

Summary Bulletin
of
Reports of the Legislative Commission
to the 74th Session of the
Nevada State Legislature



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Bureau*

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07-2*



BULLETIN NO. 07-2

**SUMMARY BULLETIN OF REPORTS
OF THE LEGISLATIVE COMMISSION TO THE
74th SESSION OF THE NEVADA STATE LEGISLATURE**

INTRODUCTION

This bulletin summarizes 20 study reports that were completed during the 2005-2006 Legislative Interim for consideration by the 2007 Nevada State 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*; or (4) by direction of the Legislative Commission.

Of the 20 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 2005 Legislative Session; one additional study was directed by a concurrent resolution approved during the 2003 Legislative Session. Nine studies were authorized by laws appearing in NRS, including studies conducted by the Committees on Education; Health Care; High-Level Radioactive Waste; Persons with Disabilities; Public Lands; Review and Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System; and Taxation, Public Revenue and Tax Policy; as well as the Commission on Special License Plates and the 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 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.

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(*Nevada Revised Statutes 218.660*)

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BULLETIN 07-3

**LEGISLATIVE COMMITTEE ON HEALTH CARE SUBCOMMITTEE TO STUDY
SERVICES FOR THE TREATMENT AND PREVENTION OF SUBSTANCE ABUSE**

Assembly Bill 2
(Chapter 1, *Statutes of Nevada 2005, 22nd Special Session*)

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Assembly Bill No. 2

(Chapter 1, *Statutes of Nevada 2005, 22nd Special Session*)

Sec. 211.5. 1. The Legislative Committee on Health Care shall conduct an interim study of the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State.

2. The study must include, without limitation:

(a) An evaluation of the manner in which the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State may be improved so that the services are provided in the most effective manner for the residents of this State;

(b) An analysis of the services for the treatment and prevention of substance abuse that are currently funded or provided by public agencies in this State to determine whether any of these services are overlapping or duplicative, and whether any of these services could successfully be integrated; and

(c) An analysis of the utilization of services for the treatment and prevention of substance abuse in this State and of projections for the future needs for such services in this State, including, without limitation:

(1) An examination of the barriers that persons diagnosed with both a mental illness and a substance abuse problem encounter in attempting to receive appropriate services for the treatment of substance abuse in this State;

(2) An examination of the barriers that pregnant women encounter in attempting to receive appropriate services for the treatment of substance abuse in this State;

(3) An examination of the collaboration of the different divisions of the Department of Human Resources in the provision of services to persons with substance abuse problems in this State, and an examination of whether that collaboration is focused on the best interests of the persons receiving the services; and

(4) An examination of the provision of services for the prevention of substance abuse in this State, and an examination of whether these services are effective at preventing or reducing the incidence of substance abuse problems in this State.

3. The Legislative Committee on Health Care shall ensure that the persons and entities which provide services for the treatment or prevention of mental illness or substance abuse in this State are involved in the study.

4. The Legislative Committee on Health Care shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMITTEE ON HEALTH CARE SUBCOMMITTEE TO STUDY SERVICES FOR THE TREATMENT AND PREVENTION OF SUBSTANCE ABUSE

Assembly Bill 2
(Chapter 1, *Statutes of Nevada 2005, 22nd Special Session*)

During the 2005 22nd Special Session, the Nevada State Legislature passed Assembly Bill 2 (Chapter 1, *Statutes of Nevada*), which in section 211.5, directed the Legislative Committee on Health Care to conduct an interim study of the organizational and delivery structure of services for the treatment and prevention of substance abuse in Nevada. In response, the Chairman of the Legislative Committee on Health Care, Senator Maurice E. Washington, appointed a four-member subcommittee, chaired by Assemblywoman Sheila Leslie, to conduct the study.

The Subcommittee to Study Services for the Treatment and Prevention of Substance Abuse met three times: twice in Las Vegas and once in Carson City. All meetings employed simultaneous videoconferencing between meeting rooms at the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas, which allowed testimony from both locations.

During the course of the study, testimony from federal, State, and local agencies; businesses; community groups; medical experts; nonprofit organizations; and the public was provided on a wide range of topics related to substance abuse. At the first meeting, held on February 2, 2006, the Subcommittee heard testimony on the following topics: the transfer plan for the Bureau of Alcohol and Drug Abuse from the Health Division to the Division of Mental Health and Developmental Services; the organization, delivery structure, and collaboration of the services that the divisions of the Department of Health and Human Services provide for the prevention and treatment of substance abuse; the services offered by various entities in the State that promote the prevention of substance abuse; the services offered by various entities in the State that provide treatment for substance abuse; and the barriers people who are diagnosed with both a mental illness and a substance abuse problem face in receiving appropriate services.

Testimony heard during the second meeting on March 14, 2006, included the following topics: the effects of methamphetamine use on individuals and families; the issues surrounding methamphetamine abuse in Nevada; the adequacy of services available in Nevada for incarcerated persons with substance abuse problems; and the issues concerning children who receive county and family services because their parents or guardians have substance abuse problems.

During the third and final meeting, the Subcommittee heard testimony on the following topics: the barriers that pregnant women encounter in attempting to receive appropriate services for the treatment of substance abuse; the connection between methamphetamine use and technological crimes; and the role of faith-based organizations in the treatment and prevention of substance

abuse. The Subcommittee also conducted a work session and adopted eight recommendations to forward to the Legislative Committee on Health Care for consideration, as well as a list of five issues of concern.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON HEALTH CARE SUBCOMMITTEE TO STUDY SERVICES FOR THE TREATMENT AND PREVENTION OF SUBSTANCE ABUSE

Assembly Bill 2
(Chapter 1, *Statutes of Nevada 2005, 22nd Special Session*)

During the Subcommittee's final meeting on April 25, 2006, the members conducted a work session and voted to forward eight recommendations to the Legislative Committee on Health Care for consideration. The following recommendations were presented to the Committee at its May 9, 2006, meeting, and seven (items 1 through 6, and 8) were discussed during the Committee's August 10, 2006, Work Session. More information can be found in the meeting minutes of both the Subcommittee and Committee at www.leg.state.nv.us.

1. Request the drafting of a bill that creates the Licensed Professional Counselors (LPC) credential in Nevada. It was noted that Nevada is one of only two states that do not recognize the LPC credential. The Subcommittee heard testimony about the prevalence of co-occurring disorders and the problem of individuals needing to visit with more than one counselor to have all their needs met. Licensed Professional Counselors are trained and licensed to provide a broad range of services including substance abuse and mental health counseling, which may help the efficiency and effectiveness of treatment. Concern was raised about the creation of a new licensing board for this group, and the suggestion was made to expand the jurisdiction of the licensing boards that currently exist. The Subcommittee did not resolve the licensing board issue, preferring to leave such specific decisions for later discussion. **(BDR 54-308)**
2. Request the drafting of a bill that funds a pilot program that provides a long-term residential treatment facility for substance abusers, with an emphasis on providing comprehensive prevention and treatment services and programs. The program would provide intensive case management and wrap-around services to be administered by a community-based or faith-based organization. It is the Subcommittee's expectation that such a pilot program will provide outcomes that will help establish best practices for residential treatment and prevention services in the State. **(Supported by the Legislative Committee on Health Care.)**
3. Request the drafting of a bill that funds comprehensive post-incarceration treatment programs to enable non-violent offenders to successfully transition back into society. The bill would provide the opportunity for more individuals to receive treatment during the transition process by providing the opportunity to be paroled sooner and receive treatment while on parole. Funding mechanisms that can be used in Nevada's Department of Correction's budget to increase funding for treatment should be explored so that cost savings will be maximized. For example, the bill could require Nevada's Department of Corrections to determine the savings by releasing offenders into treatment, including money saved from not

housing them in prison and any reduction in recidivism. The savings could be redistributed to pay for post-incarceration treatment for a greater number of inmates. **(Supported by the Legislative Committee on Health Care.)**

4. Send a letter to the Department of Health and Human Services (DHHS) to encourage the funding of Nevada's two community triage centers in its budget for the Division of Mental Health and Developmental Services. The letter will express the Committee's support for ongoing State funding of community triage centers at least at the current level (adjusted for inflation). If triage centers are not included in the DHHS budget, the Committee should request the drafting of a bill that would continue the State's contribution of matching funds using the same formula followed during the 2005-2007 biennium pursuant to Assembly Bill 175 (Chapter 446, *Statutes of Nevada 2005*). Note: During the Legislative Committee on Health Care's Work Session, the recommendation was changed to appropriate \$1,505,000 in Fiscal Year (FY) 2008, and \$1,608,845 in FY 2009 to fund the two existing community triage centers. **(Appropriation supported by the Legislative Committee on Health Care.)**
5. Send a letter to the following medical groups: The Medical School at the University of Nevada, Reno; residency programs in Family Practice, Pediatrics, and Obstetrics/Gynecology in Nevada; the Clark County Medical Society, the Washoe County Medical Society, the Nevada State Medical Association; entities offering continuing education credits; and other relevant groups. The letter will: (1) emphasize the Committee's strong support for children to have access to diagnosis and therapy for fetal alcohol spectrum disorders (FASD); (2) highlight the need for additional professionals qualified to diagnose FASD in Nevada; (3) emphasize the importance of prevention; and (4) encourage the groups to educate their members how to diagnose FASD so doctors in Nevada will be knowledgeable and comfortable diagnosing the disorder. **(Supported by the Legislative Committee on Health Care.)**
6. Send a letter to the DHHS recommending that the budget request for the Bureau of Alcohol and Drug Abuse (BADA) include a formula for case load growth in funding substance abuse treatment and prevention programs. The Subcommittee heard testimony that treatment programs are not able to grow with the demand for services because funding for substance abuse treatment through BADA has never included a formula for caseload growth. **(Supported by the Legislative Committee on Health Care.)**
7. Send a letter to the Legislative Commission's Subcommittee to Study Sentencing and Pardons, and Parole and Probation (Assembly Concurrent Resolution No. 17, File No. 98, *Statutes of Nevada 2005*) emphasizing the Committee's concerns related to substance abuse treatment services for incarcerated persons. The letter will emphasize the Committee's concern for the health of inmates and acknowledge that related issues fall within the jurisdiction of the judiciary committees. The letter will encourage the A.C.R. 17 Subcommittee to examine the following concerns: (1) treatment programs for incarcerated persons have lost federal funding; (2) treatment needs to be comprehensive and of adequate time to include both in-custody and transitional services; (3) the number of inmates that

receive treatment should be increased to better serve the growing number in need; (4) the system of corrections should make the treatment of substance abuse a priority; and (5) the need to expand comprehensive post-incarceration treatment and explore funding options that consider cost savings. **(Approved by the Legislative Committee on Health Care at the May 9, 2006, meeting.)**

8. Send a letter to members of the 2007 Legislature in both houses to encourage their support of and participation in substance abuse prevention coalitions in their communities. The Subcommittee heard extensive testimony about the dedicated community coalitions that are fighting methamphetamine and substance abuse throughout the State and believes the coalitions' efforts should be supported. **(Supported by the Legislative Committee on Health Care.)**

**LEGISLATIVE COMMITTEE ON EDUCATION
SUBCOMMITTEE TO STUDY THE EFFECTIVENESS OF
CAREER AND TECHNICAL HIGH SCHOOLS**

Assembly Bill 388 (Chapter 309, *Statutes of Nevada 2005*)

Members

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Senator Barbara K. Cegavske, Vice Chairwoman
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Assembly Bill No. 388–Committee on Education
(Chapter 309, *Statutes of Nevada 2005*)

AN ACT relating to education; changing the name of the State Board for Occupational Education to the State Board for Career and Technical Education; changing the term “occupational education” to “career and technical education”; requiring under certain circumstances that an advisory technical skills committee be appointed for a program of career and technical education in a school district; authorizing the Department of Education to provide grants, to the extent money is available, for distribution to school districts and charter schools for career and technical education; requiring a subcommittee of the Legislative Committee on Education to study career and technical high schools; requiring the Department of Education to conduct a public awareness campaign regarding career and technical high schools; and providing other matters properly relating thereto.

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

(EXCERPT)

Sec. 23 1. The Chairman of the Legislative Committee on Education shall appoint a subcommittee of the members of the Committee to study the effectiveness of career and technical high schools in this State.

2. The subcommittee appointed pursuant to subsection 1 shall:

(a) Determine the number of school districts in this State that include at least one high school designated as a career and technical high school that provides a program of career and technical education for pupils enrolled in grades 9 to 12, inclusive.

(b) Determine the number of pupils enrolled in each career and technical high school, identified by school district.

(c) Determine the success of each career and technical high school in this State, including, without limitation, a determination of whether each career and technical high school operated by a school district increases within the school district:

(1) The graduation rate from high school; and

(2) The percentage of pupils who remain enrolled in high school.

(d) Identify effective practices carried out by school districts regarding the development, enrollment and operation of career and technical high schools and the feasibility of carrying out those practices statewide.

(e) Identify the need, if any, for expanding the availability of career and technical high schools in this State.

3. The subcommittee appointed pursuant to subsection 1 shall submit a report of its findings and any recommendations for legislation to the Legislative Committee on Education on or before August 1, 2006. The Legislative Committee on Education shall consider the recommendations of the subcommittee and on or before February 1, 2007, submit the report of the subcommittee to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMITTEE ON EDUCATION SUBCOMMITTEE TO STUDY THE EFFECTIVENESS OF CAREER AND TECHNICAL HIGH SCHOOLS

Assembly Bill 388 (Chapter 309, *Statutes of Nevada 2005*)

Nevada Revised Statutes 281.5352 provides for Nevada's Legislative Committee on Education, a permanent committee of the Nevada State Legislature. Section 23 of Assembly Bill 388 (Chapter 309, *Statutes of Nevada 2005*) requires the Chairman of the Committee to appoint a subcommittee to study the effectiveness of career and technical high schools. The Subcommittee was charged with determining the number of career and technical high schools in Nevada, the current enrollment in those career and technical high schools, and the success of the existing career and technical education (CTE) programs. The Subcommittee was also directed to identify effective practices and determine the need for expanding career and technical high schools in Nevada.

The Subcommittee held five meetings during the 2005-2006 interim. Two meetings were held at the Legislative Building in Carson City and one meeting at the Grant Sawyer State Office Building in Las Vegas. The Subcommittee also met at Southern Nevada Vocational Technical Center (SNVTC) in Las Vegas and at the IGT Applied Technology Center of the Truckee Meadows Community College (TMCC) in Reno. In addition to the tour of SNVTC, the Subcommittee also visited the Academy for Career Education Charter School and the Regional Technical Institute of the Washoe County School District (WCSD) in Reno.

The Subcommittee gathered data on the current CTE offerings in each school district. It received several reports from the Office of Career, Technical, and Adult Education, Nevada Department of Education, including an analysis of performance indicators, a status of technical skills advisory committees formed as part of A.B. 388, and the results of the survey of needs using quality criteria for effective programs.

To gain information, the Subcommittee heard testimony on CTE as a component of *STARS: Nevada's Blueprint for High School Improvement*. The Subcommittee received presentations on Tech Prep and the articulated CTE courses offered between the Clark County School District and the Community College of Southern Nevada and between the WCSD and TMCC. In addition, northern Nevada employers spoke to the Subcommittee about their needs for skilled workers and the president of TMCC discussed the role of the Nevada System of Higher Education in meeting current and projected CTE needs in Nevada. Representatives of Nevada guidance counselors presented information on their role in career advising and exploration as well as the increased demands of test administration. The Subcommittee considered research on options to fund regional CTE high schools and on CTE policies and activities recently implemented in other states.

Findings, resulting from its study, include:

- CTE courses are effective in educating students;
- CTE requires stable funding sources and increased revenues;
- Additional CTE high schools are necessary to meet the needs of employers and the interests of students;
- Articulated courses provide a means for high school students to start a college CTE major while still in high school;
- Guidance counselors, who provide crucial service in academic and career advising, are increasingly assigned non-guidance duties; and
- Schools and employers should make students and parents aware of skills needed to succeed in the 21st Century and increase opportunities available to students.

Members of the Subcommittee adopted ten proposals with regard to CTE in Nevada, including joint facilities and operations, program support and expansion, career advising and exploration, personnel, and accountability reporting. In addition to bill draft requests, the Subcommittee adopted several statements to be included in its report and agreed to draft a letter to the Nevada Congressional Delegation concerning continued federal support for CTE. Major recommendations include proposals to:

- Authorize two or more school districts in cooperation with community partners to establish career academies for high school students;
- Establish a fund to provide grants to school districts and charter schools for CTE programs and provide an appropriation; and
- Include CTE data measures in accountability reports.

The Subcommittee is required to report its findings and recommendations to the full Committee by August 1, 2006, pursuant to A.B. 388. The Chairwoman presented a summary of the Subcommittee's activities and the report to the full Committee on August 29, 2006. The Chairman of the Legislative Committee on Education is required to submit the report to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada State Legislature.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON EDUCATION SUBCOMMITTEE TO STUDY THE EFFECTIVENESS OF CAREER AND TECHNICAL HIGH SCHOOLS

Assembly Bill 388 (Chapter 309, *Statutes of Nevada 2005*)

Following is a summary of the recommendations adopted by the Subcommittee to Study the Effectiveness of Career and Technical High Schools of the Legislative Committee on Education at its June 6, 2006 meeting. Pursuant to section 23 of A.B. 388, the Subcommittee must submit a report of its findings and recommendations to the Legislative Committee on Education for its consideration. Further, this section provides that the Committee shall submit the report of the Subcommittee to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada State Legislature. The corresponding bill draft request (BDR) follows each recommendation for legislation.

JOINT FACILITIES AND OPERATIONS

The members of the Subcommittee to Study the Effectiveness of Career and Technical High Schools adopted the following proposals relating to joint career and technical high school facilities and operations.

1. Amend the statutes to establish the Career and Technical Education Academies Act to authorize two or more school districts in cooperation with community partners to form a compact to establish a career and technical education (CTE) academy for students in high school. An advisory council would consist of members of the participating school district boards of trustees and representatives from the community partners. The compact must provide for the apportionment of expenses, enrollment from each member district, employment of personnel and other operations. **(BDR 34-439)**
2. State in the final report that the school districts and the institutions of the Nevada System of Higher Education (NSHE) should enter into agreements to share facilities designed and equipped to provide instruction in CTE courses. Include in this statement that such agreements should provide for the maximum use of facilities including, but not limited to, establishing separate sessions in the same day for different groups of students.

PROGRAM SUPPORT AND EXPANSION

The members of the Subcommittee to Study the Effectiveness of Career and Technical High Schools adopted the following proposals relating to support and expansion of CTE programs.

3. A. Amend the statutes to establish a fund to be administered by the Superintendent of Public Instruction to be used to provide grants to school districts and charter schools for the purposes of initiating, maintaining, or expanding CTE programs and of continuing the advisory technical skills committees. To receive a grant a school district or charter school would be required to provide a 50 percent match, which the Superintendent may waive upon evidence of the inability to provide the match. Articulated agreements between school districts and institutions of the NSHE would factor into the allocation calculations. No match would be required to continue grants to advisory technical skills committees.

3. B. Provide from the State General Fund to the fund a biennial appropriation of \$10 million. **(BDR 34-441)**

4. Send a letter to the members of the Nevada Congressional Delegation, expressing support for CTE programs funded with federal funds and urging the Delegation to maintain the federal appropriations for support of the Carl D. Perkins Vocational and Technical Education Act in the Fiscal Year 2007 budget and in future years.

5. A. State in the final report that the institutions of NSHE and the school districts should work to ensure a seamless transition from secondary to postsecondary education. The P-16 Council, or a successor organization, should develop and recommend policies to ensure that a meaningful transition is implemented, including expansion of CTE course articulation agreements.

5. B. Request the drafting of a legislative resolution to urge the NSHE institutions and the school districts to collaborate to ensure CTE courses will articulate. Also urge school districts to increase the number of CTE dual credit courses offered to 11th and 12th graders. **(BDR R-442)**

6. State in the final report that CTE programs, such as health care professions, leading to preparation for licensure should be expanded to increase the number of graduates. State that programs for expansion should address the growing needs of Nevada's expanding population. Some programs could be started at an earlier point in a student's high school enrollment.

CAREER ADVISING AND EXPLORATION

The members of the Subcommittee to Study the Effectiveness of Career and Technical High Schools adopted the following proposal relating to career advising and exploration.

7. State in the final report that career advising should begin in middle school. Each middle school and high school should hold annual career days and provide all children with career exploration activities. Such activities should include interest inventories, alignment of career interest with clusters of study, and field trips to area businesses. Employers should be invited to participate.

PERSONNEL

The members of the Subcommittee to Study the Effectiveness of Career and Technical High Schools adopted the following proposals relating to school district personnel.

8. State in the final report that guidance counselors should be relieved of administrative duties with regard to test administration. Include that assistance with clerical and coordination activities could be provided by increased support staff, testing facilitators, or paraprofessionals.
9. State in the final report that secondary teachers who teach articulated courses or dual credit courses should be eligible for incentives.

ACCOUNTABILITY REPORTING

The members of the Subcommittee to Study the Effectiveness of Career and Technical High Schools adopted the following proposal relating to reporting of accountability measures and indicators.

10. Amend the statutes to include CTE data measures in the accountability reports of the state, district, and school, where applicable. These data measures should include, but not be limited to, the number of students participating in CTE courses, the percentage of students completing CTE courses, and the graduation rate of students completing CTE courses. **(BDR 34-439)**

BULLETIN 07-5

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO OVERSEE THE
CONSULTANT TO STUDY THE HEALTH, WELFARE, AND CIVIL AND
OTHER RIGHTS OF CHILDREN IN THE CARE OF CERTAIN
GOVERNMENTAL ENTITIES OR PRIVATE FACILITIES**

Assembly Bill 580
(Chapter 482, *Statutes of Nevada 2005*)

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Assembly Bill No. 580
(Chapter 482, *Statutes of Nevada 2005*)

Sec. 75. 1. On or before September 1, 2005, the Legislative Commission shall enter into a contract with a qualified, independent consultant to carry out the duties set forth in this section, including reviewing, evaluating, receiving and investigating complaints that are filed by or on behalf of any child concerning the health, safety, welfare, or civil or other rights of a child who is under the care of a governmental entity or private facility, and to prepare a written report as required pursuant to section 2 of this act.

2. The independent consultant to whom the contract is awarded pursuant to subsection 1 shall:

(a) Receive and review copies of all guidelines used by governmental entities and private facilities concerning the health, safety, welfare, civil rights and treatment of children;

(b) Receive and review copies of and investigate complaints that are filed by any child or any other person on behalf of a child who is under the care of a governmental entity or private facility concerning the health, safety, welfare, or civil or other rights of the child during the period of the contract with the consultant;

(c) Perform unannounced site visits and on-site inspections of governmental and private facilities;

(d) Review reports and other documents prepared by governmental entities and private facilities concerning the disposition of any complaints which were filed by a child or any other person on behalf of a child concerning the health, safety, welfare, or civil or other rights of the child for the period beginning January 1, 2000, and ending on September 30, 2006;

(e) Review practices, policies and procedures of governmental entities and private facilities for filing and investigating complaints made by a child under their care or by any other person on behalf of such a child concerning the health, safety, welfare, or civil or other rights of the child; and

(f) Perform such other duties as directed by the subcommittee appointed pursuant to section 2 of this act.

3. Each governmental entity and private facility shall:

(a) Cooperate fully with the consultant to whom the contract is awarded pursuant to subsection 1;

(b) Allow the consultant to enter the governmental entity or private facility, as applicable, and any area within the entity or facility with or without prior notice;

(c) Allow the consultant to interview children and staff;

(d) Allow the consultant to inspect, review and copy any records, reports and other documents relevant to the duties of the consultant;

(e) Post information in a conspicuous place within the governmental entity or private facility, as applicable, concerning the role of the consultant to whom a contract is awarded pursuant to subsection 1 and the manner in which a child or other person may contact the consultant to file a complaint or provide other information; and

(f) Forward to the consultant copies of any complaint that is filed by a child under the care of a governmental entity or private facility or by any other person on behalf of such a child

concerning the health, safety, welfare, or civil or other rights of the child during the period beginning September 1, 2005, and ending on September 30, 2006.

4. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Governmental entity" includes, without limitation, a local, regional or state facility for the detention of children, a public agency or institution authorized to care for children, a treatment facility of the Division of Child and Family Services of the Department of Human Resources which provides services for the mental health of children pursuant to NRS 433B.310, any other governmental agency, facility or institution which has physical custody of children pursuant to an order of a court of competent jurisdiction and a public entity which provides care and supervision of children. The term does not include a foster home.

(c) "Local facility for the detention of children" has the meaning ascribed to it in NRS 62A.190.

(d) "Private facility" means a private agency, facility or institution licensed by the Department of Human Resources or a county which has physical custody of children pursuant to any order of a court of competent jurisdiction and which receives funding from a state or local government. The term does not include a foster home.

(e) "Regional facility for the detention of children" has the meaning ascribed to it in NRS 62A.280.

(f) "State facility for the detention of children" has the meaning ascribed to it in NRS 62A.330.

Sec. 76. 1. The Legislative Commission shall appoint a subcommittee to oversee the independent consultant to whom the contract is awarded pursuant to section 2 of this act.

2. The independent consultant shall provide to the subcommittee periodic reports of his activities at least quarterly and at such other times as may be requested by the subcommittee.

3. On or before December 15, 2006, the independent consultant shall submit a final written report to the subcommittee which must include:

(a) A description of the work that the consultant has completed;

(b) A summary of the information that the consultant has compiled;

(c) An analysis of the health, safety, welfare, and civil and other rights of children placed under the care of governmental entities and private facilities in this State;

(d) Any conclusions and recommendations of the consultant; and

(e) Such other information as directed by the subcommittee.

4. The Director of the Legislative Counsel Bureau shall provide such staff and other support as is necessary for the subcommittee to perform its duty.

5. Upon acceptance of the final report, the subcommittee shall forward a copy of the final report of the consultant to the Legislative Commission. On or before February 5, 2007, the Legislative Commission shall submit a copy of the final written report and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

Sec. 77. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218.085 the sum of \$200,000 for use by the Legislative Commission to

contract with a qualified, independent consultant to conduct the evaluation and review described in sections 75 and 76 of this act.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO OVERSEE THE CONSULTANT TO STUDY THE HEALTH, SAFETY, WELFARE, AND CIVIL AND OTHER RIGHTS OF CHILDREN IN THE CARE OF CERTAIN GOVERNMENTAL ENTITIES OR PRIVATE FACILITIES

Assembly Bill No. 580
(Chapter 482, *Statutes of Nevada 2005*)

The final meeting of the **Legislative Commission's Subcommittee to Oversee the Consultant to Study the Health, Safety, Welfare, and Civil and Other Rights of Children in the Care of Certain Governmental Entities or Private Facilities** (Assembly Bill No. 580, Chapter 482, *Statutes of Nevada 2005*) was held on December 7, 2006.

