent committee authorized by *Nevada Revised Statutes* (NRS) 482.367004 to approve or disapprove applications for special license plates, as defined in NRS 482.367008. The 2003 Legislature approved Assembly Bill 358 (Chapter 482, *Statutes of Nevada 2003*), thereby creating the Commission on Special License Plates and another option for the authorization of special plates in addition to direct legislative authorization. The new method is known as direct application/petition to the Department of Motor Vehicles (DMV). The bill also provided for a 25-design cap on the production of special license plates and a mechanism to cease issuance of low demand plates.

Commission members consist of five voting members and three nonvoting members. The voting members must be legislators, including the legislators who served as chairmen of the Assembly Committee on Transportation and the Senate Committee on Transportation during the most recent legislative session. The Legislative Commission appoints the voting members for a term of two years, commencing on July 1 of each odd-numbered year, and vacancies must be filled in the same manner. The nonvoting members are to be the directors of the Department of Motor Vehicles, Department of Public Safety, and Department of Cultural Affairs, or their designees. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

Completed applications for special license plates received by the DMV are then forwarded to the Commission for consideration. The Commission held three meetings, all in 2004: January 14, July 12, and October 18. Of the nine applications considered, one was declined: Protect the Second Amendment. The eight applications below were approved by the Commission. With the approval of these eight applications, the total number of approved special license plates is 26; therefore, the Commission voted to recommend to the DMV that the Asociación Civil Del Estado De Durango plate be placed on a waiting list for production.

<u>Date approved</u>	<u>Applicant</u>
January 14, 2004	Nevada Wildlife Record Book
July 12, 2004	Hot August Nights, Inc.
July 12, 2004	Nevada Airport Managers Association
July 12, 2004	Reno Air Race Foundation
October 18, 2004	Asociación Civil Del Estado De Durango
October 18, 2004	Boulder City Chamber of Commerce
October 18, 2004	Commission on Tourism and the Commission on Economic Development's Projects Related to Tourism Grant Program
October 18, 2004	Nevada Library Association

Assembly Bill 358 established a mechanism to cease issuance of low demand plates. If the DMV determines that the total number of validly registered motor vehicles with a particular special license plate is less than the number of required signatures, then the Director is required to notify existing plate holders that the DMV will no longer issue that particular design of a special license plate. However, this does not prohibit current holders from renewing their plates.

As of September 30, 2004, there were 79,545 active special license plates, and the plates had generated \$5,333,595.96 in revenue. The most widely issued plate has been the Las Vegas Commemorative plate with 31,875 active plates as of September 30, 2004, and the Lake Tahoe plate had generated \$2,483,309.37 for support of preservation and restoration of the Lake Tahoe Basin. Revenue from the special license plates that is returned to the organizations is generated through an initial issuance fee of \$15 to \$25 and a renewal fee of \$10 to \$20 depending on the design, and these fees are in addition to all other applicable registration and license fees and governmental services taxes.

The Commission declined to set a future meeting date at their last meeting noting that the cap of 25 designs for special license plates had been reached.

SUMMARY OF RECOMMENDATIONS

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes 482.367004

There were no recommendations made by the Commission on Special License Plates.

RECOMMENDATIONS FOR LEGISLATION

There were no recommendations for legislation.

RECOMMENDATIONS FOR COMMISSION ACTION

There were no recommendations for Commission action.