Due to the timing of the Subcommittee's final work session meeting, a summary of approved recommendations was not available at the time of this publication. The recommendations will be included in the online edition of the Summary Bulletin when they become available, and can be viewed at: <http://www.leg.state.nv.us/lcb/research/DivStudyLegReport.cfm>.

BULLETIN NO. 07-6

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE OPERATIONS OF
THE PUBLIC EMPLOYEES' BENEFITS PROGRAM**

Assembly Concurrent Resolution No. 10
(File No. 91, *Statutes of Nevada 2003*)

Members (2005-2006 Interim)

Senator Mark E. Amodei, Chair
Assemblywoman Chris Giunchigliani, Vice Chair
Senator Bob Beers
Senator Bob Coffin
Assemblyman Pete Goicoechea
Assemblywoman Bonnie Parnell

Members (2003-2004 Interim)

Assemblywoman Chris Giunchigliani, Chair
Senator Bob Coffin, Vice Chair
Senator Mark E. Amodei
Senator Dean A. Rhoads
Assemblywoman Barbara E. Buckley
Assemblyman Pete Goicoechea

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FILE NUMBER 91

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the operations of the Public Employees’ Benefits Program.

WHEREAS, The Public Employees’ Benefits Program was established in 1999 as the state agency legislatively approved to provide group life, accident or health insurance, or any combination of these, for state and nonstate public active and retired employees, and surviving spouses and children of certain persons formerly employed by a participating public agency; and

WHEREAS, As of January 2003, there were 22,345 active state employees and 5,105 retired state employees who rely on the Program for their group health insurance coverage; and

WHEREAS, In addition, another 1,706 active nonstate public employees and 1,570 retired nonstate public employees, and 288 eligible survivors rely on this health insurance coverage as well; and

WHEREAS, In recent months, allegations have been raised regarding the effectiveness, efficiency and efficacy of the Program; and

WHEREAS, Public employees and public employers across Nevada are experiencing cost increases for this coverage and they recognize that larger groups have stronger buying power when seeking coverage; and

WHEREAS, Many public employees are covered under collective bargaining agreements which need to be changed if a statewide public employee insurance plan is to be established; and

WHEREAS, Many of the employees and retirees and their families who are covered under the group health insurance provided by the Program are asking for assistance in resolving an untenable situation which has resulted in extraordinarily high premiums for this coverage; 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 composed of three members of the Assembly and three members of the Senate to conduct an interim study of the operations of the Public Employees’ Benefits Program relating to the provision of group health insurance; and be it further

RESOLVED, That the Legislative Commission shall designate a Chairman of the committee who shall appoint an advisory committee of at least nine members, who are not Legislators, as follows:

1. At least one representative of the Retired Public Employees of Nevada or its successor organization;
2. At least one representative of the Nevada Association of Counties, or its successor organization, or the Nevada League of Cities, or its successor organization;
3. At least one representative of the State of Nevada Employees Association or its successor organization;
4. At least one person who possesses knowledge concerning the management of risk or the management of insurance trusts;
5. At least one provider of health insurance;

6. The Executive Officer of the Board of the Public Employees' Benefits Program; and
7. Representatives of other local public employee organizations and representatives of public employers; and be it further

RESOLVED, That the study must include, without limitation:

1. An examination of the methods used for determining premiums, equitable employee contributions based upon actual costs to this state and coverage for active and retired state and nonstate public employees and their dependents;
2. A review of the administration and solvency of the Fund for the Public Employees' Benefits Program;
3. A review of the financial contributions, if any, that nonstate public employers have made to assist their retired employees in maintaining health insurance coverage;
4. The feasibility of soliciting proposals for a contract that would take over the entire statewide operation or the regional operation of group health insurance funded by public employees and public employers;
5. An examination of relevant facts to determine whether all members of the Public Employees' Retirement System should be required to participate in a statewide program of health insurance funded by public employees and public employers;
6. The desirability of eliminating or changing the composition of the Board of the Public Employees' Benefits Program;
7. Consideration of whether it is feasible or desirable to allow voluntary participation of public employees and public employers in such a Program;
8. The feasibility and desirability of establishing a program similar to the Federal Employees Health Benefits Program, which provides a choice through local and national carriers;
9. Consideration of how the nonstate public employers should contribute to the costs of insurance for employees who retire from their service;
10. Consideration of requiring nonstate public employers' benefit plans to include reinstatement rights for their retirees, as currently required by the Public Employees' Benefits Program;
11. Consideration of options for prefunding retiree health benefits for all members of the Public Employees' Benefits Program;
12. Consideration of a state subsidy mechanism providing for a specific dollar amount or a specific percentage of the cost for employees and separately for their dependents, including an appropriate funding method;
13. A review of this state's retiree subsidy formula for past, present and future retirees and an appropriate funding method to address the current structural deficit;
14. Consideration of the feasibility, desirability and financial impact of authorizing large groups of participants to withdraw from the Public Employees' Benefits Program to obtain group insurance from other sources;
15. Consideration of the feasibility and financial impact of the State of Nevada forming one or more purchasing coalitions with surrounding states or private entities, or both; and
16. An analysis and review of issues related to:
 - (a) Pharmaceutical programs that are designed to reduce the price of prescription drugs for:

- (1) Persons of low income in this state;
 - (2) Enrollees in this state's health benefits plan; and
 - (3) Participants in programs administered by this state that make available or provide prescription drugs;
- (b) Prescription drug buying clubs that are used in other states and the potential for such clubs to assist the residents of this state in reducing their expenses for prescription drugs;
 - (c) Methods to access manufacturer rebates for prescription drugs to assist the residents of this state in reducing their expenses for prescription drugs;
 - (d) Interagency bulk purchasing and interstate buying of prescription drugs to reduce the prices of prescription drugs for this state's programs and health benefits plan;
 - (e) Methods to negotiate for lower prices on prescription drugs and a plan to carry out the methods; and
 - (f) Methods to control the prices of prescription drugs for this state's programs that provide pharmaceutical assistance to persons of low income in this state and for enrollees in this state's health benefits plan; 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 progress report of the results of the study and any recommendations for legislation to the 73rd Session of the Nevada Legislature and a final report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE OPERATIONS OF THE PUBLIC EMPLOYEES' BENEFITS PROGRAM

Assembly Concurrent Resolution No. 10
(File No. 91, *Statutes of Nevada 2003*)

The 72nd Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 10 (File No. 91, *Statutes of Nevada 2003*), which directed the Legislative Commission to conduct an interim study of the operations of the Public Employees' Benefits Program (PEBP) relating to the provision of group health insurance. The study was conducted during both the 2003-2004 Interim and the 2005-2006 Interim. Each Interim, the Legislative Commission appointed a committee composed of three members of the Assembly and three members of the Senate to conduct the study. Over the course of the two biennia, the Committee held nine meetings, including a work session. Six of the meetings were held in Carson City and three were held in Las Vegas; videoconferencing was provided in each location.

The legislation also required the Chairman of the Committee to appoint an Advisory Committee of stakeholders and experts in the field to assist the Committee. During the 2003-2004 Interim, the Chairman appointed thirty-five individuals to this Advisory Committee to gather and provide information and expertise to the Committee. The Advisory Committee, and various subgroups thereof, met seven times during the 2003-2004 Interim.

The extensive nature of the study and the items enumerated in the enabling legislation required the Committee to gather a large amount of information. Over the course of the study, the Committee received information on:

- The history and current status of the Public Employees' Benefits Program;
- Federal guidance on allowable reserve levels in the Program;
- The plan design and rate methodologies utilized by the Program, including stop-loss insurance, regional rating, Medicare integration, biennial budgeting, etc.;
- Nationwide trends in health care;
- Alternatives and options for providing health insurance to participants of the Program that are available from private insurance carriers; and
- The health insurance programs offered by other states and local entities within the state of Nevada.

In addition to receiving information about the programs offered by local entities, the Committee had discussions with these local entities regarding possible participation in a program that would include all public employees within the state of Nevada.

The Committee ultimately requested, and the PEBP Board approved, the hiring of a contractor to perform two studies. The first was a feasibility study and potential savings analysis of

establishing a statewide program of health insurance for all public employees. The second study was an analysis of the liability created by the state subsidy for health insurance provided to both current and future retirees. This study provided an actuarial analysis of these post-retirement health benefits and the related implications of Statements 43 and 45 of the Governmental Accounting Standards Board.

At the final meeting of the Committee prior to the work session, the Committee decided that certain items enumerated in the enabling legislation had been considered by the Committee, but no further consideration would be given to develop recommendations for those items. Those items included:

- An examination of relevant facts to determine whether all members of the Public Employees' Retirement System should be required to participate in a statewide program of health insurance funded by public employees and public employers;
- The feasibility and desirability of establishing a program similar to the Federal Employees Health Benefits Program, which provides a choice through local and national carriers;
- Consideration of requiring nonstate public employers' benefit plans to include reinstatement rights for their retirees, as currently required by the Program;
- Consideration of a state subsidy mechanism providing for a specific dollar amount or a specific percentage of the cost for employees and separately for their dependents, including an appropriate funding method;
- Consideration of the feasibility, desirability and financial impact of authorizing large groups of participants to withdraw from the Program to obtain group insurance from other sources; and
- An analysis and review of issues related to pharmaceutical programs that are designed to reduce the price of prescription drugs, prescription drug buying clubs, manufacturer rebates for prescription drugs, interagency bulk purchasing, methods to negotiate for lower prices on prescription drugs, and methods to control the prices of prescription drugs.

The remaining items in the study were considered at the final work session and the Committee developed 13 recommendations that will be combined into bill draft requests for consideration by the 2007 Legislature. The recommendations address the following topics:

- Composition of the PEBP Board;
- Local governmental entity participation in the Program;
- Administration of the Program;
- Medicare-eligible participants; and
- Collection of retiree subsidies from local governmental entities.

In addition, the Committee requested that the Public Employees' Benefits Program investigate the possibility of purchasing Medicare insurance for all participants over age 65 who do not

otherwise qualify for Medicare and report the results of that investigation and the financial impact to the 2007 Legislature.

Further, the Committee Chairman was directed to provide a letter to all members of the 2007 Legislature explaining the Committee's discussions regarding the issue of post-retirement health benefits and the related implications of Statements 43 and 45 of the Governmental Accounting Standards Board.

Finally, the Committee decided to make no recommendations regarding the solicitation of proposals for a contract that would take over the entire statewide operations of the Program, but expressed hope that the issue would be discussed further by the 2007 Legislature.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE OPERATIONS OF THE PUBLIC EMPLOYEES' BENEFITS PROGRAM

Assembly Concurrent Resolution No. 10
(File No. 91, *Statutes of Nevada 2003*)

Following is a summary of the recommendations adopted by the Legislative Commission's Committee to Study the Operations of the Public Employees' Benefits Program at its final meeting held on May 25, 2006. These recommendations will be forwarded to the Legislative Commission and ultimately to the 2007 Session of the Nevada Legislature.

COMPOSITION OF THE BOARD OF THE PUBLIC EMPLOYEES' BENEFITS PROGRAM

RECOMMENDATION NO. 1 – Draft legislation to change the composition of the PEBP Board.

The Board would remain at nine members with four being appointed by the Legislature (one each by the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the Assembly and the Minority Leader of the Assembly) from the various organizations that represent participants (Nevada System of Higher Education employees, retired public employees, active state employees, and local government employees) and the remaining five members appointed by the Governor, all of whom would be required to have technical expertise in the insurance or actuarial field. In addition, one of the Governor's appointees must be a representative of a local governmental employee association.

RECOMMENDATION NO. 2 – Draft legislation specifically authorizing the PEBP Board to establish any advisory committees deemed necessary by the Board.

LOCAL GOVERNMENTAL ENTITY PARTICIPATION IN PEBP

RECOMMENDATION NO. 3 – Draft legislation requiring that local governmental programs of health insurance include both active employees and retirees in the same plan of benefits and that all participants be commingled for rating purposes.

RECOMMENDATION NO. 4 – Draft legislation providing that any local governmental unit that elects to participate in the programs offered by PEBP must remain in those programs for a minimum of 4 years.

RECOMMENDATION NO. 5 – Draft legislation providing that local governmental retiree participation in the Program be limited to those retirees that retire from entities whose active employees participate in the Program; providing that if a local governmental entity elects to remove its active employees from participation in the

Program, the retirees of that entity must also leave the program; and providing for “grandfathering-in” those individual retirees who currently participate in the program.

ADMINISTRATION OF THE PROGRAM

RECOMMENDATION NO. 6 – Draft legislation prohibiting assets of the Program from being used for any purpose other than the benefit of the participants in the Program.

RECOMMENDATION NO. 7 – Draft legislation providing for oversight of the Program by the Nevada Commissioner of Insurance in regard to benefits, premiums, provider dealings, market conduct, etc.

RECOMMENDATION NO. 8 – Draft legislation amending the current reporting requirements of PEBP to the Legislature to provide that the annual reporting must include: actuarial accuracy, program reserves, participant deductions, changes in benefits and premiums, changes in providers, communications with participants, and activities undertaken by the Board relating to purchasing coalitions. The legislation would also provide that the report be provided to the Legislative Commission in non-legislative years and to the appropriate policy and money committees in legislative years and, further, that the receiving commission or committee be required to accept or reject the report.

RECOMMENDATION NO. 9 – Draft legislation authorizing participants in the Program to seek the assistance of the Governor’s Office of Consumer Health Assistance for problem resolution.

MEDICARE-ELIGIBLE PARTICIPANTS

RECOMMENDATION NO. 10 – Draft legislation requiring that the Commissioner of Insurance determine the percentage reduction in premiums for Medicare-eligible participants based on the most recently completed actual year’s experience for Medicare participants in the Program and provide that percentage to the PEBP Board by a certain date and further require that the PEBP Board incorporate that percentage into the Plan by a certain date. In addition, the legislation would require that the Legislative Commission approve any explanation of this premium reduction and the impact on all participant groups for distribution to the participants in the Program.

RECOMMENDATION NO. 11 – Draft legislation requiring that the Program offer a cafeteria-style plan to Medicare-eligible participants and further allowing the Program to offer that plan to other participants.

RECOMMENDATION NO. 12 – Draft a resolution to Congress requesting that the age for eligibility for Medicare be reduced.

**COLLECTION OF RETIREE SUBSIDIES
FROM LOCAL GOVERNMENTAL ENTITIES**

RECOMMENDATION NO. 13 – Draft legislation authorizing PEBP to collect from local government entities any subsidies owed for their retirees who participate in PEBP that are more than three months overdue. Collections would be through an offset of funding that would otherwise be transferred from the state to the local governmental entity after notice and an opportunity for a hearing. In addition, require that PEBP adopt regulations prescribing the notice and procedures for such a hearing.

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY
SCHOOL FINANCING ADEQUACY**

Assembly Concurrent Resolution No. 10
(File No. 99, *Statutes of Nevada 2005*)

Members

Assemblywoman Debbie Smith, Chairman
Senator Warren B. Hardy, Vice Chairman
Senator Bob Beers
Senator Michael Schneider
Assemblyman Brooks Holcomb
Assemblyman Richard Perkins

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Assembly Concurrent Resolution No. 10
Assemblyman Perkins

FILE NUMBER 99

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study on the adequacy of the system of school finance in Nevada.

WHEREAS, Section 2 of Article 11 of the Constitution of the State of Nevada requires the Legislature to provide for a uniform system of common schools; and

WHEREAS, Section 6 of Article 11 of the Constitution of the State of Nevada requires the Legislature to provide for the support and maintenance of the common schools by direct legislative appropriation from the General Fund; and

WHEREAS, In *Guinn v. Legislature*, 119 Nev. 277 (2003), the Nevada Supreme Court opined that access to public education is a basic constitutional right in Nevada; and

WHEREAS, Currently, the State of Nevada contributes to the financial support of the operation of public schools in this State in accordance with the Nevada Plan for School Finance; and

WHEREAS, According to “Quality Counts 2004,” an annual report published by *Education Week*, the State of Nevada is among the best at equalizing the distribution of state and local revenue in support of public elementary and secondary schools; and

WHEREAS, The authors of the report also determined that the adequacy of education in this State ranks among the very lowest states, with only 1.9 percent of students attending school in a district that spends at or above the national average spending level per student; and

WHEREAS, Based on data from the 2003-2004 school year for 568 public elementary and secondary schools in Nevada, 103 schools failed to make adequate yearly progress and were placed on the watch list, and 122 schools were designated as demonstrating need for improvement pursuant to the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq.; and

WHEREAS, In an era where schools and pupils are being held to a high standard of accountability, it is essential for this State to ensure that it provides all children who reside in this State with the tools to be successful, including the opportunity for a meaningful public education with adequate educational opportunities; 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 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 an interim study of the adequacy of the system of school finance in Nevada; and be it further

RESOLVED, That the committee shall enter into a contract with a qualified, independent, nationally recognized consultant to assist the committee in its study; and be it further

RESOLVED, That the study must include, without limitation:

1. An analysis of the Nevada Plan for School Finance to determine whether that Plan provides an opportunity for a meaningful public education with adequate educational opportunities, including, without limitation, an identification of any inadequacies or inequities

in public education that are caused by the Nevada Plan;

2. A comprehensive analysis of the costs of providing adequate educational opportunities to all pupils enrolled in public schools in this State, giving primary consideration to the following factors:

(a) The resources and services required to provide a meaningful public education to pupils who are limited English proficient, pupils who are at risk based upon eligibility for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., and pupils who are enrolled in programs of special education;

(b) The implications of the size and location of the public schools in this State, including, without limitation, any differences in expenses for personnel, materials, supplies, equipment and other costs that vary based upon the geography of this State;

(c) The costs of providing comparable educational opportunities to pupils who are enrolled in public schools in rural or remote portions of this State with those pupils who are enrolled in public schools in larger, urban school districts, taking into consideration the differences in operating costs and transportation costs;

(d) The costs of providing specific educational programs, including, without limitation, career and technical education and vocational education programs;

(e) The costs for the construction, operation and maintenance of school buildings and other capital facilities of a school district;

(f) The costs of inflation; and

(g) Any other factors deemed necessary for review and analysis by the interim committee or the consultant;

3. A determination of whether Nevada's system of financing public schools is calibrated to the needs and educational goals of pupils in this State;

4. An analysis of methods of school finance that ensure an effective public school system, including, without limitation, an analysis of best practices carried out in other states in an effort to achieve adequacy in school finance and the costs to carry out those practices in Nevada; and

5. Based upon the study, recommendations for legislation that will ensure the State of Nevada provides the children who reside in this State with an opportunity for a meaningful public education with adequate educational opportunities, including, without limitation, recommendations for methods to correct any identified inadequacies or inequities in the Nevada Plan for School Finance; and be it further

RESOLVED, That as used in this act, the term "adequate educational opportunities" means the provision of educational opportunities under a system of public education that includes operational and educational programs, services and facilities and that is in full compliance with:

1. The applicable statutes and regulations of this State and the Federal Government; and

2. Any applicable accreditation standards; 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 74th Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY SCHOOL FINANCING ADEQUACY

Assembly Concurrent Resolution No. 10
(File No. 99, *Statutes of Nevada 2005*)

The 73rd Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 10 (File No. 99, *Statutes of Nevada 2005*), which directed the Legislative Commission to conduct an interim study on the adequacy of the system of school finance in Nevada. The Legislative Commission appointed a committee composed of three members of the Assembly and three members of the Senate.

The committee held seven meetings, including a work session. Four of the meetings were held in Carson City and three were held in Las Vegas; videoconferencing was provided in each location. In addition, the committee held two public forums to collect public input and comments related to the study on school finance adequacy and the needs of Nevada's schools. One public forum was held at Western High School in Las Vegas and the other public forum was held at Wooster High School in Reno.

The committee was charged with selecting a qualified, independent, nationally recognized consultant who would:

- Perform an analysis of the Nevada Plan for School Finance to determine whether that plan provides an opportunity for a meaningful public education with adequate educational opportunities;
- Perform a comprehensive analysis of the costs of providing adequate educational opportunities in the future to all pupils enrolled in public schools in Nevada;
- Determine whether Nevada's system of financing public schools is calibrated to the needs and educational goals of pupils in Nevada;
- Perform an analysis of methods of school finance that ensure an effective public school system; and
- Provide recommendations for legislation that will ensure the State of Nevada provides the children who reside in the state with an opportunity for a meaningful public education with adequate educational opportunities.

The committee utilized a competitive bidding process and heard testimony from three vendors seeking to be awarded the contract. Following testimony, the committee awarded the contract to Augenblick, Palaich and Associates, Inc. (APA), a privately owned, Denver-based consulting firm.

During the course of its hearings, the committee heard testimony from APA on the progress of the study. In August 2006, the contractor presented the final report for consideration by the committee. The final report provided the results of two different methodologies for estimating

the cost of providing an adequate education for Nevada's students, not including resources needed for transportation, food service or capital construction:

1. A "Starting" Cost: Drawn primarily from the Successful Schools methodology using FY 2003-04 data (the latest full year of data available), this cost offers Nevada policymakers a starting point from which to begin addressing the needs of school districts that currently do not receive adequate funds to meet the 2003-04 state and federal performance standards. For FY 2003-04, the state expended \$2,231.3 million¹ on K-12 education. According to APA, 12 Nevada school districts² would need an additional \$79.6 million,¹ or a total of \$2,310.9 million,¹ to bring them up to the 2003-04 successful schools' adequacy level. This amount would need to be adjusted to provide for enrollment changes and the additional K-12 education funding approved by the 2005 Legislature, as well as for inflation to arrive at a "Starting" cost for the 2006-07 school year.
2. A "Goal" Cost: This cost is drawn primarily from the Professional Judgment panel methodology and represents the total cost of educating students to reach state and federal academic standards, including the standards set through the federal No Child Left Behind Act (NCLBA). For FY 2003-04, the state expended \$2,231.3 million¹ on K-12 education. According to APA, a total of \$3,551.3 million¹ in 2003-04 would be needed to bring school districts up to the NCLBA goal of 100 percent student proficiency (**the required federal NCLBA standard for FY 2013-14**). This amount would need to be adjusted to provide for enrollment changes and the additional K-12 education funding approved by the 2005 Legislature, as well as for inflation to arrive at a "Goal" cost in FY 2013-14.

The enabling legislation charged the committee with considering costs of transportation of students and the capital construction needs of the school districts. In complying with these requirements, at its March 2006 meeting, the committee heard testimony from school district representatives, as well as representatives of the Nevada Association of School Boards concerning the needs and funding of capital construction in the school districts. Issues raised by the school districts included the need for a dependable, stable funding source for the financing of school construction projects.

At its June 2006 meeting, the committee heard testimony from the Nevada Department of Education, school district representatives, and representatives of the Nevada Association of School Boards concerning the calculation and distribution of transportation funding through the Distributive School Account, as well as other student transportation issues in Nevada. Issues raised during the meeting included bus replacement schedules and uniform walk zones for students (i.e., the distance a student resides from a school for which bus service to the school is not provided).

¹ Not including costs for transportation, food service or capital construction.

² According to APA, the other five school districts were currently spending at or above the successful schools' adequacy level.

Three actions addressing the following issues were taken by the committee at its August 31, 2006 meeting:

- The committee accepted the final report from APA and forwarded it to the 2007 Legislature without recommendation. The report is entitled, *Estimating the Cost of an Adequate Education in Nevada*;
- The committee drafted a letter regarding funding sources for school construction as detailed in the following section (Summary of Actions); and
- The committee drafted a letter regarding student transportation issues as detailed in the following section (Summary of Actions).

SUMMARY OF ACTIONS

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY SCHOOL FINANCING ADEQUACY

Assembly Concurrent Resolution No. 10
(File No. 99, *Statutes of Nevada 2005*)

Following is a summary of the actions adopted by the Legislative Commission's Committee to Study School Financing Adequacy at its August 31, 2006 meeting. These actions have been forwarded to the Legislative Commission and will ultimately be forwarded to the 2007 Session of the Nevada Legislature, as appropriate.

THE FINAL REPORT FROM AUGENBLICK, PALAICH, AND ASSOCIATES, INC.

COMMITTEE ACTION – Accept the final report completed by Augenblick, Palaich and Associates, Inc. (APA) and forward it to the 2007 Legislature without recommendation by the committee. The report is entitled: *Estimating the Cost of an Adequate Education in Nevada.*

SCHOOL CONSTRUCTION

COMMITTEE ACTION – Draft a letter, on behalf of the Assembly Concurrent Resolution (A.C.R.) 10 Committee, to the money and education policy committees of the 2007 Legislature expressing the need for the Legislature to consider legislation that would provide a dependable, stable funding source for the financing of K-12 capital construction, renovation, and maintenance needs of the school districts.

In considering legislation, the committee urges the Legislature to review the five sources of funding currently available to school districts for capital construction projects (i.e., property tax, real estate transfer tax, residential construction tax, county infrastructure sales tax, and room tax) to determine if access to each of these sources is appropriate for all school districts.

In addition, the committee urges the Legislature to determine if there is a need for a revolving loan fund at the state level for facility needs, including maintenance, upgrade and renovation needs.

Finally, the committee urges the Legislature to consider whether a “pay-as-you-go” provision added to the existing rollover bond mechanism might be beneficial to school districts to address construction, maintenance and renovation needs.

STUDENT TRANSPORTATION

COMMITTEE ACTION – Draft a letter, on behalf of the Assembly Concurrent Resolution (A.C.R.) 10 Committee, to the 2007 Legislature expressing the need for the Legislature to consider legislation concerning student transportation issues in the state of Nevada.

In considering legislation, the committee urges the Legislature to review two primary issues concerning student transportation:

1. Bus Replacement Schedules: The committee learned through testimony that there are no uniform bus replacement schedules or policies among the school districts.
2. Student Walk Zones: The committee learned through testimony that there are no uniform walk zones (i.e., the distance a student resides from a school for which bus service to the school is not provided) for all school districts.

BULLETIN NO. 07-8

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
THE AVAILABILITY AND INVENTORY OF AFFORDABLE HOUSING**

Assembly Concurrent Resolution No. 11
(File No. 97, *Statutes of Nevada 2005*)

Members

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Senator Dennis Nolan
Senator Maurice E. Washington
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Assembly Concurrent Resolution No. 11
Assemblyman Anderson

FILE NUMBER 97

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study on the availability and inventory of affordable housing in Nevada.

WHEREAS, Recent discussions initiated by the Nevada Housing Database Partnership relating to the lack of accurate, timely, affordable data concerning housing in the State of Nevada have generated ideas for the compilation of demographic, economic and housing data that could aid in forecasting the supply of and demand for affordable housing for rent and ownership in this State; and

WHEREAS, Various state and local agencies involved in the discussions have indicated the desire to pursue the creation of a statewide housing database that would assist in identifying the existing affordable housing and the corresponding demand, using federal, state and local demographic, economic and housing data; and

WHEREAS, Finding affordable housing today in Nevada is often difficult because of the tremendous increase in housing prices coupled with rapid population growth, and the availability of data to estimate housing demand would be an extremely useful tool to assist state and local agencies in assessing and developing policies on affordable housing to ensure its availability to all Nevadans; and

WHEREAS, The creation of a statewide housing database would also complement the growing trend of implementing a regional approach to growth management and planning throughout the State, as well as eliminate duplicative studies and services, thus providing cost savings for all entities currently attempting to generate and compile data on housing; and

WHEREAS, Such a database would also offer objective information to assist developers, administrators, applicants for grant and tax credits, state and local governments, and others interested in the provision of affordable housing and housing-related services; and

WHEREAS, The states of Washington and Wyoming have established studies that could serve as models for our State because of the types of data collected and the demographic and geographic similarities of those states to the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a subcommittee, composed of three members of the Assembly and three members of the Senate, one of whom must be appointed as Chairman of the subcommittee, to conduct a study of the availability and inventory of affordable housing in Nevada; and be it further

RESOLVED, That the study must include, without limitation, the compilation and analysis of demographic, economic and housing data from a variety of sources that:

1. Provides for an annual assessment of the affordable housing market at the city and county level, including data relating to housing units, age of housing, rental rates and rental vacancy rates, new home sales and resale of homes, new construction permits, mobile homes, lots available for mobile homes, and conversions of multifamily condominiums;

2. Addresses the housing needs of various population groups in Nevada, such as households that rent, homeowners, elderly households, veterans, persons with disabilities or special needs, homeless persons, recovering drug abusers, persons suffering from mental health ailments and abused women, with each group broken down to show the percentage of the population group at different income levels, and a determination of the number of households within each special needs group experiencing housing costs greater than 50 percent of their income, overcrowding or substandard housing;

3. Contains an estimate of the number and condition of subsidized and other low-income housing units at the county level and the identification of any subsidized units that are forecast to convert to market-rate units within a 2-year planning period;

4. Provides a demographic and economic overview by local and county jurisdiction, if feasible, for the population of Nevada, including age, race and ethnicity, household size, migration, current and forecast employment, household income and a summary relating to the effects of demographics and economic factors on housing demand;

5. Includes an assessment relating to the funding of a new position or an expansion of the duties of the Nevada State Demographer's Office, which is funded by the Department of Taxation, to fulfill the responsibilities of compiling future housing data and producing an annual assessment of housing supply and demand; and

6. Includes an examination of methods for funding the provision of such housing data on an annual basis; and be it further

RESOLVED, That local governments are urged to participate in the study by providing information, including, but not limited to, the types of projects the local governments are currently providing to assist persons in locating affordable housing; 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 Commission shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE AVAILABILITY AND INVENTORY OF AFFORDABLE HOUSING

Assembly Concurrent Resolution No. 11
(File No. 97, *Statutes of Nevada 2005*)

The 2005 Nevada State Legislature adopted Assembly Concurrent Resolution No. 11, which created an interim study on the availability and inventory of affordable housing. The concept for the study was presented by the Nevada Housing Database Partnership, a group advocating the development of a statewide housing database to address a perceived lack of affordable housing data on a local, county, or state level. The agencies involved in the partnership wish to pursue the creation of a statewide housing database that will assist with identifying the existing affordable housing supply and corresponding demand utilizing available federal, state, and local demographic, economic, and housing data.

The Subcommittee held six meetings, including a work session. All six 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, the Subcommittee was provided with formal presentations and expert and public testimony on a broad range of topics involving affordable housing. Issues included the federal government's role in providing financing for affordable housing; the current availability of affordable housing throughout the State; programs currently authorized by the Legislature to provide funding for the development of affordable housing; the applicability of the Southern Nevada Public Lands Management Act of 1998 (Public Law 105-263) in the acquisition of federal land for the development of affordable housing; the role of nonprofit affordable housing developers; the impact of mobile home park closures on the availability of affordable housing; and the housing needs of various special needs groups, including seniors, persons with disabilities, released offenders, the homeless, and victims of domestic violence. The Subcommittee also received detailed data on the inventory and availability of affordable housing in Southern Nevada from the Southern Nevada Regional Planning Coalition and Applied Analysis.

During the final meeting and work session, the Subcommittee adopted several recommendations as bill drafts for consideration by the 2007 Legislature. These recommendations for legislation include bill drafts to:

- Create a housing trust fund to provide money for affordable housing projects dedicated to workforce housing, targeted at families whose gross income is greater than 80 percent and equal to or less than 120 percent of area median income (AMI);

- Clarify that local governments may utilize money from the Account for Low-Income Housing to assemble and acquire property for the development of affordable housing and expand the authority of local governments to utilize their funds for the development of affordable housing;
- Provide for the development and maintenance of a Statewide Housing Database;
- Amend the *Nevada Revised Statutes* that relate to affordable housing to ensure consistency by defining: (1) Affordable housing as housing which is affordable to families whose income is equal to or less than 80 percent of the AMI; and (2) Attainable housing as housing which is affordable to households whose income is greater than 80 percent and equal to or less than 120 of AMI;
- Require the submission of a resident impact statement by a mobile home park owner proposing to close or convert a mobile home park. The statement would be submitted to and considered by the appropriate local zoning board, planning commission, or governing body;
- Provide a one-time supplemental appropriation to the Account for Low-Income Housing, Fund for Low-Income Owners of Manufactured Housing, and proposed workforce housing trust fund;
- Require Clark County to have a regional planning coalition similar to Washoe County, which must operate and function in the same manner as the Washoe County Planning Commission;
- Clarify local governments may enact ordinances that provide for the acquisition, construction, improvement, rehabilitation, or expansion of affordable or attainable housing; and
- Assist redevelopment agencies with regard to the bonding process.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE AVAILABILITY AND INVENTORY OF AFFORDABLE HOUSING

Assembly Concurrent Resolution No. 11
(File No. 97, *Statutes of Nevada 2005*)

Following is a summary of the recommendations adopted by the Legislative Commission's Subcommittee to Study the Availability and Inventory of Affordable Housing at its June 5, 2006, meeting. These recommendations will be forwarded to the Legislative Commission and ultimately to the 2007 Session of the Nevada State Legislature, as appropriate.

RECOMMENDATIONS FOR LEGISLATION

Housing Trust Funds

RECOMMENDATION NO. 1—Create a housing trust fund to provide money for affordable housing projects dedicated to workforce housing, targeted at families whose gross income is greater than 80 percent and equal to or less than 120 percent of area median income (AMI). The trust fund for workforce housing will be set up and administered in the same manner as the Account for Low-Income Housing (*Nevada Revised Statutes* [NRS] Chapter 319).

RECOMMENDATION NO. 2—Clarify that local governments may utilize money from the Account for Low-Income Housing to assemble and acquire property for the development of affordable housing and expand the authority of local governments to utilize their funds for the development of affordable housing.

Data Collection and Revision of Definitions

RECOMMENDATION NO. 3—Provide for the development and maintenance of a Statewide Housing Database as proposed by the Nevada Housing Database Partnership with an annual operating budget of \$175,000.

- a. Allow existing revenue from the Account for Low-Income Housing to be used to provide funding for the database.
- b. Include all housing, demographic, and economic elements required by A.C.R. 11.
- c. The Statewide Housing Database should contain specific data on the number of housing authority units and Section 8 Housing Program units (Section 8 of the United States Housing Act of 1937 [42 U.S.C. Sec. 1437f]) that are available to victims of domestic violence, and the number of terminations of Section 8 housing vouchers of domestic violence victims.

- d. Specifically require owners of rental properties in the State of Nevada that have received funding from state, federal, or local jurisdictions to report available disabled accessible units to the Nevada Housing Registry Web site.

RECOMMENDATION NO. 4—Amend various statutes throughout the NRS that relate to affordable housing to ensure consistency. Affordable housing should be defined as housing which is affordable to families whose income is equal to or less than 80 percent of AMI; attainable housing should be defined as housing which is affordable to households whose income is greater than 80 percent and equal to or less than 120 of AMI.

Mobile Home Parks

RECOMMENDATION NO. 5—Require the submission of a resident impact statement by a mobile home park owner proposing to close or convert a mobile home park. The statement should be submitted to and considered by the appropriate local zoning board, planning commission, or governing body. The statement should include a list of the names, addresses, and mobile home site identification numbers of all persons living in units within the existing park; an analysis of replacement housing needs or requirements for existing tenants; and an analysis of any sites proposed for relocated units.

Requests for Funding

RECOMMENDATION NO. 6—Make a one-time appropriation to the Account for Low-Income Housing, Fund for Low-Income Owners of Manufactured Housing, and proposed workforce housing trust fund. The amount of the surplus dedicated for these purposes should be equal to or greater than the amount of the general fund surplus attributable to excess proceeds from the Real Property Transfer Tax.

Local Government

RECOMMENDATION NO. 7—Require Clark County to have a regional planning coalition similar to Washoe County, which must operate and function in the same manner as the Washoe County Planning Commission.

RECOMMENDATION NO. 8—Clarify local governments may enact ordinances that provide for the acquisition, construction, improvement, rehabilitation, or expansion of affordable or attainable housing.

RECOMMENDATION NO. 9—Assist redevelopment agencies with regard to the bonding process. These changes would:

- a. Allow parties aggrieved by the actions of a county assessor to appeal to the Nevada Tax Commission and require that an appeal be decided within 30 days of receipt by the Commission;

- b. Require a county assessor to reappraise all real property in redevelopment areas at least once per year, notwithstanding other existing provisions;
- c. Require tax increment funds to be remitted to redevelopment agencies within a specific time period;
- d. Grant local governments standing to refute reductions in assessed value of properties within redevelopment areas to boards of equalization; and
- e. Expand the applicability of NRS 279.685 by lowering the population threshold from 300,000 to 200,000 for cities and counties.

SUBCOMMITTEE ACTIONS

In addition, the Subcommittee directed staff to:

RECOMMENDATION NO. 10—Conduct a study of the impact, development, and permitting fees and processes employed by local governments throughout the state and include a statement in the Subcommittee’s bulletin with information on best practices used by other jurisdictions.

RECOMMENDATION NO. 11—Prepare a letter to be sent on the Subcommittee’s behalf to each public housing agency urging consideration of a preference for admission of families that include victims of domestic violence, if they do not have such a preference already.

RECOMMENDATION NO.12—Prepare a letter to be sent on the Subcommittee’s behalf to each public housing agency directing their attention to and urging their compliance with the federal Violence Against Women Act of 2005.

RECOMMENDATION NO.13—Prepare a letter to be sent on the Subcommittee’s behalf to each participating jurisdiction urging them to use federal grants or funds received from the Account for Low-Income Housing to fund a bridge-gap source for persons currently in housing that are on a waiting list for a housing subsidy and who are at-risk of becoming homeless or currently in a nursing facility and awaiting community transition.

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY SENTENCING
AND PARDONS, AND PAROLE AND PROBATION**

Assembly Concurrent Resolution No. 17
(File No. 98, *Statutes of Nevada 2005*)

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Senator Mike McGinness
Senator Dennis Nolan
Senator Valerie Wiener
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FILE NUMBER 98

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the sentencing of convicted persons and of the pardons, parole and probation services provided in this State.

WHEREAS, Nevada has one of the highest per capita incarceration levels in the country; and

WHEREAS, Nevada remains one of the few states that uses incarceration, the most expensive method of corrections, as the primary method of addressing criminal conduct; and

WHEREAS, The number of inmates who are released from prison onto parole in Nevada is declining; and

WHEREAS, Reducing the required time for incarceration has not produced an impact on individual recidivism rates or aggregate crime levels; and

WHEREAS, High-risk offenders must be closely supervised and provided with more rehabilitative services to promote their reintegration to society and maintenance of a crime-free life; and

WHEREAS, Parole should not be revoked for the commission of a misdemeanor or for technical violations of parole rules, but instead, revocation must be limited to serious infractions involving the commission of a felony; and

WHEREAS, Certain juveniles who commit serious crimes are transferred to the adult criminal justice system in this State; and

WHEREAS, It is necessary to review options for sentencing juveniles who commit such serious crimes; 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 the sentencing of convicted persons and of the pardons, parole and probation services provided in this State; and be it further

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

1. The current practices and procedures relating to issuing pardons and granting and revoking parole and probation in this State;
2. The manner of imposing sentences in this State;
3. The feasibility of establishing mandatory parole after an offender serves a portion of a sentence;
4. Sentencing options that provide for combined prison terms and postincarceration supervision;
5. Gender and ethnic parity in sentencing;
6. Training, educational and rehabilitation programs that are available for offenders in this State;
7. Programs developed in other states that provide a system of community-based programs that place offenders in more specialized programs according to their needs;

8. The procedures for determining when to release inmates into community supervision programs;

9. Methods to promote more cost-effective pardons, parole and probation practices; and

10. Methods for combining juvenile and adult sentencing options for juveniles who commit serious crimes; and be it further

RESOLVED, That the Administrative Office of the Courts, the Department of Corrections and the Division of Parole and Probation of the Department of Public Safety are hereby directed to provide information and assistance to the committee; 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 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 74th Session of the Nevada Legislature.

ABSTRACT

SUBCOMMITTEE TO STUDY SENTENCING AND PARDONS, PAROLE AND PROBATION

Assembly Concurrent Resolution No. 17
(File No. 98, *Statutes of Nevada 2005*)

The Legislative Commission's Subcommittee to Study Sentencing and Pardons, Parole and Probation is directed to conduct a study of the sentencing of convicted persons and of the pardons, parole, and probation services provided by the State. The Subcommittee was created in 2005 under Assembly Concurrent Resolution No. 17 (File No. 98, *Statutes of Nevada 2005*). The Resolution directs the Administrative Office of the Courts, Nevada's Department of Corrections (NDOC), and the Division of Parole and Probation of the Department of Public Safety to provide information and assistance to the Subcommittee. The Legislative Commission must submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada State Legislature.

The Subcommittee was directed to conduct evaluations of the following topics: (1) the current practices and procedures relating to issuing pardons and granting and revoking parole and probation; (2) the manner of imposing sentences; (3) the feasibility of establishing mandatory parole; (4) sentencing options providing combined prison terms and post-incarceration supervision; (5) gender and ethnic parity in sentencing; (6) training, educational, and rehabilitation programs; (7) programs developed in other states providing a system of community-based specialized programs; (8) the procedures for determining when to release inmates into community-based programs; (9) methods to promote more cost-effective pardons, parole, and probation; and (10) methods for combining juvenile and adult sentencing options for juveniles who commit serious crimes.

The Subcommittee 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 video conferences between legislative meeting rooms at the Grant Sawyer State Office Building in Las Vegas and the Legislative Building in Carson City.

During its final meeting, the Subcommittee adopted 14 recommendations, including eight recommendations for bill drafts, for consideration by the 2007 Legislature. The recommendations address the following major topics: (1) parole and pardons issues; (2) mandatory minimum and enhanced sentencing issues; (3) Not Guilty By Reason of Insanity issues; and (4) issues concerning NDOC.

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

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY SENTENCING AND PARDONS, AND PAROLE AND PROBATION

Assembly Concurrent Resolution No. 17
(File No. 98, *Statutes of Nevada 2005*)

The following is a summary of recommendations adopted by the Legislative Commission's Subcommittee to Study Sentencing and Pardons, and Parole and Probation at its June 8, 2006, meeting. These recommendations will be forwarded to the Legislative Commission and ultimately to the 2007 Session of the Nevada State Legislature, as appropriate.

PAROLE AND PARDONS ISSUES

RECOMMENDATION NO. 1 — Draft legislation to amend *Nevada Revised Statutes (NRS) 176.415*, which sets forth the manner in which the execution of judgment of death may be stayed, to clarify that the Governor has authority under the *Nevada Constitution* to grant a reprieve for a period of 60 days following a conviction. (BDR 14-148)

RECOMMENDATION NO. 2 — Draft legislation to amend NRS 213.10885, and any other relevant sections of NRS, to provide that when a person is serving consecutive sentences in prison, a risk assessment is conducted by the Division of Parole and Probation, Nevada's Department of Public Safety (NDPS), only when the person is eligible for release from prison if granted parole. Thus, the assessment will be performed only when the person is eligible for parole for the last sentence being served. (BDR 16-149)

RECOMMENDATION NO. 3 — Draft legislation to amend NRS 213.1215 which requires the Parole Board to grant parole to a prisoner 12 months before the end of his maximum term of imprisonment except in certain circumstances, including when the Parole Board determines that the prisoner will be a danger to public safety while on parole. Require the Parole Board to provide its reasons for denying parole in writing when parole is denied because the Parole Board determined that the prisoner will be a danger to public safety while on parole. (BDR 16-149)

RECOMMENDATION NO. 4 — Draft legislation to amend relevant provisions of NRS to require a person convicted of a category D or E felony to be placed on parole after serving the minimum sentence of imprisonment unless the Parole Board determines that the prisoner would be a danger to public safety if placed on parole. (BDR 16-149)

RECOMMENDATION NO. 5 — Include a statement in the final report encouraging the Administrative Office of the Courts to work with Nevada’s Department of Corrections (NDOC) to create a statewide system of “re-entry courts”, similar to the Eighth Judicial District Court’s Going Home Prepared program.

RECOMMENDATION NO. 6 — Draft letters to Nevada’s Department of Public Safety and NDOC encouraging each department to seek adequate funding to provide for the provision of mental health and substance abuse treatment to prisoners. Further, include in the letter encouragement for each Department as appropriate to seek funding to: (1) assist prisoners to enroll in drug court; and (2) employ adequate social workers in the Division of Parole and Probation to assist prisoners upon release from prison to obtain the necessary treatment and assistance to access community resources.

RECOMMENDATION NO. 7 — Draft legislation to require that all hearings of the Parole Board be subject to the open meeting law provided that consideration is given to the privacy of juveniles, witnesses, victims, or other persons who may require protection of their identity for safety reasons. Include legislation to require the Parole Board to provide notice of a parole hearing to the prisoner who is the subject of the hearing and his victims at least 3 business days before the parole hearing. (BDR 16-150)

RECOMMENDATION NO. 8 — Draft legislation to amend Chapter 213 of NRS to allow a prisoner who is eligible for parole and his representative to speak during a hearing to consider the parole of the prisoner in addition to the victims. (BDR 16-150)

RECOMMENDATION NO. 9 — Draft a letter to the Governor encouraging the Governor to consider the diversity of Nevada when appointing members to the Parole Board to ensure that the Parole Board represents that diverse population.

MANDATORY MINIMUM AND ENHANCED SENTENCING ISSUES

RECOMMENDATION NO. 10 — Draft legislation to amend NRS 193.165 to give the court discretion to increase the sentence of a person by 1 year to 10 years if the crime was committed with the use of a deadly weapon rather than imposing a sentence equal to the underlying crime. (BDR 15-151)

NOT GUILTY BY REASON OF INSANITY ISSUES

RECOMMENDATION NO. 11 — Draft a letter to the appropriate state agency inquiring if any national or state programs exist that provide special training or certification for forensic psychiatrists to evaluate a person who has been found not guilty by reason of insanity, to determine the person’s eligibility for release, and to testify concerning whether to release the person.

RECOMMENDATION NO. 12 — Draft legislation to amend NRS to: (1) codify the M’Naghten rule for determining whether a person is insane for purposes of the insanity defense; and (2) create an additional plea of “Guilty But Mentally Ill”. (BDR 14-152)

ISSUES CONCERNING NEVADA’S DEPARTMENT OF CORRECTIONS

RECOMMENDATION NO. 13 — Draft a letter to the Legislative Commission requesting the Commission to direct the Audit Division of the Legislative Counsel Bureau to conduct a performance evaluation of correctional programs. The evaluation should include an assessment of vocational training programs, educational programs and mental health programs or counseling. The evaluation should also incorporate a survey of programs, which have been successful in other states, and address the issue of availability and accessibility to correctional programs by male and female prisoners. The evaluation should include a feasibility study on the possibility of creating a citizens’ advisory committee to monitor inmate grievances. The evaluation should also include an examination of inmate’s access to health care.

RECOMMENDATION NO. 14 — Draft a letter to the Governor requesting that the Executive Branch initiate evaluations relating to inmate access to health care.

**ADVISORY GROUP TO CONDUCT INTERIM STUDY ON LEASE-PURCHASE AND
INSTALLMENT-PURCHASE AGREEMENTS BY PUBLIC ENTITIES**

Senate Bill 426 (Section 31)
(Chapter 508, *Statutes of Nevada 2005*)

Members

Senator Warren B. Hardy, Chairman
Assemblywoman Debbie Smith, Vice Chair
Andrew Clinger, Director, Department of Administration
Richard "Skip" Daly, Business Manager, Laborer's Local Union 169
James Keenan, Purchasing Manager, Douglas County
Dan O'Brien, Manager, State Public Works Board
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Senate Bill 426 (Section 31)
(Chapter 508, *Statutes of Nevada 2005*)

Sec. 31. 1. An advisory group is hereby created to conduct an interim study concerning lease-purchase and installment-purchase agreements by public entities. The advisory group must consist of:

(a) One representative from each of the following fields, appointed by the Legislative Commission:

- (1) Public purchasing;
- (2) Labor;
- (3) Public works;
- (4) Construction project management;
- (5) State governmental financing; and
- (6) Local governmental financing.

(b) One Assemblyman who has knowledge in one or more of the fields described in subparagraphs (1) to (6), inclusive, of paragraph (a), appointed by the Speaker of the Assembly.

(c) One Senator who has knowledge in one or more of the fields described in subparagraphs (1) to (6), inclusive, of paragraph (a), appointed by the Majority Leader of the Senate.

2. The study must include, without limitation:

- (a) A review of existing laws relating to lease-purchase and installment-purchase agreements;
- (b) An evaluation of the applicability of existing laws relating to public works and public purchasing to existing laws relating to lease-purchase and installment-purchase agreements; and
- (c) Consideration of changes to existing provisions of law relating to lease-purchase and installment-purchase agreements to better serve the needs of the State and local governments and to promote and protect the interests of Nevada's workforce.

3. In conducting the study required pursuant to this section, the advisory group shall consult with the Commission to Study Governmental Purchasing, the Committee on Local Government Finance, the Office of the State Treasurer, the State Public Works Board and experts in the fields of contracting, labor and purchasing.

4. The advisory group shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau not later than September 1, 2006, for transmission to the 74th Session of the Nevada Legislature.

ABSTRACT

ADVISORY GROUP TO CONDUCT INTERIM STUDY ON LEASE-PURCHASE AND INSTALLMENT-PURCHASE AGREEMENTS BY PUBLIC ENTITIES

Senate Bill 426 (Section 31)
(Chapter 508, *Statutes of Nevada 2005*)

Senate Bill No. 426 as passed by the 2005 Session of the Nevada Legislature created the Advisory Group to Conduct Interim Study on Lease-Purchase and Installment-Purchase Agreements by Public Entities and charged the committee to:

1. Review existing laws relating to lease-purchase and installment-purchase agreements;
2. Evaluate the applicability of existing laws relating to public works and public purchasing to existing laws relating to lease-purchase and installment-purchase agreements;
3. Consider changes to existing provisions of law relating to lease-purchase and installment-purchase agreements to better serve the needs of the State and local governments and to promote and protect the interests of Nevada's workforce;
4. Consult with the Commission to Study Governmental Purchasing, the Committee on Local Government Finance, the Office of the State Treasurer, the State Public Works Board and experts in the fields of contracting, labor and purchasing; and
5. Submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau no later than September 1, 2006, for transmission to the 74th Session of the Nevada Legislature.

SUMMARY OF RECOMMENDATIONS

ADVISORY GROUP TO CONDUCT INTERIM STUDY ON LEASE-PURCHASE AND INSTALLMENT-PURCHASE AGREEMENTS BY PUBLIC ENTITIES

Senate Bill 426 (Section 31)
(Chapter 508, *Statutes of Nevada 2005*)

This summary presents the recommendations approved by the Advisory Group to Conduct Interim Study on Lease-Purchase and Installment-Purchase Agreements by Public Entities at its meetings held on July 12, 2006, and August 30, 2006, in Carson City. The Advisory Group will submit these proposals to the 74th Session of the Nevada Legislature. The corresponding bill draft request (BDR) number follows each recommendation for legislation.

1. Draft legislation that would require an entity seeking to enter into a lease-purchase agreement to advertise for request for proposals in the following two contexts: 1) when the entity wishes to lease-purchase an existing building (i.e., the entity does not own the land or the existing building); and 2) when the entity wishes to lease-purchase a building that has not yet been constructed, and the entity does not own the land upon which the building will be constructed. The requirements for advertisement should be modeled on *Nevada Revised Statutes* (NRS) 338.1723, except that instead of subsection 2(e), the prime contractor is simply required to be licensed (not prequalified). In addition, the request should be able to be as specific as necessary (e.g., requiring property on a particular street corner). **(BDR 424)**
2. Draft legislation that would require a design-build process to be used in instances when a public entity wishes to construct a building upon land owned by the entity. The model for the design-build process should utilize the provisions outlined in NRS 338.1721 – 338.1727. **(BDR 424)**
3. Draft legislation that would exempt leases of state and local government land as part of a lease-purchase agreement from the appraisal and public bidding process set forth in the provisions of Assembly Bill 312 of the 2005 Legislative Session. **(BDR 424)**
4. Draft legislation that would allow the State Board of Finance or a local government to delegate to the State Treasurer, or the Chief Financial Officer, respectively, the right to approve certain financial conditions of lease-purchase and installment-purchase agreements. **(BDR 424)**
5. Draft legislation that would remove the three-project limit for lease-purchase projects by the Nevada System of Higher Education and provide direct authority for the City of Las Vegas to enter into lease-purchase agreements. **(BDR 231)**

6. Draft legislation to provide that the State Public Works Board is responsible for serving as the building official for lease-purchase projects constructed on state land, modeling the provisions of NRS 341.100(5)(h) and 341.105. **(BDR 430)**
7. Draft legislation to require the approval of the Interim Finance Committee for any changes to the scope, as defined in NAC 341.017, of a state lease-purchase project. **(BDR 230)**
8. Draft legislation that provides for a legislative declaration in one or more sections of NRS stating the importance of lease-purchase and installment-purchase agreements to the state and local governments and the need to have the process for executing these agreements be streamlined and efficient. In addition, the declaration would specify that the state and local governments should adhere to prevailing wage statutes, prohibit bid shopping and provide a preference for hiring Nevada residents to the extent such preference is required by law for lease-purchase and installment-purchase projects. **(BDR 229)**

**LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY
THE USE, MANAGEMENT, AND ALLOCATION OF WATER RESOURCES**

Senate Concurrent Resolution No. 26
(File No. 100, *Statutes of Nevada 2005*)

Members

Senator Dean A. Rhoads, Chair
Assemblyman Jerry D. Claborn, Vice Chair
Senator Mark E. Amodei
Senator Warren B. Hardy
Senator Dina Titus
Assemblyman Kelvin D. Atkinson
Assemblyman Pete J. Goicoechea
Assemblyman David R. Parks

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Senate Concurrent Resolution No. 26
Committee on Natural Resources

FILE NUMBER 100

SENATE CONCURRENT RESOLUTION—Creating an interim study of the use, allocation and management of water resources in Nevada.

WHEREAS, The waters of the State of Nevada are among its most precious and vital resources; and

WHEREAS, The State of Nevada is the most arid state in the country and has relatively few supplies of surface water and ground water, a condition which is periodically exacerbated by drought conditions in Nevada and in the Rocky Mountains which supply the headwaters of the Colorado River; and

WHEREAS, Adequate, long-term supplies of water are essential to maintaining stable economic growth and the development of rural and urban areas of this State; and

WHEREAS, The conservative and prudent use of supplies of water is necessary to promote adequate, long-term supplies and to protect the environment of this State; and

WHEREAS, The rapid growth in the population and the economy of this State within the last 30 years has placed growing demands on the limited water supplies and has resulted in an increasing number of projects for the reallocation of water resources from areas of supply to areas of demand; and

WHEREAS, The residents of this State are vitally interested in the decisions made relating to the use, management and allocation of Nevada's scarce water resources; and

WHEREAS, The Nevada Legislature has conducted several interim studies on the general topic of laws and activities related to water resources and large amounts of information concerning Nevada's water resources have been compiled through the years and the degree to which these materials fill the current needs is not immediately evident; and

WHEREAS, The provision of services related to water, including the supply of safe water for municipal and industrial uses, the management of wastewater and storm drainage, the management of floodplains and the administration of water reclamation projects, in an efficient manner is critical to the current and future welfare of the citizens of Washoe County; and

WHEREAS, In Washoe County, these water-related services are presently provided through several governmental entities; 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 the use, management and allocation of water resources in this State; and be it further

RESOLVED, That the committee must:

1. Be composed of eight Legislators as follows:
 - (a) The Chairman of the Senate Standing Committee on Government Affairs;
 - (b) The Chairman of the Senate Standing Committee on Natural Resources;
 - (c) One member appointed by the Majority Leader of the Senate;
 - (d) One member appointed by the Minority Leader of the Senate;

- (e) The Chairman of the Assembly Standing Committee on Government Affairs;
 - (f) The Chairman of the Assembly Standing Committee on Natural Resources, Agriculture, and Mining;
 - (g) One member appointed by the Speaker of the Assembly; and
 - (h) One member appointed by the Minority Leader of the Assembly.
2. Select a chairman and vice chairman from among its members; and be it further RESOLVED, That the study must include, without limitation:
- 1. An analysis of the laws, regulations and policies regulating the use, allocation and management of water in this State;
 - 2. A review of the status of existing information and studies relating to water use, surface water resources, and groundwater resources in this State;
 - 3. An evaluation of the need, if any, for additional information or studies of water use and water resources in this State, including, without limitation, an analysis of whether:
 - (a) A need exists for additional field investigations to quantify surface water resources, groundwater resources and water uses, and if so, the procedures and costs associated with such investigations; and
 - (b) Valuable information can be obtained through placing groundwater basins, or portions thereof, under hydrologic stress by drilling and pumping wells over a period of time within those basins, and if so, the procedures and costs associated with these actions;
 - 4. A review of the report of the State Engineer provided pursuant to Assembly Bill 213 of the 2003 Session of the Nevada Legislature;
 - 5. Development of recommendations concerning appropriate statutory provisions for administrative procedures and penalties to be imposed upon a person who violates the provisions of NRS 533.460;
 - 6. An analysis of the potential ramifications of initiating procedures for the adjudication of existing rights within hydrologic basins in the State;
 - 7. An evaluation of the feasibility and desirability of quantifying the groundwater resources of this State using existing information;
 - 8. A review of statewide water use and the efficiency of water use, including, without limitation:
 - (a) Per capita water consumption;
 - (b) Water use by the economic sector; and
 - (c) Potential methods of increasing the efficiency of water use in this State;
 - 9. An analysis of the effectiveness of existing water systems for administrating, controlling, allocating, distributing and protecting the water resources of this State;
 - 10. An evaluation of the potential for the government of this State to provide:
 - (a) Technical assistance and information services regarding water resources to local governments within the State; and
 - (b) Increased access to informational and educational services regarding water resources to the residents of the State;
 - 11. An evaluation of the feasibility and advisability of creating a statutory Legislative Committee on Water Resources and prescribing its membership and duties; and be it further

RESOLVED, That the Legislative Commission is hereby directed to appoint a subcommittee of the committee to study the feasibility and advisability of consolidating the water-related services in Washoe County; and be it further

RESOLVED, That the subcommittee must:

1. Be composed of six Legislators as follows:

- (a) One member of the Senate appointed by the Chairman of the Committee;
- (b) One member of the Assembly appointed by the Chairman of the Committee;
- (c) One member appointed by the Majority Leader of the Senate;
- (d) One member appointed by the Minority Leader of the Senate;
- (e) One member appointed by the Speaker of the Assembly; and
- (f) One member appointed by the Minority Leader of the Assembly;

2. Select a chairman and vice chairman from among its members; and be it further

RESOLVED, That the study conducted by the subcommittee must include, without limitation:

1. An analysis of relevant financial considerations, ownership and operation of facilities, and potential management and staffing structures;

2. A review of potential alternatives including, without limitation, consolidation of:

(a) All water supply, wastewater treatment, flood control, storm drainage and water reclamation programs;

(b) Only water supply and wastewater treatment programs;

(c) Only the water supply programs;

(d) Only the responsibilities for procuring water and water rights, treating the water and providing the water to the existing distributors; and

(e) Only the responsibilities for procuring water and water rights and providing the water to the water treatment facilities managed by the various distributors; and be it further

RESOLVED, That the entities providing water-related services in Washoe County are hereby directed to participate and cooperate in the study and furnish all necessary assistance to the subcommittee; and be it further

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

RESOLVED, That the Legislative Commission shall submit a report of the results of the studies and any recommendations for legislation to the 74th Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE USE, MANAGEMENT, AND ALLOCATION OF WATER RESOURCES

(Senate Concurrent Resolution No. 26, File No. 100, *Statutes of Nevada 2005*)

In 2005, the Legislature enacted Senate Concurrent Resolution No. 26 (File No. 100, *Statutes of Nevada 2005*) creating an interim study on the use, management, and allocation of water resources. The establishment of the interim study was in response to a recommendation from the Legislative Committee on Public Lands to the 2005 Legislature. Senate Concurrent Resolution No. 26 established an eight-member Committee on the Use, Management, and Allocation of Water Resources to review: (1) the laws, regulations and policies regulating water resources in Nevada; (2) the status of existing information and studies on water resources; (3) the need for additional studies of water resources; (4) recommendations on statutory provisions for administrative penalties for water law violations; (5) the ramifications of initiating adjudication procedures; (6) the feasibility and desirability of quantifying Nevada's groundwater resources; (7) statewide water use and efficiency; (8) the effectiveness of existing water systems for distributing and protecting water resources; (9) the potential for the State to provide technical assistance and services to local governments and increased access to informational and educational services to residents; and (10) the advisability of creating a statutory Legislative Committee on Water Resources.

The Committee held a total of seven meetings during the interim: one in 2005, and six in 2006. Three of the Committee's meetings were held in cities in rural eastern Nevada: Caliente, Ely and Elko. The Committee received several overview presentations by the Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources. Other entities making presentations included the U.S. Geological Survey, the U.S. Bureau of Land Management, the Colorado River Commission, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, Washoe County's Division of Water Resources, the Lincoln County Water District, the Moapa Valley Water District and the Virgin Valley Water District.

Regional water entities appearing before the Committee were the Central Nevada Regional Water Authority and the Humboldt River Basin Water Authority. Several local governments made presentations including the cities of Carson, Fallon, and Fernley, and Churchill, Elko, and White Pine Counties. The Committee invited out-of-state experts to speak on adjudications in Idaho, desalination, water conservation, and the Owens Valley experience in eastern California. Other speakers included representatives from Coyote Springs and Aqua Trac, LLC.

Members of the Committee approved 25 proposals with regard to the use, allocation, and management of water resources in Nevada. Major recommendations approved include proposals to:

- Authorize the State Engineer to order persons violating State water law to pay an administrative fine and to be liable for expenses incurred by the Division of Water Resources in investigating and stopping the violation;
- Require notice—in all groundwater basins—of forfeitures for non-use of water rights;
- Define the priority date for a domestic well as the date the well was drilled;
- Clarify that ancillary residential uses must comply with the limits on domestic wells and convert the limitation from 1,800 gallons per day to 2 acre feet annually;
- Seek an appropriation of \$1 million to continue the Water Resources Technical Support Fund and expand the use of the Fund to include water resource planning and data collection and management;
- Expand the uses of the Fund for Grants for Water Conservation, Capital Improvements to Certain Water Systems and Improvements to Certain Sewage Disposal Systems (commonly known as the Assembly Bill 198 program [NRS 349.984]) to include water resource plan implementation projects;
- Address the need for local regulation of water rights dedications for parcel maps and to provide for state regulation, if warranted;
- Recommend the creation of an ongoing interim Legislative Committee on Water Resources that would sunset in 2015;
- Urge the Governor and the Chairmen of the Senate Finance and Assembly Ways and Means Committees to fund additional water planning staff in the Division of Water Resources, the Advisory Board on Water Resources Planning and Development, and such other positions or resources deemed necessary by the State Engineer; and
- Adopt a resolution supporting various water resource management activities, including collaborating on information management, consolidating certain water rights, and encouraging the location of new development in areas with available water resources.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE USE, MANAGEMENT, AND ALLOCATION OF WATER RESOURCES

Senate Concurrent Resolution No. 26
(File No. 100, *Statutes of Nevada 2005*)

Following is a summary of the recommendations adopted by the Legislative Commission's Committee to Study the Use, Management, and Allocation of Water Resources at its June 21, 2006, Work Session meeting. These recommendations will be forwarded to the Legislative Commission for transmittal to the 74th Session of the Nevada State Legislature. Recommendations for legislation include the assigned bill draft request (BDR) number.

WATER LAW AND ADMINISTRATION

RECOMMENDATION NO. 1—Amend statutes to authorize the State Engineer in the Division of Water Resources (DWR), State Department of Conservation and Natural Resources, to order any person in violation of the provisions of *Nevada Revised Statutes* (NRS) Chapters 533, 534, 535, and 536 and *Nevada Administrative Code* (NAC) Chapters 534 and 535 to: (a) pay an administrative fine not to exceed \$10,000 per day for each violation; and (b) be liable for any expense incurred by the Division of Water Resources in investigating and stopping the violation. Any appeal of a violation would be done through the courts under NRS 533.450. Administrative details for addressing violations, assessing fines or penalties, and procedures would be done through the promulgation of rules and regulations. **(BDR 48-206)**

RECOMMENDATION NO. 2—Include a statement in the final report noting, for the record, the State Engineer's testimony on the recommendation to authorize administrative fines for certain violations of Nevada water law. Specifically, the State Engineer testified that he does not enforce residential watering restrictions and administrative fines would not be imposed for violations of residential watering restrictions or other local ordinances. Further, the State Engineer testified that the regulations implementing the fines will create a sliding scale of fines based on the severity of the violation. Finally, the Committee directed the State Engineer to provide examples of the proposed regulations at the time the bill amending the statutes to authorize administrative fines is heard by the Legislature.

RECOMMENDATION NO. 3—Include a statement in the final report noting the Committee's strenuous endorsement of the State's policy against speculation in water rights, including without limitation, the findings required by NRS 533.370 that were added in 1995 to prevent speculation in water rights.

RECOMMENDATION NO. 4—Include a statement in the final report noting that the public often needs assistance in understanding the water rights application process, including protests,

and that education is critical to avoiding or resolving unnecessary conflicts. Further, the Committee considers this an important issue that may be appropriate for further study.

WELL AND GROUNDWATER ISSUES

RECOMMENDATION NO. 5—Amend the statutes to require the State Engineer to give notice in all basins prior to forfeiture for nonuse of water. In the absence of pumping records in certain basins, the State Engineer may base a notice of forfeiture on other evidence of nonuse. As currently set forth in NRS 534.090, prior to forfeiture the State Engineer must give notice of four years of nonuse only in basins for which the State Engineer has pumping records, also referred to as inventoried basins. **(BDR 48-208)**

RECOMMENDATION NO. 6—Amend the statutes to set the priority date for all domestic wells as the completion date of the well as stated on the well log submitted to the DWR by the well driller. For wells drilled prior to the requirement for submittal of well logs, other competent evidence shall be used to determine the completion date. **(BDR 48-208)**

RECOMMENDATION NO. 7—Amend the statutes to address water service to auxiliary dwellings, e.g., caretaker's quarters or mother-in-law units, from a domestic well: (a) if local ordinances allow for such uses; and (b) with the condition that a meter be installed on the well to measure usage to ensure the total water pumped does not exceed two acre feet (See NRS 534.013 and 534.180). In addition, the proposed amendment would quantify the limit on domestic use as two acre-feet per year instead of 1,800 gallons per day (gpd). This change recognizes that typically domestic use increases in the summer months and decreases in the winter months and, further, that the total annual pumpage from a domestic well is used for planning purposes. **(BDR 48-208)**

RECOMMENDATION NO. 8—Amend the statutes to authorize the State Engineer to designate basins in jurisdictions that do not require a certain minimum dedication of water rights for parcel maps creating one or more parcels that are less than 40 acres and eligible to drill a domestic well. Further, in such designated basins, authorize the State Engineer to impose a requirement, if appropriate, for a minimum dedication of water rights for such parcel maps. **(BDR 48-208)**

RECOMMENDATION NO. 9—Adopt a resolution directing the State Engineer, and the counties and cities that acquire water rights dedications when new parcels are created, to work together on a process for consolidation of such water rights into a single permit, or other appropriate document, and on a process for adding future water rights dedications as they occur. The intent of this collaboration is to save time and money for the counties, cities and State in the processing of applications for extensions of time to put such water rights to beneficial use, while addressing priority dates and other considerations. **(BDR R-204)**

RECOMMENDATION NO. 10—Send a letter to the State Engineer requesting the development of policies for mitigation for over-appropriations of groundwater and asking the State Engineer to report his findings to the 2009 Legislature.

RECOMMENDATION NO. 11—Include a statement in the final report asking the State Engineer to consider, where appropriate, the use of new technology or updated information to determine perennial or basin yields.

WATER RESOURCE STUDIES AND DATA

RECOMMENDATION NO. 12—Adopt a resolution directing collaboration between the State Engineer, local governments, water districts and authorities, water purveyors, large commercial/agricultural users, and other water users, and the sharing of water use data, with the goal of implementing a statewide information management system to assist in the development and management of groundwater resources. **(BDR R-204)**

RECOMMENDATION NO. 13—Send a letter to Nevada’s Congressional Delegation, Desert Research Institute, the University of Nevada Reno, and University of Nevada Las Vegas, urging them to work together to obtain funding for development of a statewide research program on sustainable groundwater development, including agricultural and urban conservation, policy research, and governance structures.

RECOMMENDATION NO. 14—Include a statement in the final report noting the Committee’s interest in the conjunctive use of surface and groundwater and recommending this issue for future study by the interim committee on water resources. Conjunctive use is the coordinated management of surface water and groundwater to maximize the yield of the overall water resource and to avoid negative impacts. Conjunctive use is especially relevant if the surface and groundwater sources are hydrologically interconnected.

WATER CONSERVATION AND PLANNING

RECOMMENDATION NO. 15—Request an appropriation of \$1 million to continue the Water Rights Technical Support Fund, as enacted by Senate Bill 62 (Chapter 493, *Statutes of Nevada 2005*) through the next biennium and to expand the Fund to include need-based grants for local water resource planning and information management. The legislation would create a framework for long-term funding and provide clear direction for program administration by the State Board of Financing Water Projects. In addition, priority would be given to rural counties and local governments outside the urban areas within Clark and Washoe Counties. The Legislature’s intent to consistently fund water resource planning and information management should be explicit in the bill. **(BDR 48-207)**

RECOMMENDATION NO. 16—Amend the statutes to expand the eligible uses of the Fund for Grants for Water Conservation, Capital Improvements to Certain Water Systems and

Improvements to Certain Sewage Disposal Systems to include requests for need-based funding for water resource plan implementation, e.g., infrastructure development. This fund is administered by the State Board for Financing Water Projects and is commonly referred to as the A.B. 198 program (NRS 349.984). Although new development must always be encouraged to pay for its own infrastructure, communities that lack the financial capacity, that is, an established body of rate-payers to supply primary infrastructure necessary to properly locate development, may need assistance. In addition, priority would be given to rural counties and local governments outside the urban areas within Clark and Washoe Counties. Appropriate assistance for these communities can be provided by allowing the A.B. 198 program to make need-based grants or low-interest loans aimed at expanding supply and transmission capability to meet future growth needs as identified in water resource plans. **(BDR 48-207)**

RECOMMENDATION NO. 17—**Include a statement in the final report** noting that the State Engineer has never commenced forfeiture proceedings based on the non-use of water due to the application of conservation measures and further that the Committee strongly supports the continuation of this policy.

RECOMMENDATION NO. 18—**Adopt a resolution** encouraging rural development that matches the availability of water resources with new businesses and industry. **(BDR R-204)**

WATER TRANSFERS

RECOMMENDATION NO. 19—**Include a statement in the final report** urging consideration of the following issues in connection with an interbasin transfer: (1) development of a clear description of the project; (2) identification and investigation of the potential environmental and socio-economic impacts of the project; (3) future development of rural communities have adequate water; (4) development and implementation of a rigorous monitoring program; and (5) consideration of the conveyance of water by lease rather than transfer of ownership.

RECOMMENDATION NO. 20—**Include a statement in the final report** to recommend further consideration of a concept to authorize the counties to set aside up to \$2 of the fee on inter-county transfers to be used for compensating private parties impacted by water exports (See NRS 533.438). The counties would adopt ordinances setting forth the application process and criteria to be used for dispersal of the funds and for the administration of the set-aside, including any provisions for reversion to the County. According to testimony, protection of senior water rights would be a priority of such “reparations” set-asides. Further, the Committee recommends this issue for future study by the interim committee on water resources.

DIVISION OF WATER RESOURCES

RECOMMENDATION NO. 21—**Send a letter of support** to the Governor and the Chairmen of the Senate Committee on Finance and Assembly Committee on Ways and Means for the

State Engineer's budget request for additional funding for water planning activities, including funding for the position of Chief of the Water Planning Section (NRS 540.036).

RECOMMENDATION NO. 22—Send a letter of support to the Governor and the Chairmen of the Senate Committee on Finance and Assembly Committee on Ways and Means for the State Engineer's budget request for additional funding to activate the Advisory Board on Water Resources Planning and Development (NRS 540.111).

RECOMMENDATION NO. 23—Send a letter of support to the Governor and the Chairmen of the Senate Committee on Finance and Assembly Committee on Ways and Means recommending funding or other support for increased resources and staff within the DWR to address staffing and other needs as determined by the State Engineer.

OTHER ACTIONS

RECOMMENDATION NO. 24—Amend the statutes to create an ongoing interim Legislative Committee on Water Resources with a sunset date of June 30, 2015. **(BDR 17-205)**

RECOMMENDATION NO. 25—Adopt a proclamation from the Committee commending Hugh Ricci for his years of State service and retirement as State Engineer.

**SUBCOMMITTEE TO STUDY THE FEASIBILITY AND ADVISABILITY OF
CONSOLIDATING WATER-RELATED SERVICES IN WASHOE COUNTY**

**A Subcommittee of the Legislative Commission's
Committee to Study the Use, Management, and Allocation
of Water Resources in Nevada**

Senate Concurrent Resolution No. 26
(File No. 100, *Statutes of Nevada 2005*)

Members

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Assemblywoman Heidi S. Gansert, Vice Chairwoman
Senator Bernice Mathews
Senator Maurice E. Washington
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Senate Concurrent Resolution No. 26–Committee on Natural Resources

FILE NUMBER 100

SENATE CONCURRENT RESOLUTION—Creating an interim study of the use, allocation and management of water resources in Nevada.

WHEREAS, The waters of the State of Nevada are among its most precious and vital resources; and

WHEREAS, The State of Nevada is the most arid state in the country and has relatively few supplies of surface water and groundwater, a condition which is periodically exacerbated by drought conditions in Nevada and in the Rocky Mountains which supply the headwaters of the Colorado River; and

WHEREAS, Adequate, long-term supplies of water are essential to maintaining stable economic growth and the development of rural and urban areas of this State; and

WHEREAS, The conservative and prudent use of supplies of water is necessary to promote adequate, long-term supplies and to protect the environment of this State; and

WHEREAS, The rapid growth in the population and the economy of this State within the last 30 years has placed growing demands on the limited water supplies and has resulted in an increasing number of projects for the reallocation of water resources from areas of supply to areas of demand; and

WHEREAS, The residents of this State are vitally interested in the decisions made relating to the use, management and allocation of Nevada’s scarce water resources; and

WHEREAS, The Nevada Legislature has conducted several interim studies on the general topic of laws and activities related to water resources and large amounts of information concerning Nevada’s water resources have been compiled through the years and the degree to which these materials fill the current needs is not immediately evident; and

WHEREAS, The provision of services related to water, including the supply of safe water for municipal and industrial uses, the management of wastewater and storm drainage, the management of floodplains and the administration of water reclamation projects, in an efficient manner is critical to the current and future welfare of the citizens of Washoe County; and

WHEREAS, In Washoe County, these water-related services are presently provided through several governmental entities; 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 the use, management and allocation of water resources in this State; and be it further

RESOLVED, That the committee must:

1. Be composed of eight Legislators as follows:

- (a) The Chairman of the Senate Standing Committee on Government Affairs;
- (b) The Chairman of the Senate Standing Committee on Natural Resources;
- (c) One member appointed by the Majority Leader of the Senate;
- (d) One member appointed by the Minority Leader of the Senate;
- (e) The Chairman of the Assembly Standing Committee on Government Affairs;

(f) The Chairman of the Assembly Standing Committee on Natural Resources, Agriculture, and Mining;

(g) One member appointed by the Speaker of the Assembly; and

(h) One member appointed by the Minority Leader of the Assembly.

2. Select a chairman and vice chairman from among its members; and be it further

RESOLVED, That the study must include, without limitation:

1. An analysis of the laws, regulations and policies regulating the use, allocation and management of water in this State;

2. A review of the status of existing information and studies relating to water use, surface water resources, and groundwater resources in this State;

3. An evaluation of the need, if any, for additional information or studies of water use and water resources in this State, including, without limitation, an analysis of whether:

(a) A need exists for additional field investigations to quantify surface water resources, groundwater resources and water uses, and if so, the procedures and costs associated with such investigations; and

(b) Valuable information can be obtained through placing groundwater basins, or portions thereof, under hydrologic stress by drilling and pumping wells over a period of time within those basins, and if so, the procedures and costs associated with these actions;

4. A review of the report of the State Engineer provided pursuant to Assembly Bill 213 of the 2003 Session of the Nevada Legislature;

5. Development of recommendations concerning appropriate statutory provisions for administrative procedures and penalties to be imposed upon a person who violates the provisions of NRS 533.460;

6. An analysis of the potential ramifications of initiating procedures for the adjudication of existing rights within hydrologic basins in the State;

7. An evaluation of the feasibility and desirability of quantifying the groundwater resources of this State using existing information;

8. A review of statewide water use and the efficiency of water use, including, without limitation:

(a) Per capita water consumption;

(b) Water use by the economic sector; and

(c) Potential methods of increasing the efficiency of water use in this State;

9. An analysis of the effectiveness of existing water systems for administering, controlling, allocating, distributing and protecting the water resources of this State;

10. An evaluation of the potential for the government of this State to provide:

(a) Technical assistance and information services regarding water resources to local governments within the State; and

(b) Increased access to informational and educational services regarding water resources to the residents of the State;

11. An evaluation of the feasibility and advisability of creating a statutory Legislative Committee on Water Resources and prescribing its membership and duties; and be it further

RESOLVED, That the Legislative Commission is hereby directed to appoint a subcommittee of the committee to study the feasibility and advisability of consolidating the water-related services in Washoe County; and be it further

RESOLVED, That the subcommittee must:

1. Be composed of six Legislators as follows:

- (a) One member of the Senate appointed by the Chairman of the Committee;
- (b) One member of the Assembly appointed by the Chairman of the Committee;
- (c) One member appointed by the Majority Leader of the Senate;
- (d) One member appointed by the Minority Leader of the Senate;
- (e) One member appointed by the Speaker of the Assembly; and
- (f) One member appointed by the Minority Leader of the Assembly;

2. Select a chairman and vice chairman from among its members; and be it further

RESOLVED, That the study conducted by the subcommittee must include, without limitation:

1. An analysis of relevant financial considerations, ownership and operation of facilities, and potential management and staffing structures;

2. A review of potential alternatives including, without limitation, consolidation of:

(a) All water supply, wastewater treatment, flood control, storm drainage and water reclamation programs;

(b) Only water supply and wastewater treatment programs;

(c) Only the water supply programs;

(d) Only the responsibilities for procuring water and water rights, treating the water and providing the water to the existing distributors; and

(e) Only the responsibilities for procuring water and water rights and providing the water to the water treatment facilities managed by the various distributors; and be it further

RESOLVED, That the entities providing water-related services in Washoe County are hereby directed to participate and cooperate in the study and furnish all necessary assistance to the subcommittee; and be it further

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

RESOLVED, That the Legislative Commission shall submit a report of the results of the studies and any recommendations for legislation to the 74th Session of the Nevada Legislature.

ABSTRACT

SUBCOMMITTEE TO STUDY THE FEASIBILITY AND ADVISABILITY OF CONSOLIDATING WATER-RELATED SERVICES IN WASHOE COUNTY

A Subcommittee of the Legislative Commission's Committee to Study the Use, Management, and Allocation of Water Resources in Nevada

Senate Concurrent Resolution No. 26
(File No. 100, *Statutes of Nevada 2005*)

The 73rd Session of the Nevada State Legislature approved Senate Concurrent Resolution No. 26 (File No. 100, *Statutes of Nevada 2005*), which directed the Legislative Commission to conduct an interim study of the use, management, and allocation of water resources in Nevada. The measure also created a subcommittee to study the feasibility and advisability of consolidating the water-related services in Washoe County.

The Subcommittee held six meetings, including a work session, during the 2005-2006 Legislative interim. All meetings were open to the public. Five meetings were held throughout the Truckee Meadows, and one was conducted through simultaneous videoconferences between the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas.

The meetings addressed the current and future condition of water resources and water-related services in the Truckee Meadows, and considered potential alternative models for creating a regional water entity. The water purveyors involved in the study were the South Truckee Meadows General Improvement District (GID), Sun Valley, GID, Truckee Meadows Water Authority, and Washoe County Department of Water Resources.

As a result of these hearings, the Committee adopted one comprehensive recommendation for a bill draft that would create a new regional water resources entity in Washoe County (excluding the Gerlach General Improvement District and the Lake Tahoe Basin). This bill draft will be considered by the 2007 Legislature.

SUMMARY OF RECOMMENDATIONS

SUBCOMMITTEE TO STUDY THE FEASIBILITY AND ADVISABILITY OF CONSOLIDATING THE WATER-RELATED SERVICES IN WASHOE COUNTY

A Subcommittee of the Legislative Commission's Committee to Study the Use, Management, and Allocation of Water Resources in Nevada

Senate Concurrent Resolution No. 26
(File No. 100, *Statutes of Nevada 2005*)

Following is a summary of the recommendation adopted by the Legislative Commission's Subcommittee to Study the Feasibility and Advisability of Consolidating the Water-Related Services in Washoe County (a Subcommittee of the Legislative Commission's Committee to Study the Use, Management, and Allocation of Water Resources) at its June 20, 2006, meeting. The bill draft request (BDR) will be submitted to 74th Session of the Nevada State Legislature in 2007.

The Committee unanimously approved a BDR to create a regional water resources entity in Washoe County, Nevada, excluding the Gerlach General Improvement District (GID) and the Lake Tahoe Basin. **(BDR S-183)**

RECOMMENDATION NO. 1 — Include the following specific details:

- The proposed regional water resources entity will be charged with developing, acquiring, and managing new and existing water resources;
- The Regional Water Planning Commission (RWPC), including its funding mechanism and technical staff, will be incorporated into the new regional water entity;
- The governing board will be comprised of nine members; two members each representing the City of Reno, City of Sparks, and Washoe County, and one member each representing the South Truckee Meadows GID, Sun Valley GID, and Truckee Meadows Water Reclamation Facility;
- The voting structure of the governing board will be by majority vote with an opt-out provision for member entities that do not wish to participate in a specific capital project; and
- The new regional water entity will have authority over determining service area policy.

The proposed effective date of the new entity is January 1, 2008.

Additionally, the BDR will propose continuing the study of the feasibility and advisability of consolidating the water-related services in Washoe County for an additional two interims, to evaluate the implementation and effectiveness of the new regional water resources entity. The study will also consider incorporation of other appropriate water services and expansion of the regional water entity to include neighboring counties.

**LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY
THE PROTECTION OF NATURAL TREASURES**

Senate Concurrent Resolution No. 35
(File No. 101, *Statutes of Nevada 2005*)

Members

Senator Dina Titus, Chairwoman
Senator Mark E. Amodei
Senator Dean A. Rhoads
Assemblyman Tom Grady
Assemblyman Joseph M. Hogan
Assemblyman Harry Mortenson
Assemblyman Harvey J. Munford

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Senate Concurrent Resolution No. 35—Senator Titus

FILE NUMBER 101

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of measures needed to protect and maintain the natural treasures of Nevada.

WHEREAS, Nevada exists in a high desert region of the western United States displaying rugged snow-capped mountains, towering alpine forests, deep azure lakes, rocky cliffs, dramatic canyons, unexpected sand dunes and whitewater rivers and is one of the most biologically diverse states of our Nation; and

WHEREAS, In 1992, the Nevada Natural Heritage Program recognized over 100 locations in Nevada as areas with a multitude of rare species, known as biodiversity hot spots, with many of these species being endemic to a particular Nevada habitat; and

WHEREAS, The diverse landscape of northwest Nevada includes the expansive volcanic plateaus of Sheldon, the glaciated peaks and basins of Blue Lakes, the baked dry lake bed of the Black Rock Desert and the starkly beautiful and mysterious Pyramid Lake; and

WHEREAS, The northeast corner of Nevada is defined by its waters which carve canyons and create, in contrast to the arid deserts that cover a large portion of the State, a spectacularly lush oasis teeming with wildlife; and

WHEREAS, The mountainous terrain of eastern Nevada exhibits such wonders as Wheeler Peak, the second highest mountain in Nevada, which holds the only active glacier in the Great Basin, the Lehman Caves, a major cave system with a fascinating wonderland of limestone formations, Lexington Arch, a natural limestone arch more than six stories high, stands of bristlecone pines, which are among the world's oldest living organisms and can live for more than 4,000 years, Cathedral Gorge with its unique formations of circular shafts and steep spires carved by the erosion of soft bentonite clay, and the Ruby Mountains, sometimes referred to as the Nevada Alps, home to lush valleys, wildflower meadows, alpine lakes, waterfalls, glacially formed canyons, including the dramatic Lamoille Canyon and Chimney Rock; and

WHEREAS, With sections stretching from Lake Tahoe and Reno south to the Las Vegas area, the Toiyabe National Forest is the largest national forest outside Alaska and, with its wide range of elevations combined with variable climates and soils, holds a wide diversity of plant life, ranging from Joshua trees and creosote bushes to bristlecone pines, and animal life, including mule deer, black bear, mountain lion, bobcat, wild burros and horses, and innumerable small mammals, reptiles and birds; and

WHEREAS, The area known as Mount Charleston is made up of the 316,000-acre Spring Mountains National Recreation Area and boasts the highest point in southern Nevada, Charleston Peak, which looms over the desert floor of the Las Vegas Valley at an elevation of 11,918 feet; and

WHEREAS, In the shadow of the Spring Mountain Range lie multicolored sandstone formations, known as Red Rock Canyon, replete with unique flora and a large number of animals including the desert bighorn sheep, the official state animal of Nevada; and

WHEREAS, One of the Silver State's most startlingly beautiful desert environments is the wind-sculpted sandstone of the Valley of Fire State Park which sports colors from a deep red to a

golden orange that contrast with the sparkling white of the regal Silica Dome also contained in the park; and

WHEREAS, Walker Lake, part of the remains of a prehistoric lake which covered much of the western United States, contains various native fish species that are vital to thousands of birds that rely on the lake as a fueling and rest stop on their migratory routes, including spring and fall visits from 1,400 common loons, the largest known inland congregation west of the Mississippi, and is rumored to be the home of Cecil the sea serpent; and

WHEREAS, Other amazing treasures of Nevada include the fossilized remains of the prehistoric ichthyosaurs who ruled the warm, shallow seas that covered Nevada during the late Triassic Period, “singing” Sand Mountain which was created when sand from surrounding flats, once part of the bottom of ancient Lake Lahontan, was blown against nearby mountain walls to form a dune rising 600 feet high and stretching for 2 miles, and the abundance of geothermal resources that can be found throughout the State; and

WHEREAS, Nevada’s vast and diverse landscape has always been part of the State’s history, people and wealth, and has provided assets such as minerals, forage and fertile soil, as well as the invaluable resources of clean water and air, abundant wildlife and open space; and

WHEREAS, Thousands of different kinds of life call Nevada home and hundreds of these live nowhere else, and the health and economic well-being of our State depend directly upon wise stewardship of its land and all the life it supports; and

WHEREAS, The challenge to make decisions in the best interest of future generations of Nevadans increases as population and land use pressures grow, but with early planning and responsible development, economic growth and our biological resources can successfully exist side by side; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study of any measures necessary for the protection and maintenance of Mount Charleston and Walker Lake and any other area of the State the committee appointed to conduct the study deems appropriate; 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 74th Session of the Nevada Legislature.

ABSTRACT

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE PROTECTION OF NATURAL TREASURES

Senate Concurrent Resolution No. 35
(File No. 101, *Statutes of Nevada 2005*)

The 2005 Nevada State Legislature adopted Senate Concurrent Resolution No. 35 (File No. 101, *Statutes of Nevada 2005*), which directed the Legislative Commission to appoint a Subcommittee to conduct a study concerning the protection of Nevada's natural treasures. The Subcommittee was directed to conduct an interim study of any measures necessary for the protection and maintenance of Mount Charleston and Walker Lake, and any other area of the State the Subcommittee deems appropriate.

The Subcommittee held a total of five meetings, including a work session, during the course of the study. Two of the public hearings were 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. One meeting was held at the Pahrump Community Library, one meeting was held at the El Capitan Hotel and Casino in Hawthorne, and one meeting was held at the Bristlecone Convention Center in Ely, which did not have videoconferencing capabilities.

During the course of the interim study, the Subcommittee reviewed a variety of issues related to the protection of the Ash Meadows National Wildlife Refuge; Great Basin National Park; Spring Mountains National Recreation Area, with specific interest in Mount Charleston; Walker Lake; and other areas of natural treasures. The consideration and deliberation of these matters were integral to understanding the need to protect and maintain the State's natural treasures. Formal presentations and public testimony provided information to the Subcommittee members and meeting attendees.

At the fifth and final meeting, members conducted a work session at which they adopted 16 recommendations, five of which are bill draft requests. The recommendations address topics such as: handling and storing large quantities of mercury related to consolidation of the national strategic stockpile in Nevada; creating a State Paleontologist; establishing a State park at Monte Cristo's Castle in Esmeralda County; protecting Mount Charleston; monitoring the progress of the negotiations regarding the Walker River system; and supporting tourism to Nevada's natural treasures.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE PROTECTION OF NATURAL TREASURES

Senate Concurrent Resolution No. 35
(File No. 101, *Statutes of Nevada 2005*)

Following is a summary of the recommendations adopted by the Legislative Commission's Subcommittee to Study the Protection of Natural Treasures at its June 19, 2006, meeting. These recommendations will be forwarded to the Legislative Commission and to the 2007 Session of the Nevada State Legislature.

RECOMMENDATIONS TO DRAFT LEGISLATIVE MEASURES

1. Draft a bill amending Chapter 459 of *Nevada Revised Statutes (NRS)* to require the State Environmental Commission to adopt regulations modifying the Chemical Accident Prevention Program. The bill would require the regulations to include provisions to protect the health, safety, and welfare of the residents of this State in the handling and storage of large quantities of mercury related to consolidation of the national strategic stockpile in Nevada. The modification also should allow for regulation only of the stockpile, due to its unique qualities of quantity and long-term storage. (BDR 40-209)
2. Draft a bill creating an Office of State Paleontologist. The position would be headquartered in the southern part of the State. The State Paleontologist would systemically inventory the paleontological resources within the State of Nevada and compile a database of fossil resources; coordinate and promote paleontological research activity within the State; help disseminate knowledge gained from this research; and use Nevada's paleontological resources to enhance tourism within the State. The Director of Nevada's Department of Cultural Affairs would employ a State Paleontologist with the approval of an officer of the Nevada System of Higher Education. The Nevada System of Higher Education would be authorized to provide office space and supplies. The State Paleontologist may be employed by the Board of Regents as a teacher, and may accept employment as a consultant. (BDR 33-210)
3. Draft a bill requiring Nevada's Department of Transportation (NDOT), to the extent it is not contingent on losing federal funding, to fix a reduced maximum weight limit for motor vehicles traveling on a public road or highway under the jurisdiction of NDOT, which has been designated as a "scenic route." The NDOT must fix a reduced maximum weight limit if the use of the road or highway would result in dangerous or hazardous safety conditions for the public. (BDR 43-211)

4. **Draft a bill amending Chapter 41 of NRS to add “bicycling” as a recreational activity for the purposes of the statute limiting the liability of an owner, lessee, or occupant of any premises to persons using the premises for recreational purposes. Additionally, the bill would ensure that landowners, lessees, and occupants do not have a duty of care to trail users if they make trail improvements, as long as those improvements meet accepted design standards. The bill also would provide protection from liability to nonprofit volunteer trail groups for personal injuries incurred by trail users. Further, the bill would encourage public and private landowners, including the University of Nevada, Reno (UNR), railroad companies, and utility companies to provide access/easements across their property for the Tahoe-Pyramid Bikeway. (BDR 3-212)**
5. **Draft a resolution recognizing the month of May as Archeological Awareness and Historic Preservation Month in Nevada. Additionally, the resolution would recognize the importance of Tule Springs in Las Vegas as an area where fossil remains of mammoths, bison, horses, camels, giant sloths, and other Pleistocene fauna have been found. The resolution would further commemorate Tule Springs as well known in the scientific world as one of the best examples of Pleistocene paleontologic sites in Western North America. (BDR R-213)**

**RECOMMENDATIONS TO DRAFT A LETTER ON BEHALF OF THE
SUBCOMMITTEE**

6. **Draft a letter requesting the Walker River Irrigation District, in collaboration with other appropriate entities, to submit, on or before January 31, 2007, a report to the Director of the Legislative Counsel Bureau for distribution to the 74th Session of the Nevada State Legislature. The report must include the progress of the negotiations regarding the Walker River system and water resources, Walker Lake water quality, and any ongoing litigation and mediation.**
7. **Draft a letter urging Nevada’s Congressional Delegation to continue their efforts to keep 100 percent of the money from the Southern Nevada Public Land Management Act of 1998 (SNPLMA) in Nevada and the Lake Tahoe area.**
8. **Draft a letter to the Division of State Lands and the Division of State Parks, State Department of Conservation and Natural Resources (SDCNR), supporting establishment of a State park at Monte Cristo’s Castle in Esmeralda County. The State park would be approximately ten square miles in area**
9. **Draft a letter encouraging the Governor of the State of Nevada, the Chairperson of the Senate Committee on Finance, and the Chairperson of the Assembly Committee on Ways and Means to include additional funding to the Division of State Parks, SDCNR, for advertising, maintenance, and operations during the 2007-2008 biennium.**

10. Draft a letter to the United States Forest Service (USFS) of the Department of Agriculture encouraging continued collaboration between the USFS, the State of Nevada, the Nye County Board of Commissioners, the Town of Pahrump, and other affected citizens of Nevada as it develops the Spring Mountains National Recreation Area (SMNRA) West Side Master Plan. The Plan should consider the importance of future development along the Pahrump side of the SMNRA. The letter is to request that the USFS submit, on or before, January 31, 2007, a progress report of the development of the West Side Master Plan to the Director of the Legislative Counsel Bureau for distribution to the 74th Session of the Nevada State Legislature.
11. Draft a letter requesting Scenic Nevada to submit, on or before January 31, 2007, a report to the Director of the Legislative Counsel Bureau for distribution to the 74th Session of the Legislature. The report must include a list of the Nevada LAST CHANCE Scenic Places, selected by Scenic Nevada, and a copy of the brochure prepared by Scenic Nevada.
12. Draft a letter to the Division of State Lands, SDCNR, UNR, and the Tahoe-Pyramid Bikeway project supporting the creation of the proposed 116-mile Tahoe-Pyramid Bikeway. The letter should encourage ownership by the State, if possible, of trail areas not able to be owned by a city or county.
13. Draft a letter urging the Commission on Tourism, the Division of Tourism of the Commission on Tourism, the Division of State Parks of SDCNR, each of Nevada's Boards of County Commissioners, and every local Convention and Visitors Authorities, to include in their program for tourism support for, and information to attract, visitors to Nevada's natural treasures, which include Mount Charleston and Walker Lake. The letter may specify that a program for tourism should educate and support protecting the threatened and endangered pupfish located at Ash Meadows National Wildlife Refuge. Additionally, the letter should encourage greater collaboration in an effort to publicize the State park system to residents and visitors.

RECOMMENDATIONS TO INCLUDE A STATEMENT IN THE FINAL REPORT

14. Include a statement in the final report urging the USFS to construct a permanent rest stop at Mount Charleston to be maintained by NDOT. The statement also should support an increase in NDOT's budget to maintain the rest stop.
15. Include a statement in the final report expressing the Subcommittee's support of the Nevada Fire Safe Council, which serves as a bridge between fire services and public agencies, and communities threatened by wildfire.

16. Include a statement in the final report recognizing the need to educate the public concerning Nevada's rural heritage and natural treasures. To achieve this goal, a coordinated system should be established, which involves a broad array of compatible community-based programs and economic services. Such a program may be modeled after Utah's Community Cultural Heritage Coordinating Council, Department of Community and Economic Development.

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218.5352

Members

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Assemblywoman Bonnie Parnell, Vice Chairman
Senator Barbara K. Cegavske
Senator Bernice Mathews
Senator Maurice E. Washington
Assemblyman Chad Christensen
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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 State Legislature whose authorization and duties are set forth in Chapter 218 of the *Nevada Revised Statutes* (NRS). Created in 1997 with the enactment of the Senate Bill 482, known as the Nevada Education Reform Act (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 seven meetings between November 2005 and its work session in August 2006. One additional meeting is planned for November 2006 to consider school finance. Pursuant to the Committee's charge as provided in NRS 218.5354, the Committee considered a wide range of topics relating to elementary and secondary education.

The Committee received a number of presentations from the Commission on Educational Excellence throughout its process of awarding grants to schools and school districts from the Account for Programs for Innovation and the Prevention of Remediation. It also received several presentations on the *State Improvement Plan* of the Nevada State Board of Education, including the *STARS: Nevada's Blueprint for High School Improvement*. These presentations included a timeline to implement the goals of the plans.

The Committee gathered data on the adequate yearly progress of Nevada public schools and school districts and on performance on standardized tests, including the National Assessment of Educational Progress. It received reports on components of Nevada's system of educational accountability, as well as reports from state councils and commissions charged with reporting to the Committee. It also heard testimony on strategies to close the achievement gap for specific demographic populations.

The Committee focused its attention on high school and student transitions from middle school through postsecondary education and employment. It received testimony from the school districts on rigorous high school course requirements, surveys of dropouts, and efforts to enforce laws pertaining to truancy. It also received a status report from the P-16 Council on its mission, objectives, and priorities to promote coordination between elementary and secondary education and higher education.

In addition, the Committee received presentations from WestEd on student achievement in Nevada and from Dr. William Ouchi, University of California, Los Angeles, on local school autonomy. Presentations were also received from various providers of assessment instruments,

study guides, career and academic advising and planning tools, and curriculum calibration methods.

Members of the Committee adopted 33 proposals with regard to public education in Nevada, including parent involvement, coordination between elementary and secondary education and higher education, academic standards, accountability, educational technology, student progress, educational personnel, the Commission on Educational Excellence, and vendors. Major recommendations include proposals to:

- Require the use of a parent report in schools demonstrating need for improvement;
- Establish a permanent P-16 Council;
- Recommend that the Legislative Committee on Education study public school governance and form a subcommittee to study charter schools in the 2007-2008 interim;
- Establish requirements for a high school curriculum;
- Provide for truancy enforcement;
- Request that the Superintendent of Public Instruction take the lead in developing a statewide plan for the integration of educational technology into the delivery of instruction and the linking of student achievement to the use of technology;
- Require that certain 8th grade students be provided summer school remediation in order to be promoted to 9th grade; and
- Require the Commission on Educational Excellence to fund direct student services only and to award funds first to schools on a list of priorities.

Finally, the Chairman of the Committee was required by Assembly Bill 388 (Chapter 309, *Statutes of Nevada 2005*) to appoint the Subcommittee to Study the Effectiveness of Career and Technical High Schools. The Committee approved the report of the Subcommittee at its August 29, 2006 meeting and forwarded the Subcommittee's recommendations to the 74th Legislature for consideration. The activities and recommendations of the Subcommittee are provided in Bulletin No. 07-4.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON EDUCATION

(Nevada Revised Statutes 218.5352)

The following is a summary of the recommendations adopted by the Legislative Committee on Education at its August 29, 2006 meeting. A bill draft request (BDR) number corresponds to 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 recommend to the Legislature policies to increase parental involvement. **(BDR 34-415)**
2. Amend the statutes to require each school district and charter school to adopt a policy for the distribution of the code of honor relating to cheating, prescribed by the Nevada Department of Education (NDE) pursuant to *Nevada Revised Statutes* (NRS) 392.461. The schools shall provide an opportunity for parents or guardians to sign a form acknowledging receipt and review of the code. Further, students will also sign a similar form. **(BDR 34-415)**
3. Amend the statutes to require elementary schools, including charter schools, to report to parents or guardians regarding their involvement in the education of their children. The report shall be used by schools that have been designated as demonstrating need for improvement for the third consecutive year. The form, prescribed by NDE, must include a notice that parent involvement is a factor in the school improvement plan and conforms to provisions of the federal No Child Left Behind Act of 2001. No student shall be penalized by the contents of the parent report. **(BDR 34-415)**

P-16 COUNCIL

The members of the Legislative Committee on Education adopted the following proposal relating to coordination between elementary, secondary, and higher education.

4. Amend the statutes to create a permanent P-16 Council with 15 voting members that have the authority to appoint advisory members. Members should represent higher education, elementary and secondary education, and business. Staffing will be provided by the Nevada System of Higher Education. The mission of the Council will be to study and make recommendations regarding teacher education, including financial aid, the transitions from middle school through

high school to postsecondary education or work, including strategies to increase parental involvement in student progress, curriculum alignment among the various levels of education, and other topics. **(BDR 34-416)**

GOVERNANCE

The members of the Legislative Committee on Education adopted the following proposals relating to structure of governance of public elementary and secondary schools, including charter schools.

5. Send a letter to the Clark County School District requesting a report to the 2007 Legislative Session on its findings regarding the implementation of a pilot program to authorize selected school principals to exercise more control over school budgeting, programming, and staffing in their respective schools. The findings should include the impact on student achievement, on staffing and provision of educational services, and on budgeting and resource allocation.

6. Provide for a transitory section directing the Legislative Committee on Education to conduct the following studies:

a. An interim study on the governance of public schools, including alternatives for local school autonomy; and

b. A study of charter school governance, including the structure, organization, accountability, and funding, to be conducted by a subcommittee of members of the Committee. **(BDR 34-417)**

PUPILS

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

7. Send a letter to the Superintendent of Public Instruction to request a report on the positions of consultant to serve the special needs of American Indian children and of consultant to serve the special needs of culturally diverse children, as provided by Assembly Bill 266 (Chapter 502, *Statutes of Nevada 1997*).

8. Provide an appropriation from the State General Fund to NDE to continue and expand a program for bilingual aides in all school districts to serve in kindergarten classrooms having the highest percentages of Hispanic children. Assembly Bill 580 (Chapter 482, *Statutes of Nevada 2005*) provided funds to establish a pilot program in this area. **(BDR S-427)**

9. Reserve a bill draft request concerning truancy enforcement, which may include amending the statutes, providing for an appropriation, or providing for any transitory sections regarding related matters. **(BDR -418)**

10. Reserve a bill draft request concerning services for students who are deaf or hearing impaired, which may include amending the statutes, providing for an appropriation, or providing for any transitory sections regarding related matters. **(BDR -433)**

ACADEMIC STANDARDS, ACCOUNTABILITY, EDUCATIONAL TECHNOLOGY AND STUDENT PROGRESS

The members of the Legislative Committee on Education adopted the following proposals relating to academic standards, accountability, educational technology and student progress in the public schools.

11. Send a letter to the Clark County School District Board of Trustees, asking it to review the success of the Power Standards by measuring student performance on criterion-referenced tests. Ask the Board to report its findings to the Legislative Committee on Education in 2007 and in 2008.

12. Amend the statutes to authorize the State Board of Education to review and return the standards of content and performance established by the Council to Establish Academic Standards for Public Schools. Require the Council to give due consideration to the reasons provided by the State Board for returning the standards. **(BDR 34-419)**

13. Provide an appropriation from the State General Fund to the Interim Finance Committee to fund a research project through a competitive request for proposals process to measure the calibration and alignment of student assignments to grade level standards. **(BDR 34-419)**

14. Provide the following with regard to the Commission on Educational Technology:

a. Amend the statutes to require the Commission on Educational Technology to conduct an education technology needs assessment among the school districts in the spring semester of the first fiscal year of a biennium. The needs assessment shall be based on recommendations from the state technology plan, the school district technology plans, and any evaluations of educational technology. The Superintendent of Public Instruction shall transmit the report to the Legislative Committee on Education; and

b. Provide for a transitory section to require the Commission to conduct a needs assessment in the spring of 2008 that includes the need for computer-based assessments and the feasibility of providing laptop computers to students in lieu of textbooks. The

results of this needs assessment shall be transmitted to the Legislative Committee on Education by June 1, 2008. **(BDR 34-419)**

15. Send a letter to the Superintendent of Public Instruction directing him to coordinate a meeting among the Commission on Educational Technology, the Council to Establish Academic Standards, and the Commission on Professional Standards, for the purpose of developing a statewide plan for the integration of technology into the delivery of instruction and of linking student achievement to the use of technology. Request the Superintendent to provide the Legislative Committee on Education with a copy of a resulting plan and any recommendations for legislation.

16. Send a letter to the Superintendent of Public Instruction, the Chancellor of the Nevada System of Higher Education, and the Director of the Nevada Department of Information Technology, urging them to work together to implement throughout the public education system the use of the unique student identification number, developed for the Automated System of Accountability Information for Nevada.

17. Provide the following with regard to school support teams, required to be formed in schools entering their third year of demonstrating need for improvement:

a. Amend the statutes to authorize NDE to select either a department employee or an individual who meets departmental qualifications to serve as the department's representative on the school support team;

b. Amend the statutes relating to corrective actions to be taken when schools demonstrate need for improvement in year 3 or year 4, to include:

- A requirement that the school support team make its recommendations for corrective action to the school district board of trustees, rather than NDE; and
- An option available to NDE to decrease the management authority at the school, rather than the current option to reduce to number of employees who carry out management duties, as provided in the *Nevada Revised Statutes*.

c. Appropriate from the State General Fund to NDE approximately \$3.6 million for the biennium to fund school support teams in non-Title I schools. **(BDR 34-419)**

18. Amend the statutes to change the progress report completed by school support teams in schools in need of improvement from monthly to quarterly. **(BDR 34-419)**

19. Amend the statutes to delete references to the formation and responsibilities for the technical assistance partnerships. **(BDR 34-419)**

20. Send a letter to the Legislative Bureau of Educational Accountability and Program Evaluation directing it to include in the next contract for a progress report on the system of education accountability recommendations regarding the addition or deletion of statutorily required data elements and recommendations to improve either the format or the substance of accountability reports.

21. Amend the statutes throughout by deleting the term “subgroups” and inserting in lieu thereof the term “groups”. **(BDR 34-419)**

22. Amend the statutes to remove charter school results from district sponsor results in the annual report of accountability. Require that school districts report the data for charter schools and provide that accountability data are not aggregated to the school district sponsor data. **(BDR 34-419)**

23. Amend the statutes to require the State Board of Education to provide for promotion from 8th grade to 9th grade by specifying requirements in the subjects of science and social studies as well as English language arts and mathematics, which are currently specified. Require the collection of data relating to the number of students who drop out during and after 8th grade and before enrollment in 9th grade. Provide that if a student has been retained once in 8th grade and the student is still unable to demonstrate readiness to perform 9th grade coursework, the student will be required to complete a course of remediation during the summer between 8th and 9th grades. **(BDR 34-419)**

24. Provide the following with regard to high school courses:

a. Amend the statutes to require a course of study for high school students, including those enrolled in charter schools, that consists of: 4 years of English, 4 years of mathematics including algebra I and geometry, 3 years of science including 2 laboratory courses, and 3 years of social studies including (1) United States history and government and (2) world history or geography. Provide that school districts may require additional math courses besides algebra I and geometry; **(BDR 34-419)** and

b. Send a letter to the Board of Regents of the University of Nevada suggesting that it apply to the Class of 2008, rather than the Class of 2010, the increased math requirement of 4 units to be eligible for the Governor Kenny C. Guinn Millennium Scholarship.

PERSONNEL

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

25. Reserve a bill draft request concerning a program to establish a mentoring and induction program for teachers, which may include amending the statutes, providing for an appropriation, or providing for any transitory sections regarding related matters. **(BDR -423)**

26. Provide an appropriation to NDE from the Distributive School Account for transfer to the four school districts serving as fiscal agents for the continuation of the four Regional Professional Development Programs (RPDPs). Provide an appropriation to the RPDP Statewide Coordinating Council for statewide administrator training. Also provide an appropriation for the Legislative Bureau of Educational Accountability and Program Evaluation to evaluate RPDPs. **(BDR S-427)**

COMMISSION ON EDUCATIONAL EXCELLENCE

The members of the Legislative Committee on Education adopted the following proposals relating to the activities of the Commission on Educational Excellence.

27. Provide the following with regard to the Commission on Educational Excellence:

a. Amend the statutes to require the Commission on Educational Excellence to develop guidelines for consideration of all applications for grants of funds from the Account for Programs for Innovation and the Prevention of Remediation. In the event that the Commission establishes a process of considering applications that includes authorizing application review teams, the full Commission shall review all recommendations for grant awards prior to the allocation of funds; **(BDR 34-426)** and

b. Send a letter of intent to the Commission on Educational Excellence informing the Commission that grant applications from school districts and schools that are acceptable for funding shall provide direct student services. Applications to provide indirect student services must be denied with the exception that instructional support for guidance and counseling services provided directly to the benefit of students may be funded.

28. Amend the statutes to revise the required list of priorities of schools to include a second tier of Title I-eligible schools. Further amend the statutes to require the Commission to use the lists of priorities of schools when awarding grant funds. **(BDR 34-426)**

29. Amend the statutes to require that the Commission on Educational Excellence must request from the Legislative Committee on Education an allocation of a portion of funds appropriated to the Account for Programs for Innovation and the Prevention of Remediation for:

a. Travel and review—provide that no more than \$50,000 per biennium may be used by the Commission to fund travel to grant sites for the purpose of reviewing programs funded by the Commission and to fund conferences among grant recipients; and

b. Evaluation—provide that no more than \$250,000 may be retained by the Commission for the purpose of conducting an evaluation of programs funded by grants from the Account. **(BDR 34-426)**

30. Amend the statutes to require the Commission on Education Excellence to report the distribution of the money and the programs for which the money was allocated according to specified categories. **(BDR 34-426)**

VENDORS

The members of the Legislative Committee on Education adopted the following proposals relating to contractual services purchased through a competitive proposals process.

31. Provide an appropriation from the State General Fund to NDE to fund through a competitive request for proposal process contractual services for a monitoring system that would include personal digital assistant assessment technology. The system would monitor progress and instructional improvement in early literacy and mathematics in pre-school, kindergarten and grades 1 and 2 that is consistent with the goals of the Nevada Education Reform Act. Provide that school districts could use federal funding sources, such as Reading First, Title I, and special education to match state funds. **(BDR S-427)**

32. Provide an appropriation from the State General Fund to the Interim Finance Committee for transfer to the school districts to fund through a competitive request for proposal process contractual services for:

a. Personalized study guides to assist students in the following areas:

- The transition from middle school to high school; and
- The successful completion of the high school proficiency examination in grades 11 and 12; and

b. The continuation of brochures for the reporting of test scores of pupils and related services for teachers, administrators, and parents. **(BDR S-427)**

33. Provide an appropriation from the State General Fund to the NDE to fund through a competitive request for proposals process contractual services to provide career and academic planning and advising instruments for students in 8th and 10th grades. **(BDR S-427)**

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218.5363

Members

Senator Dean A. Rhoads, Chairman
Assemblyman John W. Marvel, Vice Chairman
Senator Terry Care
Senator Mike McGinness
Assemblyman Jerry D. Claborn
Assemblywoman Genie Ohrenschall
Tom Fransway, Humboldt County Commissioner

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Assemblyman John C. Carpenter
Assemblyman Pete Goicoechea
Assemblywoman Marilyn Kirkpatrick
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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 State 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. Members of the Committee look to these agencies, organizations, and individuals to provide information that may be used for future legislation or other legislative actions.

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. It should be noted that during the 2005 Legislative Session, the Legislature approved Senate Concurrent Resolution No. 26 (File No. 100, *Statutes of Nevada*), which directs the Legislative Commission to appoint an interim committee to study the use, management, and allocation of water resources in Nevada. Both the Legislative Committee on Public Lands and the S.C.R. 26 committee were diligent in avoiding the burden of duplicative testimony, presentations, and recommendations between the two committees. Please refer to Legislative Counsel Bureau Bulletin No. 07-12, *Use, Management, and Allocation of Water Resources*, for more information on the activities and recommendations of the S.C.R. 26 committee.

A report of the Committee's activities during the 2005-2006 legislative interim period has been prepared. This document reviews public lands legislation passed during the 2005 Legislative Session and summarizes the topics considered and acted upon by the Committee during the interim period.

The Legislative Committee on Public Lands held a total of eight regular meetings throughout the state and attended two in-state informational tours. The Committee visited the facilities at Naval Air Station Fallon and also participated in a tour in eastern Nevada highlighting the partnership programs and landowner assistance programs of the U.S. Fish and Wildlife Service (USFWS) and the Nevada Department of Wildlife (NDOW). Finally, as in the past, 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 over 50 lands-related issues during its meetings and tours throughout the interim. Topics of particular interest during this interim period included:

- 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 (ESA) and proposed reform of the Act;
- 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, disposals, and exchanges;
- Lincoln County Land Act of 2000 and the Lincoln County Conservation, Recreation, and Development Act of 2004;
- Local government involvement in management of federal lands in Nevada;
- Military operations and land use on military installations;
- 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;
- National Environmental Policy Act (NEPA) and possible reforms to the Act;
- Nevada Fire Safe Council;
- Northeast Nevada Stewardship Group (NNSG);
- Noxious weed and invasive species abatement;
- Off-highway vehicle (OHV) use, federal travel management policies, and possible regulation of OHVs;
- Payment in Lieu of Taxes (PILT);
- Pinion-Juniper harvest and thinning;
- “Question 1 Program” bond money;
- Range rehabilitation issues;
- Renewable energy development on public lands, including biomass, wind, geothermal and solar energy;
- 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;
- 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 (USFS) activities and policies in Nevada;
- White Pine County Conservation, Recreation, and Development Act of 2006;
- Wild horses and burros;
- Wilderness and wilderness study areas; 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 2007 Nevada State Legislature. The subjects of these bill draft requests (BDRs) concern: (1) the utilization of biomass for energy in Nevada; (2) the creation of a geographic information systems (GIS) coordinator for Nevada’s natural resource agencies; (3) ongoing legal challenges concerning

grazing permits and regulations; (4) rural land use planning; (5) control of noxious weeds and funding for Cooperative Weed Management Areas (CWMAs) and other weed-related programs; (6) the use of proceeds from the Governmental Services Tax (GST) for weed control efforts in Nevada; (7) the registration, titling, and administration of OHVs; (8) the establishment of a state park at Monte Cristo's Castle; and (9) increased funding to the State of Nevada for wildfire suppression efforts and range rehabilitation for those areas already impacted by fire.

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 2005-2006 legislative interim and at its work session meeting held on August 24, 2006, in Ely, Nevada. The corresponding BDR number follows each recommendation for legislation.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

1. Encourage, by resolution, the implementation of several recommendations regarding biomass and biomass initiatives as provided by Dr. Elwood Miller, Biomass Representative, Nevada Renewable Energy Conservation Task Force. These recommendations include: (a) the establishment of "production tax credits" for biomass energy, which is currently provided for wind and geothermal energy; (b) the creation of financial incentives for the development of on-site generation systems operated by biomass; (c) private investment in biomass; and (d) the implementation of several pilot/demonstration projects illustrating the potential uses of biomass in Nevada. **(BDR R-402)**
2. Enact legislation creating the position of a Natural Resource GIS Coordinator, to be housed in one of the natural resource departments/agencies, for the purpose of aligning the twelve public land and natural resource agencies and coordinating interaction with the State GIS Coordinator, federal land management partners, and state government major area partners such as public health, homeland security, and transportation. The measure would also create the Natural Resource/Public Lands GIS Technical Training Revolving Fund to be managed by the Natural Resource GIS Coordinator for the purpose of providing cost-effective GIS training for natural resources agencies.

In addition to creating and funding the position and revolving training fund, the measure should include a legislative declaration or preamble: (a) expressing support for the *Nevada Initiative for Coordinated Geographic Information Management*; (b) recognizing the importance of GIS to policy making, particularly in public land and natural resource management; (c) directing the establishment of standards within state government for the collection of data; and (d) directing state agencies to enter into trading partner agreements for the sharing of data. **(BDR 18-403)**

3. Express, by resolution, the Nevada State Legislature's disapproval of various ongoing legal challenges brought against local ranchers and the BLM concerning grazing permits and regulations. Include in the resolution statements concerning the detrimental

economic impacts these challenges have on Nevada's rural communities and the threats such challenges pose to agriculture. **(BDR R-396)**

4. Enact legislation creating the position of a land use planner within the Division of State Lands, State Department of Conservation and Natural Resources (SDCNR). The position would assist those rural counties that do not have established land use planning teams and would be instrumental in assisting the local government in working with federal land management agencies on many matters. **(BDR 26-397)**
5. Enact legislation making an appropriation of \$450,000 to provide grant funds to Nevada's 30 CWMAs for weed control purposes (\$450,000 based on an average annual grant request of \$15,000 per year for each of Nevada's 30 CWMAs. Also include in the measure provisions establishing grant funding and an operating budget of \$300,000 within the State Department of Agriculture (SDA) for noxious weeds-related programs. Of this \$300,000, \$50,000 would be allocated for seasonal employees to assist in SDA-level functions relating to abatements; \$50,000 would be allocated to biological control programs; \$100,000 would be used for the "Abatement Fund" (application on the ground); and \$100,000 would be allocated for weed education and outreach purposes.

The grant funding would support the control efforts of CWMAs as USFS funding continues to dwindle. The operating budget would also provide matching funds for federal grants the State of Nevada is currently ineligible for due to its lack of matched money. **(BDR S-398)**

6. Enact legislation authorizing the use of a portion of proceeds of Governmental Services Tax for the control of noxious weeds in Nevada and authoring a slight increase in GST collections to cover the cost of this activity. The amount the increase would depend upon the value of the vehicle upon which the GST is imposed. Include in the measure the creation of a fund for a comprehensive long-term program for managing noxious weeds in Nevada. The fund would be managed by a Board of Trustees appointed by the Governor. The comprehensive program would include five or more weed management specialists, a weed project manager, and an administrative support position. The comprehensive program would also involve the creation of at least six weed control districts in Nevada similar to the tri-county weed district in Nye, Lincoln, and White Pine Counties. **(BDR 32-399)**
7. Enact legislation amending certain existing provisions and setting forth new provisions concerning OHVs in Nevada. The measure would provide for the continued issuance of certificates of operations for OHVs, set forth an OHV registration program, and provide for other related OHV regulation. **(BDR 43-400)**
8. Enact legislation establishing a state park at Monte Cristo's Castle located in northeastern Esmeralda County. **(BDR 35-401)**

9. Urge, by resolution, the U.S. Congress to provide greater funding for wildfire suppression efforts and rangeland rehabilitation for those areas already impacted by fire. Include in the resolution discussion of the inherent danger of fire in the Lake Tahoe Basin and emphasize that fire suppression activities have a direct impact on local economies and explain how recent fires in northern Nevada have decimated large tracts of critical wildlife habitat. **(BDR R-468)**

RECOMMENDATIONS FOR COMMITTEE ACTION:
COMMITTEE STATEMENTS AND LETTERS

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters concerning general natural resource matters to:

10. The Director of the University of Nevada (UNR) Cooperative Extension expressing appreciation to the Cooperative Extension for its assistance in rehabilitating land impacted by the July 2004 "Waterfall Fire" west of Carson City. According to testimony, the Extension office in Carson City was instrumental in providing technical assistance to city personnel as well as impacted homeowners. Moreover, the UNR Cooperative Extension aggressively managed community education and volunteer efforts and made great strides in comforting the residents of Carson City immediately following this most disturbing wildfire event.
11. The Director of the USFWS, the USFWS Field Supervisor in Nevada, and to the Refuge Manager of the Ruby Lake National Wildlife Refuge expressing the Committee's support for the forward-thinking programs at the refuge and commending the Refuge Manager and her staff for their efforts to improve the refuge.
12. Dan Dallas, District Ranger, Mountain City Ranger District, USFS, United States Department of Agriculture (USDA), congratulating him on receiving the 2005 "Ranger of the Year" award from the USFS. Send a copy of the letter to Ed Monnig, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA.
13. The Secretary of the USDA and the Chief of the USFS requesting an evaluation of park fees and/or other revenue sources to ensure that sufficient monies are available to manage and maintain recreation facilities in Nevada and the West. Encourage the USFS to continue its efforts to seek more funding from the U.S. Congress to provide enough money to adequately maintain USFS facilities which are, according to testimony, in desperate need of enhancements and upkeep.
14. The Nevada Cattleman's Association, Nevada Farm Bureau, each of the BLM Field Managers in the State of Nevada, and other potential interested parties supporting the

programs and activities of the “Range Management School” as addressed by Agee Smith, Shoesole Collaborative Management Team, NNSG.

15. The Director of the BLM and the Chief of the USFS encouraging those agencies to use and continue to use grazing (and even consider a temporary increase in animal unit months during high-yield years) when conducting fuels reduction and fuels management. According to testimony, this practice could improve range conditions, while at the same time, serve as an alternative to prescribed burns. Include in the letter a statement encouraging the BLM to amend its grazing regulations to set forth an expedited or streamlined process for approving grazing applications for temporary, nonrenewable permits. This would help facilitate grazing on cheatgrass infested areas at the earliest part of the grazing season when the cheatgrass is considered prime forage for livestock.
16. The Commander of the Nevada National Guard commending the Guard for its support of firefighting efforts in the State of Nevada and praising their interagency cooperation through the use of helicopters and other aircraft in battling wildfires. Include in the letter language supporting the Guard’s continued assistance, particularly on the Sierra Front, and encouraging the Guard to expeditiously prepare and equip helicopters and other aircraft for firefighting duty as quickly as possible after their return from military service in the Middle East and Afghanistan.
17. The United States Department of the Interior (DOI), the BLM, and members of Nevada’s Congressional Delegation encouraging the DOI and the BLM, with the support of the U.S. Congress, to consider revising current BLM policies to allow more ranchers and farmers in Nevada and the West to hold or care for gathered wild horses that would, under most circumstances, be shipped to wild horse sanctuaries in the Midwest. This practice would allow gathered horses to remain in Nevada in a controlled environment and eliminate the need to transport the horses cross-country.
18. The appropriate members of the U.S. Congress (chairing the appropriation committees), the DOI, the BLM, USDA, and the USFS, stipulating the need for increased funding for recreation planning and law enforcement within the USFS and the BLM. Dan Holler, Douglas County Manager, testified before the Committee that a lack of funds in these areas is greatly impacting recreational programs within the two agencies. He noted during testimony that there are not enough law enforcement personnel to handle Nevada’s vast expanses of federally-managed land.
19. The Nye County Board of Commissioners, the Pahrump Town Board, BLM, USFS, and other federal agencies involved in flood control matters in Pahrump expressing support for flood control activities in Pahrump. The letter should encourage these federal agencies to issue the appropriate permits and grant authority to Nye County and the Town of Pahrump to proceed with flood mitigation efforts in the mountains surrounding Pahrump.

20. David K. Morrow, Administrator, Division of State Parks, SDCNR, encouraging him to explore strategies to enhance recreational access at the Lower Pitt-Taylor Reservoir, which is adjacent to Rye Patch Reservoir in northern Pershing County.
21. The Statewide Biomass Coordinating Group, key elected officials, including Nevada's Governor, Nevada's Congressional Delegation, Nevada's Energy Office, and the Nevada Renewable Energy and Energy Conservation Task Force, and include a statement in the final report supporting the efforts of the Statewide Biomass Coordinating Group and encouraging continued and increased funding for the "Fuels for Schools" program administered by Nevada's Division of Forestry.
22. The USFWS concerning the endangered Gray Wolf. Include in the letter a request to the USFWS to delist the Gray Wolf in the State of Nevada (as was previously requested by the NDOW), as this species has not been sighted in Nevada for the past 75 years. Include a statement in the letter expressing the Committee's concern that the listing of the Gray Wolf could have a detrimental impact on ranching and farming operations (particularly in northeastern Nevada), and express the Committee's concern over any efforts to "reintroduce" the Gray Wolf in the State of Nevada.
23. The Chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means expressing support for NDOW's budget request for the funding of state wildlife conservation plans. This would help support the Department's proactive approach in this area. According to testimony received at the Committee's meeting in Battle Mountain, during the "planning stage" of the state wildlife conservation plan program, there is a 75 percent/25 percent federal-state match (25 percent from the State) and, during the implementation phase, there is a 50 percent state match portion. In the past, the total State funds provided through General Fund appropriation were \$600,000. This, in turn, allows for a total federal contribution of over \$1 million. According to testimony, such state wildlife conservation plans will help prevent endangered species listings in Nevada.
24. The Office of the Governor and the Director of NDOW expressing support for NDOW's Landowner Incentive Program and encouraging the use of State funds (along with committed federal dollars) to ensure the continued existence and operation of the program.
25. The U.S. Environmental Protection Agency (EPA) explaining the importance and quality of Nevada's mining regulations and assuring the EPA that the regulations have been carefully crafted and proven to work well for the entire mining industry in Nevada.
26. Kathleen Clarke, Director, BLM, expressing the Committee's concerns about the BLM's 2005 filing with the State Engineer for water rights for the stated purpose of accommodating wildlife watering and wildlife habitat. Request in the letter that the BLM

explain its policies with regard to water rights filings, particularly as they relate to the filings made by the Battle Mountain Field Office of the BLM for wildlife purposes.

27. Nevada's Congressional Delegation, the Office of the Governor, and Kathleen Clarke, Director, BLM, expressing the Committee's concern regarding the renewal of grazing permits. Some testimony during the legislative interim suggested that a National Environmental Policy Act (NEPA) review must be conducted by the BLM on all grazing permit renewal applications. Other concerns were raised about the increased backlog of grazing permit renewals due to such NEPA reviews, despite the fact that a "permit renewal rider" (Public Law 108-108) allows the BLM to automatically process grazing permit applications without a NEPA review if such requests do not result in a significant impact on the ground or represent any major changes to the existing grazing permit. The letter shall request that the BLM provide a written overview to the Committee of its NEPA review policies relating to grazing permit renewals. Furthermore, the letter shall encourage Nevada's Congressional Delegation to examine the permit renewal rider and take action to "renew" the rider beyond its scheduled 2008 expiration.
28. Mike Johanns, Secretary, USDA, and Dale Bosworth, Chief, USFS, expressing the Committee's appreciation of the USFS' efforts and support of the Committee during the 2005-2006 legislative interim. Include in the letter a statement concerning the USFS' consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.
29. Dirk Kempthorne, Secretary, DOI, and Kathleen Clarke, Director, BLM, expressing the Committee's appreciation of the BLM's efforts and support of the Committee during the 2005-2006 legislative interim. Include in the letter 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.
30. The Office of the Governor and the Chairmen of the Senate Committee on Finance and Assembly Committee on Ways and Means expressing support for the creation of a State GIS Coordinator with clearly defined authority for state government coordination of geospatial information technologies and data production, as well as creation of a State GIS Advisory Council.
31. The DOI and Kathleen Clarke, Director, BLM, encouraging the BLM to restructure its district boundaries in Nevada in a manner that makes more jurisdictional sense for Nevada's counties. Include in the letter language highlighting the fact that Nye County encompasses multiple BLM field districts and such jurisdictional patterns make it very difficult for many counties in Nevada to establish and maintain consistent relationships with the BLM.

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters concerning SNPLMA and other county lands bills to:

32. Nevada's Congressional Delegation urging them to retain in the introduced version of the White Pine County Conservation, Recreation, and Development Act of 2006 provisions concerning land auctions and sales for the purposes of affordable housing. Include in the letter requests to amend the measure (and to set forth an amendment to the SNPLMA) to provide for the use and eligibility of money for: (a) rangeland restoration throughout Nevada; (b) fuels reduction; (c) state facilities (particularly parks and natural resource-related facilities); and (d) services provided by the state land use planning agency (Division of State Lands) to those counties (as required by law) that do not have natural resource planning staff and have acquired land under one of the several county land bills. Stipulate in the letter that the State of Nevada has a growing interest in becoming eligible for the same type of funding through the SNPLMA and other lands bills as local governments and federal agencies are for the State's infrastructure improvements on park lands and on wildlife refuges.
33. Nevada's Congressional Delegation, the DOI, and the BLM encouraging the use of SNPLMA and other county land bill funds to hire additional BLM staff to process conservation easement requests and land purchases made pursuant to those lands-related bills.
34. The DOI and the BLM encouraging the Department and the agency to seek creative ways to reduce the costs of environmental assessments and studies associated with the purchase and sale of federal land. Include in the letter a recommendation calling for the allocation of funds generated through land sales under the SNPLMA and other county lands bills to cover the costs and expense of these environmental studies and assessments. Testimony throughout the legislative interim indicated that the costs to purchase smaller parcels of federal land are prohibitive and often the cost of the required environmental analysis is greater than the value of the land.

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters concerning noxious weeds and invasive species to:

35. The partners in the "tri-county" weed group in eastern Nevada, the Director of the UNR Cooperative Extension, the Office of the Governor, and Bob Wilson, Extension Educator, Ely Cooperative Extension Office, praising the "tri-county" model for its noxious weed abatement and control efforts and encouraging the expansion of the "tri-county" weed group model to other areas of the State of Nevada.
36. The Chairman and members of the Interim Finance Committee (IFC) expressing support for the upcoming September 12, 2006, proposal before the IFC to establish a GIS Specialist within the Nevada Natural Heritage Program (NNHP). This Specialist, in addition to providing mapping services to NNHP, would also provide mapping services (likely through an interagency agreement) to the SDA for weed mapping projects.
37. All the CWMAs, county weed districts, and other weed control groups encouraging the use of conservation crews and other volunteer groups for weed control. Conservation

crews and other groups such as Boy and Girl Scout troops and volunteer fire departments offer a consistent and inexpensive source of labor for weed eradication activities. Stipulate in the letter that adequate training should be provided to all volunteers to ensure proper and safe weed abatement techniques (including correct chemical application procedures).

38. The Chairmen of each state grazing board created pursuant to Chapter 568 of the NRS encouraging those boards to use, within each respective grazing district, available funds (i.e., remaining dollars within the current budget of the board or through each board's respective range improvement fund) for efforts to control and eradicate noxious weeds. In addition, encourage the Chairmen of each state grazing board to ensure that any such efforts to eradicate noxious weeds within the grazing district are conducted in a manner that is beneficial to the stock raising and ranching industries for purposes of NRS 568.120.

RECOMMENDATIONS FOR COMMITTEE ACTION:
COMMITTEE RESOLUTIONS

39. Draft a Committee resolution urging the U.S. Congress to amend the ESA to: (a) reduce the impact of species listings on private property owners and require collaboration and facilitation with state and local governments and private property owners prior to the final listing of a species; (b) establish incentives for voluntary conservation and species recovery efforts; (c) provide reimbursement to livestock owners for any loss of livestock resulting from the reintroduction of endangered or threatened species into the wild; (d) strengthen the species listing process by requiring the use of sound and verifiable science when determining the listing of any animal or plant species; and (e) reduce or eliminate the impacts of incidental takings that often occur following a species listing.
40. Draft a Committee resolution expressing the Committee's desire for all parties directly involved in Walker Lake and Walker River issues to work together to find solutions to address the declining water levels at Walker Lake. Encourage these organizations and individuals to be creative in this endeavor and seek support from Congressional leaders, federal, state and local governments, sportsmen's groups, and landowners in the Walker River Basin. Include a statement in the resolution emphasizing the recreational and historic value of Walker Lake.

**LEGISLATIVE COMMITTEE ON
TAXATION, PUBLIC REVENUE
AND TAX POLICY**

Nevada Revised Statutes 218.53741

Members

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**NRS 218.53741 Establishment; membership; Chairman; Vice Chairman; vacancies.
[Effective through June 30, 2007.]**

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](#); [A 2005, 1928](#))

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 each appoint two individuals who were members of the respective standing committees on taxation during the 73rd 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 scheduled to expire on June 30, 2007.

The Committee conducted three meetings during the 2005-2006 interim held in Carson City with videoconferencing to Las Vegas.

The Committee reviewed the outcome of legislation recommended by the committee during the 2003-2004 interim considered during the 2005 Session as well as other tax changes approved by the 2005 Legislature. The Committee considered testimony provided on the historical overview and the current method of distribution to local governments of the revenue from the tax on aviation and motor vehicle fuel.

The Committee received testimony from representatives of the different telecommunication, video, and data services (communication services) providers regarding the current state and federal regulatory structure for their business and the taxes and fees imposed on their specific business sector. The Committee was provided a report on the revenues generated by franchise taxes and fees imposed on providers of communications services and the importance of these revenues to local government budgets. The Committee reviewed the taxation of communications services in other states and discussed the areas of consideration with regard to amending the current system of state and local taxation of communications services in Nevada. The Committee discussed the status of legislation being considered in the U.S. Congress that would make changes to the regulation and taxation of communication services.

Given the possibility that Congress may pass legislation changing the federal, state, and local environment for the taxation and regulation of communication services, the Committee chose not to approve any recommendations for changes to the current state and local system of taxation of communications services. The Committee decided to continue to monitor the proposed federal legislation and meet, if necessary, to consider issues for deliberation during the 2007 Legislative Session, if federal legislation is approved.

BULLETIN 07-17

LEGISLATIVE COMMITTEE ON PERSONS WITH DISABILITIES

Nevada Revised Statutes 218.53791

Members

Senator Barbara K. Cegavske, Chairwoman
Assemblywoman Ellen M. Koivisto, Vice Chairwoman
Senator Bernice Mathews
Senator Maurice E. Washington
Assemblywoman Susan I. Gerhardt
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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](#))

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 Health and Human Services;

(c) An officer or employee of the Bureau of Vocational Rehabilitation of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, appointed by the Administrator of that Division;

(d) An officer or employee of the Bureau of Services to the Blind and Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, appointed by the Administrator of that Division; 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. A member of the advisory committee described in paragraph (a) or (b) 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. The Administrator of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation may designate a representative to serve in the place of a member of the advisory committee described in paragraph (c) or (d) of subsection 1 or to replace such a member 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; A 2005, 111)

ABSTRACT

LEGISLATIVE COMMITTEE ON PERSONS WITH DISABILITIES

Nevada Revised Statutes (NRS) 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; and (5) transition services for students with disabilities. During the 2005 Legislative Session, Senate Bill 134 (Chapter 271, *Statutes of Nevada* 2005) was passed, and it required the Committee to study the manner by which school districts can meet the needs of pupils who are deaf or hard of hearing and the manner by which accessible communication can be provided and improved for all residents of this State who are deaf or hard of hearing. In accordance with Section 11 of S.B. 137, the Committee will sunset on June 30, 2007.

The Committee held a total of seven meetings this interim: one in 2005, and six in 2006. The members received overview presentations by the Nevada Department of Education (NDE); Department of Employment, Training and Rehabilitation (DETR); the Department of Health and Human Services (DHHS); and the Nevada System of Higher Education (NSHE). Other entities making presentations included the Nevada State Rehabilitation Council and various school districts. The Committee heard 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, early childhood issues, and issues related to people who are deaf or hard of hearing.

An Advisory Committee appointed by the Committee (NRS 218.53796) held three meetings during the 2006 interim and studied issues related to people who are deaf or hard of hearing, particularly as they relate to educating children who are deaf or hard of hearing. The recommendations of the Advisory Committee were presented to the Committee for its consideration.

Members of the Committee adopted 31 proposals with regard to persons with disabilities. Major recommendations adopted include proposals to:

- Support ongoing State programs for Traumatic Brain Injury rehabilitation programs;
- Support the continuation of the 2-1-1 telephone system in Nevada;
- Support the continued work of the Interagency Transition Advisory Board to oversee and coordinate transition services provided to students with disabilities to ensure positive postsecondary outcomes;
- Urge DETR, the NDE, the NSHE, 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;
- Draft legislation to require the use of “people first” language in NRS and the *Nevada Administrative Code*;
- Draft legislation to require the Office of Disability Services to establish a tier system for interpreter certification and make various other changes affecting people who are deaf or hard of hearing; and
- Draft legislation to require the Division of Mental Health and Developmental Services to provide to the State’s designated protection and advocacy agency copies of all serious incident reports generated by the Division and/or private providers.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PERSONS WITH DISABILITIES

Nevada Revised Statutes (NRS) 218.53791

This summary presents the recommendations approved by Nevada's Legislative Committee on Persons with Disabilities at its final meeting on August 9, 2006. These recommendations will be transmitted to the 74th Session of the Nevada State Legislature.

RECOMMENDATIONS TO DRAFT LEGISLATIVE MEASURES

1. Draft legislation to remove part of Chapter 656A of NRS, move those provisions under Chapter 426 of NRS, and add language calling for regulations. This recommendation would delete the provisions of NRS that currently require an interpreter and a realtime captioning provider to have at least a high school diploma or a general equivalency diploma and to have a certain level of certification. These provisions would be replaced by a requirement that a person who wishes to engage in the practice of interpreting or realtime captioning in this State first be registered with the Office of Disability Services (ODS), Department of Health and Human Services (DHHS), for inclusion on the list of certified interpreters and realtime captioning providers. The ODS will be required to establish, by regulation, an adequate level of professional certification for interpreters and realtime captioning providers, which will be required for an interpreter or realtime captioning provider to be included on the list and establish specific regulations concerning the professional certification required for interpreters working in educational, legal, and medical settings.

The ODS will be authorized to collect a maximum annual fee of \$50 from an interpreter or realtime captioning provider to be included on the list. The ODS will also be authorized to use money in the Account for Services for Persons With Impaired Speech or Hearing to administer the list.

The provisions in this recommendation would be effective on July 1, 2008, or when the ODS adopts regulations, whichever occurs first, unless a later date is specified in the regulations. **(BDR 54-295)**

2. Draft legislation to require the ODS to establish in regulations a tier system for interpreter certification. This Tier Level System would address the need of new and/or inexperienced interpreters entering the interpreting profession in order to gain the necessary training and experience essential to become a certified interpreter. The Tier Level System will create a more standardized approach for novice interpreters to expand their skills and knowledge without jeopardizing the health, safety, and welfare of the individuals who are deaf and hard of hearing that they serve. It also provides

clarification to those persons responsible for the hiring of interpreters as to the level of skill of the individual interpreter. **(BDR 54-295)**

3. Draft legislation to amend NRS to reflect the realities associated with court operations in Nevada. *Nevada Revised Statutes* 656A.100 is so restrictive as to make compliance virtually impossible by the overwhelming majority of Nevada's courts. Thus, NRS will be amended to reflect that the courts will make every attempt, and document such attempts, to locate certified sign language interpreters for defendants, jurors, and witnesses and the presiding judge will make the determination as to the availability of certified interpreters. Noncertified interpreters may be used only when a certified interpreter cannot be found for a given proceeding without a significant delay to the proceeding, not as a cost-saving measure. The courts may elect to provide interpreters for spectators when appropriate, such as for the deaf spouse of a criminal defendant. **(BDR 54-295)**
4. Draft legislation to require the use of "people first" language in NRS and the *Nevada Administrative Code* when referring to people with disabilities. The acceptable language to use in describing people with disabilities has changed over time, and will likely continue to change. Instead of "disabled person," "person with a disability" should be used. Instead of "wheelchair user," "person who uses a wheelchair" is preferred. **(BDR -297)**
5. Draft legislation to require the Division of Mental Health and Developmental Services to provide to the State's designated protection and advocacy agency copies of all serious incident reports generated by the Division and/or by private providers, to the extent authorized by federal law, on a regular and ongoing basis, but at least quarterly. Nevada Disability Advocacy and Law Center is Nevada's designated protection and advocacy system. **(BDR 39-298)**
6. Draft legislation to commend and support the work of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation (DETR). The Committee urges DETR to seek private contributions to use as the non-federal share of the matching requirements to utilize the entire federal allotment for vocation rehabilitation. **(BDR-296)**

RECOMMENDATIONS TO INCLUDE A STATEMENT IN THE FINAL REPORT

7. Include a statement in the final report encouraging the State Board of Education and the school districts in the State of Nevada to set up the structure for "model regional" school-based programs for students with deafness, as funds are available. Education needs of children with deafness are very specialized. This creates challenges for Nevada where one student, or a group of students across grade levels, may be in need of these specialized educational services. It is recommended that there be a consolidation of deaf education services of pre-Kindergarten to grade 12 through the development of regional

“model” programs for Nevada. **This issue is of high priority to the Legislative Committee on Persons with Disabilities Advisory Committee.**

8. Include a statement in the final report requesting the Nevada Department of Education (NDE) to prepare standardized educational interpreter guidelines, as funds are available. It is recommended that a Nevada State Educational Interpreter’s Handbook be developed to serve as a guideline to school districts regarding the hiring and use of interpreters in educational settings. There are many examples of these handbooks from other states available on the Internet. These previously published manuals can serve as templates for Nevada, thereby decreasing the cost.
9. Include a statement in the final report encouraging school districts to provide bonuses for new teachers of the deaf, as funds are available. In order to recruit more qualified teachers of the deaf into the State, a recruitment incentive is recommended. This would provide a supplemental signing bonus for new teachers of the deaf in addition to funds already available for new teacher bonuses.
10. Include a statement in the final report, encouraging school districts to provide “training stipends” for existing teachers of the deaf, as funds are available. In order to retain existing teachers of the deaf and provide continued training to enhance their instructional skills, a yearly “training stipend” is recommended to engage in university coursework in deaf education.
11. Include a statement in the final report encouraging the NDE to establish a statewide mentoring program for teachers of the deaf and the mentoring positions, as funds are available. Teachers of students with deafness are located throughout the State and often isolated due to their low numbers. In order to promote retention of these teachers and to overcome their isolation and limited access to ongoing training, a “mentoring a teacher” support network is recommended. The Committee urges the expansion of support and improvement to the existing deaf and hard of hearing programs by strategically locating three leadership/specialist positions, distributed throughout the State, that provide ongoing mentoring, training, and technical assistance with a multidisciplinary team approach that ensures “best practice” for all students in all deaf and hard of hearing programs.
12. Include a statement in the final report supporting the Western Interstate Commission for Higher Education (WICHE) budget proposal to use out-of-state slots for Nevada students to pursue degrees in other states that offer degrees designed to prepare teachers to work with students who are deaf or hard of hearing. In the event the budget proposal does not pass, the Committee urges WICHE to replace existing out-of-state slots used for other degrees with courses of study designed to prepare teachers to work with students who are deaf or hard of hearing.

13. Include a statement in the final report urging institutions within the Nevada System of Higher Education (NSHE) to offer and publicize non-credit, community education courses in sign language at a free or reduced cost to families of children who are deaf or hard of hearing, as funds are available. The Committee was informed that 90 percent of parents with children who are deaf or hard of hearing do not use sign language. The Committee believes it is essential that parents are able to communicate with their children.
14. Include a statement in the final report urging the NSHE to develop and/or expand its training programs for teachers of the deaf, as funds are available. Due to the lack of such programs for teachers of the deaf, it is recommended that an increased number of training programs be available in the State.
15. Include a statement in the final report urging the NSHE to review the possibility of increasing funding for training of interpreters and urging a change concerning full time equivalent requirements for American Sign Language courses and interpreting courses. It is recommended that the NSHE review for possible inclusion in their 2008-2009 budget the necessary funding for the development and training of sign language interpreters.
16. Include a statement in the final report urging the NDE and the school districts in the State of Nevada to establish foreign language classes in American Sign Language, as funds are available, and as allowed under current Nevada law.
17. Include a statement in the final report encouraging school districts, the State Board of Education, and appropriate State agencies, when preparing annual reports and summaries of accountability information to the NDE concerning the population of students with disabilities, to report students who are deaf or hard of hearing and who are blind as separate categories.
18. Include a statement in the final report urging the Governor and the DHHS to prioritize funding in their 2008-2009 budget for Positive Behavior Supports (PBS) technical assistance for agencies serving individuals with behavioral issues. Positive Behavior Supports is a service philosophy that has shown to provide better results than negative interventions. The University of Nevada and the DHHS have partnered to form a program called PBS Nevada, which provides education and technical assistance to any public or private agency wanting to implement PBS strategies.
19. Include a statement in the final report urging courts in Nevada to clarify qualifications of legal interpreters. It is recommended that additional specific requirements be included for Sign Language Interpreters in legal settings addressing the concerns of the Administrative Office of the Courts in regards to the scarcity of qualified interpreters under the current NRS.

20. Include a statement in the final report urging the Governor and the DHHS to prioritize the State Medicaid Program's budget request to add autism behavioral services to the Mental Retardation/Related Conditions Medicaid waiver. This policy change will enable the Division of Mental Health and Developmental Services to begin offering desperately needed assistance to children with autism. Early intervention for many kids with autism can permanently change their lives by giving them the skills they need to compensate for their disability. In such cases, this could eliminate the future need for special education services, vocational rehabilitation services, welfare, or Medicaid. **This issue is a high priority to the Strategic Plan Accountability Committee (SPAC).**
21. Include a statement in the final report encouraging the DHHS, the Executive Budget Office, and the Legislative Counsel Bureau to change their budgets and provide Medicaid with the budget flexibility needed to shift payments between institutional and community-based settings, based upon the care choices made by service recipients. This issue is a cornerstone to the U.S. Supreme Court's *Olmstead v. L.C. ex rel Zimrig* (1999) decision. Leadership of the U.S. Department of Health and Human Services supports the idea of removing the institutional bias in Medicaid service funding. However, they note that a lack of available case management staff could still pose a barrier to offering services to more people through Medicaid Waivers. The SPAC believes that implementing this recommendation will give the State its strongest evidence to-date that Nevada is in the process of complying with the *Olmstead* decision.
22. Include a statement in the final report urging the DHHS to raise the unearned income eligibility limit for the Medicaid buy-in program (Health Insurance for Work Advancement [HIWA]), as funds are available. Also, include a statement urging the Governor to include in his budget a level of funding for HIWA at least equal to the amount that was requested in the Governor's 2006-2007 budget, adjusted for population and cost increases. The SPAC believes the unearned income limit should initially be raised to at least 150 percent of the Federal Poverty Level (\$1,225 a month).
23. Include a statement in the final report encouraging the Governor to permanently fund a percentage of the 2-1-1 telephone system budget through the State General Fund and encouraging the manager of 2-1-1 Nevada to continue soliciting community sponsorships.
24. Include a statement in the final report supporting an amendment to State law by the ODS (proposal will be in an agency bill draft request) that would add Traumatic Brain Injury (TBI) applicants to certain reporting requirements to help them avoid institutionalization. The amendment would require the director of the DHHS to determine the amount of State funding that would be necessary each biennium to make available community-based services to provide minimum essential personal assistance to residents of this State with TBI who would not, without the provision of that assistance, be able to live safely and independently in their communities outside of an institutional setting. The amendment would also require the Director of the DHHS to consider this information during the budget process and to report this information to each regular session of the Legislature.

25. Include a statement in the final report urging the DHHS to establish a State Traumatic Brain Injury Registry no later than July 1, 2007, and to use the gathered data to direct service resources to the most needed areas, as funds are available. Nevada has a trauma registry, which provides basic data about individuals who receive traumatic injuries, including TBI. It does not, however, offer a picture over time of the needs of people with TBI or the ability of the system to meet those needs. Many states have addressed this concern through the development of a comprehensive data registry for TBI. Much of the data needed for such a registry already exists in Nevada; it simply needs to be extracted and coordinated to provide needed information.
26. Include a statement in the final report urging the DHHS to transition 20 percent of the Early Intervention Services (EIS) caseload to private agencies and to have an independent evaluator gather data on the effectiveness of all EIS provided. Since its consolidation, Nevada's EIS has struggled to provide timely and quality services to young children with disabilities. This is especially worrisome because the window of opportunity to steer young children with disabilities on the right course is very small.
27. Include a statement in the final report urging the DHHS to continue using EIS vacancy savings to contract with private provider agencies until at least 20 percent of the EIS caseload is being privately served. In Fiscal Year 2006, the EIS had several unfilled staff vacancies that made it difficult to fully serve their client base. In an effort to remedy the problem, the EIS proposed a work program to use their vacancy savings to contract with private provider agencies.
28. Include a statement in the final report urging the DHHS to transfer the EIS compliance and monitoring function to a line of responsibility that is entirely separate from that of the EIS service delivery function. Agencies often struggle with objectively monitoring the quality of their services. For those programs with a high level of client satisfaction, the issue is not often apparent but, for those with a dissatisfied client base, there becomes a need for an objective third party to monitor a program. The EIS is funded to undertake compliance and monitoring functions. Unfortunately, that function reports to the same person responsible for overseeing the delivery of EIS services. This conflict of interest could influence the objectivity of performance evaluations and quality assurance monitors.
29. Include a statement in the final report encouraging the Interagency Transition Advisory Board (ITAB) to continue its work and to make specific recommendations for system improvement as soon as possible. The ITAB was created by the 2005 Legislature to spearhead improvement in the transition of students from school to adult life. The group has met regularly during the past year, but has yet to make any recommendations for system improvement. A major barrier to moving forward has been a lack of data in pre-and post-transition systems. Nonetheless, the work of ITAB is vital, and it is encouraged to move forward in formulating actionable recommendations. While

formulating their recommendations, the Committee encourages ITAB to study and review issues relating to:

- a. Data collection to facilitate a research-based pilot project to assist transition programs;
- b. Opportunities for public education and employment of people with disabilities in community settings;
- c. State personnel training for adult service providers, including understanding disabilities, disability awareness, empowerment, customer service, self determination, higher education counseling, job development, strategies specific to persons with disabilities, independent living, and job coaching skills;
- d. Common competencies that hold personnel in organizations accountable for ensuring youth are prepared for and participating in activities assisting them in achieving their post-school goals;
- e. An external review of the Bureau of Vocational Rehabilitation and the Rehabilitation Division, DETR, the findings of which will inform policy and decision-makers at the federal and State levels of the policies and practices of identifying youth who are transitioning from school to work and the major obstacles in the current process;
- f. The publication of information related to students with disabilities, including:
 - age,
 - ethnicity,
 - referral source,
 - services provided,
 - community-based assessment locations,
 - time in service, and
 - service outcomes in terms of competitive employment, completion of higher education, sheltered workshops, wages and benefits, self-employed, not working or reason for unsuccessful closure, and the number of total closures for transition-aged youth, their placement location and percentage of successful closures;
- g. Utilization of the data from the external review (E and F) to develop future standards based on needed services;
- h. Compiling a single report from various appropriate agencies regarding the alignment of resources to meet the needs of youth and employers; and

- i. Encouraging organizations to have shared data systems, or provisions for sharing data, while fully maintaining confidentiality.
30. Include a statement in the final report encouraging the Bureau of Vocational Rehabilitation, Rehabilitation Division, DETR, to continue improving their services to people who are disabled and need mobility equipment. The Committee received testimony from various people stating that it takes many months to obtain mobility equipment.
31. Include a statement in the final report supporting the Aging and Disability Resource Center Program in the Aging Services Division, DHHS. In September of 2005, the State of Nevada was awarded a three-year federal grant in the amount of \$750,000 to establish a resource center program providing citizen-centered “one-stop” entry points for individuals who need long-term support.

**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

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Assemblywoman Peggy Pierce, Vice Chairwoman
Senator Maggie Carlton
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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 State Legislature enacted Senate Bill 216 (Chapter 408, *Statutes of Nevada 2003* and codified as *Nevada Revised Statutes* [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 2005-2006 Legislative Interim. All meetings were open to the public, and two were conducted through simultaneous videoconferences between the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas. One meeting was held in Sacramento, California and 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 the Marlette Lake Water System, and relating generally to the Lake Tahoe Basin. As a result of these hearings, the Committee adopted eight recommendations, including one recommendation for bill draft for consideration by the 2007 Legislature. The recommendations address the following major topics:

- Nevada's ongoing participation in the Environmental Improvement Program (EIP), including completion and ongoing maintenance of the EIP projects;
- Support for Pathway 2007 Threshold and Regional Plan development and implementation process for Fiscal Year 2007-2009;

- Various funding needs of the TRPA, including the support of a dedicated transportation position, and the support for legal services;
- Support for the creation and utilization of the Tahoe Science Consortium; 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 2005-2006 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 74th Session of the Nevada State Legislature for its consideration in 2007.

RECOMMENDATIONS PERTAINING TO THE TAHOE REGIONAL PLANNING AGENCY

Recommendations Resulting in Legislation

1. Request legislation that would release the next phase of bonds in an amount of \$9,057,908 to carry out the Nevada's portion of the Environmental Improvement Program (EIP) for the 2007-2009 biennium. **(BDR S-250)**
2. Express, by resolution, acknowledgement and support for the creation and utilization of the Tahoe Science Consortium. **(BDR R-251)**

Recommendations Not Requiring Legislation

3. Transmit a letter to Nevada's Department of Administration and the Nevada State Legislature in support of baseline funding Nevada's current level of support (\$200,000 per year) for the Pathway 2007 Threshold and Regional Plan development and implementation process for Fiscal Year (FY) 2007-2009 and beyond to match the State of California's existing baseline funding of \$400,000 per year.
4. Transmit a letter to Nevada's Department of Administration and the Nevada State Legislature in support of funding Nevada's one-third share of a dedicated position focused on transit operations and systems development for the Tahoe Transportation District for FY 2007-2009.
5. Transmit a letter to Nevada's Department of Administration and the Nevada State Legislature in support of a \$100,000 budget increase, phased in over two years, in Nevada's share of the TRPA's baseline funding for compliance, enforcement and legal services needs.

6. Include a statement in the final report recognizing that it is within the jurisdiction of the Committee to request the Legislative Commission to direct the Audit Division of the Legislative Counsel Bureau to conduct a performance evaluation of the TRPA.

Other Recommendations

7. Include a statement in the final report indicating the support of modifying NRS to allow the use of the word “trust” for community land trusts operating in the State of Nevada.
8. Transmit a letter to Allen Biaggi, Director of Nevada’s State Department of Conservation and Natural Resources and to Douglas E. Hunt, Acting Director of Nevada’s Department of Wildlife, commending the professionalism of their employees who accompanied the Committee on the Lake Tahoe Informational Tour.

TASK FORCE FOR THE FUND FOR A HEALTHY NEVADA

Nevada Revised Statutes 439.625

Members

Senator Maurice E. Washington, Chair
Assemblywoman Kathy McClain, Vice Chair
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NRS 439.625 Task Force for Fund: Creation; membership; selection and term of Chairman and Vice Chairman; compensation of members; relief from regular duties of member who is officer or employee of local government; administrative support and technical assistance.

1. The Task Force for the Fund for a Healthy Nevada is hereby created. The membership of the Task Force consists of:

(a) Three members appointed by the Majority Leader of the Senate, one of whom must be a Senator and one of whom must be a member of a nonprofit organization dedicated to health issues in this State;

(b) Three members appointed by the Speaker of the Assembly, one of whom must be an Assemblyman and one of whom must be a member of a nonprofit organization dedicated to health issues in this State; and

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

Each member appointed pursuant to this subsection must be a resident of this State and must not be employed in the Executive or Judicial Branch of State Government. Each person who appoints members pursuant to this subsection shall ensure that insofar as practicable, the members whom he appoints reflect the ethnic and geographical diversity of this State.

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

3. For each day or portion of a day during which a member of the Task Force who is a Legislator attends a meeting of the Task Force or is otherwise engaged in the work of the Task Force, except during a regular or special session of the Legislature, he is entitled to receive the:

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

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

(c) Travel expenses provided pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the legislative members of the Task Force must be paid from the Legislative Fund.

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

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

(b) Each remaining member of the Task Force must be paid from the Legislative Fund.

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

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

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

6. The Legislative Counsel Bureau and the Department shall provide such administrative support to the Task Force as is required to carry out the duties of the Task Force. The State Health Officer shall provide such technical advice and assistance to the Task Force as is requested by the Task Force.

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

ABSTRACT

TASK FORCE FOR THE FUND FOR A HEALTHY NEVADA

(Nevada Revised Statutes 439.625)

The 1999 Nevada State Legislature enacted Assembly Bill No. 474 (Chapter 538, *Statutes of Nevada 1999*), which created the Fund for a Healthy Nevada and established 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 funds 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 Senator appointed by the Majority Leader and the Assemblyman 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 for a Healthy Nevada shall be distributed as follows:

- Not more than 30 percent for direct expenditures by the Department of Health and Human Services (DHHS) to pay for certain prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including dental and vision benefits, for eligible senior citizens under a program commonly known as Senior Rx;
- Not more than 30 percent minus \$350,000 for allocation by the Aging Services Division, DHHS, for programs that assist senior citizens with independent living;
- Not more than \$200,000 for allocation by the DHHS to provide guaranteed funding to finance certain assisted living facilities for senior citizens, as well as to fund assisted living supportive services provided under an amended Medicaid Home and Community Based Services Waiver, if this waiver amendment receives approval from the federal government;
- Not more than \$150,000 if available for allocation by the Aging Services Division, DHHS, for existing or new programs providing dental benefits for eligible senior citizens;
- Not more than 20 percent for programs that prevent, reduce, or treat the use of tobacco and the consequences of such use;

- 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, with this funding to be allocated, to the extent possible, evenly between the following purposes: (1) respite services; (2) behavioral support; and (3) independent living services; and
- Not more than 2.5 percent for direct expenditure by the DHHS to extend certain coverage for prescription drugs and other related services to eligible persons with disabilities under a program commonly known as Disability Rx.

The Task Force monitors the allocations by the DHHS of Fund money for the Disability Rx, Senior Rx, and independent living programs and for vision and dental benefits. It awards Fund money for tobacco cessation and treatment programs and for children's health and disability services through a competitive grant process. Resulting grants are administered by the Grants Management Unit (GMU), which is housed in the DHHS Director's Office and administers grants to local, regional, and statewide programs serving Nevadans.

To receive and evaluate applications and award the grants for tobacco programs and health and disabilities programs, the Task Force held five meetings, beginning in September 2005. Three of the meetings were held in Las Vegas and were available for participation by videoconference in Carson City. The other two meetings were held in Carson City and were available for participation by videoconference in Las Vegas.

In addition, the Task Force implemented new procedures that were proposed by the GMU and implemented on a pilot basis during the 2003-2004 interim. The new procedures called for the Task Force to participate in two meetings held in joint session with the Grants Management Advisory Committee (GMAC) and contribute members to four subcommittees to be advisory to the GMAC and the Task Force. Each subcommittee held three meetings. The GMAC is an advisory body of members appointed by the Director of the DHHS and makes recommendations to the Director concerning his allocation of funds for various human service programs.

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. The Task Force also adjusted certain allocations to reflect an unanticipated decrease in projected revenues. The decrease occurred when several tobacco companies participating in the Tobacco Master Settlement Agreement withheld approximately \$4.5 million in tobacco payments the State of Nevada expected to receive in April 2006 for Fiscal Year (FY) 2007.

In May 2006, the Task Force awarded grants for FY 2007 and FY 2008. The Task Force granted tobacco project allocations of \$3,581,777 in FY 2007 and \$3,196,641 in FY 2008. Children's health related projects received allocations of \$1,773,926 in FY 2007 and \$1,775,912 in FY 2008. Finally, disability related projects received allocations of \$1,552,449 in FY 2007

and \$1,335,250 in FY 2008. Continuation of funding during the second year is contingent upon a grantee's satisfactory performance evaluation, as determined by reports provided to the Task Force. In addition, the level of funding in the second year for all grantees is contingent upon receipt by the State of adequate revenues from the manufacturers of tobacco products.

The Task Force also approved allocations to fund two new initiatives: (1) the Cannon Survey Center, University of Nevada, Las Vegas, received a contract for \$43,706 to conduct a statewide survey related to the health and disability status of senior citizens, including information about tobacco-related conditions; and (2) the Battelle Centers for Public Health Research and Evaluation received a contract for \$737,940 over FY 2007 and FY 2008 to evaluate and provide technical assistance to tobacco programs receiving grants from the Fund and to conduct a statewide survey of adult tobacco use in Nevada.

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 during the 2005-2006 legislative interim and at its final meeting on July 13, 2006, in Las Vegas. The corresponding bill draft request (BDR) number follows each recommendation for legislation.

RECOMMENDATIONS FOR LEGISLATION

1. Enact legislation specifically authorizing the Task Force to allocate money from the Fund for a Healthy Nevada for data development, needs assessments, evaluations, and technical assistance related to programs funded by the Task Force pursuant to NRS 439.630. **(BDR 40-240)**
2. Enact legislation modifying the policies and procedures to be followed by the Task Force concerning the timing and extent of grant applications. The legislation should amend paragraph (m) of subsection 1 of NRS 439.630 to require at least one competitive round of request for proposals every four years, instead of at least one competitive round per biennium, with regard to grants or contracts the Task Force is empowered to allocate. The legislation should require each grantee or contract recipient to submit an application for a noncompetitive renewal of its grant or contract two years after the grant or contract was awarded, at which time the Task Force may determine either to reduce or not renew the grant or contract. In addition, this legislation should also require the policies and procedures developed by the Task Force to include certain specific policies and procedures concerning the funding of contracts and grants. Finally, this measure should require the Task Force to develop policies and procedures that must be followed by any subcommittee of or advisory group to the Task Force when that subcommittee or advisory group is evaluating applicants for or making recommendations concerning contracts or grants. **(BDR 40-241)**
3. Enact legislation deleting subsection 6 of NRS 439.630, which requires the DHHS to submit certain allocations relating to state programs to the Interim Finance Committee for its approval prior to issuing a grant or contract. **(BDR 40-242)**

LEGISLATIVE COMMITTEE ON HEALTH CARE

Nevada Revised Statutes 439B.200

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Assemblywoman Sheila Leslie, Vice Chairwoman
Senator Joe Heck
Senator Steven A. Horsford
Assemblyman Joe Hardy
Assemblywoman Kathy McClain

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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 11 times, and a subcommittee of the Committee met three times, for a total of 14 meetings. All of the public hearings were conducted through simultaneous videoconferences between Carson City and Las Vegas, Nevada.

At the 11th meeting, members conducted a work session at which they adopted 12 recommendations for legislation. The recommendations concern Nevada Medicaid's traumatic brain injury (TBI) program; certified nursing assistants; timeliness of billing by certain health care providers; the certificate of need program; privacy of electronic medical records; emergency medical services in rural Nevada; medical screening for persons suspected to have a mental illness; safety net providers; certain behavioral health professional licensing boards; creation of a Legislative Committee on Child Welfare and Juvenile Justice and a Legislative Committee on Aging and Veterans Services; and statewide health care planning. In addition, members authorized the chairman to send seven letters on behalf of the Committee, and members directed staff to include four specific statements of support in the bulletin.

This bulletin provides background information addressing the activities of the Legislative Committee on Health Care. Activities of the Subcommittee to Study Services for the Treatment and Prevention of Substance Abuse pursuant to Assembly Bill 2 (Chapter 1, *Statutes of Nevada 2005, 22nd Special Session*) are included in a separate bulletin, No. 07-3.

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 10, 2006, meeting. The Committee submits the following proposals to the 74th Session of the Nevada State Legislature:

1. Draft legislation that appropriates \$2,007,353 over the biennium from the State General Fund to the Division of Health Care Financing and Policy (DHCFP), Department of Health and Human Services (DHHS), to fund Nevada Medicaid's traumatic brain injury (TBI) request. **(BDR S-309)**
2. Draft legislation authorizing the creation of a Legislative Committee on Child Welfare and Juvenile Justice. With regard to child welfare, the Committee may review topics including, but not limited to, child welfare service programs, licensing, reimbursement for foster care providers, mental health services, and compliance with federal requirements. Additionally, the Committee may review juvenile justice topics concerning, but not limited to, coordination of juvenile justice community-based programs and services; the availability of treatment programs, and programs for after care and reintegration; representation and treatment of minority youth in the juvenile justice system; gender specific services; and the quality of care provided in State institutions. The Committee will consist of six members appointed by the Legislative Commission (three members of the Assembly and three members of the Senate). The chairmanship will rotate between both houses of the Nevada State Legislature. **(BDR 17-310)**
3. Draft legislation authorizing the creation of a Legislative Committee on Aging and Veterans Services. **(BDR 17-310)**
4. Draft legislation that authorizes certified nursing assistants (CNAs) who meet certain training requirements (completed certified medication assistant training) to administer medications in a facility for intermediate care, and a facility for skilled nursing under the direction of a registered nurse or a licensed practical nurse. Additionally, require the State Board of Nursing to approve and certify a certified medication assistant program. Additionally, the State Board of Nursing will certify that CNAs meet the program requirements. Currently, NRS 453.375 and NRS 454.213 list professionals and entities that may possess and administer controlled substances and dangerous drugs. This list does not include CNAs under the supervision of a registered nurse or licensed practical nurse. **(BDR 40-302)**
5. Draft legislation that amends NRS 629.071 to require that a bill from a provider of health care be provided to the patient no later than 120 days after the charge is incurred.

Currently, NRS 629.071 requires each provider of health care to itemize all charges on each bill in terms the patient is able to understand, and requires the bill to be provided in a timely manner after the charge is incurred at no additional cost to the patient. Also, amend the provisions of NRS 629.071 to ensure that the provisions only apply to hospitals when they are billing independently for services provided by a provider of care. **(BDR 54-303)**

6. Draft legislation to rewrite certain provisions of the certificate of need (CON) process as defined in NRS 439A.100 to provide greater clarity for the DHHS. Specifically, three revisions were approved:
 - a. Increase the new construction threshold noted in NRS 439A.100 from \$2 million to \$4.5 million;
 - b. Establish a two-year limit for construction to begin. In the event construction does not begin within the statutorily defined timeframe, the CON expires; and
 - c. Add an exemption to the CON process if the facility/service being considered is a “new service” to the community in question. The DHHS will define “new service” in regulation.

According to the DHHS, the fiscal note associated with these changes is estimated at less than \$5,000, the cost of promulgating new regulations. **(BDR 40-304)**

7. Draft legislation regarding the privacy of electronic medical records that revises certain provisions related to the transfer (confidentiality) of medical records in NRS, and provides for the establishment of uniform privacy and confidentiality laws for the transfer of electronic medical records in compliance with the Health Insurance Portability and Accountability Act (HIPAA). **(BDR 40-305)**
8. Draft legislation that appropriates \$3 million from the State General Fund to be distributed by the State’s Committee on Emergency Medical Services as grants to providers of nonprofit emergency medical services and hospital emergency departments serving rural counties and rural areas of urban counties. These grants will be used to purchase equipment and fund training programs. **(BDR S-311)**
9. Draft legislation that revises NRS 433A.165 to require medical screening to occur before an allegedly mentally ill person is admitted to a mental health facility. In addition, clarify the statute to specify that for the purposes of the medical screening provisions, “mental health facility” does not include a community triage center. **(BDR 39-306)**
10. Draft legislation to implement the following recommendation to establish a coordinated statewide health care planning effort by:
 - a. Revising certain health care planning statutes;

- b. Adding responsibilities and resources to the DHHS:
 - i. Create the Office of Health Planning, Analysis, and Policy Support which, in addition to other duties, collects and disseminates information regarding health care quality and performs community health care assessments;
 - ii. Create an Advisory Committee to the Office of Health Planning, Analysis, and Policy Support; and
 - iii. Conduct a special project on Health Information Technology (HIT) and Health Information Exchange (HIE);
 - c. Adding resources to the Nevada System of Higher Education (NSHE):
 - i. Consolidate certain functions related to health care professionals; and
 - ii. Enhance health care workforce resources; and
 - d. Adding resources to the Legislative Committee on Health Care to establish a subcommittee to conduct a study regarding health care workforce regulation. **(BDR 40-307)**
11. Draft legislation to implement the following recommendations to expand funding among safety net providers by:
- a. Providing a biannual appropriation of \$10 million from the State General Fund for the creation of a grant program to support the expansion of federally qualified health centers (FQHCs), FQHC look-alikes, and rural health care centers as defined by the federal government. The funding may be used to assist with capital or operational costs that enhance or expand the ability for the health centers to provide primary care services, including dental services;
 - b. Providing an annual appropriation of \$1 million from the State General Fund to the DHHS for the support of an access to health care shared responsibility pilot program in Nevada. The pilot program will be evaluated by the Legislative Committee on Health Care during the interim following the 2009 Session. The program:
 - i. Creates a pilot program that consists of a medical discount plan as defined by NRS 695H.050. Participants in the program must be: (1) employed but not offered insurance by their employer; (2) within 100 to 250 percent of the federal poverty level; and (3) not eligible for any other State or local health insurance program;

- ii. Authorizes the pilot program to collect fees for the administration of the pilot program from participants in the medical discount plan and their employer. The fee collected for participation in this medical discount plan is \$300 per year (\$250 covered by the employer and \$50 covered by the employee). Additionally, the contribution by the employer shall be considered an allowable modified business tax deduction pursuant to NRS 363B.115;
 - iii. Designates that funding to the pilot program pursuant to the appropriation and the collection of fees for participation which are not expended at the end of State Fiscal Year (SFY) will be placed in a “member care fund” to be used to cover major health care costs for pilot program participants that have exhausted their resources. Select criteria for the use of this fund will be established by the administering body of the pilot program in consultation with the DHHS;
 - iv. Commences in Clark and Washoe Counties as soon as practicable, and a portion of the administration fees must be utilized to develop a plan to expand the program to additional areas in Nevada with special emphasis on the rural areas; and
 - v. Requires that the pilot program provide a quarterly performance and fiscal report to the DHHS. **(BDR S-311)**
12. Draft legislation that consolidates the Board of Examiners for Marriage and Family Therapists, the Board of Examiners for Social Workers, and the Board of Examiners for Alcohol, Drug Abuse, and Gambling Counselors into one Board of Examiners for Behavioral Health. In addition, establishes the Licensed Professional Counselor (LPC) credential in Nevada. Licensed Professional Counselors are trained and licensed to provide a broad range of services including substance abuse and mental health counseling. **(BDR 54-308)**

STATEMENTS OF SUPPORT

The Legislative Committee on Health Care directed staff to provide statements of support in the bulletin for the following issues:

- 13. Reduction of the number of individuals currently on waiting lists for the Disability Rx program and/or Senior Rx Program administered by the DHHS.
- 14. Expansion and initiation of programs that will improve the overall health status of Nevadans through focusing on prevention and wellness by:
 - a. Providing funding to the DHHS for the enhancement of the State immunization registry;

- b. Providing funding to the DHHS for the expansion of certain prenatal services through new outreach and education initiatives. The funds should be used to expand the existing media campaign that informs women about the necessity of prenatal care, encourages them to access care, and directs them to providers. An expanded outreach campaign that targets the Hispanic and African American populations should also be launched;
 - c. Providing funding to the DHHS to fund the State Dental Health Officer. Pursuant to NRS 439.272, the State Dental Health Officer's duties include: determining the needs of the residents of Nevada for public dental health; providing the Health Division with advice regarding public dental health; making recommendations to the Health Division and the Legislature regarding programs for public dental health in Nevada; supervising the activities of the State Public Health Dental Hygienist; and seeking information and advice from the dental school of the NSHE as is necessary to carry out these duties; and
 - d. Providing funding to the DHHS for the expansion of wellness programs to prevent chronic disease through State funding for statewide initiatives. Any additional funding provided should be used to provide technical assistance and grants to community organizations, school districts, coalitions, taskforces, and employers; assist communities in establishing prevention programs; conduct chronic disease screening and educational activities; and engage in outreach at public events to promote awareness. The funded entities should be required to present concrete spending plans before funding is provided and the programs must be branded statewide. Finally, as a part of the expansion, one full-time equivalent staff should be designated to work on the chronic disease prevention issues in the Office of Minority Health.
15. Support the implementation of the NSHE nursing plan for 2006, which doubles the capacity for enrollment of students in nursing programs within the NSHE institutions.
16. Provide State funding for the support of the following actions to address certain substance abuse services in Nevada:
- a. Development of a pilot program that provides a long-term residential treatment facility for substance abusers, with an emphasis on providing comprehensive prevention and treatment services and programs. The program would provide intensive case management and wrap-around services to be administered by a community- or faith-based organization. It is the expectation of the Subcommittee to Study Services for the Treatment and Prevention of Substance Abuse that such a pilot program will provide outcomes that will help establish best practices for residential treatment and prevention services in the State;

- b. Development of a comprehensive post-incarceration treatment programs within the Department of Corrections to enable nonviolent offenders to successfully transition back into society. The appropriation would allow 100 individuals to receive treatment during the transition process by providing the opportunity to be paroled sooner and receive treatment while on parole. Funding mechanisms that can be used in Nevada's Department of Correction's budget to increase funding for treatment should be explored so that cost savings will be maximized; and
- c. Continued support to the Division of Mental Health and Developmental Services for Nevada's two existing community triage centers.

LETTERS

- 17. Send a letter to Governor Kenny C. Guinn supporting the inclusion of certain items in the DHHS proposed budget to be presented to the 2007 Nevada Legislature, including: expedited Medicaid eligibility (Supplemental Security Income [SSI], pregnant women, and children), Medicaid outreach, revisions to rates paid to health care professionals and facilities, and increased funding for certain behavioral health services.
- 18. Send a letter to Governor Kenny C. Guinn and the NSHE Board of Regents supporting certain items listed in the NSHE budget to be presented to the 2007 Nevada Legislature, including: operation enhancements such as the University of Nevada School of Medicine (UNSOM) expansion, funding for Academic Health Sciences Center, additional Graduate Medical Education (GME) funding, additional Area Health Education Center (AHEC) funding; and capital investments necessary to expand UNSOM and nursing schools.
- 19. Send a letter to the following medical groups: the School of Medicine at the University of Nevada, Reno (UNR); residency programs in family practice, pediatrics, and obstetrics/gynecology in Nevada; the Clark County Medical Society, the Washoe County Medical Society, and the Nevada State Medical Association; entities offering continuing education credits; and other relevant groups. The letter will: (1) emphasize the Committee's strong support for children to have access to diagnosis and therapy for fetal alcohol spectrum disorders (FASD); (2) highlight the need for additional professionals qualified to diagnose FASD in Nevada; (3) emphasize the importance of prevention; and (4) encourage the groups to educate their members on how to diagnose FASD so that doctors in Nevada will be knowledgeable and comfortable diagnosing the disorder. The Subcommittee to Study Services for the Treatment and Prevention of Substance Abuse heard testimony that there is a long waiting list in Nevada for children and adults to be diagnosed with FASD. This results in delayed therapy, and foster and adoptive parents are not eligible to qualify for additional funding unless the child has been diagnosed as having a special need. The wait for diagnosis is long because there is only one geneticist in Nevada who specializes in diagnosing FASD. It was suggested to the Subcommittee that the Legislature should fund another geneticist at the School of Medicine, UNR, but members

decided that funding one more geneticist would not sufficiently reduce the enormous waiting list that exists.

20. Send a letter to the DHHS recommending that the budget request for the Bureau of Alcohol and Drug Abuse (BADA) include a formula for caseload growth in funding substance abuse treatment and prevention programs. The Subcommittee to Study Services for the Treatment and Prevention of Substance Abuse heard testimony that treatment programs are not able to grow with the demand for services because funding for substance abuse treatment through BADA has never included a formula for caseload growth.
21. Send a letter to the Assembly Committee on Judiciary and the Senate Committee on Judiciary emphasizing the Committee's concerns related to substance abuse treatment services for incarcerated persons. The letter will emphasize the Committee's concern for the health of inmates and acknowledge that related issues fall within the jurisdiction of the judiciary committees. The letter will encourage the judiciary committees to examine the following concerns: (1) treatment programs for incarcerated persons have lost federal funding; (2) treatment needs to be comprehensive and of adequate time to include both in-custody and transitional services; (3) the number of inmates that receive treatment should be increased to better serve the growing number in need; (4) the system of corrections should make the treatment of substance abuse a priority; and (5) the need to expand comprehensive post-incarceration treatment and explore funding options that consider cost savings.
22. Send a letter to members of the 2007 Legislature in both houses to encourage their support of, and participation in, substance abuse prevention coalitions in their communities. The Subcommittee to Study Services for the Treatment and Prevention of Substance Abuse heard extensive testimony about the dedicated community coalitions that are fighting methamphetamine and substance abuse throughout the State and believes the coalitions' efforts should be supported.
23. Send a letter to members of the Senate Finance Committee and Assembly Committee on Ways and Means encouraging the allocation of funds to support the Nevada 2-1-1 statewide health and human services telephone information service.

LEGISLATIVE COMMITTEE ON HIGH-LEVEL RADIOACTIVE WASTE

Nevada Revised Statutes 459.0085

Members

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Senator Mike McGinness, Vice Chairman
Senator Dean A. Rhoads
Senator Sandra J. Tiffany
Senator John Lee
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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 State 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 2005-2006 Legislative Interim. As well as performing its mandated oversight functions, the Committee monitored the actions of the 109th 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) High-Level Waste Working Group, a subgroup of NCSL's Environmental Management Legislative Roundtables. 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, technical exchange meetings between the United States Department of Energy (DOE) and the NRC, and meetings between the DOE and Affected Units of Local Government (local governments whose jurisdictions adjoin the repository's proposed boundary or that will otherwise be directly impacted by repository development).

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 pending litigation against the federal government; and (2) other developments pertaining to the nation's high-level radioactive waste program. If deemed appropriate, the Committee will recommend relevant action to the Nevada State Legislature or Legislative Commission.

BULLETIN NO. 07-22

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes 482.367004

Members

Senator Dennis Nolan, Chairman
Assemblyman John Ocegüera, Vice Chairman
Senator Maggie Carlton
Assemblyman Kelvin D. Atkinson
Assemblyman Scott A. Sibley
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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NRS 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:

(1) One of whom is the Legislator who served as the Chairman of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(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. That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on 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](#).

Ê 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](#); A [2005, 2847](#))

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 Nevada's 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 DMV, 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.

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. Completed applications for special license plates received by the DMV are then forwarded to the Commission for consideration.

As of September 30, 2006, there were 171,292 active special license plates, and the plates had generated \$12,892,928.11 in revenue. The most widely issued plate has been the Las Vegas Commemorative plate with 65,492 active plates as of September 30, 2006, and had generated \$3,757,833.02. 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 held two meetings during this interim: November 2, 2005, and October 19, 2006. At the November meeting, the 25-design cap on the production of special license plates had been met since none of the active special license plates fell below the minimum number. Therefore, the total number of approved special license plates was 26; and the

Asociación Civil Del Estado De Durango plate remained on the waiting list for production by the DMV.

At the second and final meeting, the Commission adopted standards and guidelines when assessing the qualifications of applicant organizations and organizations with existing special license plates. The following seven applications were considered by the Commission based on the date of application for a special license plate to the DMV: Horse Power, Nevada Carpenters Union – Local 1977, Friends of Red Rock Canyon, Douglas County Sheriff’s Search and Rescue, University Medical Center (UMC) of Southern Nevada, UMC Partners in Excellence Foundation, Inc., National Law Enforcement Officers Memorial Fund, and Nevada’s Department of Wildlife. Members of the Commission determined that since the standards and guidelines were approved at that meeting, all applicants, including organizations already on the DMV waiting list, must provide information to the Commission to meet the Commission’s standards and guidelines. Therefore, the Commission voted to recommend that the applicants have an opportunity to provide the information as required under the new standards and guidelines. The Commission set a future meeting date of February 2007 noting that it will review and approve pending applications for special license plates at that time.

The members also conducted a work session at which they adopted five recommendations as bill draft requests. The recommendations include requiring: (1) the Commission use standards and guidelines when assessing the qualifications of applicant organizations and organizations with existing special license plates; (2) each organization that sponsors a special license plate, whether in production or no longer being produced but receiving revenue generated by a special license plate still in circulation, to provide a balance sheet or financial statement to the Legislative Auditor for review of improper practices of financial administration or any inadequacy of fiscal records; (3) legislators serving on the Commission be paid a salary and compensated for their travel and per diem expenses; (4) the Legislative Auditor to conduct an audit examining the methods and procedures used to ensure that all money from the fees generated by a special license plate is expended solely for the purposes as required by each special license plate; and (5) the Legislature to pledge that if a new special license plate is authorized by the legislature, the Commission would also approve its application for the authorized plate.

SUMMARY OF RECOMMENDATIONS

COMMISSION ON SPECIAL LICENSE PLATES

Nevada Revised Statutes 482.367004

Following is a summary of the recommendations adopted by the Commission on Special License Plates at its October 19, 2006, meeting for transmittal to the 74th Session of the Nevada State Legislature.

RECOMMENDATIONS TO DRAFT LEGISLATIVE MEASURES

1. Draft a bill amending Chapter 482 of NRS to provide that Nevada's Commission on Special License Plates may approve an organization's request for a special license plate if the organization meets the following requirements: To qualify as a sponsor of a special license plate, an organization that is not a governmental entity shall:
 - a. Apply, through the organization's officers, for a special license plate on a form prescribed by the Department of Motor Vehicles (DMV);
 - b. If the organization is required to be registered with the Office of the Secretary of State, submit proof of good standing to the Commission on Special License Plates (Commission); and
 - c. Submit to the Commission proof acceptable to the Commission that:
 - i. The organization is a nonprofit organization as demonstrated by its charter or bylaws or by an internal revenue service ruling;
 - ii. The primary purpose of the organization is to provide service to the community through specific programs that promote the improvement of public health, education, or general welfare and the organization is not offensive or discriminatory in its purpose, nature, activity, or name;
 - iii. The name of the organization or any part of the organization's purpose does not promote, advertise, or endorse any specific product, brand name, or service that is provided for sale; and
 - iv. The organization does not promote a specific religion, faith, or antireligious belief. **(BDR -859)**
2. Draft a bill amending Chapter 482 of NRS to require that each organization that sponsors a special license plate, whether in production or no longer being produced but receiving

revenue generated by a special license plate still in circulation, must take the following steps on or before October 1 following the end of that fiscal year:

- a. If the revenue of the organization from all sources is less than \$50,000 for any fiscal year, a balance sheet for that fiscal year must be filed with the Commission on a form provided by the Legislative Auditor. The Legislative Auditor shall prepare and make available a form that must be used by an organization to prepare such a balance sheet; or
- b. If the revenue of the organization from all sources is \$50,000 or more for any fiscal year, a financial statement prepared by a certified public accountant that includes a balance sheet and income statement for that fiscal year must be filed with the Commission.

The Commission will provide a copy of the balance sheet or financial statement, as applicable, of each organization to the Legislative Auditor. No later than October 31 of each year, the Legislative Auditor must provide a report to the Commission that may, among other items, contain information regarding evidence of improper practices of financial administration or any inadequacy of fiscal records received by the organizations. Upon receipt of a report from the Legislative Auditor of inadequacy of fiscal records, the Commission shall review the Legislative Auditor's report and schedule hearings with the officers of the organization concerning such inadequacy of fiscal records. The Commission, after holding such hearings, must make a determination regarding the future production of the organization's special license plate.

If an approved organization, at any time, fails to meet any of the aforementioned criteria, then the Chairman of the Commission shall contact the Director of the DMV and request that the DMV withhold all fees collected for the organization and suspend production of the special license plate. The organization may submit the necessary information to the Commission, at which time the Commission will determine whether to recommend continued production of the special license plate.

Additionally, the Commission must consider each application for a special license plate based on the chronological order of application submission to the DMV. **(BDR -860)**

3. Draft a bill amending Section 3 of NRS 482.367004 to require that legislators serving on the Commission be paid a salary and compensated for their travel and per diem expenses. **(BDR -861)**
4. Draft a bill requiring the Legislative Auditor to conduct an audit of each special license plate as defined in NRS 482.367008, which is produced by the DMV. The audit must include an examination of the methods and procedures used to ensure that all money received from the fees generated by a special license plate is expended solely for the purposes as required by each special license plate. The audit may also include an

analysis of the revenue generated by the sale of the license plate; and the distribution of the revenue by each organization or governmental entity. **(BDR -862)**

5. Draft a bill amending Chapter 482 of NRS to require the Legislature to pledge that if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared, or issued by the DMV unless the Commission on Special License Plates also approves its application for the authorized plate. **(BDR -863)**